

A Universal
Philosophy
Of Law

P. SALIYA SUMANATILAKE

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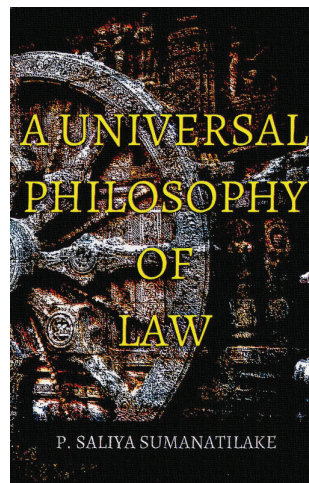
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Preface

‘An essay in Buddhist Jurisprudence’ perhaps best describes this humble treatise, the completion of which has proven no less than an arduous undertaking. The outlining of (i) a ‘Dhamma’-based legal system; (ii) its postulates; and (iii) ‘parallelism’-based internationalism are just a few of this work’s original offerings. Above all else, this writing constitutes an onerous discharge of my duties owed to Buddhism and the Law.

The scholarship contained within the pages to follow has been virtually self-acquired at the cost of many an obligation owed to both my loving mother **Indra** and devoted sister **Menik**. Hence, they share equally in whatever merits accruing to this book, all demerits remaining mine alone.

P. Saliya Sumanatilake,
19th August 2023.

Introduction

12TH CENTURY AD ROCK INSCRIPTION OF PARAKRAMABAHU I:

... Buddha [Gotama], having fulfilled the exercise of all the thirty preeminent virtues over a period of four *asankhyas* and one hundred thousand *kalpas*, mounted on the dais at the foot of the great Bodhi tree, which formed as it were the field of battle with Mara, vanquished this well-nigh irresistible Mara together with his host and attained to the state of omniscience. Thereafter, for forty-five years he manifested himself like a great rain cloud over the four continents, and so with showers of nectar like *Dhamma*, he assuaged the torments of the living beings who were being burnt by the *kleśa* fire of many *kalpas*, numbering hundreds of thousands of *kotis*. Having thus accomplished all the duties of a Buddha, he passed away into the *Nirupadhiśeṣa Nirvāna* state in the grove of *sāla* trees of the Malla princes in the neighborhood of the city of Kusinara. (Wickremasinghe 1928, 273, parenthesis added.)

1.1 The Buddha's *Dhamma*

The *teachings* of *Theravāda* Buddhism (as distinct from its devotional practices) are an approximately 2600-year-old revelation of universal rationality, succinctly referred to as the *Dhamma*: a compendium of universal truths common to all times, places and beings of all descriptions as found on all planes of existence. These universal truths, whence liberated from their ritualistic backdrops, constitute a pragmatic body of norms common to all forms of recognized religious, moral and ethical traditions. They bear no taint of allegiance/bias toward any particular divine entity, martyr or savior, hence their autonomousness. Any individual, sect, society or institution might freely espouse them and benefit therefrom. Verifiable by empirical study and rational thinking,¹ they remain self-evident and irrefutable.

Thus, universal rationality constitutes the core of Buddhism; the customary practices of its devotees are no more than meritorious manifestations of gratitude, respect and homage to its three principal proponents:² the **Buddha** (he who unearthed the universal truths and taught

them to this world); the ***Dhamma*** (the disclosed body of universal truths constituting a self-legitimizing source of learning); and the ***Sangha*** (they who spread the Buddha's *teachings* on the universal truths for the betterment of mankind).

So liberal and humble is Buddhism that it sanctions, nay even encourages, abstraction of the *Dhamma's* fundamental tenets for the greater weal of humanity without any demand whatsoever for source recognition or the like. Hence, many a canonical work on the *Dhamma* is even today seen published with a copyright waiver in pursuance of securing the dissemination of its universal truths, which have no creed and remain free to be adopted by all.

Indeed, the great revelation made by the Buddha is the *Dhamma*. Never proclaiming the *Dhamma* to be 'his,'³ the Buddha categorically instructed all followers to seek refuge in *it*, and not *him*, for their own salvation. Inasmuch as the *Dhamma* consists of universal truths, it is to the entire universe that it belongs. But, since it was the Buddha who, with his supramundane wisdom, revealed, declared and expounded the *Dhamma* to this world, the latter has increasingly come to be overwhelmed by a faith following in favor of the former (in the context of a 'religion' rooted in grateful deference to the Buddha).

A devout retinue is without doubt conducive to the perpetuation of the *Dhamma*. Nonetheless, true devotion to the same is deemed to stem from an unreserved appreciation for its multitude of verifiable truths: realization being the precursor of faith. The Buddha himself did manifest this trait, for only upon reaching enlightenment did he choose to revere⁴ the *Dhamma*, demonstrating thereby that one must first know the nature of a thing before resolving to honor it.

Unsurprisingly, the method chosen by the Buddha to expound the *Dhamma's* conglomerate mass of universal truths was wholly pragmatic⁵:

[1] If there is another world, then on the dissolution of the body after death ... [the] good [virtuous] person [with right view] will reappear in a happy destination [2] Now ... let me assume that there is no other world: still this good person is here and now praised by the wise as a virtuous person, one with right view Then this good person has made a lucky throw on both counts: ... **he is praised by the wise here and now, and ... on the dissolution of the body after death, he will reappear in a happy destination** (*Apaṇṇaka sutta* n.d., Nanamoli translation, 509, parentheses added.)

These two pragmatic premises (*i.e.*, [1] and [2] above) constitute the central message of the *Dhamma*.⁶ The Buddha's argument was that if one were to accept the *Dhamma*, one would be **mindful** of one's actions so as not to occasion harm to any form of correlated being (itself an objective worthy of universal espousal).

The earth-colored garb, bare head and begging bowl borne by each member of the *Sangha* constitute nothing more than the dispassionate insignia of truth-teachers. The Buddha never sought to establish a 'hallowed sect' to 'convert to,' 'conversion' being understood only within the limited context of a change in one's personal perspective on life; one becomes a Buddhist not by conversion but conviction. In fact, the Buddha did expressly require it of an individual who decidedly abandoned his religious beliefs in favor of Buddhism to continue to patronize his former teachers in the exact measure as he had done before.⁷ Thus, it should come as no surprise that Buddhism has never caused any sect to suffer harm, indignation or humiliation whatsoever.

Furthermore, the *Dhamma* cannot possibly account for any form of belligerence, as it embraces peace by default. Even a so-called 'dishonorable peace' is acceptable if an imminent threat to life could be avoided thereby. Whatever asserted to the contrary, neither a 'just war' nor a 'just warrior'⁸ could ever exist in Buddhism.

The *Dhamma* was never professed with a view to having it glorified as ‘the greatest of all ethical teachings.’ True Buddhism is neither bigoted nor conceited but (in their stead) unassuming and open-minded. It does not concern itself with petty exertions in the nature of establishing an everlasting lineage of truth-teachers or lay followers. Inasmuch as the *law of impermanence* constitutes a revelation of the *Dhamma*, every sentient existence, whether Buddhist or otherwise, remains caught up by the same.⁹

The Buddha expounded the universal truths of the *Dhamma* under two primary subheadings: **(1) Doctrine** (again referred to as *dhamma* or truisms); and **(2) Decorum** (*vinaya* or regulations in the context of positive and negative duties). *Decorum (vinaya)*, however, is wholly subsumed within *Doctrine (dhamma)*.

Dhammic epistemology embraces four distinctive truths¹⁰ based on natural causal relations¹¹ common to the existence of all sentient beings:

- I *Perpetual suffering* (for all pleasures are but fleeting moments in the continuum of pain, experienced among other instances during birth, decay, disease and death);
- II *Its cause* (ignorant and insatiable craving within the context of cyclical dependent origination);
- III *Ending It* (by sublimating to the state of realized disengagement);¹² and
- IV *The Path to Ending It* (by espousing an eightfold insightful self-purification).

The Buddha explained the last said *Path* in the context of a *Noble Eightfold* accomplishment of rectitude. Threefold are the attainments associated with this *Path*:

- *Virtue* (*right* speech, *right* actions and *right* livelihood);
- *Focus* (*right* effort, *right* mindfulness and *right* concentration); and
- *Wisdom* (*right* understanding and *right* thoughts).

Virtue constitutes the first conquest on the *Path*, whilst *Wisdom* the last. However, the fulfilling of requisites pertaining to any of these three stages of attainment could be electively approached, the ultimate objective being self-enlightenment *via* self-discipline and self-purification.

The said *Path* is indeed open to the clergy and laity alike, though members of the former are admittedly better circumstanced to embrace it. Fulfilling all the requisites of the said *Path* is deemed mandatory toward eradicating the root of all suffering. Resolute adherence to a prescribed code of ethical rules enables the inculcation of *Virtue*, which in turn inhibits potential defilements. Focused (honed) *Virtue* extinguishes defilements, thereby providing the ideal milieu for nurturing *Wisdom*. Realized *Wisdom* eradicates all suffering.

Nonetheless, partial *Path* fulfillment in terms of conforming to a set of minimal rules suffices to ensure not only secular comforts within this life itself but also passage into the **(a)** detached, **(b)** heavenly or **(c)** human abodes after death to the exclusion of all states of woe. This set of minimal rules (the basic code) might be said to encompass:

(A) Resolute **abstinences** from:

1. Killing (including aiding, abetting, counseling or procuring the killing of) any sentient being;
2. Stealing (including appropriating, devaluing or destroying) unentitled property;
3. Engaging in any form of carnal misconduct;
4. Expressing falsehoods (by words or actions); and
5. Consuming any form of intoxicant;

(B) Complemented by sincere **indulgences** in:

6. Generosity;
7. Affability;
8. Beneficence; and
9. Indiscrimination;

(C) Toward **inculcating** within one's self (in relation to all sentient life):

- 10.** Selflessness (to dispel innate selfishness);
- 11.** Goodwill (to conquer innate ill will); and
- 12.** Compassion (to vanquish innate cruelty).

A sincere commitment to comply with **all** of the above might be said to constitute the bare minimum expected of any bearer of the title 'Buddhist' (*i.e.*, to connote 's/he who venerates the Buddha'). Nonetheless, transgressing any one or more of the above would not *ipso facto* defeat the status of being a 'Buddhist' provided that sincere repentance¹³ and stronger resolve to not repeat such lapses¹⁴ are duly indulged. Thus, reforming the individual, including the miscreant and the criminal, is indeed the true office of Buddhism.

1.2 The problem statement

Although Sri Lanka is considered to have created a wholly autochthonous means of self-governance *via* the Constitutions of 1972 and 1978, its legal system's continued dependence on a body of colonial statute law (governing crime, marriage, property, succession, *etc.*) has only served to shackle the minds of its present-day legislators to the ideals and morals associated with a bygone era of servile dependence. This in turn has fostered the piecemeal growth of an *alien* (as opposed to indigenous) body of jurisprudence within this celebrated 'sovereign' republic, rendering tame its majestic assertion to self-determination.

As far as Sri Lanka is concerned, the manifest incompatibility between **(a)** the extant legal system's *alien* norms and constructions and **(b)** the conceptions of justice held by native nationals must surely account for its people's 'lack of faith in the law' that has for some time now become more than apparent:

In our country ... we have inherited a Western democracy **planted here perforce** by our invaders. The 'seedlings' were sown here without examination of the 'soil and climate.' The suitability of what is 'planted' even in respect of our legal and educational systems is often questioned and

regarded as ‘alien’ to us and thus a ‘misfit’ in our socio-cultural ‘soil and climate.’ (Ratnapala 1997, (xii), emphasis added.)

It is time that we give serious thought to this contradictory situation. If modern democracy imported to our countries from the West had failed, is there no alternative? Is there any use in going repeatedly for constitutional inspiration to foreign countries without trying to understand our own? **Perhaps our own tradition could help.** (Ratnapala 1997, (xii)-(xiii), emphasis added.)

If sovereignty is truly vested in the people of Sri Lanka, then it is in the **moral reservoirs of the people** that the basis for creating, interpreting and administering its law should be found.

It must be noted that these ‘moral reservoirs of the people’ both existed and continue to exist wholly independently of all *alien* jurisprudence. They comprise the myriad of norms associated with the maintenance and perpetuation of civilized life as founded, fostered and furthered by the Sri Lankan populace throughout their many centuries of precolonial self-governance. Having been recast by the Buddhist ‘Dhamma’ into a coherent system, the said ‘norms’ served to address and redress the interests of both rulers and their subjects alike. Thus, an indigenous legal system and its omnipotent ‘Grundnorm’ (borrowing from Merkl’s/Kelsen’s parlance) of ‘Dhamma’ came to be established within Sri Lanka with distinct recognizability.

Inasmuch as the fount of native Sri Lankan law was Buddhism, the fostering of other religions such as Hinduism, Christianity and Islam within the confines of the island nation was quite easily facilitated, especially in view of Buddhism’s inherent tolerance toward all creeds. Since these other religions found common bases with Buddhism, especially *vis-à-vis* the *five precepts* (see Chapter ‘4.17 Overlapping morality’ below), their prevalence was in no sense prejudicial to the normative structure of the said ‘Dhamma’-based legal system of Sri Lanka.

Thus, a revamping of the entire extant legal system in accordance with a 'Dhamma'-based ideology on polity is what reformists have called for in Sri Lanka, albeit to be accomplished cost-effectively *via* already established mechanisms (such as the legislature's power of amendment and the judiciary's discretion in interpretation).

Nonetheless, the exact 'pith and substance' of this indigenous 'Dhamma'-based ideology on polity continues to be the subject of much speculation, as no singular authoritative record, whether fragmented or otherwise, remains to unequivocally evince its existence. Legal historians are left with no other option but to reconstruct a tentative profile of such indigenous 'polity' by recourse to averments contained in: **(1)** historical chronicles; **(2)** memoirs of early foreign visitants; and **(3)** infrequent declarations made within ancient inscriptions. This admittedly is a difficult task as it entails the filtering out of attendant biases in order to ensure the factual accuracy of all pertinent averments.

Rather than vexing oneself in this manner, it would be much easier to make 'short shrift' of such an inquiry by flatly denying Buddhism's potency to serve as the 'basic norm' of any secular legal system. Two 'renowned Buddhist scholars' have done just that, as evidenced by their averments quoted under '**(a)**' and '**(b)**' below.

(a) In the strict sense of the word, there is **no Buddhist law**; there is only an influence on changes that have taken place in customs. No Buddhist authority, whether local or central, whether lay or clerical, has ever enacted or promulgated any law. Such law as has been administered in countries ruled over by monarchs nominally Buddhist has been custom rather than law **There have been changes in custom. But the changes have not been the result of any enactment from above. They have been brought about by a change of opinion among the people themselves.** (Rhys Davids 1914, 827, emphasis added.)

The foregoing passage clearly brings out the writer's predisposition to associate 'law' with 'some form of authoritative enactment' to the absolute exclusion of custom, 'changes' in

which are nonetheless expressedly acknowledged to have been brought about by Buddhism. Thomas William Rhys Davids (1843–1922) was an accomplished British Civil Servant who even read for the bar and briefly practiced law. Nonetheless, it appears that he, like many others of his time, had only limited exposure to the blossoming trends in jurisprudential thought that came into fruition only during the mid-twentieth century. Thus, though being in consonance with the prevailing legal thought of his time (particularly with that professed by John Austin (1790-1859)), Rhys Davids' aforesaid pronouncement expelling Buddhist 'custom' from the province of law must be deemed today a patent anachronism.

(b) ... The Buddha's *teachings* **do not contain specific legal rules** for the lay devotees. Of course **it is possible to infer** from them principles and rules of content susceptible of being embodied in the form of legal precepts. But these are to be found scattered in the whole mass of canonical books and commentaries; they are nowhere written in a methodical manner. They cover but a small part of the sphere of the law. (Lingat 1950, 294-295, emphasis added.)

Here the writer Dr. Robert Lingat (1892–1972), sometime professor of law, appears to base his critique more on the criteria of *(a)* ease of accessibility and *(b)* quantitative coverage rather than *(c)* qualitative legal worth and *(d)* fundamentality. 'Legal precepts' are undoubtedly the 'building blocks' of a legal system. Hence, R. Lingat's affirming the existence of such 'legal precepts' within Buddhism whilst equally denying their potential to constitute a legal system amounts to nothing more than a theoretical contradiction.

1.3 Research questions

Toward establishing the existence of a historically defensible Buddhism-based legal system, the current study shall strive to answer sequentially the following crucial research questions:

- Does Buddhism prescribe any rudimentary rules by which human behavior in society 'ought' to be regulated?

- Have such rudimentary Buddhist rules of societal conduct ever come to be enforced as expressed or implied law within any particular territory or state?
- Was the 'Dhamma'-based Aśokan synthesis of domestic 'law' ever established in Sri Lanka?
- Might Buddhist tenets be shown to have founded or substantially influenced any doctrine of Western jurisprudence?

1.4 Envisaged outcome

Determining the salient constituents of the indigenous 'Dhamma'-based legal system of Sri Lanka constitutes the central objective of this study. Once these constituents are ascertained in the form of core jurisprudential postulates of the natives, they would serve as the criteria by which acceptability of the existing normative legal structure could be judged. Based on such criteria, the extent to which the entire legal system of Sri Lanka need be reformed should become obvious.

1.5 Data collection

In view of the manifest necessity to 'go back in time' for the purpose of unraveling whatever extant facts as might exist in support of answering the aforementioned research questions of this study, an unobtrusive and non-reactive approach was thought best to be employed, basing itself firmly in the (social) historical tradition. As averred by Lucille E. Notter (1972, 483):

Historical research is not merely a collection of incidents, facts, dates or figures; it is a study of the relationships of facts and incidents, of themes or currents of social and professional issues that have influenced past events and continue to influence the present and the future. (Reproduced with permission from ©Wolters Kluwer Health Inc.)

1.6 Data sources

A variety of historical data as contained in inscriptions, texts and even immemorial public enunciations were both perused and analyzed within the confines of a typical library study, for it has been affirmed that the (academic) library presents a resourceful inquirer with an extensive array of contrasting sources to compare and draw conclusions from (Glaser and Strauss 1967, 179).

The primary data considered in the main were: translated excerpts from the *Suttānta Pitaka* of the *Theravāda* Buddhist Pāli canon; translated remnant writings of Greek philosophers; translated rock and pillar inscriptions of king Aśoka; and immemorial idiomatical expressions of the Sinhalese. The secondary data analyzed included translated excerpts from the redacted Mahāvamsa and Cūlavamsa and translated anecdotes from the Pāli *Sīhala Vattu*. Additionally, encyclopedic accounts and authoritative texts on Jurisprudence, Buddhism, History, *etc.* were thought worthy of consideration in furtherance of facilitating comparisons with extant theoretical perspectives.

1.7 Authenticity and accuracy of primary data sources

1.7.1 Authenticity and accuracy of the Pāli canon

Excerpts from the *Theravāda* Buddhist Pāli canon were sourced: **(a)** firstly, from the anthology of translated *suttas* made available online *via* ‘Access to Insight.org’; **(b)** secondly, from both ‘SuttaCentral.net’ and the (now archived) Sri Lankan ‘Mettanet.lk’ Tipitaka portal; and **(c)** residually, from translations contained in individual works of reputed clerics and non-clerics. Only those *sutta* excerpts that received virtually the same translation in at least two of the said three sources were deemed eligible for analysis.

As regards the authenticity and accuracy of the Pāli cannon itself, one need go no further than Bhikkhus Sujato and Brahmali (2015), who in their laborious work have cited a myriad of

sources that either concur with or remain unopposed to the temporal, geographical, societal and philosophical averments borne by these ‘Early Buddhist Texts’ (‘the foundational literature from which everything else derives,’ 8). Thus, their well-founded conclusion is that:

... It is **very likely** that the bulk of the sayings in the EBTs [Early Buddhist Texts] that are attributed to the Buddha were actually spoken by him. It is **very unlikely** that most of these sayings are inauthentic. (Sujato and Brahmali 2014, 5, emphasis and parenthesis added.)

The said venerable authors also caution that:

Anyone wishing to establish the thesis that the EBTs are **inauthentic** needs to propose an explanation that accounts for the entire range of evidence in a manner that is at least as simple, natural and reasonable as the thesis of authenticity. To our knowledge, **this has never even been attempted**. Rather, skeptics content themselves with picking holes in individual pieces of evidence, which merely distracts from the overall picture and discourages further inquiry. Their methods have much in common with denialist rhetoric (Sujato and Brahmali 2014, 9, emphasis added.)

... **The denial of authenticity is a product of excessive and unreasonable skepticism, not evidence.** (Sujato and Brahmali 2014, 12, emphasis added.)

‘EBTs’ are in turn defined as:

... Texts spoken by the historical Buddha and his contemporary disciples. These are the bulk of the *suttas* in the main four Pāli *Nikāyas* and ... a small portion of the *Khuddaka Nikāya*, consisting of significant parts of the *Sutta Nipāta*, *Udāna*, *Itivuttaka*, *Dhammapada* and *Thera-* and *Therī Gāthā*. The ‘*suttas*,’ in a narrow sense, are those passages that are directly attributed to the Buddha himself (and, to a lesser extent, his direct disciples). (Sujato and Brahmali 2014, 11-12.)

Nonetheless, the present work does take vehement exception to the averments made by the same authors under '1.4 The Universal Monarch' (Sujato and Brahmali 2014, 32-35) and '4.1 Vedic influence on the EBTs' (Sujato and Brahmali 2014, 77-79).

1.7.2 Authenticity and accuracy of the writings of Greek philosophers

As regards the pre-Socratics, it is Hermann Diels' *Fragmente der vorsokratiker* (as translated by Kathleen Freeman) that has been almost entirely resorted to owing to the scholarly acclaim it has garnered during the past 100 years or so. Doxographical accounts have also been used to supplement the same owing to their sheer antiquity. The writings of the post-Socratics have been derived from disclosures made in individual works expounding their distinctive schools of thought (authored by either the philosophers themselves or modern historians). The individual entries on Greek philosophy/philosophers made by those esteemed scholars who have contributed to the *Stanford Encyclopedia of Philosophy* [Online] were resorted to as the verifying standard (of conformity).

1.7.3 Authenticity and accuracy of king Aśoka's inscriptions

Since being deciphered in the 1830's by James Prinsep (with a key contribution from George Turnour and assistance from Captain Edward Smith), the 'edicts of Aśoka' have stood unchallenged in their authenticity (notwithstanding authorship issues raised by the likes of Christopher I. Beckwith).

The accuracy of extant translations on the Aśokan inscriptions could only be determined by having recourse to an 'overlapping consensus' (borrowing from John Rawls' parlance: to convey '**mean value equivalence**'), *i.e.*, by contrasting the translations of cleric Ven. Dhammika (arguably 'the Buddhist standard' conveying a logically appropriate deference toward Buddhism) with those of non-clerics A. Sen, D. R. Bhandarkar and D. C. Sircar. This

comparison served to prove the translations preferred by Bhandarkar as manifesting a true mean among these diverse interpretations, though those of Sircar were plainly more coherent.

1.7.4 Authenticity and accuracy of Singhala idiomatical expressions

The immemorial antiquity of two idiomatic expressions of the Singhalese referred to by this work: '*haya hathara nodanna*' and '*ane pau*' (see Chapter '4.4 The 'six–four' maxim') became apparent during many a casual conversation had with a senior citizen of the public. Ample corroboration in this regard was provided by pertinent expositions discoverable on the World Wide Web. This served to establish the two said averments as 'part and parcel' of the dynamic oral history of Sri Lankans.

1.8 Evaluating the credibility of secondary data sources

Excerpts from the Mahāvamsa and Cūlavamsa were derived from three source translations: those of Turnour, Wickremasinghe and Geiger. This provided for an 'overlapping consensus' (again borrowing from Rawls' parlance) to be arrived at regarding each excerpt cited in evidence.

As to the stand-alone credibility of both the Mahāvamsa and Cūlavamsa, it is not possible to add anything more to that already expressed by Geiger (see Chapter '4.11 Geiger's opinion on the combined chronicle'). Suffice it to say that since their respective redactions, the Mahāvamsa and Cūlavamsa, though being critiqued for exaggerated religious 'devoutness' and enemy 'vanquishments,' are yet to be authoritatively impeached in their overall credibility.

As regards the anecdotes from the Pāli *Sīhala Vattu*, whilst its transcriber Ven. Polwatte Bhuddhadatta declares the same to have been derived from the Singhala *Atta-Kathā* ('religious stories') of the Anuradhapura era (as authored by Ven. Dhammanandi and reduced to ola/talipot inscriptions preserved for posterity), no independent evidence exists to

corroborate their authenticity. Nonetheless, their value as 'historical source material' remains undisputed. After all, gathering pertinent evidence from whatever diverse (conventional/unconventional) sources to provide a determinate answer is what historical research is all about (Lune and Berg, 1989, 162).

1.9 Analyzing the data

The direction of inquiry was dictated exclusively by the questions that arose naturally regarding the social artifacts that rendered themselves liable to research. Such a directed content analysis allowed for identification of resulting patterns, connections and insights firmly grounded in the analyzed data.¹⁵ This provided for a comprehensive addressing of all research questions raised.

Does Buddhism Prescribe Any Rudimentary Rules By Which Human Behavior In Society ‘Ought’ To Be Regulated?

2.1 Societal regulation

Although the *Dhamma* acknowledges the potential for virtue within every human being, the same is deemed conditioned by both hereditary (*samsāric*) traits and societal factors. Accordingly, great emphasis is placed on the receipt of due guidance from parents, teachers, friends and clerics so that one might gradually evolve into a beneficent individual of much decorum and wisdom. Herein lies Buddhism’s preoccupation with societal regulation, without which the realization of its paramount ideal (or ‘master rule’) of **securing deliverance from perpetual suffering for the greatest possible number** would be virtually inconceivable.

Buddhism deems societal reform an expeditious *modus* by which ‘deliverance from suffering’ might be secured for the greatest possible number of individuals. Accordingly, the *onus* rests squarely on the individual to initiate such a noble form of rudimentary reform. Inasmuch as the Buddha led by example, all Buddhists are expected to firmly establish themselves in the prescribed codes of conduct before preaching them for the benefit of others.¹⁶ The envisaged progression of reform admittedly is piecemeal; its effectuation comes by way of internal convictions to the exclusion of external compulsions:

... **It is only in the human mind that true reform can be effected.**¹⁷ Reforms imposed by force upon the external world have a very short life because they have no roots. But those reforms, which spring as a result of the transformation of man’s inner consciousness, remain rooted. ... So reforms come about when men’s minds have prepared the way for them, and they live as long as men revitalize them out of their own love of truth, justice and their fellow men. The Buddhist attitude is that social reform can be achieved **not** by harshness and punishment but through education and compassion. (Dhammananda 1964, 270, emphasis added.)

In short, without complementary internal righteous convictions being held by individuals, external legal compulsions fail to exert any regulatory effect on them. This is common to all law enforcement. In fact, habitual law abidance resides necessarily within the domain of internal convictions; only when external compulsions match internal convictions substantially would a legal order be accepted without challenge as reasonable, obvious and familiar (Bourdieu 1972, 166).

Choosing to cater to the rational mind so as to facilitate internal convictions (as opposed to restraining the dynamic body by way of external compulsions) must be logically the more productive initiative; it addresses the cause (the mind being the forerunner of all actions¹⁸) in preference to the effects. Jeremy Bentham's illustration (cited by him in relation to judge-made law) that teaching conduct to one's dog by waiting for it to do something objectionable and then beating it, though apt for dogs, is futile for men¹⁹ (Bentham 1823, 235) appears to set out this point vividly. Indoctrinating righteous ideals from childhood onward appears to be the only viable means of accomplishing both resolute realization of moral worth and sincere deference to laws that enforce the same.

It appears that a regulatory system rooted firmly in sincere conviction is indeed viable and perhaps even more conscionable than one secured by fearful compulsion. Nevertheless, both have issues regarding their respective sustainability, especially within the backdrop of miscreant activity that might either increase or decrease depending on its amenability to the prevailing *status quo* of a given society. Thus, whilst a system rooted in external compulsions might show greater resilience to radical behavior, one entrenched in internal convictions might ensure better compliance (though neither would prove foolproof).

The prescribed method is admittedly protractive; it contemplates individual reform as the forerunner to societal refinement. This does not *ipso facto* bar the initiative to expedite any reformative process by recourse to external compulsions as well, provided that it fully

complies with Buddhism's aforementioned 'master rule' of 'securing deliverance from perpetual suffering for the greatest possible number.'

It goes without saying that the aforesaid internal convictions must be held in relation to a salient body of norms that has (in the least) the potential to address the myriad of interactions associated with the functioning of a commune of individuals.

2.2 A salient body of negative and positive duties

'Resolute abstinences'²⁰ from:

1. Killing (including aiding, abetting, counseling or procuring the killing of) any sentient being;
2. Stealing (including appropriating, devaluing or destroying) unentitled property;
3. Engaging in any form of carnal misconduct;
4. Expressing falsehoods (by words or actions); and
5. Consuming any form of intoxicant;

(cumulatively referred to as the '*five precepts*')

coupled with sincere indulgence in²¹:

6. Generosity;
7. Affability;
8. Beneficence; and
9. Indiscrimination;

(cumulatively referred to as the '*four bases of fellowship*)

toward inculcating:

10. Selflessness (to dispel selfishness);
11. Good will (to conquer ill will); and
12. Compassion (to vanquish cruelty);

within thyself, in relation to all life,' has already been determined the basic code of conduct that warrants entitlement to the status 'Buddhist' (see Chapter '1.1 The Buddha's *Dhamma*').

However, since requisites ‘10.’ to ‘12.’ above are merely the resultant virtues of the practices envisaged under ‘1.’ to ‘9.’, normative or ‘ought’ considerations could only attach to the latter. Limbs ‘1.’ to ‘5.’ denote negative duties, whilst ‘6.’ to ‘9.’ provide the grounds for fostering positive duties.

According to renowned jurist H. L. A. Hart (1961, 89), curtailing recourse to aggressions, misappropriations and frauds constitutes an indispensable prerequisite for any form of societal existence; Buddhism more than adequately provides for these under limbs ‘1.’ to ‘5.’ above. Again, to the extent to which such curtailments have implications on one’s livelihood, the Buddha has expressly prohibited any association with the following five occupations: trading in weapons; trading in human beings; trading in meat; trading in intoxicants; and trading in poisons.²²

Furthermore, Jeremy Bentham’s hypothesis to the effect that law abidance might be sanctioned positively with rewards (1823, 235) is seen buttressed by the Pāli canon, specifically in relation to the said *five precepts* and their resultant virtues:

... The noble disciple gives up destroying living things and abstains from it; gives up taking the not given and abstains from it; gives up misbehavior in sexual desires and abstains from it; gives up telling lies and abstains from it; gives up taking intoxicating and brewed drinks and abstains from it.
 ... The noble disciple abstaining from destroying living things; taking the not given; misbehavior in sexual desires; telling lies; taking intoxicating and brewed drinks; gives non-fear, non-anger and non-anxiety to innumerable beings. Giving non-fear, non-anger and non-anxiety to innumerable beings, he himself shares that non-fear, non-anger and non-anxiety. ... These **five** are offerings, great offerings ... born of good ... and ... the bringer[s] of pleasantness, resulting in heavenly bliss, conducive to heavenly bliss that is pleasant, agreeable and welcome. (*Abhisanda sutta* n.d., Uppalavanna translation, abridged with emphasis and parenthesis added.)

... These **five** are the benefits of right behavior. What five? **One does not blame oneself, the wise ... praise him, his fame spreads, he dies a non-deluded death, after death, he ... is born in heaven.** (*Paṭhama Duccarita sutta* n.d., Uppalavanna translation, emphasis added.)

... These **five** are the benefits for the virtuous one, for his attainment of virtues. What five? ... The virtuous one, on account of his virtues and diligence, **comes to great gain of wealth** ... on account of his attainment of virtues **spreads a good fame** ... on account of his attainment of virtues, **whatever gathering he approaches whether of warriors, brāhmaṇas, ordinary householders or recluses** ... **he approaches unconfused with confidence** ... on account of his virtues **dies a non-deluded death** ... on account of his attainment of virtues **after death is born in increase in heaven.** (*Sīla sutta* n.d., Uppalavanna translation, abridged and emphasis added.)

Positive duties themselves, founded upon limbs ‘6.’ to ‘9.’ above, find categorical enumeration within the said Pāli canon in no less than reciprocal form (hereinafter referred to as the ‘*sixfold reciprocal duties of support*’):

... A **parent** should tend to her/his child by: (i) dissuading her/him from evil, (ii) persuading her/him to do good, (iii) nurturing her/him in an innocuous livelihood, (iv) giving her/him in marriage to a virtuous individual, (v) handing over to her/him whatever due inheritances at the proper time.

... A **child** should tend to her/his parents by: (i) maintaining them to the best of her/his abilities, (ii) gratefully attending on them, (iii) preserving their family lineages, (iv) behaving in a noble manner worthy of their bequests and other bestowments, (v) offering alms in their name.

... A **teacher** should tend to her/his pupil by: (i) inculcating the highest rectitude in her/him, (ii) instructing her/him in the most amenable subjects, (iii) ensuring that s/he fully understands all instructions; (iv) introducing her/him to noble friends and associates; (v) providing for her/his safety in every quarter.

... A **pupil** should tend to her/his teacher by: (i) respectfully greeting her/him, (ii) being eager to receive instructions, (iii) being attentive to such instructions; (iv) conforming to such instructions, (v) gratefully assisting and supporting her/him.

... A **husband** should tend to his wife by: (i) being courteous to her, (ii) not despising her, (iii) remaining faithful to her, (iv) delegating authority to her, (v) providing her with whatever desired adornments.

... A **wife** should tend to her husband by: (i) conscientiously performing her duties, (ii) being hospitable to his kin and kith, (iii) remaining faithful to him, (iv) protecting his earnings and wealth, (v) being disposed to industriousness and skillfulness.

... A **friend** should tend to her/his friend by: (i) being generous to her/him, (ii) courteously speaking to her/him, (iii) promoting her/his well-being, (iv) treating her/him as one's equal, (v) being truthful to her/him.

... An **associate** who is thus tended to by her/his friend should: (i) protect her/him when s/he is heedless, (ii) protect her/his property when s/he is heedless, (iii) become a refuge when s/he is in distress, (iv) not forsake her/him when s/he is in need, (v) be considerate toward her/his family.

... A **master/mistress** should tend to her/his servant/employee by: (i) assigning her/him work according to her/his strength and ability, (ii) compensating her/his services with food and wages, (iii) compassionately tending to her/him in sickness, (iv) sharing received delicacies with her/him, (v) duly relieving her/him from work.

... A **servant/employee** who is thus tended to by her/his master should: (i) rise before her/his master does, (ii) go to sleep after her/his master does, (iii) take only what is given, (iv) perform her/his duties conscientiously, (v) uphold and defend her/his master's good name.

... A **layperson** should tend to clerics by: (i) acting compassionately toward them, (ii) speaking compassionately toward them, (iii) thinking compassionately toward them, (iv) not closing their doors to them, (v) fulfilling their material needs.

... A **cleric** who is thus tended to by a layperson should: (i) dissuade her/him from evil, (ii) persuade her/him to do good, (iii) remain compassionate toward her/him, (iv) apprise her/him of what s/he has not been apprised of and clarify what s/he has been apprised of, (v) point out the path to a heavenly state.²³ (*Sīgālovāda sutta* n.d., Narada 1964, 588-590, amended.)

The foregoing enumeration manifests Buddhism's preoccupation with the now legally commonplace notion of reciprocal support. The key relationships of parent-child, husband-wife and master-servant are all seen expressedly obligated by such reciprocal duties, paralleling the acknowledged postulates for modern family law, labor law and maintenance law. As regards the additional master-pupil, civilian-civilian ('friend'-'associate') and lay-clergy ('layperson'-'cleric') reciprocity that Buddhism prescribes, the first is increasingly becoming the

focus of legal activism, though the remaining two continue to be regulated by customary practices (if any).

It is of paramount significance to note that the Buddha defined ‘clergy’ to encompass the advocates of all religious sects, thereby displacing any accusations of ‘preferential treatment’ toward the *Sangha* (who in fact receive no expressed mention within the above enumeration).

Three out of the said six categories of reciprocity being legally cognizable (and the remaining three in the least encompassing postulates worthy of legal activism), to hold that Buddhism ‘only exacted an influence over extant customary practices’ is tantamount to pleading naïve ignorance.

Not only is it evident that a systematic regime of societal obligations (‘primary rules’) was so provided for by Buddhism, but also the employing of such concepts as *duty*, *liability* and *privilege* (within the same) was done with full knowledge of their respective jural implications.²⁴

2.3 Conformity to Hart’s ‘primary rules’

As to the efficacy of a system of customary societal obligations, H. L. A. Hart offers the following:

It is, of course, possible to imagine a society without a legislature, courts or officials of any kind. Indeed, there are many examples of such primitive communities which not only claim that this possibility is realized, but depict in detail the life of a society where the only means of social control is the general attitude of the group toward its own standard modes of behavior We shall refer to such social structure as one of primary rules of obligation. (Hart 1961, 89, reproduced with permission from ©Oxford Publishing Limited *via* PLSclear.)

... Though there are dissidents and malefactors, the majority live by the rules seen from the internal point of view. (Hart 1961, 89, reproduced with permission from ©Oxford Publishing Limited *via* PLSclear.)

Accordingly, that a legal order might be effectuated solely on the convinced (as opposed to enforced) abidance of its membership is found acceptable to modern juristic thinking. That the Buddha's *teachings* in terms of the *five precepts* (and the *prohibited trades* derived therefrom (see '2.2' above)) coupled with the *sixfold reciprocal duties of support* (as rooted in the *four bases of fellowship*) do provide for a regime of 'primary rules of obligation' contemplated by Hart above is indeed evident; that such a system of 'primary rules' based on internal convictions could practically qualify as a means of societal regulation is equally evident. If the elusive term 'law' could be broadly defined as 'a means by which human behavior in society is regulated,' then the *corpus* of 'primary rules' or societal obligations enshrined within Buddhism should be necessarily construed as providing for no less than a distinct **system of law**.

Furthermore, Buddhism's regime of 'primary rules' appears to have a far greater reach than that contemplated by relatively modern lists of legal postulates. For example, Roscoe Pound's 'jural postulates'²⁵ (defined by him as 'the wants or claims involved in civilized society' (Pound 1922, 169)) could be met comprehensively by employing the *five precepts* together with just one of the said *sixfold reciprocal duties of support*: that of 'friend'-'associate' beneficence or communal fraternity.

That Buddhism does provide for a normative regime of 'primary rules' or societal obligations is clear. However, it must be emphasized that this patent legal potential of the Buddhist norm has never been (and by default shall never be) patronized by a *Sammāsambuddha* (a *rightly self-awoken one* (in short: 'Buddha')) whose exclusive office it is to discover²⁶ and expound the *Noble Eightfold Path* leading to the cessation of all sentient suffering. The marked absence

from the Pāli canon of criticisms regarding the polity of his day evinces the pacifist dimension of the Buddha's *teachings*, which *teachings* were meant to complement but not countermand the prevailing methods of governance:

... While the religious *teachings* of the Buddha seeped down to the masses ... the influence of the political philosophy, on the whole, remained peripheral and sporadic There are several reasons for this. The Buddha himself did not think that ... teachers living on the alms of the faithful should devote their life to the study of a science like that of 'the science of power.' ... Likewise, it was not the primary task of the Buddha or the monks to set up an ideal political order, which concerns the laity and kings **It was, therefore, left to the lay Buddhist movement ... to espouse the cause of this political philosophy of righteousness** ['Dhamma']. (Jayatilleke 1967, 97-98, reproduced with permission from ©Anjani Karunaratne, emphasis and parenthesis added.)

In short, Buddhism might be said to recognize four types of voluntary adherents:

- (1) The extroverted sage/sage aspirant;
- (2) The introverted sage/sage aspirant;
- (3) The extroverted lay follower; and
- (4) The introverted lay follower.

The fourth category ('(4)' above) encompasses that part of the laity whose association with the *Dhamma* is understood exclusively in terms of their own private salvation, representative of which would be laypersons who constantly condition themselves in the *Path* practices of *generosity*, *discipline* and *meditation*. The third category ('(3)' above) epitomizes those exceptional laypersons who bear not only concerns for their own salvation but also noble compassion for the whole world and hence propagate the *Dhamma* with a view to ensuring freedom from suffering for the greatest possible number: the least representative of which is the benefactor of a *Dhamma dāna* (*i.e.*, a gift of insight by way of sermon, book or otherwise), and the most the prophesized *Cakkavattin* or 'universal monarch.' According to Buddhism, it

is to this category alone that the propriety of strategic social reform should naturally and necessarily attach.

Professor Steven Collins has construed the *Mūga-pakkha jātaka* (n.d.) as providing ‘authority’ for the assumption that kingship according to Buddhism unavoidably entails rebirth in the hellish abodes (Collins 1998, 36 and 421). Nonetheless, in his own translation of some relevant sections of the said *jātaka*, he declares regarding its protagonist, prince Temiya, that:

When he [prince Temiya] was a month old, he was dressed up and brought to his father, who looked at his dear son and hugged him, then put him on his lap and sat down delighted. At that moment four criminals were brought in; the king ordered that one of them receive a thousand lashes with spiked whips, one be sent to prison in chains, one be struck on the body a thousand times with swords and the last be impaled on a stake. [Having] ... heard his father’s orders, he became terrified and fearful: ‘Alas, because he is a king, **my father is doing terrible things, which will take him to hell.**’ (Collins 1998, 427, parenthesis and emphasis added.)

It is clear from Prof. Collins’ own translation that the proximate and operative cause attributed by prince Temiya to his father’s fated end of being ‘take[n] ... to hell’ is the ‘doing’ of ‘terrible things’ in the nature of imposing cruel punishments: lashings ‘with spiked whips’; imprisoning ‘in chains’; striking ‘the body a thousand times with swords’; and impaling ‘on a stake.’ Being ‘a king’ merely constitutes the backdrop/setting in which ‘terrible things’ could be choicely done.

Inasmuch as ‘a king’ could authorize the ‘doing’ of such ‘terrible things,’ he could equally sanction the ‘doing’ of wonderful things: imposing humane sanctions of a non-retributive but restorative nature; providing capital to the needy to eradicate poverty (the true root of all crime); protecting women, children and all vulnerable subjects from the vicissitudes of life; *etc.* In short, a king could always exercise rational choice in electing to do merciful as opposed to

‘terrible’ things, a privilege that was unfortunately never available to the king’s executioner (hence, the king’s bad *kamma* would always surpass the executioner’s).

Prof. Collins’ said translation also manifests an apparent irreconcilability between (a) its opening statement that king Kasiraja (*i.e.*, prince Temiya’s father) ruled ‘justly’ (*dhammena*) and (b) the said acts of cruel punishment expressedly attributed to him (aptly criticized by prince Temiya as ‘evil acts’ or ‘wrongdoing’: *adhamma-cariya*).

In fairness to the original redaction of this *jātaka* (see *Mūga-pakkha jātaka* n.d., Cowell and Rouse translation, 1), it must be stated that king Kasiraja is in no sense depicted as an adherent of the Buddhist ‘Dhamma’ (righteousness). It is his chief queen Candadevi who is expressed as being ‘devoted to good works’ (*sīlasampannā*), having categorically taken ‘upon herself the *uposatha* vows’ and leading a ‘virtuous life.’ In fact, it is her very ‘act of truth’ based in Buddhist *Dhamma* (*teaching*) that serves to endow her with a son. King Kasiraja, in contrast, resorts to commanding his sixteen thousand wives to ‘pray’ to ‘the moon and other deities’ for a son, a recourse neither of Buddhism nor of the Buddhist *Dhamma* but of the Hindu *pūjās* (rites), which deem ‘god’ Chandra (the Moon) a perennial fertility deity (along with goddesses Aditi, Manasa, Parvati and Satoshi). Thus, the use of the word ‘*dhammena*’ to describe king Kasiraja’s reign (in the opening line of the *Mūga-pakkha jātaka*) appears to have been done designedly to portray him as an adherent of the *dharma* or *dharmaśāstras* (religious and legal duties) based in Hinduism, distinct from the Buddhist *Dhamma* espoused by both chief queen Candadevi and prince Temiya.

Again, in relation to the *Rājovāda jātaka*, Prof. Collins (1998, 456-458) points out that ‘*dhammena*’ is the common word used by the original redactor to describe the manner in which both kings Brahmadata and Mallika ruled their respective territories (1998, 458). Nonetheless, a subtle distinction between the two kings’ governances is appreciated: whilst Brahmadata’s is expressed both ‘*sammena*’ (equitable) and ‘*dhammena*’ (‘just’/righteous),

Mallika's is expressed only '*dhammena*.' Hence, despite both their reigns being described as '*dhammena*,' the said two kings exercised divergent value systems of polity within their respective domains:

He conquers wrath by mildness, the bad with goodness sways,
 By gifts the miser vanquishes and lies with truth repays.²⁷
 Give place, give place, O driver! such are this monarch's [king Brahmadata's] ways!
 (*Rājovāda jātaka* n.d., Rouse translation, 3, parenthesis added.)

Rough to the rough, king Mallika the mild with mildness sways,
 Masters the good by goodness, and the bad with badness pays.
 Give place, give place, O driver! such are this monarch's ways!
 (*Rājovāda jātaka* n.d., Rouse translation, 3.)

Once again, the context rightly determines the distinctive and contrasting connotations to be placed on the word '*dhammena*' when used severally in relation to Brahmadata and Mallika (analogous to its use in relation to Candadevi and Kasiraja in the *Mūga-pakkha jātaka* above). It becomes apparent that the maxim *noscitur a sociis* (the meaning of a word should be taken from its context) applies to determine the respective connotations of the word 'Dhamma' as used within both the *Mūga-pakkha* and *Rājovāda jātakas*. (Thus, *noscitur a sociis* might be deemed to enjoy interpretative authority within the entire body of the *Jātaka* Pāli.)

Neither king Seniya Bimbisara²⁸ (of Magadha) nor king Pasenadi (of Kosala) was a *Cakkavatti* monarch. Hence, despite their respective positions of power and devout patronage toward the *Sangha*, the Buddha never expressly entreated either to alter his methods of governing toward reflecting exclusive conformity to the 'Dhamma.'²⁹ However, the Buddha did not shun an opportunity that presented itself for his instructions on due governance, as clearly evinced by the record pertaining to his encounter with the Licchavis (of the Licchavika tribe, the leading tribe of the Vajjika Confederacy of Republican Tribes or 'the Vajjis') at Sarandada:

At one time the Buddha was staying near Vesali at the Sarandada tree shrine. Then several Licchavis went up to the Buddha, bowed and sat down to one side, and the Buddha said to these Licchavis, ‘Licchavis, I will teach you these **seven principles that prevent decline**. Listen and apply your mind well; I will speak.’ ‘Yes, sir,’ they replied. The Buddha said this: ‘... As long as the Vajjis [1] meet frequently and have many meetings ... [2] meet in harmony, leave in harmony and carry on their business in harmony ... [3] don’t make new decrees or abolish existing decrees, but undertake and follow the ancient Vajjian traditions as they have been decreed ... [4] honor, respect, esteem and venerate Vajjian elders, and think them worth listening to ... [5] don’t forcibly abduct the women or girls of the clans and make them live with them ... [6] honor, respect, esteem and venerate the Vajjian shrines, whether inner or outer, not neglecting the proper spirit-offerings that were given and made in the past ... [7] organize proper protection, shelter and security for perfected ones [*Arahaths*], so that more perfected ones might come to the realm and those already here may live in comfort ... they can expect growth, not decline. As long as these seven principles that prevent decline last among the Vajjis, and as long as the Vajjis are seen following them, they can expect growth, not decline.’ (*Sārandada sutta* n.d., Sujato translation, abridged with parentheses and emphasis added.)

Although many a diverse opinion has been preferred on the legal worth of these *seven factors of non-decline* (*sapta aparihānīya dhamma*) disclosed by the Buddha to the Licchavis, it is submitted that what they truly constitute is a set of requisites indispensable to both maintaining and perpetuating the Buddhist societal obligations (‘primary rules’) based system of governance described at the beginning of this section.

2.4 Conformity to Hart’s ‘secondary rules’

As regards the most apparent shortcoming of being governed by a simple set of societal obligations or ‘primary rules,’ H. L. A. Hart declares as follows:

... We cannot ask: ‘From what ultimate provision of the system do the separate rules derive their validity or ‘binding force’?’ For there is no such provision (1961, 229, reproduced with permission from ©Oxford Publishing Limited *via* PLSclear, emphasis added.)

Accordingly, all methods of societal control based solely on ‘primary rules’ (at first sight, even those fostered by Buddhism) ought to be viewed as lacking the finesse of a legal system for want of authoritative recognition (Hart 1961, 92). However, whilst the Buddha never did seek formal recognition for the societal obligations (‘primary rules’) declared by him as applying to the laity, he did reveal the mechanism by which ‘secondary rules’ pertaining not only to authoritative recognition but also adjudication (Hart 1961, 94) and sanctions (Hart 1961, 95) should come to be institutionalized:

Now a certain greedy person, while keeping his own share, took a share not given him and enjoyed it. They arrested him and said, ‘Alas! O being, thou hast done a wicked thing, in that thou hast, while keeping thine own share, taken and enjoyed a share ungiven. O being, thou shouldest not do thus.’

‘Be it so,’ replied that being to the others. But a second time he stole likewise, and a third, whereupon, after the same reproof, some struck him with their hands, some with clods and others with staves. And so theft came first to be known, and upbraiding, and lying, and violence.

Then the best people met together and lamented, saying, ‘Alas! Evil things have appeared among beings, in that theft has come to be known, and upbraiding, and lying, and violence. Suppose we now elect one being and tell him: Do thou rebuke whomsoever is rightly deserving of rebuke, and upbraid or expel whomsoever is rightly deserving thereof; but we will provide for thy share of the rice.’

Thereupon the people approached a person who was finer, handsomer, pleasanter and more commanding than the rest, and said, ‘**Come, fellow being! Rebuke whomsoever is rightly deserving of rebuke, and upbraid or expel whomsoever is rightly deserving thereof; but we will provide for your share of the rice.**’

‘Be it so,’ replied that person to the rest, and so he rebuked, upbraided or expelled those rightly deserving thereof,³⁰ while they provided for his share of the rice.

Now, because he was the great man elected by the race, there arose the first title of ‘Great Elect’ [*Mahā Sammata*].³¹ And because he was Lord of the fields, there arose the second title of ‘Nobleman.’ And because he reconciles others by justice [‘Dhamma’], there arose the third title of ‘King.’ Such was the origin of this circle of Nobles by an ancient primeval title; yea, and of those very people who, though different, are alike and not dissimilar, by virtue of justice [‘Dhamma’], not by injustice [‘Adhamma’]. Justice [‘Dhamma’] ... is best for the human race in this world and the next. (*Aggañña sutta* n.d., Edmunds translation, emphasis and parentheses added.)

John Locke, in his second essay ‘of civil-government,’ appears to virtually restate the above:

... If we look back, as far as history will direct us, toward the *original of commonwealths*, we shall generally find them under the government and administration of one man. (Locke 1821, 276, s.105.)

... And therefore ... some one good and excellent man, having got a pre-eminency amongst the rest, had this deference paid to his goodness and virtue, as to a kind of natural authority, that the chief rule, with arbitration of their differences, by a tacit consent devolved into his, without any other caution but the assurance they had of his uprightness and wisdom (Locke 1821, 267-268, s.94.)

... They used their natural freedom to set up him whom they judged the ablest and most likely to rule well over them. (Locke 1821, 277, s.105.)

... And all this for the preservation of the property of all the members of that society, as far as it is possible. (Locke 1821, 261, s.88.)

Wherever therefore any number of men are so united into one society as to quit every one his executive power of the law of nature and to resign it to the public, there and there only is a *political* or *civil society*. ... And this puts men out of the state of nature into that of a *commonwealth* by setting up a judge on earth with authority to determine all the controversies and redress the injuries that may happen to any member of the commonwealth (Locke 1821, 262, s.89.)

It is opportune to note the following opinion of J. J. Rousseau within the backdrop of the aforesaid narratives:

I suppose men to have reached the point at which the obstacles in the way of their preservation in the state of nature show their power of resistance to be greater than the resources at the disposal of each individual for his maintenance in that state. That primitive condition can then subsist no longer, and the human race would perish unless it changed its manner of existence.

But, as men cannot engender new forces but only unite and direct existing ones, they have no other means of preserving themselves than the formation, by aggregation, of a sum of forces great enough to overcome the resistance. These they have to bring into play by means of a single motive power and cause to act in concert.

This sum of forces can arise only where several persons come together, but as the force and liberty of each man are the chief instruments of his self-preservation, how can he pledge them without harming his own interests and neglecting the care he owes to himself? This difficulty, in its bearing on my present subject, may be stated in the following terms: 'The problem is to find a form of association which will defend and protect with the whole common force the person and goods of each associate, and in which each, while uniting himself with all, may still obey himself alone and remain as free as before.' This is the fundamental problem of which the **social contract** provides the solution.

The clauses of this contract are so determined by the nature of the act that the slightest modification would make them vain and ineffective, so that, although they have perhaps never been formally set forth, they are everywhere the same and everywhere tacitly admitted and recognized, until, on the violation of the social compact, each regains his original rights and resumes his natural liberty, while losing the conventional liberty in favor of which he renounced it. (Rousseau 1762, 14-15, emphasis added.)

2.5 Buddhist *social contract*

Buddhism's reply to H. L. A. Hart's 'secondary rules' is found firmly couched within the notion of 'Dhamma'-based *social contract* that, besides 'identifying the individual' (Hart 1961, 94) who is to 'finally and authoritatively' (Hart 1961, 91) adjudicate upon a fact of violation, prescribes a 'centralization of social pressure' (Hart 1961, 95) by his being empowered to issue binding sanctions (Hart 1961, 95), which services are in turn compensated by contributions for his sustenance as collected from the entire community (the origin of public taxation). These powers to adjudicate and sanction, though seemingly prerogatives of an autonomous authority, were in reality only contractually delegated by society as a whole; they remained at all times withdrawable and entrustable by the people to some elected other:

... Primitive society knows little of absolute rulers ... and its members are not usually concerned merely to obey but have pronounced views as to the rightness of obedience on the part of all concerned. (Hart 1961, 52, reproduced with permission from ©Oxford Publishing Limited *via* PLSclear.)

Whilst the genesis of Buddhist *social contract* is thus brought to light, its fruition in the context of a fully fledged governing mechanism based on an ideal concept of righteous kingship rooted in a unique **rule by way of rational law** (surpassing the 'rule of law') worthy of universal application (justifying the title 'universal monarch'³² being bestowed upon its implementer) is seen expounded by the Buddha in his *teachings* adverting to the *Cakkavatti* monarch:

... A righteous king **ruling in righteousness** He lived in supremacy over this earth to its ocean bounds, **having conquered** it, not by scourge, not by the sword, but **by righteousness**. (*Cakkavattisihanāda sutta* n.d., Rhys Davids and Rhys Davids translation 1921, 60, [59](2), emphasis added.)

The subordinate kings in the east ... the south, the west and the north ... approach the universal monarch and tell him, 'Welcome, great king; you have come at the right time; advise us.' The

universal monarch says, ‘Life should not be destroyed, the not given should not be taken, sexual misconduct should not be, lies should not be told and intoxicating drinks should not be taken. **Enjoy your kingships as you have done.**’ Thus, they become the subordinate kings of the universal monarch. (*Bāla-Pañḍita sutta* n.d., Uppalavanna translation, emphasis added.)

However, it is also provided that such a conqueror would be blessed with such an overwhelming commanding prowess only to the extent of his being resolutely committed to an explicit set of duties:

Thou shouldst **provide the right watch, ward and protection** for thine own folk, for the army, for the nobles, for vassals, for *brāhmaṇas* and householders, for town and country dwellers, for the religious world and for beasts and birds. Throughout thy kingdom, **let no wrongdoing prevail**. And whomsoever in thy kingdom is poor; to him **let wealth be given**.

And [regarding those] in thy kingdom of religious life – renouncing the carelessness arising from the intoxication of the senses and devoted to forbearance and sympathy – each mastering self, each calming self, each perfecting self; **from time to time, question [them on]** what is good and what is bad, what is criminal and what is not, what is to be done and what is left undone, what line of action will in the long run work for weal or for woe; **hear what they have to say, deter from evil and take up what is good.**³³ (*Cakkavattisīhanāda sutta* n.d., Rhys Davids and Rhys Davids translation, 62-63, [61](5), abridged with parentheses and emphasis added.)

Furthermore, when:

... A certain bhikkhu asked the Blessed One [the Buddha]: ‘Venerable sir, how is the righteous universal monarch the ruler of righteousness?’ The Blessed One said: [by virtue of] **the teaching [Dhammo]**. ... ‘O! Bhikkhu, the righteous universal monarch who values righteousness and pays homage to *the teaching*, making *the teaching* his flag and sign, righteously protects *the teaching*, makes arrangements to protect himself, all the populace, warriors, *brāhmaṇas*, people in the suburbs, recluses and animals. In this manner he rolls the wheel [of righteousness, *i.e.*, rules righteously] not to be stopped by the hand of any opposing human.’ (*Cakkavatti sutta* n.d., Uppalavanna translation, parentheses and emphasis added.)

[The Blessed One/the Buddha:] Bhikkhus, whomever that righteous universal monarch, he too does not *turn the wheel* [rule righteously] without a leader. When this was said, a certain bhikkhu said thus to the Blessed One: ‘Venerable sir, **who is the leader of the righteous universal monarch that rules righteously?**’ The Blessed One said, ‘Bhikkhu, it is ***the teaching*** [*Dhammo*].’ (*Dhammarāja sutta* n.d., Uppalavanna translation, parentheses and emphasis added.)

A conqueror’s strict obeisance to the *Dhamma* (the *teaching*) being a *sine qua non* to his conquest through ‘Dhamma’ (righteousness), without a *Sammāsambuddha* (a *rightly self-awoken one*) to reveal the *Dhamma* (the *teaching*), there could never be any conquest by or propagation of any such body of righteous norms. Accordingly, conquering through ‘Dhamma’ is construed as a fusion between (**a**) strictly adhering to a basic code of Buddhist ethics (ideally, the salient body of negative and positive duties enumerated under ‘2.2’ above) and (**b**) pacifistically propagating the same in furtherance of securing voluntary abidance therein by the greatest possible number.

Have Such Rudimentary Buddhist Rules Of Societal Conduct Ever Come To Be Enforced As Expressed Or Implied Law Within Any Particular Territory Or State?

It shall be seen (under '3.2' below) that the edicts of king Aśoka³⁴ (which for some inexplicable reason have received only scant mention in Western or pro-Western historical accounts) bear ample testimony to the fact that he was an ardent emulator of the aforementioned *Cakkavatti* monarch's 'Dhamma'-based governance. Suffice it to cite here a translated excerpt from his renowned 'Rock Edict XIII' to evince this:

ROCK EDICT XIII[:] **Conquest through Dhamma is now considered to be the best conquest** by the beloved of the gods [Aśoka]. And such a conquest has been achieved by the beloved of the gods not only here in his own dominions but also in the territories bordering on his dominions
(Sircar 1957, 58, parentheses and emphasis added.)

As a precursor to analyzing Aśoka's rule *vis-à-vis* the said *Cakkavatti* ideal, the beginnings of the empire to which he finally laid claim must receive specific mention so as to distinguish the later innovations in statecraft ascribable exclusively to him.

3.1 Polity of the Mauryas

Historical sources deem Aśoka third in the line of monarchs representing the Maurya Empire. His grandfather, Chandragupta, is widely accepted as both the founder of the Maurya dynasty and decidedly India's first true emperor (owing to the sheer extent of peninsular land brought under his sole dominion and ruled in its entirety thereafter).

The many accounts of Chandragupta's exploits plainly personify him as a tenacious and astute combatant who was unrelenting in his pursuits, particularly 'spurred on' by his relatively young age and access to timely strategic counsel as dispensed by his alleged mentor, the enigmatic Chanakya/Kautilya or Vishnu Gupta: 'author'³⁵ of the *Arthaśāstra*. It has today become commonplace to ascribe the success of Chandragupta's territorial conquests exclusively to the dictates of the *Arthaśāstra*, though no independent corroboration for the propriety of this ascription exists.

In fact, the precepts of 'good' governance and warcraft that receive expression within the *Arthaśāstra* were not wholly unknown to the ruling classes of such times, whose numbers were usually well educated not only in these specialized areas but also in all this-worldly and other-worldly affairs (*via* Vedic or other derivative³⁶ expositional instructions received at the hands of erudite *brāhmaṇas* whose sacred duty it was to dispense such 'wisdom').

The original codification of the 'Laws of Manu' or the *Manusmṛiti/Mānava-dharmaśāstra* (foremost among all derivative works based on Vedic lore) dates back to anytime between 200BC and 200AD, though it is widely accepted as having been expounded by *brāhmaṇas* since centuries before. The *Arthaśāstra* (a relatively mundane and much later construct widely attributed to Chanakya/Kautilya or Vishnu Gupta) admittedly is the more voluminous of the two and is accepted as dating back to the 2nd century BC to roughly correspond with the reign of Chandragupta. A comparison of the said two works reveals a considerable borrowing from the *Manusmṛiti* by the author of the *Arthaśāstra* in both principles and content, especially in relation to caste discrimination; kingship; warcraft; espionage; judicial process; offenses; and deterrent punishments. However, here ends the similarity between the two, for the further prescriptions of the *Arthaśāstra* – particularly those concerning espionage, counterespionage, contemptuous international relations and ceaseless conquests – contemplate such extremities in action that only an avaricious autocrat of both deceitful and insecure disposition could possibly have any use for them. In short, these further prescriptions effectually serve to

transgress all demarcations of rationality as should be rightly attendant upon the due governance of any welfare state.

The only trait that Chanakya's ideal tyrant appears to have shared with Chandragupta Maurya is cruelty, which the latter supposedly meted out to natives of vanquished territories.³⁷ However, a treaty with Seleucus I Nicator³⁸ did manifest both his amenability to multinational diplomacy and confidence in keeping cordial relations even with an ex-foe,³⁹ a stark departure from the *Arthasāstra*, which not only views peace and diplomacy as facets of defeatist recourse⁴⁰ but also prescribes eliminating one's enemies as the only worthwhile pursuit. Chandragupta's amicable ties with the Dravidian kingdoms of the South further evince his having been amenable to peacekeeping.

Again, Chandragupta's reported voluntary abdication of his throne and entry into Jain priesthood during the later stages of his life manifest preferred adherence to the prescribed Vedic relinquishments for old age (*sanyāsi*) in apparent refutation of the perpetual power possessiveness advocated by the *Arthasāstra*. That a king who was supposedly disposed to Jainism (which *inter alia* extols the virtue of 'equality to all') could endorse a code of regulation based primarily on overt caste discrimination appears patently untenable.⁴¹

Regarding Chandragupta's successor Bindusara, in whose court too Chanakya did dwell (in no less a capacity than 'prime minister'), the influence exerted by the *Arthasāstra* appears to have been more pronounced, for it is recorded that Bindusara revitalized the Hindu autocracy and simultaneously expanded the bounds of his inherited empire, albeit to the exclusion of Kalinga (his only residual foe). Perhaps it was this expansionism that the *Arthasāstra* did in fact have more to do with. However, Bindusara's sustained peace with the southernmost Dravidian territories and his alleged adoption of antiapartheid Ajivakism appear to refute the plausibility of such a claim (on a basis analogous to that determined in relation to Chandragupta above). Notably, the inclusion of 'Ajivakas' within the following provision of the

Arthaśāstra that ‘... when a person entertains, in dinner dedicated to gods or ancestors, Buddhists (*śākya*), Ajivakas, Sudras and exiled persons (*pravrajita*), a fine of 100 *panās* shall be imposed’ (*Arthaśāstra* n.d., Shamasastri translation, 226), appears to be a plain contradiction of Bindusara’s chosen religious affiliation, further negating the *Arthaśāstra*’s supposed influence on his rule. (Likewise, the inclusion of ‘Buddhists (*śākya*)’ within the said provision would undoubtedly have rendered the *Arthaśāstra* inapplicable to Aśoka’s reign as well.)

Chanakya, allegedly, comes to be assassinated by a co-chamberlain during the said reign of Bindusara. Thus, by the time the Maurya empire found its way into the hands of Bindusara’s son Aśoka, the ‘trusted’ counsel of Chanakya was no more, save in terms of whatever writings on the *Arthaśāstra*, *Nītiśāstra* and the like as did survive. However, whether Aśoka did in fact have recourse to these *śāstras* appears doubtful.

It is not until the time of Aśoka that an authoritative account of the Mauryan administration manifests itself, indelibly by way of the many edicts etched in stone as commissioned by him. The key fact to be borne in mind, however, is that the data yielded by these edicts relates almost entirely to the period following Aśoka’s transition to Buddhism, the edicts themselves being dubbed ‘Dhamma’ edicts. Accordingly, their advertence is not merely to a conventional system of governance but one markedly revamped in accordance with Aśoka’s own form of public administration (as synthesized from the *teachings* of the Buddha). This becomes evident in comparing the said edictal provisions with the corresponding averments (where available) of the *Arthaśāstra* (regarded here as representative of early Mauryan rule). This comparison, taken up below, shall be seen to account for major inconsistencies in spirit, approach and outcome between two manifestly divergent systems of polity.

3.2 The *Cakkavatti* ideal and Aśoka

The salient traits of the *Cakkavatti* ideology have been already noted in this work (see Chapter '2.5 Buddhist *social contract*'). Accordingly, the latent and patent duties of this 'universal monarch' might be summarized as follows:

- **Firstly**, to establish one's self firmly in the *Dhamma* (the *teachings* of the Buddha) and to both govern and be governed by the same.
- **Secondly**, to establish a regime of reciprocal support for the care and protection of all principal segments of society and conserve birds and beasts.
- **Thirdly**, to ensure that 'Adhamma' shall not prevail by prohibiting socially harmful conduct and gifting property to those in need.
- **Fourthly**, to consult virtuous clerics of all denominations toward mobilizing and disseminating the most ethical and socially beneficial elements of their respective doctrines in an effort to secure widespread spiritual advancement.
- **Fifthly**, to firmly advocate abstinences from killing, stealing, carnal misconduct, lying and intoxication as universal norms of rationality worthy of emulation by all.
- **Sixthly**, to gain the consensual submission of neighboring realms to the rule of 'Dhamma' (righteous duties) at all times respecting their individual and equal territorial sovereignties, thereby abandoning recourse to all forms of belligerence, whether in conquest or otherwise.

King Aśoka's commitment to these sixfold obligations now stands to be considered. The best information in this regard (to date) is that provided by the numerous rock and pillar inscriptions accredited to him from which historians have sought to derive the basis of his distinctive 'Dhamma.' As 'Pillar Edict VI' *inter alia* provides:

PILLAR EDICT VI[:] ... Twelve years after my coronation, records relating to Dhamma were caused to be written by me [Aśoka] for the first time, for the welfare and happiness of the people, so that without violation thereof they might attain the growth of Dhamma in various respects. (Sircar 1957, 74, parentheses added.)

Of course, this was just one among many mechanisms employed by Aśoka toward securing the due dissemination of the 'Dhamma':

PILLAR EDICT VII[:] ... '... [Aśoka]: In times past, kings had wished that men should grow with a befitting growth of Dhamma. But men did not grow with a befitting growth of Dhamma. How then may men be moved to conform to Dhamma ... with a befitting growth of Dhamma?' On this ... beloved of gods [Aśoka] said thus: '... **Proclamations** of Dhamma will I proclaim. **Instructions** in Dhamma will I instruct. Men hearkening thereto will conform, uplift themselves and mightily grow with the growth of Dhamma.' For this purpose have I proclaimed **proclamations** of Dhamma and directed various **instructions** in Dhamma. My officers, the *Vyūthas*, have been set over many people. These will preach and disseminate it. *Rajjukas* have been set over many hundred thousands of lives. They too have been ordered: 'Preach thus and thus to the faithful men.' (Bhandarkar 1925, 318-319, parentheses and emphasis added.)

Many have raised issue on the meaning that should be rightly attributed to the term 'Dhamma' as used by Aśoka, notwithstanding his unequivocal admission to being a Buddhist disciple (*per* the Bhabru Minor Rock Inscription ('MRI III')):

BHABRU INSCRIPTION[:] Priyadarśin [Aśoka], king of Magadha, bids the *Sangha* his greetings and wishes of good health and comfortable living. 'Ye know, reverend sirs, how great are my respect and delight in Buddha, *Dhamma* and *Sangha*. Whatever, reverend sirs, has been said by the

blessed Buddha, all that has been well said. But, reverend sirs, whatever I ought on my own account to recommend in order that the sublime *Dhamma* may thus endure long, I deem it proper to proclaim. Reverend sirs, these are the texts of *Dhamma*: (1) *Vinaya-samukase*; (2) *Aliya-vasāni*; (3) *Anāgata-bhayāni*; (4) *Muni-gāthā*; (5) *Moneya-sute*; (6) *Upatisa-pasina*; and (7) the sermon to *Rāhula pronounced by the blessed Buddha concerning falsehood*. These **texts of *Dhamma***,⁴² reverend sirs, I desire the majority of monks and nuns to constantly hear and meditate upon. Similarly, the laity, male and female, should do the same. It is for this reason, reverend sirs, that I cause this to be engraved, in order that they may know my wish.’ (Bhandarkar 1925, 331, parentheses and emphasis added.)

This last edict, whilst evincing Aśoka’s profound faith and erudition in the Buddha’s *teachings*, further manifests his compliance with the ‘**Fourthly**’ enjoined duty of the ‘universal monarch’ (above): to consult virtuous clerics and secure the preservation of their teachings for the benefit of posterity. Furthermore, in the Brahmagiri Minor Rock Inscription (‘MRI I’), Aśoka avers *inter alia* that his said learning was facilitated by his own eager exertions:

BRAHMAGIRI INSCRIPTION[:] ... The beloved of gods [Aśoka] said: ‘It was more than two years and a half that I was a lay worshipper, but did not exert myself strenuously. It is one year, indeed more than one year, that I have lived with the *Sangha* and have exerted myself’ (Bhandarkar 1925, 328, parentheses added.)

Thus, it appears that Aśoka must have been well established in the *Dhamma* (the *teaching*) as ‘**Firstly**’ required of a *Cakkavatti* monarch (see above). The following averments made by him serve not only to further evince this but also insinuate his having secured the requisite care and protection of his subjects as ‘**Secondly**’ required of a *Cakkavatti* monarch:

ROCK EDICT IV[:] For the most excellent act is instruction in *Dhamma*, and the fostering of the practice of *Dhamma* is not for a man devoid of virtuous conduct. Growth and non-diminution in this matter are therefore excellent. (Bhandarkar 1925, 282, parenthesis added.)

PILLAR EDICT I[:] ... ‘... ... Through my instructions, this longing for Dhamma and love of Dhamma have grown and will grow day by day among my people. And my officials, whether of high, low or middle rank, themselves conform to these, and being fit to induce the fickle-minded to undertake the fulfillment of Dhamma, cause the latter also to attain to them. So also the *Mahāmātras* of the frontier provinces. This is the rule: namely, **protection by Dhamma**, execution of order by Dhamma, causing happiness by Dhamma and administration by Dhamma.’ (Bhandarkar 1925, 305, parenthesis and emphasis added.)

3.3 Aśoka’s ‘Dhamma’

Since to a Buddhist the term ‘Dhamma’ can have only one meaning, namely ‘the *Dhamma* as taught by the Buddha,’ some are quick to take Aśoka’s specific use of this term to be synonymous with the entirety of Buddhism as enshrined within the bountiful canonical texts (see Jayawickrama 1959, 76, note¹ and Guruge 1987, 50). Others, especially non-Buddhists, seek to wholly liberate ‘Dhamma’ from Buddhism (by attributing its content formulation to that of mere logical deduction from an analysis of the salient tenets pertaining to all religions that prevailed during the Aśokan era) toward deeming it common denominator morality (see Thapar 1994, 22). Admittedly, both connotations represent extremities of opinion preoccupied with bias either toward (in the case of the former) or against (in the case of the latter) Buddhism. Aśoka in fact espoused neither extreme, construing ‘Dhamma’ (in its application to both his subjects and the world at large) to signify an ideal mean between them.

It has been already observed that compliance with a clearly defined code of conduct constitutes that which is expected of every bearer of the title ‘Buddhist,’ minimally⁴³ by resolutely abstaining from killing, stealing, carnal misconduct, lying and consuming intoxicants, but ideally by also fulfilling the reciprocal duties between parent and child, teacher and pupil, husband and wife, friends and associates, masters and servants and clerics and devotees. That the ‘Dhamma’ (espoused by king Aśoka) could only connote this very ‘basic code’ of negative

and positive **duties** is constructively affirmed by the Buddha in the following revelations (relating to his prior births as a *bodhisattva* (the *jātakas*)):

‘We walk in **uprightness**, we speak no lies, all foul and wicked sins we keep afar, we do eschew all things that evil are ... We hear the deeds of foolish and of wise, of what the foolish do no heed we take, the wise we follow and the fools forsake ... In gifts beforehand our contentment lies, even while giving we are well content, nor having given do we then repent ... Priests, Brahmins, wayfarers we satisfy, beggars and mendicants and all who need, we give them drink and hungry folk we feed ... Wedded, for others’ wives we do not sigh, But we are faithful to the marriage vow, and faithful are our wives to us I trow ... The children that from these true wives are sprung, are wise abundantly to learning bred, versed in the Vedas and all perfected ... Each to do **right** for sake of heaven tries, so lives the father and so lives the mother, so son and daughter, sister so and brother ... For sake of heaven our servants too, apply their lives to goodness, men and maidens all, retainers, servitors, each meanest thrall’ (*Mahā Dhammapāla jātaka* n.d., Rouse translation, 34, emphasis added.)

‘Take not the life of living creatures, and the other ten paths of evildoing eschew, fulfill the duty of service to mother and the duty of service to father and the threefold course of **right**; thus ye shall become destined for heaven and shall receive great glory.’ (*Dhamma jātaka* n.d., Rouse translation, 64, emphasis added.)

‘Give alms, practice virtue, **righteously** follow your business and calling, educate yourselves in the days of your youth, gain wealth, do not behave like a village cheat or a dog, be not harsh nor cruel, do your duty in caring for mother and for father, in family life honor your elders.’ (*Janasandha jātaka* n.d., Rouse translation, 110, emphasis added.)

‘To parents dear, O warrior king, do righteously ... To wife and children, warrior king, do righteously ... To friends and courtiers, warrior king, do righteously ... In war and travel, warrior king, do righteously ... In town and village, warrior king, do righteously ... In every land and realm, O king, do righteously ... To Brahmins and ascetics all, do righteously ... To beasts and birds, O warrior king, do righteously ... Do **righteously**, O warrior king; from this all blessings flow ... By following a righteous course, to heaven thou sire shalt go. With watchful vigilance, O king, on

paths of goodness go: The Brahmins, Indra and the gods have won their godhead so.’ (*Ummadantī jāta* n.d., Francis translation, 115, emphasis added.)

So then, establishing them in the five moral laws and exhorting them to be diligent in almsgiving and the like virtues, he dismissed them, and they all, after ruling their kingdoms **righteously**, at the end of their days went to swell the host of heaven. (*Soṇa-Nanda jāta* n.d., Francis translation, 174, emphasis added.)

What ‘ruling righteously’ should eschew has been succinctly but unequivocally expressed by the Buddha as follows:

... Killing; destruction; depriving; conquering; grief; and giving grief. (*Rajja sutta* n.d., Uppalavanna translation.)

Thus, when king Aśoka expressed his intentions to ‘establish’ his people in the ‘Dhamma,’ he could only have meant indoctrinating them in the aforesaid ‘basic code’ of **duties**. Inasmuch as the excerpts from the *jātakas* cited above deem such a ‘basic code’ synonymous with ‘uprightness’ or ‘righteousness,’ it becomes evident that nothing short of a regime of righteous rule (based not so much in compulsion but rational submission) is what was so contemplated. Hence, Aśoka could only have employed the term ‘Dhamma’ to mean **so much of that body of rational duties revealed by the Buddha immanently relevant toward establishing a righteous rule**. The validity of this interpretation is affirmed by the following Aśokan edict excerpts, which constructively advert to both the *sixfold reciprocal duties of support* (as rooted in the *four bases of fellowship*) and *five precepts* (abstinences) as constituting the ‘Dhamma’:

ROCK EDICT XI[:] ... There is no such gift as the gift of Dhamma, to wit acquaintance with Dhamma, participation in Dhamma and kinship with Dhamma. **Therein this happens: ‘seemly behavior toward slaves and servants, meritorious hearkening to father and mother, meritorious gifts to friends, acquaintances ... relatives ... brāhmaṇas and śramaṇas and meritorious non-slaughter of animals.’** This ought to be said by a father, a son, a brother, a master, a friend or acquaintance,

may, even a neighbor: ‘This is meritorious; this ought to be done.’ He who does it in this manner accomplishes the worldly life and obtains infinite spiritual merit through that gift of Dhamma. (Bhandarkar 1925, 297-298, parentheses and emphasis added.)

MINOR ROCK INSCRIPTION II[:] ... **‘Father and mother should be hearkened to ... respect for living creatures should be made firm. Truth should be spoken.’** These are the qualities of Dhamma which should be practiced. Likewise, **the preceptor should be revered by the pupil** and one should behave oneself fittingly toward the blood relatives. This *natural constitution* of the human mind is primeval and it is long-enduring. Hence, it should be acted upon. (Bhandarkar 1925, 330, parentheses and emphasis added.)

ROCK EDICT IX[:] ... That rite, however, bears great fruit, which is Dhamma-*mangala* [celebration]. ... **Seemly behavior toward the servile and menial classes and reverence toward preceptors is considered meritorious; self-control in regard to animals is considered meritorious. These and other similar items are indeed the Dhamma-*mangala*.** Therefore, **a father, a son, a brother, a master, a friend or acquaintance**, nay, even **a neighbor** ought to say, ‘This is meritorious, this rite ought to be performed till that object is attained. And after it is performed, I shall do it again.’ (Bhandarkar 1925, 295, parentheses and emphasis added.)

BILINGUAL KANDAHAR INSCRIPTION[:] ... And the king [Aśoka] abstains from the slaughter of living beings and other people, including the king’s hunters and fishermen, have given up hunting [Greek version]. Similarly, **those who were without restraint have now ceased to be without restraint** [Aramaic version]. And **they have become obedient to their father and mother and to the old people**, contrary to what was the case previously [Greek version]. And henceforth, by so acting, they will live in an altogether better and more profitable way [Greek version]. (Sircar 1957, 45, parentheses and emphasis added.)

PILLAR EDICT VII[:] ... And this development of Dhamma and conformity to Dhamma, which consist of **mercy, gift, truthfulness, purity, gentleness and charity, will thus grow among the people.** (Bhandarkar 1925, 320, parentheses and emphasis added.)

The last edict excerpt identifies the particular gains in *virtue* that Aśoka expected to be eventually realized by his subjects owing to their continued adherence to those practices of ‘Dhamma’ as prescribed by the preceding four. This is plainly in line with the Buddhist method of prescribing ethical rules toward gradationally inculcating *Virtue*, referred to earlier in this work (see Chapter ‘1.1 The Buddha’s *Dhamma*’).

The concept of non-restraint reflected in the edict excerpt from the ‘KANDAHAR INSCRIPTION’ above (which avers *inter alia* that Aśoka’s subjects had ceased from not-restraining themselves) is indeed pivotal. It appears to encompass every willful transgression of social decency, including stealing, engaging in carnal misconduct, uttering falsehoods and indulging in intoxicants. Nonetheless, the criticism might be leveled that one is hereby reading ‘too much’ into the term ‘without restraint’ or perhaps even ‘making too much of a case for’ Aśoka’s comprehensively espousing the *five precepts* and *sixfold reciprocal duties of support*, when the contents of his said five edicts (‘RE XI,’ ‘MRI II,’ ‘RE IX,’ ‘KANDAHAR INSCRIPTION’ and ‘PE VII’) taken cumulatively refer only to abstinences from killing and lying and convey reciprocity only in generic terms (*e.g.*, ‘proper behavior,’ ‘respect’ and ‘generosity’). Indeed, such censure might have been warranted, but for the following **saving clause** expressedly proclaimed by Aśoka in ‘Rock Edict XIV,’ which was plainly meant to be read with **all** his edicts:

ROCK EDICT XIV[:] **These Dhamma-lipis have been caused to be inscribed** by ... the beloved of gods [Aśoka] ... as **abridged, of medium length or expanded. Not everything has been brought together at every place.** Vast indeed is the kingdom and much has been inscribed, and much will I cause to be inscribed. And, owing to their sweetness, various things have been uttered over and over again. And why? In order that the people may act accordingly. **But it may be that something has here been inscribed incompletely, considering either the unfamiliar country or good reason for condensation or through the fault of the scribe.** (Bhandarkar 1925, 304, parentheses and emphasis added.)

Hence, reason demands that the provisions contained in Aśoka's edicts be construed beyond all literal confines whenever their **fundamental source**, namely the *Dhamma* as taught by the Buddha (or the *teaching*), considers such a broader construction opportune. The populace's abstaining from 'non-restraint' as averred by Aśoka in the 'KANDAHAR INSCRIPTION' above would thus be interpretable legitimately as implying their resolute adherence to the *five precepts*. This being so, corollary due regard for secured **(a)** life, **(b)** property, **(c)** marriage, **(d)** pledge and **(e)** sobriety could be deemed to have been commonplace amongst his officials and subjects alike:

...'Taking the precepts' in Buddhism is actually the formal acknowledgment of a subsisting **duty, a duty which arises from *Dharma* [the *teaching*]**. The person who 'takes the precepts' is saying in effect 'I hereby recognize my *Dharmic* duty not to do *x, y* and *z*.' (Keown 1995, 18, reproduced with permission from ©Damien Keown and the editors of the *Journal of Buddhist Ethics*, emphasis and parentheses added.)

Wesley N. Hohfeld (1879-1918) provides that:

A **duty** ... is that which one ought or ought not to do. '**Duty**' and '**right**' are **correlative** terms. (Hohfeld 1919, 38, emphasis added.)

Inasmuch as a duty correlates to a right, the duties mandated by the *five precepts* to abstain from **(1)** killing, **(2)** stealing, **(3)** carnal misconduct, **(4)** lying and **(5)** all forms of intoxicants ought respectfully correlate to the *in rem* rights to **(a)** life, **(b)** property, **(c)** marriage, **(d)** pledge and **(e)** sobriety. However, since **negative** (not positive) **duties** are postulated by the *five precepts*, the correlative entitlements that they seek to vest in all sentient beings could be only **negative rights**:

... A **negative duty** is a duty to **refrain** from some specified sort of action or from any action that would bring about a certain specified sort of result A **negative right**, then, is one that

correlates with a **negative duty** on the part of those against whom it is a right (Narveson 1988, 57, reproduced with permission from ©Jan Narveson, emphasis added.)

... The right-holder is the one who suffers from the breach of **Dharmic duty** [‘a duty which arises from’ the Buddha’s *teachings*] when the precepts are broken. In the case of the **first precept** this would be the person who was unjustly killed. The right the victim has may therefore be ... **the right not to be killed**. (Keown 1995, 18, reproduced with permission from ©Damien Keown and the editors of the *Journal of Buddhist Ethics*, emphasis and parenthesis added.)

Contrastingly, the *sixfold reciprocal duties of support* and the *four bases of fellowship* postulate positive acts and hence positive duties. If so, should positive rights *ipso facto* vest in the beneficiaries of these positive duties?

... Husbands and wives, kings and subjects, teachers and students, all have **reciprocal obligations** The requirements of *Dharma* [the Buddha’s *teachings*] are expressed in the form of **duties** rather than rights. In other words ... ‘A husband **should** support his wife’ **as opposed to** ‘Wives have **a right** to be maintained by their husbands.’ (Keown 1995, 10, emphasis and parentheses added.)

Thus, the Buddha’s *teachings* view all duties (both positive and negative) from the benefactor’s perspective, not the beneficiary’s; duties (not ‘rights’) are categorically declared, albeit without a means for their enforcement. This is commensurate with the emphasis laid by the ‘Dhamma’ on internal convictions in preference to external compulsions as outlined earlier (see Chapter ‘2.1 Societal regulation’). Rather than selfishly asserting one’s ‘rights’ to life, support and inviolability, the Buddha’s *teachings* prefer one’s selflessly abiding by her/his duty to let all sentient beings live, thrive and be free from abuse. It is not that a positive regime of rights is irreconcilable with the said *teachings*, but that better outcomes could be reached within a context free from vindicatory inferences. Whilst obligations and duties would be always spoken of by the *Dhamma*, ‘rights’ though constructively acknowledgeable would not. Moreover, the bare meaning of the usage ‘Dhamma’ (*per* Aśoka) is ‘duty.’

From the foregoing, it becomes apparent that Aśoka did formidably achieve compliance with the greater part of those duties enjoined ‘*Secondly*’ and ‘*Fifthly*’ under the sixfold commitments expected of every ‘universal monarch’ (see ‘3.2’ above).

3.4 Protection accorded to animals

On Aśoka’s disposition toward birds and beasts, his edicts provide *inter alia* as follows:

PILLAR EDICT V[:] Thus said king [Aśoka] ... :— ‘When I had been consecrated twenty-six years, the following animals were declared unworthy of slaughter, namely, parrots, starlings, ruddy geese, swans, *nandimukhas*, *gelatas*, flying foxes, queen ants, female tortoises, boneless fish, *vedaveyakas*, *gangā-paputakas*, skates, tortoises and porcupines, hare like squirrels, twelve-antler stags, bulls set free, household vermin, rhinoceros, gray doves, village pigeons and all quadrupeds which are neither used nor eaten. She-goats, ewes and sows, which are with young or in milk, are unworthy of slaughter, and some of their young ones up to six months of age. Cocks shall not be caponed. Chaff containing living things shall not be burnt. Forests shall not be set on fire either for mischief or for the destruction of life. The living shall not be fed with the living. About the full moon of each of the three seasons and the full moon of *Tishya*, fish may neither be killed nor sold during three days, namely, the fourteenth and the fifteenth of the fortnight and the first of the following fortnight, and certainly not on ‘fast days.’ On the same days, these and other species of life also shall not be killed in the elephant forest and fish preserves. On the eighth of each fortnight and on the fourteenth and fifteenth, on the *Tishya* and *Punarvasu* days, on the full moon days of the three seasons — on such auspicious days, hells shall not be castrated; he-goats, rams, boars and such others as are castrated shall not be castrated. On the *Tishya* and *Punarvasu* days, on the full moon days of the seasons and during the fortnights connected with the full moons of the seasons, the branding of horses and oxen shall not be done.’ (Bhandarkar 1925, 314-315, parentheses and emphasis added.)

ROCK EDICT I[:] This Dhamma-*lipi* was caused to be engraved by king [Aśoka] No animal should here be immolated and offered as a sacrifice, nor should any [sacrificial] *samāja* [festival] be held, for king [Aśoka] ... sees much evil in a [sacrificial] *samāja*. There are, however, certain *samājas*, which are considered excellent Formerly in the kitchen of king [Aśoka] ... many hundreds of

thousands of animals were every day slaughtered for curry. But now, when this Dhamma-*lipi* was written, only three animals were being killed for curry, namely, two peacocks and one deer, but even that deer not regularly. **Even these three animals will not be afterward killed.** (Bhandarkar 1925, 273, parentheses and emphasis added.)

Thus, Aśoka's own resolve to abstain from consuming meat is made manifest. As regards his subjects, destroying animals by way of sacrificial ritual was strictly prohibited, whilst slaughtering them for food was greatly restricted. The Pāli canon bears out several instances wherein the Buddha has vehemently denounced animal sacrifices. The following suffices as a succinct example of the same:

The Brahmin Ujjaya approached the Blessed One, exchanged friendly greetings, sat on a side and said, 'Does good [Buddha] Gotama praise sacrifices?'

[Buddha Gotama:] 'Brahmin, I do not praise *all* sacrifices. I do not praise a sacrifice where cattle, goats, fowl, pigs and other living things are destroyed. I do not praise the destruction of living creatures. What is the reason? Noble ones or those fallen to that method do not approach such sacrifices.'

'Brahmin, I **praise sacrifices where cattle, goats, fowl, pigs and other living things are not destroyed. I praise the non-destruction of living creatures**, such as a constant source of giving gifts and making suitable sacrifices. What is the reason? Noble ones and those fallen to that method approach such sacrifices.'

... Even the gods become highly pleased in such a sacrifice. (*Ujjāya sutta* n.d., Uppalavanna translation, parentheses and emphasis added.)

The conservation of birds and beasts as (also) required '**Secondly**' of a *Cakkavatti* monarch (see '3.2' above) being so evinced as sufficiently addressed by king Aśoka, all that remains is to assess his compliances with the '**Thirdly**' enjoined providing of property to the needy and

'*Sixthly*' enjoined patronizing of pacifist conquests only (to the exclusion of all forms of belligerence).

3.5 Buddhist economics

Regarding the due distribution of his wealth, Aśoka declares as follows:

PILLAR EDICT VII[:] ... Thus said king [Aśoka] ... : 'These and many other head officers are employed in the distribution of bounties, both my own and those of the queens, and in all my gynoecia, both here and in the provinces, they put forth various satisfactory efforts and in manifold ways. And I have arranged that they shall be occupied with the distribution of the bounties, both of my sons and of other sons of queens **Mercy, gift**, truthfulness, purity, **gentleness** and **charity** will thus grow among the people.' (Bhandarkar 1925, 320, parentheses and emphasis added.)

ROCK EDICT VIII[:] ... Now, king [Aśoka] ... visited Sambodhi ten years after his coronation. Thence started these pilgrimages for *Dhamma* [the *teaching*]. During these pilgrimages, the following take place, *viz.*, visiting the *brāhmaṇas* and *śramaṇas* and making gifts to them, meeting the aged and making provision of money for them ... **all this being conducive to the promotion of Dhamma.** (Sircar 1957, 52, parentheses and emphasis added.)

It was not through blind benevolence that Aśoka gave so freely of his good fortune to the needy, for he appears to have appreciated that many a gainful virtue such as kindness, generosity and selflessness would be fostered thereby amongst his people. In short, he not only gave but also taught others to give, as is evident from the partaking in this ritual by the majority membership of his royal households. Again, he attributes this practice exclusively to the 'Dhamma,' which by envisaging a channeling of wealth from 'rich' to 'poor' appears to contemplate a 'trickledown' economy (of sorts). However, the "channeling" of wealth' proposed by Buddhism is certainly not in the sense of a mere 'trickle' but a steady flow, as evinced by the following:

Giving gifts to a guest, giving gifts to one going away, giving gifts to the sick, giving gifts when there is a famine and leaving aside the first reaping of grains and the first fruits to the virtuous. These are the five gifts to be given at the right time. (*Kāladāna sutta* n.d., Uppalavanna translation.)

And what is accomplishment in generosity? It's when a gentleman lives at home, rid of the stain of stinginess, freely generous, openhanded, loving to let go, committed to charity, loving to give and to share. This is called accomplishment in generosity. (*Dīghajāṇu sutta* n.d., Sujato translation.)

3.6 Buddhist criminology

It appears that the '**Thirdly**' enjoined *Cakkavatti* duties of 'ensuring that 'Adhamma' shall not prevail' and 'giving property to those in need' (see '3.2' above) have been paired designedly, presupposing a causal relationship between the two (*viz.*, eradicating socially harmful conduct – including crimes – by giving property to those in need). The *Cakkavattisīhanāda sutta* elaborates on this as follows:

14. Thus, brethren, from goods not being bestowed [by the king] on the destitute, **poverty** grew rife; from poverty growing rife, **stealing** increased; from the spread of stealing, **violence** grew apace; from the growth of violence, the **destruction of life** became common; from the frequency of murder, both the span of life in those beings and their comeliness also wasted away (*Cakkavattisīhanāda sutta* n.d., Rhys Davids and Rhys Davids translation, 67, parenthesis and emphasis added.)

A vicious chain reaction is seen given effect to as a result of 'goods not being bestowed [by the king] on the destitute.' As to what such benevolence on the part of the king should ideally encompass is disclosed by a parallel *sutta*:

Whosoever there be in the king's realm who devote themselves to keeping cattle and the farm, to them let his majesty the king **give food and seed** Whosoever there be in the king's realm who devote themselves to trade, to them let his majesty the king **give capital**. Whosoever there be in the king's realm who devote themselves to government service, to them let his majesty the king

give wages and food. Then those men, following each his own business, will no longer harass the realm; the king's revenue will go up; the country will be quiet and at peace; and the populace, pleased one with another and happy, dancing their children in their arms, will dwell with open doors. (*Kūṭadanta sutta* n.d., Rhys Davids translation, 176, emphasis added.)

This again brings to light the emphasis placed by Buddhism on its own species of *social contract*, which makes it incumbent on a 'king' to facilitate his subjects with all initial capital requirements in terms of **(a)** animal feed and seed, **(b)** money and **(c)** remuneration and subsistence as necessitated by their respective vocations. The failure to extend such vital state patronage is clearly contemplated as bringing about both a gradual impoverishment of its people and rapid escalation in crime, perpetuating thereby an ever-increasing disregard for humanity.

Thus, Buddhism deems crime dependent (both for its existence and proliferation) on a *pro tempore* deficiency in the citizenry's free access to state sponsored capital lending. Identifying 'theft' as crime's first instance appears to further this notion; it correlates man's foremost transgression to an inherently compulsive need to procure for himself (either rightly or wrongly) the illusory assurance of economic stability.

Unsurprisingly, such dearth-of-capital-based crime does receive recognition within modern criminology as well. F. Bourguignon (1999, 61-99) in his paper entitled 'Crime as a Social Cost of Poverty and Inequality: A Review Focusing on Developing Countries' has concluded from an array of studies conducted in this regard that, though falling short of conclusiveness, proof does exist to deem impoverishment both a precipitator and intensifier of criminal activity (1999, 95). Furthermore, a study conducted by Charis E. Kubrin and Gregory D. Squires (2004, 1-16) of George Washington University entitled 'The Impact of Capital on Crime ...' has categorically found that in communities where capital borrowing had been made easier, criminal activity sustained a lower prevalence (2004, 16).

3.7 Aśoka's welfare state

In addition to the capital incentives afforded to his subjects by way of gifts, Aśoka appears to have generously funded the service sectors as well, especially by taking great pains to establish healthcare facilities for humans and animals alike:

ROCK EDICT II[:] Everywhere in the dominions of king [Aśoka] ... as well as of those of his frontier sovereigns ... as far as the Tamraparni [and] the Yona Greek king called Amtiyaka (Antiochus) and also those who are the neighbors of Amtiyaka (Antiochus) — everywhere has king [Aśoka] ... established medical treatment of two kinds ... [:] that wholesome for men and that wholesome for animals. Where medicinal herbs wholesome for men and wholesome for animals are not found, they have everywhere been imported and planted. Roots and fruits, wherever they are not found, have been imported and planted. On the roads, wells have been caused to be dug and trees caused to be planted for the enjoyment of man and beast. (Bhandarkar 1925, 275-276, parentheses added.)

His contributions to the general social welfare of his subjects have been summarized as follows:

PILLAR EDICT VII[:] ... Thus said [Aśoka] ... : 'On the roads have I planted the banyan trees. They will offer shade to man and beast. I have grown mango orchards. I have caused wells to be dug at every eight *koses* and I have had rest houses [built]. I have made many waiting sheds at different places for the enjoyment of man and beast.' (Bhandarkar 1925, 319, parentheses added.)

These undertakings appear to have been directly influenced by a passage from the Pāli canon, which explicitly states:

They who plant orchards and gardens, who plant groves, who build bridges, who set up sheds by the roadside with drinking water for the travelers, who sink wells or build reservoirs, who put up various forms of shelter for the public, are those in whom merit grows by day and by night. (*Vanaropa sutta* n.d., Uppalavanna translation.)

Thus, it appears that Aśoka did patronize the material welfare of his subjects no less than their spiritual development (both in furtherance of the ‘Dhamma’).

3.8 Aśoka’s internal administration

Before detailing Aśoka’s international pursuits in the context of their compatibility with the ‘*Sixthly*’ enjoined *Cakkavatti* duty ‘to abstain from belligerent conquests’ (see ‘3.2’ above), it is considered opportune to focus on some key aspects of his domestic system of governance.

Aśokan edicts broadly provide for three themes of discussion in this regard: **(1)** governance in compliance with Buddhist *social contract*; **(2)** a system of administration subject to continuous review; and **(3)** fostering religious freedom throughout the realm.

As regards the vibrancy of Buddhist *social contract* within his administration, Aśoka’s edicts declare as follows:

ROCK EDICT VI[:] ... There is verily no duty which is more important to me than promoting the welfare of all men. And whatever effort I make is made **in order that I may discharge the debt, which I owe to all living beings**, that I may make them happy in this world and that they may attain heaven in the next world. Therefore, this record relating to Dhamma has been caused to be written by me on stone for the following purpose, *viz.*, that it may last for a long time and that my sons, grandsons and great-grandsons may conform to it for the welfare of all men. (Sircar 1957, 51, parenthesis and emphasis added.)

SEPARATE KALINGA EDICT I[:] ... All men are my offspring. Just as for my offspring, I desire that they be united with all welfare and happiness of this world and of the next; precisely do I desire it for all men. (Bhandarkar 1925, 323, parenthesis added.)

PILLAR EDICT IV[:] ... Certainly, just as a person feels confident after making over his offspring to a clever nurse, saying unto himself, ‘The clever nurse desires to bring up my offspring,’ even so have I appointed the *Rajjukas* for the welfare and happiness of the provincials, in order that they may

perform their duties without fear, with confidence and without perplexity. (Bhandarkar 1925, 309-310, parenthesis added.)

Aśoka thus construed the securing of his subjects' welfare as paramount. That he deemed the same a 'debt' reveals the depth of his commitment to its due discharge. He clearly had no ambitions toward any form of totalitarian rule and appears to have viewed his own kingship in the context of a sacred trust bestowed upon him for the greater material and spiritual well-being of his subjects. This trust, he considered himself obliged to discharge *via* the specific *modus* of 'Dhamma'-based societal reform in much the same manner as a 'universal monarch' was bound to do.

The already extant system of decentralized rule encompassing a variety of regal agents appears to have been considerably revamped by Aśoka in pursuance of ensuring a just administration of public welfare. Significant departures from established conventions are seen by way of: **(a)** attributing a limited judicial role to the office of *Mahāmātra*⁴⁴ (Minister); **(b)** vesting original judicial jurisdiction in the *Rajjukas* (see immediately below); and **(c)** requiring both *Mahāmātras* and *Rajjukas* to discharge their judicial functions under the auspices of newly designated 'Dhamma'-*Mahāmātras*.

PILLAR EDICT IV[:] Thus said king [Aśoka] ... : 'This Dhamma-*lipi* was caused to be written by me when I had been crowned twenty-six years. The *Rajjukas* have been set by me over people consisting of many hundred thousands of souls. I have made them self-dependent in their judicial investigation and punishment ... in order that the *Rajjukas* may perform their duties with confidence and without fear, cause welfare and happiness to the people of the provinces and confer favors upon them. They will make themselves acquainted with what gives happiness or pain and exhort the people of the provinces along with the faithful ... so that they may gain happiness in this world and in the next. The *Rajjukas* are eager to obey me. And just because the *Rajjukas* desire to obey me, subordinate officers also will obey my wishes and orders and will also exhort some people. ... For this reason, I have made *Rajjukas* self-dependent in respect of judicial investigation and

punishment. **For this is desirable ... uniformity of judicial investigation and uniformity of punishment.**' (Bhandarkar 1925, 309-310, parentheses and emphasis added.)

Officers such as *Yuktas*, *Rajjukas*, *Prādesikas* and *Mahāmātras* are all cited as having been enjoined with advising on the 'Dhamma' in addition to discharging their conventional executive functions (rendering them teachers *cum* administrators):

ROCK EDICT III[:] ... Everywhere in my dominions, the *Yuktas*, the *Rajjukas* and the *Prādesikas* shall proceed on circuit every five years ... **for the instruction of Dhamma** as for other business
(Bhandarkar 1925, 277, parenthesis and emphasis added.)

3.9 Aśoka's administrative and judicial review

The exercise of all executive powers was apparently subjected to a three-tiered system of review:

(1) Self or internal review (introspection) in accordance with the salient tenets of the 'Dhamma':

SEPARATE KALINGA EDICT I[:] ... You should desire ... to follow *the middle path*. **No one can act in a seemly manner with such dispositions as envy, want of perseverance, harshness, hastiness, want of application, laziness and sense of lassitude.**⁴⁵ Hence you should desire ... that these dispositions may **not** be yours. (Bhandarkar 1925, 323-324, parenthesis and emphasis added.)

PILLAR EDICT III[:] ... Nevertheless, a person should see to this and say unto himself, 'These passions indeed lead to defilement, such as impetuosity, cruelty, anger, pride, malice, and **by reason of them I may cause my fall.**' [Contrastingly] This should certainly be seen to: '**This conduces to my good here ... and ... also to my good in the world to come.**'⁴⁶ (Bhandarkar 1925, 308, parenthesis and emphasis added.)

(2) External or supervisory review by specially assigned *Mahāmātras* who were well versed in the ‘Dhamma’:

SEPARATE KALINGA EDICT I[:] ... And for this purpose, as required by Dhamma, I shall cause an officer to go forth on tour every five years, who will be neither harsh nor fiery but gentle in action. Being aware of this object, they will act according to my instructions. But from Ujjain the royal prince will send forth officers of this class and will not overstep three years. In like manner from Takshasila. When those *Mahāmātras* go forth on tour, without neglecting their own function, they will mind this also and act according to the instructions of the king. (Bhandarkar 1925, 325, parentheses added.)

(3) Remedial or corrective review at the hands of newly constituted ‘Dhamma’-*Mahāmātras* (spiritual moderators) deemed the principal exponents of the ‘Dhamma’:

ROCK EDICT V[:] ... Now, for a long time past previously, there were no Dhamma-*Mahāmātras*. Dhamma-*Mahāmātras* were **created by me** when I had been consecrated thirteen years. (Bhandarkar 1925, 284, parenthesis and emphasis added.)

ROCK EDICT V[:] ... They are ... engaged with the fettered persons in the prisons, for the distribution of money to those amongst them who are encumbered with progeny, for the unfettering of those who have committed crimes under the instigation of others and for the release of those who are aged. They are engaged everywhere: here and elsewhere in all the towns, in the households of my brothers and sisters and other relatives. These Dhamma-*Mahāmātras* are engaged everywhere in my dominions among people devoted to Dhamma to determine whether a person is only inclined toward Dhamma or is fully established in Dhamma or is given to charity. (Sircar 1957, 50, parenthesis added.)

ROCK EDICT V[:] ... **They have been set to work among all sects for the establishment of Dhamma, promotion of Dhamma and for the welfare and happiness of the righteous.** In the country of the Yavanas, Kambojas and the Gandharas, and of the hereditary Rashtrikas and others on the Western coast, they are occupied with the welfare and happiness of the *brāhmaṇas* and *grihapatis* who have become hirelings, and of the helpless and the aged, **and are also occupied with the**

removal of shackles from the righteous. (Bhandarkar 1925, 284-285, parenthesis and emphasis added.)

PILLAR EDICT VII[:] ... Thus said Priyadarśin ... [Aśoka]: ‘The Dhamma-*Mahāmātras* have been appointed by me for various matters of charity. **They are engaged with all sects** — the ascetics and the householders. I have arranged that they shall be occupied with the business of the *Sangha*. Likewise, I have arranged that they shall be occupied with the *brāhmaṇas*, *ājīvikas*, *nirgranthas* and the various sects.’ (Bhandarkar 1925, 319-320, parentheses and emphasis added.)

Thus, the extraordinary task of establishing the ‘Dhamma’ among all extant religions was firmly vested in the office of ‘Dhamma’-*Mahāmātra* (along with the otherwise ordinary charge of compensating innocents and correcting injustices found anytime and anywhere within the realm). Surely, if the connotation of the word ‘Dhamma’ were taken to encompass the entirety of the Buddha’s *teachings* (or *Dhamma*), this unique role assigned to these spiritual moderators would amount to nothing more than securing a conversion of the masses, which would be a manifest contradiction of working ‘among/with all/various sects’ as expressed in the last two of the above edict excerpts. On the contrary, if ‘Dhamma’ were held to connote mere common denominator morality, there would be nothing left to ‘establish’ or ‘promote’ (as contemplated by ‘ROCK EDICT V’ above) for it would be seen to plainly exist already amongst all prevailing religions.

Accordingly, the only plausible meaning that could attach to Aśoka’s ‘Dhamma’ is that which has already been ascribed to it in the context of a salient body of negative and positive duties (a ‘basic code’) derived from the Buddha’s *teachings* (or *Dhamma*) inherently capable of being identified with every extant religion.

3.10 *Arthasāstra* vs. 'Dhamma'

The *Arthasāstra* does encompass some isolated paternalistic⁴⁷ concerns for social welfare.⁴⁸ However, not only are these provisions superficial in their resolve and disconnected from the context in which they appear, but they are also contradicted by the predominant objective of the treatise: to swell the king's coffers *via* local taxation and foreign plunder.⁴⁹ Hence, they appear designed interpolations effected during a later era to evince 'parity' with *pro tempore* ideals.

Again, the *Arthasāstra* does expressly provide that 'whatever of the property of citizens robbed by thieves the king cannot recover, shall be made good from his *own* pocket' (*Arthasāstra* n.d., Shamasastri translation, 218, emphasis added). However, this appears the only instance of an ostensible acceptance by the king of a (*social*) *contractual* duty owed to his subjects. In fact, a reading of the whole treatise leads to the impression that all concerns for social welfare expressed therein are mere pretenses for securing the due remittance of taxes and prompt discharge of land and service tenures 'owed' by the public.

The most obvious parallel between the *Arthasāstran* and Aśokan administrations must be the detailing of diverse officials who appear to bear likenesses in both designations and functions. Here too, however, there is appreciable inequality. Whilst the former prescribes a greater array of administrators featuring no less than thirteen distinct categories, the latter accounts for only about half of such number,⁵⁰ including two specialist classes of officials: the *Rajjukas* and the 'Dhamma'-*Mahāmātras* who were plainly unknown to the *Arthasāstra*.⁵¹ In fact, the 'Dhamma'-*Mahāmātras*, who functioned as both spiritual moderators and administrative adjudicators, are yet to find their equals in the history of governance.

Accordingly, though it is admitted that Aśoka did inherit a system of autocratic rule, his reformed implementation of the same was never intended to mirror the core tenets of the

Arthaśāstra; his enhancing the decentralization of powers and implementing a unique form of scrutinized administration were manifestly in contradistinction thereto. In fact, the special focus placed by Aśoka on both judicial and administrative review is nowhere advocated within the *Arthaśāstra*.

A radical change in existing polity by way of a pragmatic reconstitution of the entire administrative mechanism in furtherance of due discharge of righteous duties (the 'Dhamma') is what Aśoka should be thought to have accomplished. This, however, is not to say that Aśoka's legal administration was itself derived *en bloc* from Buddhism. Nay, its salient features of deputized administration, specified officials, reasonable taxation, social welfare, access to justice, deterrent punishment, *etc.* all find common ground with traditional Vedic and derivative expositions on the same as were popularly practiced by many an Indian king who reigned very much before the time of Buddha Gotama.⁵² This then is merely to assert that any dictate of the *Arthaśāstra* that was innately opposed to the 'Dhamma' could never have enjoyed any efficacy within Aśoka's rule.

3.11 Religious freedom

All that remains to be assessed is the extent to which Aśoka patronized both religious freedom and appreciation for the 'Dhamma' during his illustrious reign:

ROCK EDICT VII[:] King [Aśoka] ... wishes that **all religious sects should live harmoniously** in all parts of his dominions. In fact, **all of them desire to achieve self-control and purity of thought**. People, however, are of diverse inclinations and diverse passions. (Sircar 1957, 51, parentheses and emphasis added.)

ROCK EDICT XII[:] There should be no extolment of one's own sect or disparagement of other sects on inappropriate occasions, and ... it should be moderate in every case, even on appropriate occasions. On the contrary, other sects should be duly honored in every way on all occasions. If a person acts in this way, he not only promotes his own sect but also benefits other sects. But if a

person acts otherwise, he not only injures his own sect but also harms other sects. Truly, if a person extols his own sect and disparages other sects with a view to glorifying his sect owing merely to his attachment to it, he injures his own sect very severely by acting in that way. Therefore, restraint in regard to speech is commendable ... **people should learn and respect the fundamentals of one another's Dhamma.** ... And those who are attached to their respective sects should be informed as follows: 'The Beloved of the Gods does not value either the offering of gifts or the honoring of people so highly as the following, viz., that **there should be a growth of the essentials of Dhamma among men of all sects.**' Indeed, many of my officers are engaged for the realization of the said end, such as the *Mahāmātras* in charge of the affairs relating to Dhamma, the *Mahāmātras* who are superintendents of matters relating to the ladies of the royal household, the officers in charge of my cattle and pasture lands, and other classes of officials. **And the result of their activities, as expected by me, is the promotion of each one's sect and the glorification of Dhamma.** (Sircar 1957, 55-56, parentheses and emphasis added.)

It appears that the 'Dhamma' was rightly judged as sharing a symbiotic relationship with all amenable religions: the greater the proliferation of religion, the greater the acceptance of 'Dhamma.' Again, the greater the patronage accorded to religious freedom, the greater the conformity to 'Dhamma' and hence the law. Of significance to note is the implied focus on internal convictions within these correlations.

That the *sixfold reciprocal duties of support* (as rooted in the *four bases of fellowship*) along with the *five precepts* (abstinences) should be *naturally* accepted by all religions as figuring among their own ethics and virtues appears to have been Aśoka's *rationale* in securing the greatest participation of the greatest number in the common weal of his empire (this *rationale* being borrowed from the *Cakkavatti* ideology as *taught* by the Buddha). These core elements of Aśoka's 'Dhamma' have already been determined synonymous with H. L. A. Hart's 'primary rules' or societal obligations (see Chapter '2.3 Conformity to Hart's 'primary rules)'). Furthermore, since they were not only acknowledged by imperial authority (presumably in terms of Buddhist *social contract*) but also expansively administered and adjudicated upon by official regal agents, they must surely have gained for themselves a status of authoritative

recognition and thereby the true standing of law (in terms of Hart's analysis outlined earlier under Chapter '2.4 Conformity to Hart's 'secondary rules'').

3.12 An internalized system

The method preferred by Aśoka in implementing the 'Dhamma' was instruction ('exhortation') rather than compulsion (educating as opposed to penalizing):

PILLAR EDICT VII[:] ... Thus saith king [Aśoka] 'This progress of Dhamma among men has been promoted by me only in two ways, viz., by imposing restrictions in accordance with the principles of Dhamma and by exhortation. But of these two, **the restrictions relating to Dhamma are of little consequence. By exhortation, however, Dhamma has been promoted considerably.** The restrictions relating to Dhamma are indeed such as have been enjoined by me, viz., that certain animals are exempt from slaughter and also the numerous other restrictions relating to Dhamma that I have imposed. The progress of Dhamma among men has indeed been promoted by me considerably by **exhortation** in regard to the abstention from hurting any living being and abstention from killing any animal.' (Sircar 1957, 78, parentheses and emphasis added.)

Aśoka appears to have reckoned internal convictions more efficient in securing societal reforms than external compulsions, thereby endorsing the conventional Buddhist practice in this regard (see below *Aggañña sutta* n.d. excerpt). Thus, the 'Dhamma' is seen electively supported by persuasive as opposed to compulsive authority toward ensuring its realized acceptance on a piecemeal basis in accordance with Aśoka's expansionist policy of conquest through 'Dhamma' ('Rock Edict XIII,' Sircar 1957, 56-59, 58). This in turn has facilitated a clear line being drawn between the administrative regime he inherited and that which he established.

'Pillar Edict IV'⁵³ constructively provides that even though twenty-six years had lapsed since his ascending the throne, Aśoka had not abolished the death penalty (endorsed by conventional Vedic norms of polity). Nonetheless, an apparent transitory provision mandating a three-day

stay of execution was plainly in force to facilitate pleas for clemency being raised by concerned relatives on behalf of those so condemned. Only an individual having the misfortune of being deemed ‘unworthy of forgiveness’ by his own kith and kin would accordingly meet with the full rigor of the law. Thus, the harshness of the traditional rule was herein seen tempered (by Aśoka) with the virtue of compassion as prescribed by the ‘Dhamma.’

The following averments **(a)** that within twenty-six years of his rule Aśoka granted amnesty to prisoners on twenty-five occasions⁵⁴ (and even commuted death sentences⁵⁵), **(b)** that although having the power to punish, he was disposed toward forgiving those who could be forgiven⁵⁶ and **(c)** that he saw the virtue in light punishment⁵⁷ evince Aśoka’s preference for reformative as opposed to retributive justice (a stark departure from the conventional Vedic norm). The following excerpt sums up his ‘Dhamma’ orientation:

ROCK EDICT XIII[:] ... Nay, if anyone does him wrong, the beloved of gods [Aśoka] must bear all that can be borne. (Bhandarkar 1925, 301, parentheses added.)

However, that which typifies Aśoka’s chosen recourse to the method of lenient chastisement (as advocated by Buddhist *social contract*) is the following excerpt from his ‘schism’ edict:

INSCRIPTION ON THE SARNATH PILLAR[:] Thus orders king Priyadarśin [Aśoka] ...: ‘... The *Sangha* may not be divided by anyone. But whomsoever breaks the *Sangha*, be it monk or nun, **shall be clad in white raiment and compelled to live in what is not a residence of the clergy.**’ (Bhandarkar 1925, 333, parenthesis and emphasis added.)

Thus, the only punishment prescribed for such grave an offense (by Buddhist standards⁵⁸) as causing a schism in the *Sangha* was ostracism from the community, cloth and dwellings of the *Sangha* (provided that the offender was either a monk or nun). This is manifestly in keeping with the norm of Buddhist *social contract* (see Chapter ‘2.4 Conformity to Hart’s ‘secondary rules’’) to:

'**Rebuke** whomsoever is rightly deserving of rebuke and **upbraid** or **expel** whomsoever is rightly deserving thereof' (*Aggañña sutta* n.d., Edmunds translation, emphasis added.)

Hence, where verbal admonishing appeared futile, recourse could be rightly had to expelling the perpetrator; such expulsion, in the earliest days, did connote literally banishing the miscreant from the territorial confines of the community. However, with the exponential growths in domiciled populations and consequent running out of destinations to dispatch convicts to such ostracizing was compelled to be enforced only constructively, *i.e.*, by confining the malefactor within a prison so as to segregate him from society. How isolating a criminal should be carried out under Buddhist *social contract* has been described as follows:

The isolation of the wrongdoer should not result in subjecting him to unnecessary mental and physical torture. The isolation should serve the purpose of educating him, disciplining him to become a new man and protecting others as far as possible from his misdeeds. **Punishment in Buddhist penology has no retributive or sadistic objective at all.** (Ratnapala 1991, 135, emphasis added.)

The justification for such isolation (constructive expulsion) is analogically explained by the Pāli canon as follows:

... Just as to one measuring a mass of grains, there is the grain that is well ripened in one heap ... There is [also] the grain that is weakly ripened: the rubbish heap thrown out by the wind, [which] the farmer takes a broom and sweeps ... out far away. What is the reason? '**May the good grain be not spoilt [by the bad grain]!**' (*Kāraṇḍava sutta* n.d., Uppalavanna translation, parentheses and emphasis added.)

The *Jātaka* Pāli provides for an instance wherein punitive expulsion was preferred as the righteous recourse. In the *Cūḷa Paduma jātaka* n.d. (Rouse translation, 81-85), king Paduma, though being initially enraged and ordering mutilations and capital punishment in

respect of his treacherous wife, is said to have immediately resiled, choosing to mitigate the same to mere banishment from the kingdom in accordance with the ‘Dhamma.’

In the *Sumangala jāataka* n.d. (Francis and Neil translation, 263-265), where a park keeper appeared to have caused the death of a *Paccekabuddha*, the king of Benares is said to have desisted from acting hastily (in anger) by suspending his judgment until a fair opportunity could be afforded to the accused to plead his defense. Then, on discerning such death to have been caused by accident (and restoring the park keeper to his former status), the king is reported to have declared *inter alia* as follows:

‘King am I, my people’s Lord;
 Anger shall not check my bent:
 When to vice I take the sword,
Pity prompts the punishment.’

(*Sumaṅgala jāataka* n.d., Francis and Neil translation, 265, emphasis added.)

Thus, converting Buddhist ideology into reality ruled wise king Aśoka, evidencing not only the tenability of ‘Dhammic’ governance but also its invincibility, for history admits of no instance wherein his reign was ever challenged either from within or without. Nonetheless, what the exact culmination of Aśoka’s unprecedented reform in polity was remains (at least for now) within the domain of conjecture, as there exists no authoritative account whatsoever regarding the last ten years of his regal administration.

3.13 Unity in diversity

One cannot be blind to the fact that the Aśokan construct on polity deems ‘Dhamma’ the ultimate unifying force amongst a populace diversified by race, caste and creed, providing for their peaceful coexistence *via* a body of persuasive (not compulsive) *common law* (comprising societal obligations authoritatively prescribed by Buddhist *social contract*).

If the 'Dhamma' has historically served to so unite a specified diverse populace, its potential to unite all amenable cultures and creeds throughout the world cannot be ignored. Surely, it was this inherent attribute of the 'Dhamma' that Aśoka employed in peacefully propagating his influence over neighboring territories and beyond to the extent of securing willful submission to his novel form of moral paternalism. Hence, he did both conceive and establish the first 'association of nations for their own commonweal (as secured by the 'Dhamma')' or, in more familiar terminology, the first 'Dhamma' Commonwealth of Nations. Thus, Aśokan 'Dhamma' constitutes the definitive regime of a 'law of nations' by both archaic and modern standards.

Not only did Aśoka synthesize a globally applicable system of law based on the *teachings* of the Buddha, but he also secured the benefits of this system for all his subjects alike.

Whether in fact the diversified world could lay claim to a common system of ethics is one of the more troublesome questions that has plagued international law since its very inception. J. M. Finnis has determined in this regard as follows:

... **All** human societies show a concern for the value of human life **All** human societies regard the procreation of a new human life as in itself a good thing, unless there are special circumstances. **No** human society fails to restrict sexual activity **All** human societies display a concern for truth **All** societies display a favor for the values of cooperation, of common over individual good, of obligation between individuals and of justice within groups. ... **All** have some conception of ... title or property and of reciprocity. **All** display a concern for powers or principles which are to be respected as suprahuman (Finnis 1980, 83-84, reproduced with permission from ©J.M. Finnis, emphasis added.)

3.14 Aśoka's conquest through 'Dhamma'

The key aspects of Aśoka's domestic administration having been considered, it would be opportune to conclude with an analysis of his due adherence to the '*Sixthly*' enjoined *Cakkavatti* duty: to secure sincere and voluntary cession of neighboring territories to the rule

of 'Dhamma' for the greater weal of mankind (in short, to positively but peaceably proliferate the righteous rule). Aśoka apparently proceeded in this regard upon reflecting as follows:

ROCK EDICT XIII[:] ... Verily, the slaughter, death and captivity of the people that occurs when an unconquered country is being conquered is looked upon as extremely painful and regrettable by the beloved of gods [Aśoka]. But ... more regrettable [is] ... that there[in] dwell Bramanic, Sramanic and other sects and householders, among whom are established[:] ... **hearkening to the elders, hearkening to the parents, hearkening to the preceptors, seemly behavior and steadfast devotion to friends, acquaintances, companions and relatives and to slaves and servants.** ... In ... war, ... **such pious people befall personal violence, death or banishment from the[ir] loved ones.** And in case ... their friends, acquaintances, companions and relatives ... meet with [such] a calamity, ... that calamity becomes their [own] personal violence. This is the lot of all ... and is considered regrettable by the beloved of gods [Aśoka]. (Bhandarkar 1925, 300-301, parentheses and emphasis added.)

ROCK EDICT XIII[:] ... And this edict of Dhamma has been recorded for this purpose ... in order that my sons and grandsons, whomever they may be, may not think of a new conquest as worth achieving; that in regard to a conquest possible only through the use of arrow, they may observe forbearance and lightness of punishment; and that they may regard ... **the real conquest ... a conquest through Dhamma** that is good for this world and the next. (Bhandarkar 1925, 302-303, parenthesis and emphasis added.)

ROCK EDICT XIII[:] Whatever conquest is achieved in this way, verily that conquest creates an atmosphere of satisfaction everywhere, both among the victors and the vanquished. **In the conquest through Dhamma, satisfaction is derived by both the parties.** (Sircar 1957, 59, parenthesis and emphasis added.)

SEPARATE KALINGA EDICT II[:] ... The following question may occur to the people of the unconquered territories lying beyond the borders of my dominions: 'What is the king's desire in respect of us?' The following alone is my wish, which should be realized by the peoples living on the borders, viz., that the king desires that they should be unworried on his account, that they should have confidence in him, and that they should expect of him only happiness and no misery. ... My desire

is that **they should practice the duties associated with Dhamma** for my sake and that they should attain happiness in this world as well as in the next. (Sircar 1957, 61, parentheses and emphasis added.)

However, the specific means by which such a conquest through ‘Dhamma’ might be effected does not receive expression within these edicts. Hence, recourse must be had (again) to the *Cakkavattisīhanāda sutta*, whose pertinent provisions in this regard have been restated in the *Bāla-Paṇḍita sutta*. Accordingly, the ‘universal monarch,’ who being entreated by an auspicious sign (‘the wheel treasure’) to embark (along with his fourfold army) on a series of sojourns commencing with that to the domain eastward of his and progressing clockwise respectively to the southward, westward and northward domains, would find himself being received as follows:

The subordinate kings in the east ... the south, the west and the north ... approach the universal monarch and tell him, ‘**Welcome, great king; you have come at the right time; advise us.**’ The universal monarch says, ‘**Life should not be destroyed, the not given should not be taken, carnal misconduct should not be, lies should not be told and intoxicating drinks should not be taken. Enjoy your kingships as you have done.**’ Thus, they become the subordinate kings of the universal monarch. (*Bāla-Paṇḍita sutta* n.d., Uppalavanna translation, parenthesis and emphasis added.)

Thus, this conquest through ‘Dhamma’ is not only rendered a wholly non-belligerent act but also deemed a preferred pledging of submission to the beneficent policies of a confederate self-rule in accordance with the ‘Dhamma.’ The *Jātaka* Pāli serves to illustrate such a nominal ceding of territory (in the context of an expansionist campaign carried out by king Manoja under the counsel of ascetic Nanda) as follows:

And ... Nanda went to the Kosala king and reassured him, saying, ‘Great king, be not dismayed. There is no danger threatening you; the kingdom shall still be yours. Only ‘submit’ to king Manoja.’ He believed what Nanda said and agreed to do so. Then, conducting him into the presence of Manoja, Nanda said, ‘The king of Kosala ‘submits’ to you, sire: **let the kingdom still remain his.**’

Manoja readily assented, and receiving his ‘submission,’ he marched with the two armies to the kingdom of Anga and took Anga, and then he took Magadha in the kingdom of that name, and by these means he made himself master of the kings of all India, and accompanied by them he marched straight back to the city of Brahmavaddhana. (*Soṇa-Nanda jātaka* n.d., Francis translation, 167, emphasis added.)

What the ‘conqueror’ in fact puts into practice is nothing more than the peaceful propagation of a policy of obligatory righteous conduct that compromises neither the territorial integrity nor sovereignty of an acceding realm. This constructive ratification of a common body of norms by all bordering domains serves to secure for them not only **(a)** the continuance of their respective sovereign identities (by virtually eliminating the emergence of any form of belligerent act on the part of a chance regional subjugator) but also **(b)** a universal standard of respect for the basic rights of all individuals residing within their territories.

The ideals of ‘eradicating wars,’ ‘securing the sovereignty and self-determination of states’ and ‘ensuring fundamental freedoms for all’ were the very keystones of the cross-border consensus⁵⁹ that finally led to a unification of the world’s nations under a novel regime of international law. It appears that Aśoka’s model, based in Buddhism, did set the first precedent in this regard.

3.15 *Five precepts – the sine qua non of ‘Dhamma’*

Pivotal significance attaches to a ‘universal monarch’s’ duty to both instruct neighboring rulers on the *five precepts* and secure their sincere allegiance to the same. The continued freedom to enjoy ‘subordinate’ kingships was conditional upon duly incorporating the *five precepts* into their respective domestic constitutions as follows: ‘Life should not be destroyed, the not given should not be taken, carnal misconduct should not be, lies should not be told and intoxicating drinks should not be taken.’ The specific emphasis laid on ‘adhering to the *five precepts*’ necessarily implies this particular requisite to be the *sine qua non* of every ‘Dhamma’-based

system of polity. Hence, the dutiful discharge of the other five *Cakkavatti* duties alone would not suffice to declare a reign based thereon as one in accordance with ‘Dhamma.’ In short, there could be no ‘rule by ‘Dhamma’’ without devout deference to the *five precepts*, though the latter could of its own accord constitute the former. For example, in the *Kuru-Dhamma jātaka* (n.d., Rouse translation), the polity of the Kurūs as derived entirely from the *five precepts* (apparently being all that remained of the relevant Buddha’s *teachings* at such time) was held worthy of the title ‘Dhamma,’ hence ‘Kuru-Dhamma’ to mean ‘righteous duties/law of the Kurus.’

In his noble pursuit of establishing an incomparable ‘Dhamma’-based confederacy, Aśoka did in all probability outline for himself a ‘working plan’ of sorts in the form of an implied customary constitution⁶⁰ encompassing the sixfold *Cakkavatti* duties to which he devoutly swore allegiance. Administering his realm in accordance with this customary constitution is what Aśoka would have anticipated as giving rise to a righteous rule (or rule by ‘Dhamma’), which he earnestly believed that every ‘civilized’ society was bound to espouse. Moreover, considering the requisites of the conquest through ‘Dhamma’ (described above), it appears that a simplistic regime of righteous rule could be duly established by implementing the *five precepts* alone.

Corroborative affirmation (*via* modern Western jurisprudence) of the said ‘Dhamma’-based Aśokan synthesis of domestic and international ‘law’ is now thought apt to be sought.

3.16 John Rawls *vis-à-vis* Aśoka

For John Rawls, it is through ‘political liberalism’ that agreement on a common body of norms might be arrived at by culturally and/or religiously diverse groups of reasonable peoples (especially) in societies that are peaceful, non-expansionist and respectful of human rights (1993a, xviii-xxxii). As regards a society predominantly subjected to a religious doctrine that

influences government policy (termed ‘hierarchical’ (1993b, 60-68)), Rawls deems compliance with the following indispensable toward gaining for itself the stability to foster a common agreement or ‘overlapping consensus’ (1993a, 134) amongst its varied populace:

A hierarchical society may have an established religion with certain privileges. Still, it is essential to its being well-ordered that **no religions are persecuted or denied civic and social conditions that permit their practice in peace and without fear.** (Rawls 1993b, 63, reproduced with permission from ©BasicBooks: Hachette Book Group Inc., emphasis added.)

It follows that its religious doctrine, assumed to be comprehensive and influential in government policy, is not expansionist in the sense that **it fully respects the civic order and integrity of other societies. If it seeks wider influence, it does so in ways compatible with the independence of, and the liberties within, other societies.** (Rawls 1993b, 61, reproduced with permission from ©BasicBooks: Hachette Book Group Inc., emphasis added.)

Religious freedom, respect for the sovereignty of other states and peaceful propagation of norms are all rudimentary tenets already seen associated with Aśoka’s ‘Dhamma.’ Abandonment of all forms of belligerence too constitutes a salient feature of Aśoka’s rule as evinced by his edicts.

‘Dhamma’ (or the ‘common good conception of justice’ in Rawls’ parlance (1993b, 61)) was not only championed by Aśoka (and his ‘subordinate’ governors) but also mandated the criterion by which all official acts affecting the public were to be discharged (ensuring equality in administration). Of particular relevance is his exhortation in ‘Rock Edict XII’ that: ‘... People should learn and respect the **fundamentals** of one another’s *Dhamma*. ... There should be a growth of the[ir] **essentials** [or ‘common good conception of justice’] ... among men of all sects’ (Sircar 1957, 51, emphasis added). Bhandarkar aptly opines the *rationale* of this exhortation as follows: ‘What ... the ethical side of a religion teaches cannot be something

which is peculiar to that religion, but rather must be the common property of all religions. It is ... the **essence of all religions** ... which Aśoka teaches ...' (1925, 111, emphasis added).

It would appear reasonable to ponder whether John Rawls had Aśoka's unique mode of governance in mind when he deliberated upon the requisites of a stable 'hierarchical' society, for it is very clear that the criteria prescribed by the former are foreshadowed in the edicts of the latter. Again, Rawls' following revelations by which he proceeds to both discard and adopt the very methods seen discarded and adopted in synthesizing the 'Dhamma' appear nothing more than Aśokan thought conceptualized in his (Rawlsian) parlance:

... A society can be well-ordered by a **political conception of justice** so long as ... citizens who affirm reasonable but opposing comprehensive doctrines belong to an **overlapping consensus** (Rawls 1993a, 38-39, emphasis added.)

The fact that people affirm **the same** ['overlapping'] **political conception** ... does not make their affirming it any less religious, philosophical or moral, as the case may be, since the grounds sincerely held determine the nature of their affirmation. (Rawls 1993a, 147-148, emphasis and parenthesis added.)

3.17 Benefits of an 'overlapping consensus'

Rawls (1993a, 158) envisages the beneficial virtues of a society in which a rational 'overlapping consensus' reigns as **(a)** gainful societal interaction amongst diverse individuals who command equal respect and **(b)** the broadest possible agreement on a variety of socio-political perspectives and standards. Aśoka both precedes and excels Rawls by realizing these beneficial virtues not only in domestic governance but also in interstate diplomacy. The averments in 'Rock Edict XIII' appear to evince the fruitions of his efforts in this regard:

ROCK EDICT XIII[:] Everywhere they follow the teaching of the beloved of gods [Aśoka] in respect of Dhamma. Even where the envoys of the beloved of gods do not go, they, hearing the

ordinances uttered according to Dhamma and the teaching of Dhamma by the beloved of gods, practice Dhamma (Bhandarkar 1925, 302, parentheses added.)

However, in fairness to Rawls, it must be pointed out that he too did ultimately endorse the interstate worth of his ‘overlapping consensus’ (see Rawls 1993b, 39-40).

The foregoing analysis bears ample testimony to the unparalleled uniqueness of Aśoka’s ‘Dhammic’ governance (based on the *teachings* of the Buddha) and its tenability *vis-à-vis* modern jurisprudence. It has also been noted that the body of persuasive (not compulsive) *common law* so employed founds arguably the first definitive regime of international law.

3.18 Aśokan internationalism

As Kalidas Nag has aptly noted:

... ... The empire of Aśoka, with its new philosophy of conquest by righteousness ... and its new foundation of universal well-being ... stands as the central climacteric of human history: at once a fateful warning and a divine inspiration for humanity. (Nag, 1926, 12, emphasis added.)

... ... He [Aśoka] arrived at that noblest of political revelations that ‘true conquest consists in the conquest of men’s hearts by **the law of Dhamma.**’ From that conversion and that revelation issued ... the first code of progressive imperialism and **the first basis of constructive internationalism.** The great truth of universalism ... which appeared as an incarnation in the personality of the first world-man, [the] Buddha, translated itself into the cosmopolitics of **this first practical internationalist of history – Dhammāśoka** ... the well-wisher of all (Nag, 1926, 13, parentheses and emphasis added.)

The closest that modern jurisprudence comes to emulating the Aśokan method of procuring international consensus on (at least) a core content of universal norms is the ‘overlapping consensus’ proposed by John Rawls (noted earlier).

What indeed the *Cakkavatti* ideology (as emulated by Aśoka) does envision is the piecemeal progression of a concord from amongst regional territories to all divergent quarters of the world so as to facilitate an international accord on a body of salient general principles: all states as equal sovereign bodies recognizing the same fundamental norms. The recourse to war being removed from every state privy to this accord, all are assured of their territorial integrity *vis-à-vis* one another. Mere submission to a hegemonic regime of international dominance is certainly not what the *Cakkavatti* ideal strives to achieve but its direct opposite: peaceably procuring the greatest possible consensual conformity to an omnipotent code of universal norms, at all times ensuring the equal and individual sovereignty of every participatory state.

3.19 International parallelism

Much has already been said regarding conquest through/by 'Dhamma,' which obligates those charged with governing an acceding state to enforce the *five precepts*. This in turn contemplates the coming into force of a minimal code of moral conduct (see '3.15' above) that serves to ensure not only the peaceful coexistence among all such ratifying states but also security of **(a)** life, **(b)** property, **(c)** marriage, **(d)** pledge and **(e)** sobriety to all persons residing within their respective territories. (Thus, the individual, in preference to her/his acceding state, receives cognizance under the Buddhist system of internationalism.)

Furthermore, the strategy suggested for securing universal deference is undoubtedly unique; it goes 'contrary to the norm' by presuming the regime of international law as an incorporeal entity **entrenched** within the constitutions of all acceding states. Hence, Buddhist jurisprudence views internationalism as the substratum of nationalism, not *vice versa*.

A minimum content (in terms of the *five precepts*) being so brought into force commonly among all ratifying states, a 'consensus' by way of 'overlapping' comes into play. Thus, in

contrast to the extant concepts⁶¹ of monism and dualism, the *Cakkavatti* doctrine professes a unique method of **parallelism**, which avoids both potential hegemony and cross-border nullity. The ultimate expectation of such parallelism lies in securing the entire world's conformity to the said entrenched code of universal norms, whereupon a minimum content of **international morality** would come to be enforced commonly amongst its various peoples (epitomizing an ideal 'unity in diversity'). Hans Kelsen has opined pertinently that:

... **International morality is the soil which fosters the growth of international law.** It is international morality which determines the general direction of the development of international law. (Kelsen 1942, 37-38, reproduced with permission from ©President and Fellows of Harvard College, emphasis added.)

Hence, the significance of international morality in formulating international law is made abundantly clear.

3.20 International morality as 'General Principles'

It becomes clear that the *Cakkavatti* ideal's universal perspective lies firmly enshrined within a resolved endeavor to entrench a regime of international morality amongst the many diverse states of the world, upon which free intercourse might prosper in furtherance of all ideals complementary to human progress. Again, this form of international morality as founded upon a body of universal fundamental norms might be deemed to pair off with the formal international law source⁶² of 'general principles of law recognized by civilized nations,' which Schlesinger (1957, 739), Jalet (1963, 1044) and Verzijl (1968, 59) appear to construe broadly: a nucleus of norms common to every orderly society constituting the nondeductible minimum of every legal system without which any rational form of social existence would never be possible. This very connotation serves to echo all that has been construed as (strictly) conveyed by Aśoka's 'Dhamma.'

3.21 The *ius gentium*

Whilst Aśoka proceeded to actively propagate the said *Cakkavatti* code of morals in the East, the Stoic synthesis of *natural law* (based on Buddhist virtue) had already begun permeating the West (see Chapter '5'), influencing the creation of a new body of norms in the context of a *ius gentium* or 'law of nations':

The laws of every people governed by statutes and customs are partly peculiar to itself, partly **common to all mankind**. The rules enacted by a given state for its own members are peculiar to itself and are called civil law [*ius civile*]; **the rules prescribed by natural reason** [*ius naturale*] **are observed by all nations alike** and are called gentile law [*ius gentium*]. So the laws of the people of Rome are partly peculiar to itself, partly **common to all nations** and this distinction shall be traced, as occasion offers, through all the branches of the code. (Gaius n.d., Poste translation, 10, emphasis and parenthesis added.)

It appears that *ius gentium* mimics the trait of parallelism typified by the 'Dhamma.' However, since *natural law* sought to encompass only the 'is' propositional content of Buddhist morality (to the exclusion of the 'Dhamma's' 'ought' norms (see Chapter '5.14 The 'is'-'ought' dilemma')), this deficit was inevitably passed on to its derivative: the *ius gentium*. Consequently, substantive disparities between the *ius gentium* and the 'Dhamma' have arisen, e.g., the tacit approval by the former of both war and slavery in contradistinction to the latter's expressed prohibition thereof.

Although the *ius gentium* appears to mimic the 'Dhamma' in utility, it departs from the latter by way of its substantive content, which to date remains vague and for the most part unascertained, entailing much international debate and speculation. Viewed from the perspective of Buddhist jurisprudence, the *ius gentium* should have encompassed the salient 'ought' norms of the 'Dhamma' that could have ideally functioned as a body of entrenched postulates for the creation of positive laws based thereon both municipally and internationally.

What, according to Buddhist jurisprudence, truly qualifies as a ‘law of nations’ is that body of postulates derived from the ‘Dhamma,’ which comes to be incorporeally entrenched *via* parallelism within the constitutional provisions of each and every acceding state. (Corporeal) municipal law enacted upon the same is envisaged as making available the benefits of the ‘Dhamma’ to all individuals, minimally in the context of secured fundamental negative rights (see ‘3.3’ above). Furthermore, the need for ‘Dhamma’-based international law is thought to arise in the dual contexts of **(a)** preserving the commonwealth of understanding established among all party nations and **(b)** propagating its universal worth as a basis of interstate interaction.

However, this is not ‘all’ that Buddhism contributes to the notion of *ius gentium* or ‘law of nations.’ Earlier in this work, specific mention was made of the Buddha’s instructions to the Licchavis on ‘seven factors of non-decline’ (*sapta अपरिहानिया धम्म*), which clearly prescribe the minimal requisites toward securing a Buddhist system of ‘primary rules’ or societal obligations (see Chapter ‘2.3 Conformity to Hart’s ‘primary rules’’). Inasmuch as the Licchavis were the leading tribe of the Vajjika Confederacy of Republican Tribes, the first four of the said *seven factors* might aptly apply to the concept of a ‘law of nations’ as well:

... [1] Meet frequently and have many meetings ... [2] Meet in harmony, leave in harmony and carry on their business in harmony ... [3] Don’t make new decrees or abolish existing decrees, but undertake and follow the ancient ... traditions as they have been decreed ... [4] Honor, respect, esteem and venerate ... elders, and think them worth listening to (*Sārandada sutta* n.d., Sujato translation, abridged with parentheses and emphasis added.)

Thus, the need to maintain both cordiality and conference amongst the membership, to receive opportune input from the ‘old guard’ and to carry on immemorial customary practices all appear to be directed at both preserving and perpetuating the founding ‘overlapping (cross border) consensus’ (Rawls’ parlance). Whilst the abrogation of original postulates is

expressedly prohibited, the conceiving of new ones might not be altogether impossible so long as the criterion of keeping to ancient customs is strictly observed.

On this basis, the *ius gentium* comes to be understood as the intermediary stage between universal morality and positive law in the context of universal postulates on polity as derived from the former and effecting the latter. A tentative list of such postulates epitomizing the ‘Dhamma’-based *ius gentium* is put forward under Chapter ‘4.20 Core postulates.’

3.22 *Natural law’s affinity to international law*

For decades it has been taken for granted that *natural law*, in the context of ‘international morality,’ has served to influence many a development in international law, especially the establishing of a regime of human rights. However, in view of the ‘is’-‘ought’ dilemma that has plagued the very founts of *natural law* (see Chapter ‘5.14’), it has been voiced that the normative basis for many an innovation identified with the same should have been duly credited to the *ius gentium* instead (Waldron 2008, 13). This concurs with the ‘Dhamma’s’ construction of the *ius gentium*, which prioritizes securing life, property, marriage, pledge and sobriety of individual subjects as the *modus operandi* for actuating universal concerns for the diversified nation populations of the world. Herein lies another distinct feature of the said Buddhist construct, in that it considers securing the rights of individuals a precondition toward generating both respect and recognition for the territorial integrity of sovereign states (as opposed to the conventional practice of preferring states’ rights to those of their constituents). Furthermore (*per* Wolfgang Friedmann’s differentiation (see Abi-Saab, 1998)), the ‘Dhamma’ appears to secure for itself an ideal mean between a ‘law of coexistence’ and a ‘law of cooperation’ by virtue of its unique construction of a ‘law of nations’:

... There emerged with Buddhism the concept of a common good, embracing the whole world and conceived as both material and spiritual welfare. Going along with this idea there was the concept of a common humanity transcending national and racial barriers. All men were equal. Man

belonged to one species. Owing to this oneness, of which he is ignorant, national pride, racial feelings and national feelings were ultimately mistaken notions. (Jayatilleke 1967, 90, reproduced with permission from ©Anjani Karunaratne.)

3.23 A 'law of nations' without sanctions

The 'Dhamma' deems pacifist persuasion the pivotal procurer of a universal consensus. Whether there could exist an efficacious 'law of nations' bereft of any positive enforcement is a concern that has already been addressed within modern jurisprudence (see also Hart 1961, 214 and Zolo 1998, 311-312):

Law is dependent for its effectiveness much more upon acquired habit than upon force, and in fact this acquired habit is such that it never enters the head of the ordinary man that he might steal or murder. This habit is itself based upon a kind of half-reasoned sentiment, which is the very lifeblood of civilized society. **But if this is so within the state, the same must be the situation as between citizens of different states.** (Burns 1915, 226-227, emphasis added.)

The 'half-reasoned sentiment' is one of fundamental trust in citizens of other states, and as a confirmed attitude, it may be the real force in that international courtesy, which goes beyond mere law and even beyond the strict conceptions of national duty. But this true comity of nations can only be established upon a basis of acquired habit among the inhabitants of different civilized groups – a habit of thought and action, which would simply make the relationship 'human' across the frontiers of states and might not even imply a continual interchange of views and goods. (Burns 1915, 227.)

3.24 The 'Panchsheel pact'

It must be pointed out that the efficacy of a 'Dhamma'-based 'law of nations' did not find itself confined to ancient Aśokan times alone. As recently as in 1954, an attempt was made to emulate this very ideology in the context of a bilateral trade pact between Asian 'giants' China and India. Popularly referred to as the 'Panchsheel agreement,' it, however, did not seek to

literally embody Buddhism's traditional *five precepts* (albeit well known to the Buddhist populations of both China and India), apparently due to their being considered too broad in scope to have any bearing on a mere trade pact.

Nonetheless, on analyzing the said agreement's operative provisions (*i.e.*, Articles 'I' to 'VI'), it becomes apparent that recognition for *three* (concerning life, property and pledge) of the *five* negative rights secured by the *five precepts* could easily have been accommodated within 'the tenor and presents' of the same. Perhaps Jawaharlal Nehru (the then premier of India) thought it prudent not to so ostensibly reflect the minimal 'Buddhist' code of duties within a treaty entered into on behalf of his majority 'Hindu nation.' Alternatively, perhaps the name 'Panchsheel' coined to this pact was devised tactfully to cater to both Chinese and Tibetan (Buddhistic) appeal.

Signed in Beijing (then Peking) on 29th April 1954, the said agreement's preamble expressedly provides as follows:

The Government of the Republic of India and the Central People's Government of the People's Republic of China:

Being desirous of promoting trade and cultural intercourse between the Tibet region of China and India and of facilitating pilgrimage and travel by the people of China and India;

Have resolved to enter into the present agreement based on the following principles:

- (1) Mutual respect for each other's territorial integrity and sovereignty;
- (2) Mutual non-aggression;
- (3) Mutual non-interference in each other's internal affairs;
- (4) Equality and mutual benefit: and
- (5) Peaceful coexistence

(Agreement between The Republic of India and The People's Republic of China on Trade and Intercourse between Tibet Region of China and India (1954).)

Nowhere within the said pact does the word 'panchsheel' appear, rightly so, for if it did, its true Buddhist connotation would have been contravened. However, it is also not the case that the five principles enumerated in this pact have no affinity whatsoever to Buddhism. In fact, principles '(1),' '(3)' and '(4)' above respectively reflect the *Cakkavatti* norms of secured territorial integrity, equal sovereignty and mutual beneficence for the inhabitants of all states, whilst '(2)' and '(5)' endorse the *Cakkavatti* prohibition on recourse to all forms of belligerence in pursuance of sustained peace.

That this pact stood strong for eight long years and even founded the basis for two more agreements between China and India (entered into in 1993 and 1996), manifests the efficacy of 'Dhamma'-based norms within the bilateral diplomacy of states. Thus, their potential for multinational efficacy must be necessarily implied. As an erudite scholar turned bhikkhu has opined:

... .. This ethic ... of the universal monarch, or *Cakkavatti*, rises well above partisan sects and creeds of religion and conflicting political ideologies and attempts to unify humans in harmonious comradeship. It is this ideology and this aspiration alone which would sweep over continents and communities, larger or smaller; call them by whatever name one likes, nations, races or ethnic groups or communities with their own religious identities. And as for the efficient and effective running of such a process of harmonious human continuity, the constant and unfailing protective lubricant should be persuasion and personal conviction alone and never pressure, propaganda or persecution, carried out in open or in secrecy. (Dhammavihari 2006, 30 (pdf, 24).)

Was The ‘Dhamma’-Based Aśokan Synthesis Of Domestic ‘Law’ Ever Established In Sri Lanka?

The Aśokan conquest through ‘Dhamma’ is not found limited to mere theoretical exposition. For although no independent evidence in this regard has been thus far unearthed from the regions west of India (referred to in ‘Rock Edict XIII’), the annals of Tamraparni (Sri Lanka) provide for ample corroboration and even further elaboration on the specifics pertaining to the conquest through ‘Dhamma’ as carried out in respect of this island nation.

4.1 Sri Lanka – a ‘Dhamma’ conquest

On the death of his father, Tissa ascended the throne with the usual consecration ... and this event is said to have been accompanied by the miraculous appearances of priceless items in his dominion. One such was a *veluyatthi*, a bamboo staff, which served as the royal insignia. It is also asserted that Tissa had been an unseen friend of Aśoka even before he became king, implying that there were political and cultural connections between his father and Aśoka even before his accession to the throne. (Seneviratna 1994, 88, reproduced with permission from the ©Anuradha Seneviratna Memorial Foundation.)

Apparently, king Tissa (later bestowed with the honorific ‘*devānampiya*’) had been apprised of the unique nature of Aśoka’s commonweal empire, which formidably assured unto its membership *inter alia* the fundamental negative rights to (not being denied) self-determination and territorial integrity, seemingly secured by the emperor’s discretion to deploy a ‘peacekeeping force’ (sourced from the mighty Mauryan army) to either preempt or redress any infringement in this regard.⁶³ Tissa would in all probability have construed the potential access to such able assistance at the gainful ‘cost’ of elective recourse to a rule by ‘Dhamma’ as nothing less than a ‘win-win’ situation. The coincidental emergence of natural treasures (‘priceless items’) within Tissa’s own domain appears to have been construed as an

auspicious sign to embark on his intended entry into the ‘Dhamma’ confederacy, the treasures themselves being considered worthy offerings to so benevolent an emperor as Aśoka. Tissa’s further initiatives in this regard have been described as follows:

The king sent four persons appointed as his envoys: his nephew Maharittha, who was the chief of his ministers, then his chaplain, a minister and his treasurer ... and he bade them take with them those priceless jewels, the three kinds of precious stones, ... the three stems like wagon poles, ... a spiral shell winding to the right and the eight kinds of pearls. When they ... reached ... Pataliputta, they gave those gifts into the hands of king Dhammaśoka [Aśoka]. When he saw them, he rejoiced greatly. Thinking, ‘Here I have no such precious things,’ the monarch, in his joy, **bestowed on Arittha the rank of a commander in his army, on the Brahmin the dignity of chaplain, to the minister he gave the rank of staff bearer and to the treasurer that of a guild lord.**

When he had allotted to the envoys abundance of all things for their entertainment and dwelling houses, he took counsel with his ministers considering what should be sent as a return gift; and he took a fan, a diadem, a sword, a parasol, shoes, a turban, ear ornaments, chains, a pitcher, yellow sandalwood, a set of garments that had no need of cleansing, a costly napkin, unguent brought by the Nagas, red colored earth, water from the lake Anotatta and also water from the Ganges, a spiral shell winding in auspicious wise, a maiden in the flower of her youth, utensils as golden platters, a costly litter, yellow and *emblic myrobalans* and precious ambrosial healing herbs, sixty times one hundred wagon loads of mountain rice brought thither by parrots, nay, all that was needful for consecrating a king, marvelous in splendor; and sending these things in due time as a gift to his friend, the lord of men [Aśoka] sent **envoys also** with the gift of the true doctrine [the Buddha’s *teachings* or *Dhamma*], saying, ‘**I have taken refuge in the Buddha, his Doctrine and his Order; I have declared myself a lay disciple in the religion of the Sakya son; seek then even thou O best of men converting thy mind with believing heart, refuge in these best of gems! and saying moreover, ‘Consecrate my friend yet again as king,’ he dismissed his friend’s ministers with many marks of honor.**

... Highly honored, they set forth **with the envoys** on the first day of the bright half of the month Vesakha. Having embarked at Tamalitti and landed at Jambukola, they sought out the king when

they arrived ... on the twelfth day. **The envoys handed the gifts to the ruler of Lanka [Tissa]; the ruler of Lanka made them welcome with great hospitality.**

... **The envoys ... [re]consecrated the ruler of Lanka [Tissa]**, whose first consecration had been held in the month Maggasira on the day when the moon first shows itself, **fulfilling the charge of Dhammaśoka ...** .

Thus, on the full moon day of the month Vesakha, the ruler of men, **in whose name was contained the words ‘friend of the gods’** [‘beloved of the gods’: *devānampiya*], bestowing good upon his people, held his consecration as king in Lanka, where in every place they held high festival. (*Mahāvanga* n.d., Geiger translation, 78-81, paras.20-42, parentheses and emphasis added.)

Ven. Dr. Walpola Sri Rahula, in his seminal work ‘History of Buddhism in Ceylon,’ provides the following explanatory notes on the salient traits of ‘kingship’ as both understood and practiced in Sri Lanka at this time:

In pre-Buddhist Ceylon, there do not seem to have been kings in the proper sense of the word and no central government which coordinated the different local or provincial governments. It was not possible to maintain constant and regular contact between Anuradhapura and Mahagama or Kalyani, as the means of communication were very limited. Therefore, the chiefs of the different localities became automatically the rulers of those provinces. Little or no information is found about the details of this local government. But it is quite justifiable to say that there was a system of village committees or local bodies which managed the affairs of villages satisfactorily. (Rahula 1956, 25.)

... **There was no proper coronation of kings.** Perhaps the early kings, who were more or less provincial chiefs or *gāmanīs*, had no idea of a complete royal coronation. But they had a simple ceremony, which served as a consecration when they assumed authority as rulers. We have a glimpse of this ceremony in the short account of Pandukabhaya’s accession to the throne as given in the Mahāvamsa.⁶⁴ (Rahula 1956, 26, emphasis added.)

The *Mahāvamsa-tika* definitely states that it was Aśoka who introduced the proper form of coronation into Ceylon.⁶⁵ (Rahula 1956, 26, emphasis added.)

Strictly speaking, Tissa's embassy effected nothing more than a *de jure* voluntary cession of Tamraparni (Sri Lanka) to the imperial cognizance of the Aśokan commonwealth of 'Dhamma' states, the ratification of which was accomplished *via* the two-step process of (1) re-vesting in Tissa's four principal envoys the titles of 'commander,' 'chaplain,' 'staff bearer' and 'guild lord' under the overriding imperial prerogative of Aśoka (resulting in their authority being derived thenceforth not from Tissa but from Aśoka); and (2) ceremonially re-consecrating Tissa under the prefixed Aśokan title '*devānampiya*' to manifest steadfast allegiance to Tamraparni's new 'basic norm' of polity: the 'Dhamma.'

4.2 Hans Kelsen on 'legal revolution'

From a jurisprudential viewpoint, the said events brought about a complete break in the existing legal continuum and a substitution thereof; in short, an abandonment of the old and the adoption of a new 'basic norm' (*i.e.*, the extralegal and autonomous hypothesized 'bedrock' of a legal system (see Kelsen 1945, 115-116)) of governance for the island of Lanka. Such a transformation has today come to be termed a 'legal revolution,' the cardinal expounding of which is attributed to Hans Kelsen:

It is just the phenomenon of **revolution**, which clearly shows the significance of the **basic norm**. ...
 ... If the old order ceases and the new order begins to be efficacious because the individuals whose behavior the new order regulates actually behave, by and large, in conformity with the new order, then this order is considered as a valid order. It is now according to this new order that the actual behavior of individuals is interpreted as legal or illegal. But this means that **a new basic norm** is presupposed. It is no longer the norm according to which the old ... constitution is valid, but a norm according to which the new ... constitution is valid, **a norm endowing the revolutionary government with legal authority**. (Kelsen 1945, 118, emphasis added.)

It has already been observed (see Chapter '3.15 *Five precepts* – the *sine qua non* of 'Dhamma') that Aśoka did in all probability 'presuppose' for himself the existence of an implied customary constitution (firmly rooted in the sixfold *Cakkavatti* duties as complemented by the norms of Buddhist *social contract*), which though derived exclusively from the *teachings* of the Buddha was nonetheless so conceived as to enjoy a distinct form of autonomous authority worthy of universal utilization.

Again, the positive legal order that Aśoka imposed on his subjects appears to have been entirely drawn from the elementary regulatory norms of his said implied customary constitution founded on his own presupposed 'basic norm' of 'Dhamma.' This new 'basic norm' itself, knowing no predecessor and constituting a clear break in the conventional traditions of polity, might be deemed to have come into force in a 'revolutionary' way, albeit silently.

Thus, upon both the reappointing of Tissa's officials under the aegis of Aśoka's 'Dhamma' empire and re-consecrating of Tissa under Aśoka's own imperial designation of '*devānampiya*,' the same 'basic norm' of 'Dhamma' did come into force in a 'revolutionary' way *vis-à-vis* the island of Lanka, replacing autocratic rule with 'Dhammic' rule. So came to pass the first 'legal revolution' known to Sri Lanka.

Undoubtedly, the said 'revolution's' success did come to be sealed within the island *via* the advent of Buddhism 'at the hands of' *Arahath* Mahinda, which episode and all succeeding events connected therewith find expression in no less than nine more chapters (XIII-XXI) of the *Mahāvamsa* (*Mahāvangsha* n.d., Geiger translation, 88-141).

Whether the whole of the Aśokan customary constitution did come into force with Sri Lanka remains unclear. Nevertheless, that the majority of its regulatory norms did find themselves adopted by successive generations of pious kings is sufficiently reflected in the accounts

pertaining to their respective reigns (see '4.6' below). Above all, what remains abundantly clear is that the invocation clause of the said customary constitution, 'devout deference to the *five precepts*' (see Chapter '3.15 *Five precepts* – the *sine qua non* of 'Dhamma'), did receive firm acceptance by the native populace, evincing majority ratification of the 'basic norm' of 'Dhamma' within the confines of the island.

4.3 The investiture of 'Dhamma' in Sri Lanka

Of particular significance to note is *Arahath* Mahinda's choosing the *Bāla-Paṇḍita sutta* to be expounded to the scores of people who had gathered at the Nandana garden, which assembly was apparently the largest⁶⁶ among those he had occasion to address upon setting foot on the island of Lanka (see *Mahāvāṅgsha* n.d., Geiger translation, 88-101). Not only does this particular discourse reiterate the composite elements of a conquest through 'Dhamma,' the expounding of which would obviously have worked to both educate the public and remind the king of his commitment toward upholding the *five precepts*, but it also illustrates the consequences of both 'good' and 'bad' action as executed *via* thoughts, words and deeds, which would undoubtedly have served to admonish both royals and commoners to gainfully abide by the said same *five precepts* (thus constituting the first instructions received by the people of Lanka on the righteous rule/rule by 'Dhamma').

Of equal importance (if not more) is the judicious appropriateness with which *Arahath* Mahinda exercised his choice in *sutta* expounding at the third, fourth and fifth assemblies addressed by him, commencing with (a) *Peta Vatthu*, *Vimāna Vatthu* and *Sacca Samyutta*,⁶⁷ following up with the (b) *Devadūta sutta*,⁶⁸ and concluding with the said (c) *Bāla-Paṇḍita sutta*, especially in view of their being so expounded designedly rather than fortuitously to facilitate a progression of understanding within each addressee.

Sayagyi U Ko Lay (Zeyar Maung) in his compilation entitled 'Guide to Tipitaka' provides the following accounts on the *Vimāna Vatthu* and *Peta Vatthu*, respectively:

... *Vimāna Vatthu* ... [:] ... These discourses are given with a view to bring out the fact that the human world offers plenty of opportunities for performing meritorious acts. The other objective for such discourses is to refute the wrong views of those who believe that nothing exists after this life (the annihilationists) and those who maintain that there is no resultant effect to any action. ... The vivid accounts of the lives of the *devas* [celestial beings] in various *deva* abodes [celestial mansions] serve to show clearly that the higher beings are not immortals, nor creators, but are also evolved, conditioned by the results of their previous meritorious deeds (1985, 132, parentheses and emphasis added.)

... *Peta Vatthu* ... [:] 'The stories of *petas*' are graphic accounts of the miserable states of beings who have been reborn in unhappy existences as a consequence of their evil deeds. There are fifty-one stories, divided into four *vaggas*, describing the life of misery of the evildoers, in direct contrast to the magnificent life of the *devas* [referred to in the *Vimāna Vatthu*]. Emphasis is again laid on the beneficial effects of giving, whereas envy, jealousy, miserliness, greed and wrong views are shown to be the causes for appearance in the unhappy state of *petas*. The chief suffering in this state is dire lack of food, clothing and dwelling for the condemned being. A certain and immediate release from such miseries can be given to the unfortunate being if his former relatives perform meritorious deeds and share the merit with him. (1985, 132-133, parentheses and emphasis added.)

Sacca Samyutta, which constitutes the last section of the *Samyutta Nikāya*, comprises eleven *vaggas* and approximately one hundred and thirty-five short discourses, among which fifty-five reveal the rarity of virtuous people in this world; thirty stress the consequential scarcity of rebirth in the good planes of existence (the human and heavenly abodes); and fifty emphasize the need to diligently comprehend the *Four Noble Truths* (so as to transcend all states of woe).

The *Devadūta sutta* (n.d.), which details the gruesome sufferings associated with the manifold dimensions of hell, offers the following as its gist:

... These ... beings conducting well by body, speech and mind, not blaming noble ones, developing right view, bearing the right view of actions, at the breakup of the body after death go to increase, are born in heaven ... [or] with humans. These ... beings ... by [misconduct in] body, speech and mind, blaming noble ones, developing wrong view, bearing the wrong view of actions, at the breakup of the body after death are born in the sphere of ghosts ... [or] with animals ... [or] decrease and are born in hell. (*Devadūta sutta* n.d., Uppalavanna translation, parentheses added.)

Finally, the *Bāla-Paṇḍita sutta* (n.d.), having *inter alia* provided for **(a)** a harrowing description of the animal existence, **(b)** the exceptional occurrence of human birth and **(c)** unimaginable gains in the heavenly planes, declares that:

... ... If he abstained from destroying living things, did not take the not given, did not misbehave sexually, did not tell lies and did not take intoxicating drinks ... the wise one, conducting well by body, speech and mind, at the breakup of the body after death, goes to increase, is born in heaven. Saying it rightly that heaven is completely welcome and agreeable. **It is not easy to give a comparison for that pleasantness.**

[But] ... if he destroyed living things, took the not given, misbehaved sexually, told lies and took intoxicating drinks ... the fool, misbehaving by body, speech and mind, at the break up of the body after death, goes to decrease, is born in hell. Saying it rightly that hell is completely unwelcome and disagreeable. **It is not easy to give a comparison for that unpleasantness.** (*Bāla-Paṇḍita sutta* n.d., Uppalavanna translation, abridged with emphasis and parenthesis added.)

Regarding this whole episode of systematic exposition of Buddhist discourses by *Arahath Mahinda*, Ven. Dr. Walpola Sri Rahula opines as follows:

Mahinda introduced a **new** theme: emphasis was laid on the moral side of religion as a requisite for a happy life. It brought to his audiences a **new** vision, unfolding **new** horizons of spiritual development. (Rahula 1956, 52, emphasis added.)

It is apparent that *Arahath* Mahinda commenced his said ‘Dhamma’ instructions to the masses with much emphasis on the consequential aspects of either following or breaching moral conduct (*i.e.*, consequentialism). This particular feature serves to draw a distinction between his approach and his father Aśoka’s, which, being rooted in rational understanding, remained appreciable only to those possessed of a somewhat evolved/refined mentality. In short, *Arahath* Mahinda’s approach was meant ‘to play on’ man’s **(a)** patent trait of placing one’s own interests before those of others (in this case one’s own salvation), whilst Aśoka’s was designed to harness man’s **(b)** latent yearnings for public peace and fraternity (which perhaps would not have appeared as ‘immediately gainful’ to the ordinary man as the former).

Though Aśoka did in his edicts refer to one’s gaining ‘heaven’ by adhering to the ‘Dhamma,’ he apparently failed to mention one’s regression to hell (or other woeful states) for willfully breaching the same. Thus, **(a)** shame and **(b)** fear for wrongdoing (two salient regulative characteristics emphasized by the Buddha as no less than ‘protectors of the world’ (*Sukkadhamma sutta* n.d.⁶⁹)) appear not to have been commandingly imparted on the Aśokan populace, though convincingly instilled in the retinue of *Arahath* Mahinda.

Perhaps this is where the mundane intelligence of emperor Aśoka did ‘bow down’ to the supramundane wisdom of *Arahath* Mahinda, for as the annals of history reveal, Buddhism (and the primacy of ‘Dhamma’) soon came to be forgotten within the subcontinent of India: its hallowed birthplace, whilst its predominance and efficacy were both caused to be devotedly perpetuated within the island of Lanka: its adoptive home.

Thus, the success of *Arahath* Mahinda’s ministry is seen in his choosing the conduct-based hell/heaven resultant of Buddhism as the key method by which to instill both shame and fear toward wrongdoing in the hearts and minds of native Sri Lankans.

4.4 The 'six–four' maxim

Canonical interpretations provided by erudite *Ariyas* (of the likes of Buddhaghōsa) have facilitated determinations being made regarding the specifics of heavenly and hellish abodes as understood in Buddhism. Accordingly, the total number of planes of existence is fixed at thirty-one,⁷⁰ and among them, the number of hells and heavens is respectively six and four.

So widely acknowledged would have been *Arahath Mahinda's teachings* on the said conduct-based hell/heaven resultant that the numerical reference 'six (and) four' came to be identified by native Sri Lankans exclusively with the six heavens and four hells, manifesting a widespread understanding of its Buddhistic connotation. A homegrown maxim too did evolve in terms of the Singhala construct '*hayak hatharak nodannā*,' which literally translates as 'he who has no knowledge of the six and four' to mean 'he who is unaware of those volitions of mind, body or words leading to the six heavenly abodes and four hellish states.' In keeping with the essence of the *Bāla-Paṇḍita sutta* above, this would simply mean 'he who is unaware of the *five precepts*.' The said maxim has since been habitually uttered by many hundreds of succeeding Sri Lankan generations, particularly (**a**) in exempting those lacking sufficient maturity of understanding from the consequences of their lapses in virtue or (**b**) in ridiculing or otherwise censuring those who ought to have known the gravity of their wrongful conduct.

Again, the Singhala utterance '*pau*,' simply translated as '(it's a) sin,' which has (*per* tradition) immemorially emanated from the lips of Sri Lankans of all creeds in response to any attempted or actual oppression of another (especially in breach of the *five precepts*), serves as a living manifestation of the majority populace's inherent shame and fear of wrongdoing (as instilled by *Arahath Mahinda*):

A **tradition** ... looks forward as well as back. It implies a common purpose or a common ideal. The group, which is united by a **living tradition**, generally holds (1) the same sort of character the best and (2) the same sort of life the most desirable. Yet neither the ideal character nor the ideal life

may be yet in existence; the present circumstances in the group may only tend in the admired direction. The ideals imagined may have only a vague basis in fact, and yet they may unite as if they were established facts. (Burns 1915, 17-18, emphasis added.)

Thus, in the face of many a bold assertion made by historians to the effect that native Sri Lankans possessed nothing by way of a criterion for general societal regulation ('save for religious rituals which operated within their own limited confines'), the aforesaid immemorial customary invocation of the 'six-four' maxim (with all its resultant social implications within the closely knit village communities of yesteryear) as complemented by the internalized notion of 'sin' ('*pau*') stands steadfast in vehement refutation thereof.

Admittedly, this system of societal regulation was one based predominantly on internal convictions (see Chapters '2.1 Societal regulation' and '3.12 An internalized system'). However, as has already been jurisprudentially determined above, a system embodying 'primary rules' or societal obligations (see Chapter '2.3 Conformity to Hart's 'primary rules'') akin to the *five precepts*, though being manifestly customary, might still be considered one of law:

... .. What is involved is not simply a negation, a prohibition of certain disapproved actions, but also the obverse side of this negation, the meaning it confers on foreseeable and approved actions, which then furnish a point of orientation for ongoing interactive responses. ... The law that develops out of human interaction, [is] a form of law that we are forced – by the dictionaries and title headings – to call '**customary law.**' (Fuller 1969, 2-3, reproduced with permission from ©Oxford University Press, emphasis and parenthesis added.)

Furthermore, that both the said 'six-four' maxim and pronouncement 'sin' ('*pau*') prevail to date, exercising their respective influences over the hearts and minds of all natives, might be deemed a living testament to the conclusion that conforming to the *five precepts* (the crucial invocative element of the 'Dhamma') continues to maintain its origin status as the 'basic norm'

of Sri Lankan polity, albeit more within the peoples' internal convictions than the rulers' external manifestations (nonetheless jurisprudentially cognizable).

The norm of keeping to the *five precepts* constitutes an *unbroken golden thread* first spun by *Arahath* Mahinda in the Nandana garden of Anuradhapura. Having since *passed through the fabric* of generations of Sri Lankans, at the behest of kings, the *Sangha* and above all else the people (*via* their internal convictions), it remains *viable* to date.

4.5 The Sri Lankan example

It has already been deduced that the 'Dhamma' does to date enjoy a form of residual supremacy in Sri Lanka as the fount of the 'living law' (Ehrlich 1913, 493) of its people. Thus, it would be opportune to consider the extent to which its authoritativeness within the successive regimes of rule since *devānampiya-Tissa's* has received historical expression, especially toward determining the sustained 'efficacy' (Kelsen 1945, 119) of the 'legal revolution' brought about by the Tissa-Aśoka confederacy.

Save for (**a**) foreign invaders in the form of eleven Dravidians, seven Cholas, Panda king Parakrama and Kalinga Magha, (**b**) king Rajasingha I or 'Seethawaka Rajasingha' (who converted to Hinduism and virtually eradicated Buddhism from the island) and (**c**) the last king Sri Vikrama Rajasinha (whose reign was latterly carried out in stark contradiction to the precepts of Buddhism), the patronage accorded to 'Buddhism' by the majority of Sri Lanka's successive rulers might be deemed to have done much to perpetuate the righteous rule/rule by 'Dhamma' amongst the island's greater populace.

Nonetheless, a reading of both the *Mahāvamsa* and *Cūlavamsa* patently discloses instances wherein the rulers (or potential rulers) of the realm had chosen hostility over amity toward securing their intended conquests, which obviously runs contrary to the Buddhist ethic. A few had even (unconscionably) waged wars to 'defend the perpetuation of Buddhism' in contexts

wherein no threats thereto ever existed. However, no sooner than establishing themselves in power, these warriors would often manifest utter piety, rendering many a service to the clergy (though not often to the laity) as a form of ‘penance’ due on their former ‘wicked’ deeds. This raises the question as to whether these monarchs were designedly misled to believe that it was justifiable to wage war provided that it could result in the ‘greater glorification of Buddhism,’ which premise might have alighted from a twisted interpretation placed on the renowned endeavors of Aśoka in his successive historical roles as **(a)** combatant (*candaśoka*) and **(b)** diplomat (*dhammaśoka*). The stark difference herein being that whilst Aśoka both abandoned and expressedly denounced all forms of belligerence upon converting to Buddhism, the aforesaid Sri Lankan aspirants to kingship, though being virtually born into Buddhism, appear to have in its very name waged war. Neither father nor brother is seen spared in this needless course of bloodshed that reportedly sees the deaths of hundreds and entails much hardship to the greater populace. Hence, the chronicle reports as follows:

... Some former kings with the intent to obtain the kingdom cared not for their brethren and kinsfolk but persecuted one another (*Mahāvāṅgsha continuation* n.d., Wijesinha translation, 289 (495), paras.96-97.)

... Kings gifted with **little wisdom**, maddened by the beauty of Lanka, did that which was evil and came to great trouble (*Mahāvāṅgsha continuation* n.d., Wijesinha translation, 289 (495), paras.101-102, emphasis added.)

However, the following observation too has been categorically made on how the island’s people would often deal with these episodes of tyranny:

... The Ceylonese seem never to have attained that depth of debasement or that servility of soul, which would oblige them to obey every command, however unjust, and to comply with every irregular desire of their monarch’s mind. This fact we have frequently seen exemplified in the antecedent history, and, to the honor of Buddhism, it must be recorded that its priests were

generally found the most instrumental in bringing about reconciliations and that they frequently acted as 'the messengers of peace.'⁷¹ (Knighton 1845, 192.)

Even when a monarch who had formerly resorted to warfare did eventually establish a regime of righteous rule/rule by 'Dhamma' it would not (unless furthered by a successor of true piety) endure for long. Likewise, the many magnificent constructs symbolizing the externalized glory of the 'Buddhist church' erected by these kings often became the very installations prone to both plunder and destruction by invading foes (tantamount to an abandonment by the very deities who were invested with their resolute care).

Fortunately, these nefarious administrations founded upon the bedrock of belligerence constitute but one aspect of the island's political history, which contemporaneously admits of many a pious ruler and his obeisance to the 'Dhamma.' Of the approximately one hundred and seventy-three (173) kings who ruled the island since the advent of Buddhism,⁷² no less than thirty (30) governed both themselves and their subjects under the pristine banner of the 'Dhamma,' often striving to maintain strict compliance with the sixfold duties of the *Cakkavatti* Monarch (see Chapter '3.2 The *Cakkavatti* ideal and Aśoka') as epitomized by emperor Aśoka. This fact too does the chronicle report as follows:

... They who were endowed with **wisdom** and favored by Lanka did that which was right and acquired great fame. (*Mahāvāṅgsha continuation* n.d., Wijesinha translation, 289 (495), paras.102-103, emphasis and punctuation added.)

The most noteworthy aspects of the respective reigns of these **wise rulers** shall be considered now.

4.6 'Dhamma' based kingship

King Kakavannatissa,⁷³ the father of both kings (*duttha*-)Gamani-Abhaya and Saddhatissa, is reported to have conducted his reign in expressed renunciation of war, which disposition he had hoped would be espoused by both his sons (especially the elder of the two Gamani-Abhaya). The *Mahāvamsa* specifically details two instances wherein the said pious king virtually implored his sons to follow in his noble pacifism:

When they were ten and twelve years old, the king [Kakavannatissa], who would fain put them to the test, offered hospitality [as usual] ... to the bhikkhus, and when he had the rice that was left by them taken and placed in a dish and set before the boys, he divided it into three portions and spoke thus: 'Never, dear ones, will we turn away from the bhikkhus, the guardian spirits of our house: With such thoughts as these, eat ye this portion here.' And furthermore, 'We two brothers will for ever be without enmity, one toward the other; with such thoughts as these, eat ye this portion here.' And as if it were ambrosia, they both ate the two portions. **But when it was said to them, 'Never will we fight with the Damilas; with such thoughts, eat ye this portion here,' Tissa dashed the food away with his hand ... Gamani, who had (in like manner) flung away the morsel of rice, went to his bed, and drawing in his hands and feet, he lay upon his bed.** (*Mahāvangsha* n.d., Geiger translation, 153-154, paras.78-84, parenthesis and emphasis added.)

Afterward, prince Gamani ... sent to announce to his father the king, 'I will make war upon the Damilas.' The king, **to protect him**, forbade him, saying, '**The region on this side of the river is enough.**' **Even to three times he** [king Kakavannatissa] **sent to announce the same reply.** 'If my father were a man, he would not speak thus; therefore, shall he put this on. And therewith Gamani sent him a woman's ornament. And enraged at him, the king said, 'Make a golden chain! With that will I bind him, for else he cannot be protected.'⁷⁴ (*Mahāvangsha* n.d., Geiger translation, 164, paras.3-6, emphasis added.)

The *Sihala Vatthu* (n.d.)⁷⁵ in its account on king Kakavannatissa specifically adds that he was steadfastly committed to upholding the *five precepts* ('a practice brought forth from his

previous birth in the island'), the continuance of which (in this birth) ultimately did secure for him no less a boon than the bliss of heaven (Buddhadaththa translation, 112-113).

King Bathikabhaya⁷⁶ is said to have done away with 'the tax appointed for himself' (*Mahāvāṅgsha* n.d., Geiger translation, 241, para.40) and his younger brother Mahadathika Mahanaga⁷⁷ to have 'commanded the **remission of the prison penalties**' (*Mahāvāṅgsha* n.d., Geiger translation, 244, para.84, emphasis added). Furthermore:

... All those **works of merit** that had been decreed by the kings of old and that had also been decreed by his brother [Bathikabhaya], those did he [Mahanaga] carry out without neglecting anything. (*Mahāvāṅgsha* n.d., Geiger translation, 244, paras.85-86, emphasis and parentheses added.)

After Mahanaga's death, his son Amandagamani-Abhaya⁷⁸ did reign, and '**on the whole island**, the ruler of men commanded **not to kill**' (*Mahāvāṅgsha* n.d., Geiger translation, 246, para.6, emphasis added).

The following has been said of king Voharika Tissa⁷⁹:

After the death of Sirinaga, his son Tissa reigned twenty-two years with knowledge of the law and the tradition. Because he, first in this country, **made a law that set aside bodily injury as penalty**, he received the name king Voharika-tissa. (*Mahāvāṅgsha* n.d., Geiger translation, 258, paras.27-29, emphasis added.)

Renowned king Buddhadasa,⁸⁰ who reigned for approximately twenty-nine years, deservedly receives the following mention:

Creating happiness by every means for the inhabitants of the island, protecting the town as the wealthy Vessavana protects the town of Alakamanda, gifted with wisdom and virtue, a refuge of pure pity and endowed with the **ten qualities of kings**,⁸¹ while avoiding *the four wrong paths*,⁸²

practicing justice, he won over his subjects by the *four heart-winning qualities*.⁸³ The ruler lived openly before the people the life that *bodhisattas*⁸⁴ lead and had pity for all beings as a father has pity for his children. **He fulfilled the wishes of the poor by gifts of money, those of the rich by protecting their property and their life.** Great in discernment, he treated the good with winning friendliness, the wicked with sternness, the sick with remedies. (*Cūlavangsha* n.d., Geiger translation, 9-10, paras.106-111, emphasis added.)

For the good of the inhabitants of the island, the ruler **had refuges for the sick set up in every village and placed physicians in them.** He made a summary of the essential content of all the medical textbooks and charged one physician with the care of twice five villages and gave the physicians the produce of ten fields as livelihood. He also appointed physicians for elephants, horses and soldiers. For cripples and for the blind, he built refuges in various places and refuges with maintenance in the principal street. **He hearkened constantly to the good doctrine**, showing reverence to the preachers of the doctrine. ... Of his great pity, he had a pocket for his knife⁸⁵ made in the inside of his mantle, and wherever he met them, he freed the afflicted from their pains. (*Cūlavangsha* n.d., Geiger translation, 13-14, paras.145-150.)

The succeeding forty-two year reign of the said king Buddhadasa's son Upatissa⁸⁶ appears to have been equally providential for the people of Sri Lanka:

... Endowed with all royal virtues, ever leading a moral life, great in pity. Shunning the *ten sinful actions*,⁸⁷ he practiced the *ten meritorious works*⁸⁸; the king fulfilled the *ten royal duties* By the *four heart-winning qualities* **he won over the four regions of the world.** ... For cripples, women in travail, for the blind and the sick he erected great **nursing shelters and alms halls.** (*Cūlavangsha* n.d., Geiger translation, 17-18, paras.179-183, emphasis added.)

In the southwest corner of the royal palace, he had a house built for the *uposatha*⁸⁹ festival and a house with an image of Buddha, as well as a pleasant garden surrounded by a wall. On the fourteenth, on the fifteenth, as well as on the eighth day of the half of the month and on extraordinary festivals, he stayed there accessible to instruction, taking upon himself the eightfold *uposatha* vow. His whole life long he ate of the food served in the **Mahapali hall**.⁹⁰ When he took a walk in the garden, having set up a feeding place for the Kalanda birds, he had his own food

served to them, and this is a custom to this day. **Once seeing a criminal who was to be executed being led forth, he was deeply moved and had a corpse fetched from the burying ground He then gave the criminal money and let him escape by night, but after sunrise ... he had the corpse burnt as if it had been the criminal.** (*Cūlavangsha* n.d., Geiger translation, 20-21, paras.200-206, emphasis added.)

Regarding king Moggallana II,⁹¹ the following is disclosed:

He was an abode of virtues like generosity, self-control, purity and goodness. By **largess, friendly speech, by working for the good of others** and by his natural feelings for others, he won over the mass of his subjects. (*Cūlavangsha* n.d., Geiger translation, 57, paras.55-56, emphasis added.)

While distinguishing the preachers of the doctrine by abundant gifts of honor, he had the **three pitakas**⁹² together with the **atthakathā**⁹³ recited. (*Cūlavangsha* n.d., Geiger translation, 57, para.58, emphasis added.)

While **full of pity for the world as a mother for the son of her womb**, he died, having given and enjoyed according to desire, in the twentieth year of his reign. (*Cūlavangsha* n.d., Geiger translation, 57, para.63.)

Concerning king Aggabodhi I,⁹⁴ the record provides as follows:

To the most distinguished officials ... **he gave positions according to their merits.** He won over his subjects by the *heart-winning qualities* and by the *royal virtues*. (*Cūlavangsha* n.d., Geiger translation, 65, para.7, emphasis added.)

Those also who were in attendance on him were, like him, given up to works of merit. Thus, by continually keeping the company of good men, **he was able to restore the wholesome customs of their ancestors** (*Mahāvāngsha continuation* n.d., Wijesinha translation, 15 (221), paras.11-12, emphasis added.)

And **he took counsel at all times of the good priest** Dathasiva and **ruled his conduct according to the precepts** of religion and **ministered unto that priest** as became him. (*Mahāvāṅgsha continuation* n.d., Wijesinha translation, 15 (221), para.22, emphasis added.)

With reference to king Aggabodhi IV,⁹⁵ it has been said that:

He was a **just monarch**, gifted **with right[eous] views**; therefore, he performed meritorious works without number. He **took care** of the eating houses of the inmates of the three fraternities, **enlarged** the Mahapali hall and **decreed the keeping of the command ‘not to slay.’** (*Cūlavāṅgsha* n.d., Geiger translation, 98, paras.2-4, emphasis and parenthesis added.)

... He was in all his dealings one to whom the *teachings* of the Buddha were the highest good, and **vying with him all the people also fulfilled the commands of that doctrine.** (*Cūlavāṅgsha* n.d., Geiger translation, 99, para.18, emphasis added.)

He was attacked by an incurable disease and as he saw that the time for his death had come, he called his subjects, **exhorted them to piety** and went to his death. (*Cūlavāṅgsha* n.d., Geiger translation, 101, paras.35-36, emphasis added.)

King Agghabodhi V⁹⁶ is accounted for as follows:

The *uposatha* day he observed with fasting, together with the inhabitants of the island, and preached to them the doctrine in order to procure them spiritual happiness. **Everyone in his kingdom cultivated action which leads to heaven, for as the monarch acts, so do also his subjects.** (*Cūlavāṅgsha* n.d., Geiger translation, 111, paras.10-11, emphasis added.)

No means for bringing to beings happiness in both worlds was left untried by him, who was unflagging day and night. The fine garments worn by himself he gave to the *pāmsakūlin* bhikkhus⁹⁷ as raiment. **The employment of officials in wrong places, undeserved favor or unlawful seizure of property was unknown with him. To all creatures he gave the nourishment by which each of them live, and whatever makes them happy, with that he blessed them.** (*Cūlavāṅgsha* n.d., Geiger translation, 111, paras.15-18, emphasis added.)

The said Agghabodhi V's brother Kassapa III⁹⁸ apparently 'followed suit':

As a father wins his son, so he won his people by generosity, by friendly speech and by care for their welfare. Offices he bestowed on various people **according to merit**, and he himself enjoyed the pleasures of life free from all sorrow. For laymen, bhikkhus and *brāhmaṇas*,⁹⁹ the prince encouraged the way of life fitting for each and **carried out the command 'to kill no living creature.'** (*Cūlavangsha* n.d., Geiger translation, 112, paras.21-24, emphasis added.)

Regarding Mahinda I,¹⁰⁰ the record states:

Only as *Ādipāda*¹⁰¹ he administered the kingdom to protect, as it were, during his life, living beings on the island. (*Cūlavangsha* n.d., Geiger translation, 113, para.31, emphasis added.)

To the Mahapali hall, **he gave an offering of ten cartloads, and beggars he provided with luxuries like his own.** He ate nothing without first having given to the beggars, and if without thinking of it he had eaten, he used to give them double of what he had himself enjoyed. (*Cūlavangsha* n.d., Geiger translation, 113, paras.34-35, emphasis added.)

King Aggabodhi VII¹⁰² is reported to have:

By legal acts ... carefully reformed the Order of the conqueror Buddha, and by judging according to justice ... **rooted out unjust judges.** (*Cūlavangsha* n.d., Geiger translation, 116, para.71, emphasis added.)

King Mahinda III¹⁰³:

Known all the earth round by the name of Dhammikasilamegha ... was a light of the true doctrine, a banner of the doctrine, to whom the true doctrine was the highest, and ... performed without fail every work that **followed the right[eous] path** and which had been done by former kings, but ... **avoided wrong.** (*Cūlavangsha* n.d., Geiger translation, 131, paras.39-40, emphasis and parenthesis added.)

Regarding king Agghabodhi VIII,¹⁰⁴ it has been written that:

On the *uposatha* days, **he forbade the bringing in of fish, meat and intoxicating drinks into the center of the town.** (*Cūlavangsha* n.d., Geiger translation, 132, para.48, emphasis added.)

Once he addressed one of his slaves with the word 'slave'; to make up to him for it, he let him use the same word toward himself. The wise prince made his mother offer his own person as a gift to the bhikkhu community, then paid down a sum equal to his own value and was thus again a free man. (*Cūlavangsha* n.d., Geiger translation, 133, paras.62-63, emphasis added.)

King Aggabodhi IX¹⁰⁵:

... Had the drums beaten and summoned the beggars, **distributing to them gold** as much as they wanted, for three days. (*Cūlavangsha* n.d., Geiger translation, 136, para.91, emphasis added.)

As regards king Udaya II,¹⁰⁶ it has been said that he:

... **Removed all the wicked chiefs of provinces and of districts from their offices, and drove away the robbers from the country and freed it from the thorns of danger, and made merry the hearts of all the people from the fullness of his riches and his great bounty.** And this man, who was worthy of being honored by the prudent and of being served by the needy, and like unto the wish conferring tree in the comfort that he bestowed on the poor, **forsook the evil ways that aforetime had been followed throughout the land, and walked in the path of righteousness, and took up his abode there.** (*Mahāvāṅgsha continuation* n.d., Wijesinha translation, 62 (268), paras.122-125, emphasis added.)

The reign of Kassapa V¹⁰⁷ is highlighted by the following:

... He was a **learned expounder of the law**, and skilled in all arts, and gifted in **discerning between right and wrong.** He was versed in policy and grounded firmly in the faith like unto an immovable pillar, so that he remained unshaken by the winds of contrary doctrines. He harbored neither

pride nor guile, nor deceit, nor such like sins, but was a mine of virtue, like unto the ocean for all sorts of gems. (*Mahāvāṅgsha continuation* n.d., Wijesinha translation, 65 (271), paras.39-41, emphasis added.)

By the practice of the *ten virtues of kings* and the *four means of conciliation*, he watched over his people like his own eye. (*Mahāvāṅgsha continuation* n.d., Wijesinha translation, 65 (271), para.43, emphasis added.)

King Mahinda IV¹⁰⁸:

... Built an alms hall on the grounds of the elephant house and gave to beggars alms and couches. **In all the hospitals, he distributed medicine and beds, and he had food given regularly to criminals in prison.** To apes, the wild boar, the gazelle and to dogs he, a fount of pity, **had rice and cakes distributed** as much as they would. In the four *vihāras*, the king **had raw rice laid down in heaps with the injunction that the poor should take of it as much as they wanted.** (*Cūlavāṅgsha* n.d., Geiger translation, 181, paras.30-33, emphasis added.)

The account on Vijayabahu II¹⁰⁹ provides that:

... This most merciful sovereign, on the day that he was anointed king over the realm, wisely **set at liberty such of the inhabitants of Lanka as his mother's brother, the great king Parakrama-Bahu, had cast into prison and had caused to suffer grievous pains and penalties.** To all of them, **wheresoever they were, he restored also all their lands and possessions and spread happiness all over the realm.** (*Mahāvāṅgsha continuation* n.d., Wijesinha translation, 220 (426), paras.3-4, emphasis added.)

He himself composed in the Magadha tongue a most excellent letter, sent it to the monarch living in Arimaddana, concluded with this beloved prince **a friendly treaty** as aforetime his great grandfather Vijayabahu, and being highly famed to increase the joy of the bhikkhus in the land of Lanka and Arimaddana, he made the Order of the Buddha lustrous. (*Cūlavāṅgsha continuation* n.d., Geiger translation, 126, paras.6-8, emphasis added.)

During the reign of queen Kalyanawathie¹¹⁰ (the queen-consort of king Nissanka-Malla), General Ayasmantha:

... Bent on doing good, **had a text book compiled which had 'law' as its subject.**¹¹¹ (*Cūlavangsha continuation* n.d., Geiger translation, 131, para.41, emphasis added.)

King Buwanekabahu I¹¹² is described thus:

As he then **won over all his subjects by a just policy, he was a just king** and a believing adherent of the Doctrine. He bestowed on the skilful scribes of the sacred books abundant money and had the whole of the *tipitaka* copied by them, had it preserved here and there in the *vihāras* of Lanka, and thus the lord of men caused the dissemination of the sacred texts. (*Cūlavangsha continuation* n.d., Geiger translation, 203, paras.36-38, emphasis added.)

Regarding king Parakramabahu III,¹¹³ the record states:

... He reflected: 'That Tooth Relic, which was taken to the Pandu kingdom ... worthy of veneration by our race, how shall I bring it back from there?' And as the ruler **saw no other means but friendly negotiation**, he set forth in the company of several able warriors, betook himself to the Pandu kingdom and sought out the ruler of the Pandus. **By daily conversations he inclined him favorably**, received from the hands of the king the Tooth Relic, returned to the island of Lanka and placed the relic in ... Pulatthinagara in the former relic temple. Then the ruler took up his abode in this city and began **to carry on the government without transgressing the precepts laid down for kings.** (*Cūlavangsha continuation* n.d., Geiger translation, 205, paras.51-56, emphasis added.)

The following is made known about king Parakramabahu IV¹¹⁴:

To the office of royal teacher, the king appointed a grand *thera* from the Cola country, a self-controlled man, versed in various tongues and intimate with philosophic works. **Ever and again he heard from him continuously all the *jātakas*, learned them by heart and retained their contents. Then he rendered by degrees these five hundred and fifty beautiful *jātakas* from the Pāli tongue**

into the Sinhala speech. He recited them in the midst of the grand *theras* who were intimate with the *three pitakas*, and after correcting them, he had them written down and distributed throughout Lanka. And these *jātakas* he made over to a wise *thera*, Medhamkara by name, whom he had gained for the purpose that they might be preserved in the succession of his disciples and thereby handed down still further. (*Cūlavangsha continuation* n.d., Geiger translation, 208, paras.80-86, emphasis added.)

King Parakramabahu VI¹¹⁵:

... Had the sacred *three pitakas* together with the commentaries and the *tīkāś*¹¹⁶ copied and caused a summary of the *teachings* of the Buddha to be made. He also granted villages and the like to the scribes, that they might copy day by day the books of the true doctrine. (*Cūlavangsha continuation* n.d., Geiger translation, 217, paras.27-28, emphasis added.)

Concluding the instant analysis is the following account on king Wimala-dharma-suriya II¹¹⁷:

... Wimaladharmasuriya became king, whose ornament was his faith and other virtues He ... gladdened his subjects by the *four heart-winning qualities* and **protected uninterruptedly in peace and justice** the realm of Lanka as a lord of men whose ornament was his virtue. (*Cūlavangsha continuation* n.d., Geiger translation, 239, paras.1-3.)

Day after day he listened to the sermon of the doctrine, and since even on days which were not *uposatha* days he kept the ordained fasts, he did much good. In this and many other ways, longing for good, he day and night unweariedly did much good. (*Cūlavangsha continuation* n.d., Geiger translation, 240, paras.19-20, emphasis added.)

The following evinces the said pious king's virtue of religious forbearance:

While Father [Joseph] Vaz was thus successfully pursuing his apostolical labors and advancing the glory of God among the people of Kandy, the Frenchman [de Lanerole] ... burning with envy, instigated the ... priests in the city to petition the king [Wimaladharmasuriya II], on two different occasions, to demolish his Church and to banish him from the kingdom, urging as reason, in the

first place, the old story of his being an emissary [spy] of the Portuguese; and in the second place, that he had persuaded many of the servants in the palace to embrace the Catholic religion and to despise the worship of Buddha. The king, however, was not willing to accede to their petition and at once told them that **he did not find anything blamable in Father Vaz's conduct**. When the ... priests observed to the king that they were astonished to see him tolerate a religion professed by his enemies, meaning the Portuguese, his reply was that **he hated the Portuguese *only* for their political intrigues and *not* for their religion**. (Casie Chitty 1848, 17-18, parenthesis and emphasis added.)

Thus, despite many of Lanka's rulers having resorted to violence (to a greater or lesser degree in some form or the other), the reigns of the aforementioned monarchs being clearly rooted in piety should suffice to endorse the fact that the 'Dhamma' was indeed effectively perpetuated as the island's 'basic norm.'

Furthermore, despite the majority of etched edicts in Sri Lanka being found to be **(a)** 'council warrants of immunity' respecting lands, **(b)** declarations of duties owed to the Buddhist temples, **(c)** declarations of Buddhist clergy entitlements and services owed to them by laymen settled within temple precincts, **(d)** conveyances and donations made to the Buddhist monastic schools and **(e)** emancipations from servitude, a few do contain averments concerning the administration of the realm in accordance with the righteous duties or 'Dhamma':

VESSAGIRI SLAB INSCRIPTION NO.2A OF MAHINDA IV¹¹⁸: ... The great king ... Mihindu ... who has not transgressed ... the **ten regal virtues** and the **four elements of popularity**; who has secured for himself the way to *Nirvāna*, which consists in **charity**, in accomplished **virtues** and in **righteous conduct**; who has won the hearts of all men by being great in his compassion for the world (Wickremasinghe 1912, 34, emphasis added.)

SLAB INSCRIPTION OF QUEEN LILAVATI¹¹⁹: By creating a council of **wise**, brave and faithful ministers, she has freed her own kingdom from the dangers arising from other kingdoms, and thus placing the

people and the Buddhist church in a **peaceful state**, her majesty reigns in accordance with the **ten virtues belonging to royalty**. ... May future sovereigns also, having regard to the good of the two worlds, keep it up as it has been kept up and continue to give their protection. (Wickremasinghe 1912, 181-182, emphasis added.)

Even as late as in 11th century AD, Aśoka was thought fit to be emulated with much admiration:

ROCK INSCRIPTION OF PARAKRAMABAHU I¹²⁰: His majesty pondered that **in the days gone by the great king Dhammaśoka** ... crushed out the sinful bhikkhus In like manner, his majesty Parakramabahu ... remov[ed] ... many hundreds of sinful monks (Wickremasinghe 1928, 274-275, emphasis and parenthesis added.)

However, the many inscribed averments of king Nissanka-Malla¹²¹ ('dauntless warrior') though implying an avid deference to the *Dhamma (teaching)*, appear verbose, rhetorical, self-aggrandizing and sympathetic toward belligerence: traits unbecoming of a resolute *Cakkavatti* monarch emulator.

Nonetheless, the fact remains that until at least 11th century AD, India's emperor Aśoka – specifically under the honorific '*dhammaśoka*' (not '*candaśoka*') – remained the ideal ruler to be emulated within Sri Lanka (apparently for his unique righteous rule/rule by 'Dhamma'). Furthermore, a minimal form of this righteous rule has received expression as part of the *dasa ākgnā* ('ten ordinances') that apparently bound every king *per* the *Lak Raja Lo Sirita* (a palm leaf manuscript of *circa* 1769AD):

There are ordinances **which have existed from ancient times**; namely, that the prince [1] **shall not** kill the king his father or [2] the queen his mother; that he [3] **shall not** forsake the religion of Boodho [Buddha] and embrace a different religion; that he [4] **shall not** put to death any member of the priesthood; that [5] he **shall not** injure such boa-trees as may be planted near any temple containing the image or relics of Boodho nor deface any part of the temple; that [6] he **shall not** deprive any animal of life; that [7] he **shall not** commit theft or [8] **adultery**; that [9] he **shall not**

utter a falsehood or [10] drink intoxicating liquors. (Bertolacci 1817, 461-462, emphasis and parentheses added.)

Thus, even as of 1769AD, abiding by the *five precepts* ('6', '7,' '8,' '9' and '10' above) was deemed no less than an ancient *ākgnāwa* that (ideally) bound every successive ruler of Sri Lanka.

4.7 A rival school of thought

A contrary school of opinion does exist seeking to advance the premise that only 'lip service' was paid to the 'Dhamma' by the majority rulers of Sri Lanka, who being instructed in works such as the 'Laws of Manu' and Kautilya's *Arthaśāstra* in fact implemented and enforced the salient principles of these treatises in preference to those of the former. Indeed, the starting point for this argument might well have been provided by one part of a published narrative pertaining to an interview had with dethroned king Sri Vikrama Rajasinha¹²²:

In the course of conversation, he [Sri Vikrama Rajasinha] entered upon a discussion in regard to the cause of thunder and lightning. Some allusion having been made to the severity of the king's punishments, he rather testily observed, '**I governed my kingdom according to the Shasters' – Hindoo or brāhmaṇical law books, of which the Institutes of Manu are said to have obtained the highest reputation. Manu professes to have great confidence in the utility of punishments. 'Punishment,' says he, 'governs all mankind; punishment alone preserves them; punishment wakes, while their guards are asleep. The wise consider punishment as the perfection of justice.'** *'The whole race of men is kept in order by punishment, for a guiltless man is hard to be found'* (*Laws of Manu*). (Marshall 1846, 172, parenthesis and emphasis added.)

However, the worth of this particular revelation is rendered inconsequential by the averments contained in a concluding (supplementary) chapter of the Cūlavamsa, which categorically provide that Sri Vikrama Rajasinha deliberately eschewed the customs of his predecessors and instead adopted a merciless form of totalitarian rule.¹²³ Thus, the above disclosure regarding

the basis of his reign must necessarily confine itself unto him alone and can in no sense be presumed representative of the chosen polity of his predecessors. (Admittedly, however, Rajasingha I, Kalinga Magha, the seven Cholas and the eleven Dravidians all appear to have espoused a similar form of despotic rule based on extreme Manuism.)

The said 'contrary school of opinion' yet seeks to legitimize itself principally on the strength of certain averments contained in the chronicles that categorically refer to **(1)** perpetuation of capital punishment and torture by successive monarchs, **(2)** Manu, Kautilya and their respective works and **(3)** underground passageways, espionage, poisons, the notion of justice and the king's officials, all of which shall be addressed now.

4.8 Capital punishment and torture

Admittedly, references to capital punishment, corporal punishment and some forms of torture are seen scattered throughout both the Mahāvamsa and Cūlavamsa. However, as has already been observed under '4.6' above, of significance are the expressed instances wherein capital punishment and the slaying of sentient beings were abolished; bodily injury as a penalty was set aside (effectually ousting torture); confiscated lands were ordered restored; and prisoners were maintained under state patronage.

Even king Parakramabahu II,¹²⁴ who would have secured a place in the above list of '**wise**' rulers if not for his campaign against the Damilas, is said to have decreed a remission of punishments as follows:

People whose heads were to be cut off he punished only in stern fashion with dungeon and fetters and then set them free again. But for such people as deserved prison, the ruler, to whom pity was the highest, ordained some lighter punishment or other and reprimanded them. But on people who should have been banished from the country, the ruler ... laid but a fine of a thousand (*kahapanās*). But on all those who deserved a fine, he looked with indignation, and with all sorts

of words of rebuke he made of them honest men. (*Cūlavangsha continuation* n.d., Geiger translation, 148, paras.4-7.)

It perhaps would be not ‘too presumptuous’ to imply the adoption of these same initiatives by the entirety of said ‘wise’ rulers, especially since they have all been described as having devoutly embraced the Buddhist discipline and/or doctrine at some point during their respective reigns.

Furthermore, the disclosure under ‘4.6’ above in relation to king Upatissa (son of king Buddhadasa) to the effect that he covertly granted pardon to a criminal sentenced to death, though acknowledging the existence of capital punishment during his reign, nonetheless exemplifies his ‘Dhamma’-based acumen in staying its execution. Thus, it appears that the alleged ‘perpetuation of capital punishment and torture’ enumerated as ‘(1)’ under ‘4.7’ above does not remain necessarily true of all who ruled Sri Lanka.

4.9 The ‘Laws of Manu’

Five times is Manu mentioned (by name) in the combined chronicle: twice under chapter eighty, and once each under chapters eighty-three, eighty-four and ninety-six.

- The *first* citing occurs in relation to Vijayabahu II:

As the ruler departed not from any precept of the **political teaching of Manu**, he rejoiced the people through the *four heart-winning qualities*. (*Cūlavangsha continuation* n.d., Geiger translation, 126, para.9, emphasis added.)

That the tenets of the ‘political teaching of Manu’ should come to foster ‘*the four heart-winning qualities*’ otherwise referred to as the *four bases of fellowship* (generosity, affability,

beneficence and indiscrimination) is plainly ludicrous. Nowhere in the 'Laws of Manu' does such a distinct categorization appear.

- The *second* is in connection with Panda king Parakrama:

When then a space of about seven months had passed for the *mahesi* [queen Lilavati], there landed with a great Pandu army from the Pandu kingdom the glorious Panda king Parakkama, [who] deposed the queen and her general ... and after he had cleared Lanka from the briers of revolt ... ruled the realm in ... Pulatthinagara for three years, without transgressing **the political precepts of Manu**. (*Cūlavangsha continuation* n.d., Geiger translation, 132, paras.51-53, parenthesis and emphasis added.)

Admittedly, this might be an accurate description of the *status quo* as it prevailed since it is to a foreign invader that the chronicle hereby refers.

- The *third* concerns Parakramabahu II:

But on people who should have been banished from the country, the ruler, who **might be likened to Manu**, laid but a fine of a thousand *kahapanās*. (*Cūlavangsha continuation* n.d., Geiger translation, 148, para.6, emphasis added.)

Although the 'Laws of Manu' do require kings to punish criminals 'justly,' remissions of their sentences on extraneous grounds such as compassion run wholly contrary to the same:

128. A king who punishes those who do not deserve it **and punishes not those who deserve it brings great infamy on himself and, after death, sinks into hell**. (*Manusmṛiti* n.d., Bühler translation, 276, emphasis added.)

314. A thief shall, running, approach the king, with flying hair, confessing that theft and saying, 'Thus have I done, punish me'; 315. And he must carry on his shoulder a pestle, or a club of Khadira wood, or a spear sharp at both ends, or an iron staff. 316. Whether he be punished or

pardoned, the thief is freed from the guilt of theft, **but the king, if he punishes not, takes upon himself the guilt of the thief.** (*Manusmṛiti* n.d., Bühler translation, 309, emphasis added.)

344. A king who desires to gain the throne of Indra and imperishable eternal fame shall **not**, even for a moment, neglect to punish the man who commits violence. (*Manusmṛiti* n.d., Bühler translation, 314, emphasis added.)

233. Whenever any legal transaction has been completed or a punishment been inflicted according to the law, he shall sanction it and **not annul it.** (*Manusmṛiti* n.d., Bühler translation, 382, emphasis added.)

- The *fourth* too relates to Parakramabahu II:

Thereupon the ruler, versed in the **ordinances of Manu**, caused to be determined to what families the villages, fields, houses and so forth, long since seized by the alien foe, belonged by heredity, and had them returned to their aforesaid owners as before. (*Cūlavangsha continuation* n.d., Geiger translation, 154, paras.1-2, emphasis added.)

Admittedly, the ‘Laws of Manu’ do make provision in this regard as follows:

40. Property stolen by thieves must be restored by the king to men of all castes (*varna*); a king who uses such property for himself incurs the guilt of a thief. (*Manusmṛiti* n.d., Bühler translation, 260.)

- The *fifth* is about Rajasingha II:

While he, experienced in all the **statecraft taught by Manu**, sojourned there, he received news of the Olandas [the Dutch]. He thought that good, sent two dignitaries to their fair land, had a number of people fetched from there in many ships, and when these arrived in the rich, prosperous, thickly populated coastlands near Digha-vapi, he showed them favor. (*Cūlavangsha continuation* n.d., Geiger translation, 236-237, paras.26-28, emphasis added.)

Apparently, the connotation here is that experience in ‘the statecraft taught by Manu’ had nurtured in the king a sense of diplomacy. The closest available Manu teaching in this regard is as follows:

208. By gaining gold and land, a king grows not so much in strength as by obtaining a firm friend, who, though weak, may become powerful in the future. (*Manusmṛiti* n.d., Bühler translation, 250.)

Apart from falling quite short of a ‘teaching on interstate diplomacy,’ it appears that this provision is clearly devoid of any form of uniqueness attributable exclusively to the ‘Laws of Manu.’

Thus, regarding the said five references to Manu above: ‘the *first*’ being ludicrous, ‘the *second*’ speculative, ‘the *third*’ inconsistent and ‘the *fifth*’ indistinct, only one, ‘the *fourth*,’ remains amenable to any tenable contextual relevance. Even more remarkable is the fact that all these references are found confined to ‘Part Two’ of the Cūlavamsa, and these too appear only in four chapters among its last twenty. Neither in the Mahāvamsa nor in ‘Part One’ of the Cūlavamsa does any reference to Manu exist whatsoever.

4.10 Kautilya

A reference to Kautilya by name is first detected in ‘Part One’ of the Cūlavamsa under chapter sixty-four, which concerns the scholarship of prince Parakramabahu¹²⁵:

In the numerous books of the ... Buddha, in the works on politics as in that of **Kotalla** and others, in grammar and poetry together with the knowledge of vocabulary and ritual, in dance and song, in the art of driving the elephant and so forth, above all in the lore of the manipulation of the body, the sword and other weapons, he was past master. (*Cūlavangsha* n.d., Geiger translation, 243, paras.3-5, emphasis added.)

Wilhelm Geiger (foremost translator of both the Mahāvamsa and Cūlavamsa), referring to his understanding of the word ‘Kotalla’ (Wijesinha prefers ‘Kocalla’ (*Mahāvangsha continuation* n.d., 103 (309), para.3)) above, provides in the appertaining footnote thereto *inter alia* as follows:

I believe that Kautalya, *i.e.*, Canakya, the famous minister of Candragupta, is meant. He is alleged to be the author of a textbook on politics, ‘*Artha-śāstra*,’ which has been recently discovered. (*Cūlavangsha* n.d., Geiger translation, 243, note¹, emphasis added.)

However, just forty-two paragraphs later, within the same said sixty-fourth chapter of the Cūlavamsa, the following appears:

I hear of the great wisdom of Canakka, that best of *brāhmaṇas* who uprooted the kings of the Nanda dynasty. (*Cūlavangsha* n.d., Geiger translation, 247, paras.45-46, emphasis added.)

Moreover, in the footnote that he attaches to this ‘Canakka’ (*i.e.*, 247, note⁵), Geiger merely directs the reader to the same said footnote to ‘Kotalla’ above without any further elaboration thereon.

It is indeed difficult to accept that the original author of this part of the chronicle did ‘mistakenly’ refer to the same person by two names within the same chapter and just paragraphs apart. Even more surprising is this very author’s reverting to the use of ‘Kotalla’ (in the seventieth chapter) in further relating the account on the very same prince Parakramabahu I:

With careful consideration of the works profitable for the carrying on of war, such as the textbook of¹²⁶ Kotalla, the *Yuddhawava* and others he, versed in the procedure of war, worked out with ingenuity in a way according with the locality and the time, the plan of campaign, wrote it down, had it handed out to the officers and gave the order, ‘Doubt not that ye do a thing of great

moment, if ye do but swerve by a hair's breadth from this my instruction.' (*Cūlavangsha* n.d., Geiger translation, 291-292, paras.56-58, emphasis added.)

Geiger (*Cūlavangsha* n.d., 291, note²) refers this 'Kotalla' too to the previously mentioned footnote (*i.e.*, 243, note¹) and pleads his ignorance regarding 'Yuddhawava' above. In any event, the above passage constitutes the last apparent reference to Kautilya/'Kotalla' as contained within the extended chronicle, thus confining all such citations to 'Part One' of the *Cūlavamsa* alone.

It is clear that the original author/chronicler refers to 'Kotalla' specifically in the context of a renowned expounder of both 'politics' and 'the carrying on of war' so as to denote this a matter of **fact** (rather than one of opinion). Contrastingly, his advertence to 'Canakka' appears more in the form of an **opined** tribute to the latter's legendary toppling of the Nanda dynasty. It is Geiger who equates the two ('Kotalla' = 'Canakka'), not the original author/chronicler. The original author/chronicler, for his part, apparently construes 'Kotalla' and 'Canakka' as two separate individuals, which in turn serves to buttress the deductions made earlier in this work regarding the contradictory averments as to authorship alighting from within the *Arthaśāstra* itself (see entry³⁵ in 'Notes' appended to this work).

4.11 Geiger's opinion on the combined chronicle

Taken cumulatively, references to both 'Kotalla' and Manu appear only in the *Cūlavamsa* under chapters (**a**) sixty-four and seventy, in respect of the former and (**b**) eighty, eighty-three, eighty-four and ninety-six, in respect of the latter. According to Geiger:

The whole Ceylon chronicle ... consists of **four** parts:

I., constituting a single entity, namely the Mahāvamsa, running from chapter 1(.0) to chapter 37.50;

II.I, being the first of three subdivisions of the *Cūlavamsa*, continuing from chapter 37.51 to chapter 79.84;

II.II, the second subdivision of the Cūlavamsa, extending from chapter 79.85 to chapter 90.102; and
 II.III, the third and final subdivision of the Cūlavamsa, proceeding from chapter 90.105 to chapter 100.292.

The author of I. is Mahanama, of II.I, Dhammakitti, of II.III, Sumangala; the author of II.II is **unknown**. (Geiger 1930, 208, abridged and emphasis added.)

Geiger provides further that:

The compilers of the three parts of the Cūlavamsa were to a great extent influenced by the Indian *kāvya* literature and by the rules of the Indian poetics, the *alamkāra*. This influence is considerably stronger in the second part than in the first, composed by Dhammakitti, and stronger again in the third portion than in the second. The reliability of the three portions and their value as historical sources is also different; it decreases, generally speaking, from portion to portion, while on the other hand, the language becomes more artificial and sometimes even abstruse. (Geiger 1930, 213, emphasis added.)

Concerning Dhammakitti (the author of the first part of the Cūlavamsa: chapters 37.51 to 79.84), Geiger opines specifically as follows:

Already Mahanama, the author of the older Mahāvamsa, was fain to create a *kāvya*, an artificial poem, and he was no stranger to the rules of *alamkāra*. But this is true in a still higher degree of Dhammakitti. He was a man of literary culture. I believe I have proved ... that he must have been acquainted with Indian *nīti* literature, perhaps with its chief work, the *Arthaśāstra* of Kautalya. These literary reminiscences were, of course, not without influence on his attitude toward historical events and persons. (*Cūlavangsha* n.d., Geiger translation, vi.)

... From what he had read, he drew an ideal picture of an Indian king. The man whose glorification was his aim must correspond to this picture. He must have all the qualities belonging to an Indian king and employ all the methods of statecraft which political science prescribes or recommends. All these individual traits the compiler combines with the data furnished by tradition, **without**

question as to probability or improbability of these. (*Cūlavangsha* n.d., Geiger translation, vii, emphasis added.)

Accordingly, the aforementioned stipulations associating Parakramabahu I with Kautilyan lore appear to be designed interpolations at the hands of Dhammakitti, rendered more in poetic adulation of the former than in strict representation of actual fact.

Geiger goes on to conclude that:

I do not hesitate to call just those chs. 37 to 60 perhaps the best and most reliable parts of the whole Mahāvamsa. Its statements are so often confirmed by external testimonies even in details that, according to my conviction, doubts about its general trustworthiness are not justified. (Geiger 1930, 218.)

... Although **allowances for some poetical licenses must be made in the description of the character and the deeds of Parakkamabahu I.** (Geiger 1930, 228, emphasis added.)

He tacitly deems the content of the *Cūlavamsa* from **chapter sixty onward** interpolated by way of subtle to sizeable exaggeration. Accordingly, it appears that the said citations pertaining to both 'Kotalla' and Manu (as feature from chapter sixty-four onward) must *ipso facto* yield to this very doubt of exaggeration.

In any event, it would be unconscionable to reckon the meager figure of eight citations (in respect of supposed recourse had by only five kings to either the 'Laws of Manu' or the writings of 'Kotalla') sufficient to debase the efficacy of the 'Dhamma' already demonstrated as having prevailed predominantly over the reigns of no less than twenty-six (26) monarchs.

Thus, the expressed advertence by the chronicler to 'Manu, Kautilya and their respective works' enumerated as '(2)' under '4.7' above comes to be rid of all probative value toward sustaining the 'contrary school of opinion.'

This is confirmed by the fact that even during the reigns of one hundred and forty-seven (147) Lankan rulers who engaged in some form of belligerence (whilst maintaining and strengthening the *Sangha*), the 'basic norm' of 'Dhamma' did prevail *de jure* in the hallowed position of ultimate criterion of judgment. For example, when prince Saddhatissa sought refuge in a Buddhist temple from the onslaught of his brother *duttha*-Gamani, the latter, knowing full well of the sanctuary granted to the former by the bhikkhus, both accepted and honored the same with due obeisance (albeit censuring his brother's 'cowardly' act). Furthermore, upon the bhikkhus' presenting their said ward Saddhatissa for reconciliation with king *duttha*-Gamani, the latter obligingly restored his estranged brother to the status he had formerly enjoyed, expressing only his disappointment at the *Sangha*'s disinclination to intervene on their behalf sooner (*Mahāvāṅgsha* n.d., Geiger translation, 167-169, paras.39-59). Again, Parakramabahu I (foremost among the many warriors celebrated by both chronicles) is reported to have set aside his very claim to the throne of Lanka in reverence to the *rationale* of 'Dhamma' as follows:

When the ruler Gajabahu heard that the enemy widespread on all sides was approaching, he saw no other step that he could take, so the king sent to the congregation of bhikkhus belonging to the three fraternities settled in Pulatthinagara the message, 'I see for myself no protection save with the venerable brethren; let them, out of pity, free me from my sorrow.' When the bhikkhus heard these words they ... their hearts moved with pity ... sought out the ruler Parakramabahu, and after exchanging greetings they ... spake the following conciliatory words: **'The Exalted One** [the Buddha], **to whom pity was the highest, expounded many times in many discourses the misery of discord and the blessings of concord.** Now the ruler of men, Gajabahu, has neither a son nor brothers, but he himself, being old, is near death. Thy pledged word that the gaining of the royal dominion has as object only the furtherance of the laity and of the Order will thus shortly be

fulfilled. Therefore shalt thou give up the strife and return to thine own province, hearkening to the word of the bhikkhu congregation.’

Thus the king Parakramabahu, hearkening to the words of the Order, gave up the kingdom gained with great trouble to king Gajabahu and betook himself to his own province. (*Cūlavangsha* n.d., Geiger translation, 313-314, paras.327-336, emphasis added.)

It is also recorded that king Moggallana I, after having secured victory over his brother Kassapa,¹²⁷ did enter the city of Anuradhapura, proceed directly to the Mahāvihāra and offer the ‘royal parasol’ (the symbol of kingship) to the order of the *Sangha* (*Mahāvangsha continuation* n.d., Wijesinha translation, 3 (209), paras.30-31) in due manifestation of his devout submission to the authority of ‘Dhamma.’

4.12 Mahā Ummagga jātaka

Again, what Geiger perceives as influences had by the works of both Manu and Kautilya upon the conduct of Lankan royals, allegedly evinced by the combined chronicle’s references to their associations with ‘poison’ (*Mahāvangsha* n.d., Geiger translation, 146, paras.3-6), ‘spies’ (*Mahāvangsha continuation* n.d., Wijesinha translation, 114-115, paras.128-145), an ‘underground passage’ (*Mahāvangsha continuation* n.d., Wijesinha translation, 74, paras.7-8) and the ‘friend’ (or king’s counselor) (*Mahāvangsha continuation* n.d., Wijesinha translation, 249, paras.3-4), does have an alternative and even more plausible explanation. Namely, that the said royals were instead well-versed in the more germane *Mahā Ummagga jātaka* (n.d.) of the Pāli cannon, which the chronicler of the *Cūlavamsa* reveals as being expressly cited by prince Parakramabahu I in the latter’s disclosure of the many sources from which he obtained his learning:

I hear in tales, as in the *Ummaggajātaka* and others, of deeds done by the *Bodhisatta* in the different stages of his development, the outcome of his heroic nature and of other qualities. (*Cūlavangsha* n.d., Geiger translation, 246-247, para.41, emphasis added.)

In fairness to Geiger, it must be disclosed that he too at times foresaw the chronicler's personal indoctrination and know-how being presumptuously passed on to those very dignitaries whom the latter had occasion to describe:

That the **compiler** [not the character] was influenced by the reading of textbooks on *nīti*, as for instance Kautalya's *Arthaśāstra* ... is **unmistakable**. (*Cūlavangsha* n.d., Geiger translation, 263, note¹, emphasis and parenthesis added.)

Thus, in the passage reproduced below describing king Vijayabahu IV's endeavor to recruit a suitable advisor to his court, the chronicler, in manifest disagreement with the passage's literal meaning, superimposes by interpolation (in order to misrepresent the same as having been within the said king's contemplation) 'the seven elements of government,' which receive exclusive expression under the 'Laws of Manu' and Kautilya's *Arthaśāstra* respectively as follows:

294. The king and his minister, his capital, his realm, his treasury, his army and **his ally** are the seven constituent parts of a kingdom; hence, a kingdom is said to have seven limbs (*anga*). (*Manusmṛiti* n.d., Bühler translation, 395, emphasis added.)

The king, the minister, the country, the fort, the treasury, the army and the friend are the elements of sovereignty. (*Arthaśāstra* n.d., Shamasastri translation, 289, emphasis added.)

However, neither the 'element' designated 'ally' under the former nor 'friend' under the latter (duly connoting either a friendly territory or its ruler) has any bearing on the office of 'counselor' or 'advisor' to which the passage describing king Vijayabahu IV's endeavor to recruit unequivocally relates:

Fearless in heart, king Vijayabahu gave his consent and took over the burden of the government. Now he thought, 'I will show my father, so long as he is in life, that I am a son of the higher kind.' And he probed ever further: 'Who is there now fitted to be the element 'friend' **among the seven**

elements of government, as ruler, minister, friend and the like; trustworthy, a clever counselor, a comrade in misfortune, who speaks the truth, who is good to me?’ And he realized: ‘There is the *Ādipāda* Virabahu, the son of my father’s sister, well bred, adorned with virtues, skilled in all tasks. Since the time when we played together in the sand till today, he has showed the highest confidence in me and in all good people. He cannot bear to stand anywhere if he does not see me, and I also cannot bear to take a seat without seeing him. He is at pains even as I to further the laity and the Order, richly dowered with mental and bodily power. Therefore, is he fitted for the element, friend.’ He summoned him to him and entrusted him with the position of a devoted friend. (*Cūlavangsha continuation* n.d., Geiger translation, 183, paras.1-9, emphasis added.)

It becomes evident that the original chronicler has for some inexplicable reason misconstrued the said seventh ‘element’ of ‘ally’/‘friend’ (connoting either a friendly territory or its ruler) to be synonymous with the concept of a king’s personal advisor. Even more inexplicable is both Wijesinha and Geiger being duped by this ‘red herring’ on the part of the original chronicler to the extent of their embarking on ‘a wild goose chase’ to substantiate this fabrication. In fact, the particular spurious interpolation is relatively easy to discern; it constitutes that portion of the passage reproduced in bold italics above, which when **deleted** easily manifests the true rendition as follows:

... And he probed ever further: **‘Who is there now fitted to be the element ‘friend’; trustworthy, a clever counselor, a comrade in misfortune, who speaks the truth, who is good to me?’**
(*Cūlavangsha continuation* n.d., Geiger translation, 183, para.3, emphasis added.)

Here again, it would be more plausible to attribute the said king’s resolve to appoint the best possible person his advisor to the *Mahā Ummagga jātaka*, especially in view of the popular knowledge that prevailed at such time regarding Mahaushadha’s legendary counsel: reputed to have saved his beloved king Vedeha from many a life-threatening predicament.

Thus, influences thought by the *Cūlavamsa* to have been exerted by (the works of) Manu, Kautilya and the like – regarding ‘underground passageways, espionage, poisons, the notion of

justice and the king's officials' – are found either overly presumptive or evidently mistaken. This renders criterion '(3)' enumerated under '4.7' above bereft of sufficient probative value to corroborate the 'contrary school of opinion.'

Kautilyan presumptuousness has relatively recently been rebutted within the context of a local archaeological finding. *Per* Coningham, Gunawardhana, Manuel, Adikari, Katugampola, Young, Schmidt, Krishnan and Simpson (2007, 714, 715 and 716-717), excavational evidence pertaining to urban settlements and monastic sites within the 'hinterland of Anuradhapura' was found **not to support** the 'settlement hierarchy' advocated by the *Arthaśāstra* (n.d., Shamasastri translation, 45), though hitherto **presumed to have been followed** in Sri Lanka.

Criteria '(1),' '(2)' and '(3)' enumerated under '4.7' above having been found summarily dismissible, the suggestion that 'monarchs of Sri Lanka being instructed in works such as the 'Laws of Manu' and Kautilya's *Arthaśāstra* paid only 'lip-service' to the 'basic norm' of 'Dhamma'' comes to be voided of all credibility.

4.13 The people's practice of the 'Dhamma'

The foregoing analysis has served to exemplify the extent to which the rule by 'Dhamma' (righteous duties) came to be enforced upon the general populace of Sri Lanka at the behest of many a pious monarch who governed the island nation from time to time (both the Mahāvamsa and Cūlavamsa bearing ample testimony to this fact). However, the said chronicles provide little information regarding the extent to which the precepts of 'Dhamma' were actually practiced by native Sri Lankans. Ven. Dr. Walpola Sri Rahula deduces in this regard as follows:

Acquiring merit of various kinds as security for the next world was the motive underlying the religion of the laity, from the king down to the poorest peasant. Wealth, health, beauty, longevity, intelligence, power, high caste and the like, which the people desired, were the results of good karma. **People tried, therefore, to do good and to be good in order to obtain these happy**

conditions. It was easier for the ordinary man to do deeds, which were considered meritorious, than to develop a good and pure spiritual character. (Rahula 1956, 254, emphasis added.)

The vast majority of people had neither the earnestness nor the peace of mind necessary for practicing the higher *teachings* of the Buddha. Nor did they have the intelligence to understand its significance. But they had the greatest respect and attachment to religion. They would give their lives in its name, even if they did not know what it really meant. So they expected monks, who were the guardians of their life and conscience, here and hereafter, to practice the religion for them. **They would take part in that noble work and acquire some merit vicariously by supporting and protecting a devout *Sangha* ...** (Rahula 1956, 259-260, emphasis added.)

The devotion of the ordinary poor people was more genuine and touching than even that of kings and ministers. (Rahula 1956, 261, emphasis added.)

... **Sometimes poor people fed bhikkhus while they themselves were actually starving.** (Rahula 1956, 261, emphasis added.)

No one who was not well versed in religion was considered 'cultured.' (Rahula 1956, 291, emphasis added.)

The deduction that the common man was more concerned with his fate in the 'next' world than his spiritual salvation in this (Rahula 1956, 254) is particularly significant as it receives both past and present validation respectively *via* (**a**) *Arahath* Mahinda's pivotal exhortation to the laity to abide by the *five precepts* in order to gain heaven and avoid the states of woe (see '4.3' above) and (**b**) the symbolic 'six-four' maxim, which has effectively perpetuated the same exhortation to date (see '4.4' above).

4.14 *Sīhala Vatthu*

Ven. Dr. Walpola Sri Rahula's aforesaid deductions are found amply substantiated by the collection of anecdotes embodied in the *Sīhala Vatthu* (n.d.), among which (a) to (g) below are particularly relevant:

(a) During the reign of king Saddhatissa, there lived in Anuradhapura a tailor by the name of Tissa who, abiding by the *five precepts*, did diligently occupy himself in his vocation, albeit under the self-imposed condition that with whatever he earned from dawn to noon he would facilitate the *Sangha*, and with that from noon till dusk he would maintain his parents. Showing no interest in the prospect of marriage, which his parents dutifully put to him, the 'tailor-Tissa' so compassionately engaged in his said twofold benefaction that he soon came to be celebrated by the *devas*, approved by the noble *Arahaths*, cherished by the people and cared for by the king, finally gaining entry into the heaven of Thusitha upon his death. (*Sīhala Vatthu* n.d., Buddhadaththa translation, 1-3, translated into English.)

Thus, the salient 'Dhamma' practices of abiding by the *five precepts*, abstaining from all *prohibited trades* (see *Vañijjā sutta* n.d.¹²⁸), earning one's keep in accordance with 'the sweat of one's brow' (see *Ādiya sutta* n.d.¹²⁹) and dutifully serving both 'parents' and the 'clergy' in accordance with the *sixfold reciprocal duties of support* are all reflected in the above.

(b) An erudite bhikkhu having obtained his alms for the day was about to consume his midday meal when his gaze fell upon an on-looking thief, possessed with vile motives, though clearly in a state of hunger. Hence, the bhikkhu compassionately offered his repast to the thief. The thief eagerly devoured the food, and being gratified thereby confessed to the bhikkhu his intended vengeance had the meal not been so offered, asking forgiveness for having contemplated the same. The bhikkhu consoled the thief and instructed him on the benefits of abiding by the *five precepts*, whereupon the thief quite honestly declared his inability to adhere to them given his chosen livelihood. However, upon being urged by the bhikkhu to keep to at least one of the said *precepts*, the thief gladly agreed, stating that he would adhere to *abstaining from carnal* (including sexual) *misconduct*. That night, the said thief came across two heads of cattle and, intending to steal the same, entered the relevant householder's premises. No sooner than his doing so, the

householder's wife confronted him. She, at once being deeply enamored by his youthful physique, queried his presence thereat, to which the thief declared his intent to steal the cattle. The householder's wife intimated her willingness to let him do so, provided that he first satisfied her erotic cravings. Disgusted by her statement, the thief expressed his having already avowed to resolutely *abstain from carnal misconduct*. Unknown to either of the two, the householder had been giving ear to their conversation. He pounced upon them and summoned his servants to restrain both. Nonetheless, being greatly impressed by the said singular virtue of the thief, he addressed him as 'friend' and declared that he would henceforth consider him his 'brother,' and thus a 'co-householder' entitled to any possession held therein. As for the householder's wife, she was promptly banished. The thief, now reflecting on the merits gained by upholding just *one* of the *five precepts*, and perceiving the greater gains in abiding by them *all*, made haste to the temple wherein his mentor, the said erudite bhikkhu, resided, imploring his 'master' to invoke the remaining *precepts* on him and vowing to abide by them all until his death. The bhikkhu most willingly obliged, declaring that by so keeping to the *precepts*, he, the former thief, would gain not only exemption from the woeful abodes but also heaven and eventually his final release from all suffering. (Dhammanandi n.d., Buddhadaththa translation, 55-57, translated into English.)

Accordingly, it is seen how the reformation of a thief was brought about in days gone by *via* the salient precepts of the 'Dhamma.'

Forgiving one's enemies, a firm tenet of the 'Dhamma,' is also recorded as having been espoused by the laity:

(c) The enemy of a very pious and skilled farmer sought to embarrass the latter by inviting bhikkhus to attend the farmer's home on the very day that he had intended to sow his fields with some painstakingly gathered seed paddy. This forced him to shell this seed paddy into rice, to be cooked and given in alms to the bhikkhus, leaving nothing to sow his fields with. Even so, perceiving the immense merit gained from his gift of alms, the noble farmer is said to have uttered: 'If there be an enemy of mine who, with intent to cause me 'loss,' feignedly invited bhikkhus to my house, may he be blessed with happiness'! (Dhammanandi n.d., Buddhadaththa translation, 92-93, translated into English.)

Instances wherein the impoverished gave freely to the clergy were many:

(d) An indigent mother and daughter lived in close proximity to a shelter for the destitute. Once, the said daughter, Sumana, upon seeing seven bhikkhus entreating alms from the nearby village but exiting empty-handed, resolved to provide them with a meal. Having approached her mother, she requested permission to so indulge the bhikkhus; her mother unreservedly encouraged the same, adding that it would not amount to forsaking her. She exhorted her daughter never to fear or desist from performing acts of kindness, stating that to do otherwise would be tantamount to securing a path to hell. So encouraged by her mother's wise words, Sumana promptly proceeded to the traders' stalls nearby, cut her hair and sold it. From the proceeds of this sale, she purchased the required amount of rice, cooked a meal and served it to the said seven bhikkhus, who, having so procured their required alms for the day, repaired to the jungles for their abidance. Toward profiting Sumana with the greatest possible quantum of merit, the bhikkhus resolved not to consume their respective meals until they had each attained noble *Arahathship*, which they all did then and there. Thus, the meal of rice so gifted by Sumana to the bhikkhus with much sacrifice ultimately became the first nutriment received by seven noble *Arahaths*, an outstanding feat of merit indeed. (Dhammanandi n.d., Buddhadaththa translation, 83-84, translated into English.)

(e) Again, there is the story of the wife of a very poor man who, along with her husband, had for three years survived solely on the produce of the forest – fruits, roots, leaves and the like – in pursuance of saving enough seed paddy to cultivate a small field of their own. Finally, on the day on which her husband had intended to sow the same, the wife, who had been entrusted with bringing the seed paddy to the field, on seeing four pious bhikkhus, instead thought it wise to make an offering of the same to them. She reflected on the fact that it was due to not having given to nobles in the past that they had now become so indigent. Accordingly, she shelled the seed paddy, cooked the same and offered a meal of rice to the bhikkhus, apprising them of all the circumstances that had led thereto. The bhikkhus, having accepted this pious offering, proceeded into the forest to partake of the same, all resolving to rise as noble *Arahaths* soon thereafter. Thus, the meal gifted by the said indigent wife became the crucial nutriment by which the bhikkhus gained their respective exits from perpetual suffering. The husband, on returning home and being made aware of his wife's said gift of alms, rejoiced in the same and praised his wife for her longsighted wisdom. Having consumed the scant remnants of the said offering, he went back to

his field and sowed a few ash-gourd seeds. To his amazement, the seeds instantaneously took root and brought forth a miraculous yield, which he presented to king Saddhatissa who, in appreciation thereof, bestowed upon the farmer and his wife many properties, gifts and entitlements. (Dhammanandi n.d., Buddhadaththa translation, 85-87, translated into English.)

(f) There is also the story of a pious young woman who belonged to a family driven to poverty by a famine. Her brothers had once gifted her a new gown, which they had chanced upon, in place of the rag dress she usually wore. However, upon seeing a bhikkhu presenting himself for alms and thinking him more deserving of the same, she clothed herself in the discarded rag dress and gifted her new gown to the bhikkhu, who promptly made it into an outer robe to drape himself with. Resolving to secure for the young woman the greatest possible merit in deference to her great sacrifice, the bhikkhu, by strenuously focusing on his unblemished virtue, then and there gained the state of noble *Arahathship*. The brothers, whose permission their sister had not obtained for this gift, upon hearing of her said selfless deed, rejoiced in the same. Whilst so rejoicing, they stumbled upon a hamper full of luxurious clothes meant for all of them (miraculously gifted by Lord *Sakra* – the noble ruler of the realm of thirty-two deities – in just recognition of the young woman’s benevolence). She was subsequently blessed with an equally virtuous husband and much wealth and happiness. Upon her death, she entered the heavenly abodes in accordance with the great merit she had so acquired. (Dhammanandi n.d., Buddhadaththa translation, 101-104, translated into English.)

(g) And, finally, there is the tale of a servant girl named Chandra who for three whole months confined herself to only one meal a day, saving the cost of her other meals. Toward accumulating a further sum, she additionally worked at night. Amassing her said gains, she expended the entirety on an almsgiving replete with sumptuous food and robes to eight noble *Arahaths*, thereby gaining for herself an abundance of merit, king Saddhatissa’s patronage, a good marriage, much wealth and, above all, a secured place in the heavens. (Dhammanandi n.d., Buddhadaththa translation, 129-130, translated into English.)

Although the *Sihala Vatthu* relates particularly to the island’s *status quo* as at approximately 119BC, there exists no authority to defeat the presumption that its anecdotes remain true of the subsequent generations of citizenry governed in accordance with the ‘Dhamma’ by the

‘wise’ rulers of yesteryear (the majority of whom have already received mention under ‘4.6’ above).

4.15 No break in continuity

Thus, contrary to the view advanced by some modern Sri Lankan constitutional lawyers, there occurred no ‘break’ in continuity of the island’s fundamental norm of ‘Dhamma,’ resulting from foreign occupation or otherwise, as far as the consciousness of its people was concerned. Though both the island’s territory and workforce did eventually come to be ceded to the British, the hearts and minds of its majority populace appear not to have so succumbed: ‘The Ceylonese seem never to have attained that depth of debasement or that servility of soul ...’ (Knighton 1845, 192). So long as the ministry of the *Sangha* prevailed as it obviously did throughout the island, especially in the rural villages and townships that housed the majority of its native people, there occurred no decline in perennial traditions, values and virtues.

Indeed, the strategy of the British was not to win over the common man but to secure a future strain of submissive local administrators, complemented by a select band of enfranchised electors, all comprehensively indoctrinated in the traditions of the West and willing to ‘tow the line’ of imperial servitude whenever called upon. Key urban communities were their principal targets, on which they unleashed every conceivable type of infrastructural advancement as a form of environmental conditioning toward gaining both acclaim and favor:

4.3 With the proclamation of freedom of worship for all sects of the Christian faith, the island was flooded with various Christian missions. ... They received encouragement both by the Local Colonial Government as well as the British Government. (Walpita, Tennakoon, de Silva, Uduwela and de Silva 2001, 35.)

4.4 The missionaries soon realized that baptizing Sinhala Buddhists by throwing a little water on them was not going to make them believing Christians. **Sinhala Buddhists did not easily accept Christian dogmas, which they were not allowed to question, and give up their own traditions. So**

the missionaries decided to go for the younger generation and use education as a tool of conversion. They established schools in various parts of the island in the principal towns. In these schools, the children were taught the principles of Christianity. Before the coming of the missionaries, the temples were the [only] schools, and the monks were the instructors. Secular learning and spiritual wisdom were imparted in these schools. The Colonial Government suppressed these temple schools or neglected them. (Walpita, Tennakoon, de Silva, Uduwela and de Silva 2001, 35, emphasis and parenthesis added.)

Although British administrators never sought to overtly assail the prevalence of Buddhism within the island (even proclaiming its continuance *via* the Kandyan Convention of 2nd March 1815¹³⁰), they did apparently seek to countermand its influence by patronizing Christian indoctrination with the ultimate objective of dissipating Buddhism's hold on the native population.

However, what the British did not account for was the greater influence exerted by informal education in the *precepts* of 'Dhamma,' which native children were often exposed to during their formative years (on the initiative of parents, elders and the clergy) much prior to formal schooling. This in turn did much to ingrain an inviolable indigenous identity in almost every child (which unavoidably was to come into conflict with British designs of 'cultural indoctrination'). Thus, the elite strain of future rulers in whom British administrators had so abundantly invested became the very agitators for the country's self-governance and to whom the British did finally yield. It is pertinent to note the yeoman services rendered not only by the *Sangha* but also by minority communities such as the Muslims and Tamils in this struggle for the island's territorial independence, which was finally regained on 4th February 1948.

It must be stressed that the right to govern the territory of Sri Lanka autonomously is what was so returned to the island's natives, for this was all that the British ever did take away from them. Their right to think freely was never ceded; its continuity remained intact and indeed was the basis of the said struggle for final release from the clutches of the British. It is of

pivotal significance to note that this foreign foe of Lanka was won over not by threat, force or protest but by way of amicable discourse, reminiscent of the policy of king Parakramabahu III (*Cūlavangsha continuation* n.d., Geiger translation, 205, para.52) in keeping with the salient *Cakkavatti* norm of non-belligerence (see Chapter '3.14 Aśoka's conquest through 'Dhamma').

The islanders were indeed subjected to a uniform body of external compulsions under colonial laws, but never did they relinquish their sacred traditions and customs, which were practiced and perpetuated as their internalized 'living law.' Thus, even though the British did rule the island from 1812 to 1948, the majority populace never surrendered their immemorial allegiance to the fundamental norm of the 'Dhamma.' Now, more than two centuries later, the proposition that 'the 'Dhamma's' efficacy in Sri Lanka could be eclipsed' remains a naïve fallacy, just as it did then.

4.16 '*Rājā bhavatu dhammiko*'

Sri Lanka's 'Constituent Assembly' (a meeting of the people's elected representatives at a venue disassociated from mundane law making for purposes of supramundane constitutional making (see Cooray 1973, 72-79)), which commenced its sittings in 1970, did truly accomplish a pioneering feat: **not** by way of enforcing the country's 'first' ever 'legal revolution' (such transformation having already taken place during the reign of king *devānampiya*-Tissa (see '4.2' above)), but **enshrining the 'Dhamma' as the fundamental norm of the island's first ever homegrown written constitution.**¹³¹ This was undoubtedly a high point in the unbroken tradition of the island's 'living law.'

The vesting of 'inalienable sovereignty' in the people of Sri Lanka (Constitution of Sri Lanka (1972), Article 3) was an equally commendable step as it gave recognition to the hitherto overlooked fact that from the self-determination of its people emanated the island's

independence and viability of government. Since the majority populace never did willingly accept foreign rule, the legal continuity of the island's 'living law' was never impeded.

Under Sri Lanka's extant Constitution (1978), too, 'inalienable sovereignty' is seen vested in the people (Constitution of Sri Lanka (1978), Article 3), and the 'Dhamma' receives its unreserved recognition as the island's inviolable fundamental norm as follows:

- The last line of the Pāli stanza appended to the formal ending of the Constitution (*i.e.*, immediately after the end of Article 172(2)) reads: '**rājā bhavatu dhammiko,**' which means 'may the king rule righteously' or 'may the government be righteous.'
- Article 9 provides that 'the Republic of Sri Lanka shall **give to Buddhism the foremost place**, and accordingly it shall be the duty of the state to protect and foster the Buddha *Sāsana* whilst **assuring to all religions the rights granted** by Articles 10 and 14(1)(e)' (emphasis added):

Now what does giving the foremost place to Buddhism mean? It is to see the Buddhist way of life preserved and to prevent its subversion by whatever means and **not to allow the introduction of an alien way of life**, which would give rise to conflicts and confrontation between the followers of different religions. **Buddhism ... has always accepted and respected the rights of minorities to have their own beliefs and religious practices.** (Walpita, Tennakoon, de Silva, Uduwela and de Silva 2001, 137, emphasis added.)

To foster and protect the *Buddhasāsana* is ... seeing to the education of the *Mahā Sangha* and that the general system of education, morals and values of the people are consistent with a Buddhist way of life (Walpita, Tennakoon, de Silva, Uduwela and de Silva 2001, 137-138.)

- 'The Preamble' dates the Constitution's inception in terms of the Buddhist era and specifies the expectations that 'Cultural Order [be] attained, the Unity of the Country [be]

restored and **Concord [be] established with other Nations'** (parentheses and emphasis added).

It has already been observed that Article 9 of the present Constitution of Sri Lanka assures 'to all religions the rights granted by Articles 10 and 14(1)(e).' These latter Articles expressly provide as follows:

10. **Every person** is entitled to freedom of thought, conscience and religion, including the freedom to have or to adopt a religion or belief of his choice. (Emphasis added.)

14. (1) Every citizen is entitled to -

(e) the freedom, either by himself or in association with others, and either in public or in private, to manifest his religion or belief in worship, observance, practice or teaching.

Furthermore, the above provisions are seen complemented by the following sub-Articles:

14. (1) Every citizen is entitled to -

(a) the freedom of speech and expression, including publication;

(b) the freedom of peaceful assembly;

(c) the freedom of association;

...

...

(f) the freedom by himself or in association with others to enjoy and promote his own culture and to use his own language;

...

(h) the freedom of movement and of choosing his residence within Sri Lanka; and

(i) the freedom to return to Sri Lanka.

It becomes apparent that Sri Lanka's present Constitution does potentially provide for the requisite 'stability' to facilitate a rational 'overlapping consensus' within a 'hierarchical' society as contemplated by John Rawls (see Chapter '3.16 John Rawls *vis-à-vis* Aśoka').

4.17 Overlapping morality

Furthermore, in practice, the core constituents of the 'Dhamma' (the *five precepts* and the *sixfold reciprocal duties of support*) do serve to impose moral duties and obligations in pursuance of the fundamental interests of all (Rawls 1993b, 51) without any ensuing prejudice whatsoever to the other principal religions of Sri Lanka: Christianity (including Catholicism), Hinduism and Islam.

Killing, adultery, theft, perjury and covetousness are all specifically prohibited by The Holy Bible (n.d.):

You shall not kill. (EXODUS 20:13, DEUTERONOMY 5:17, MATTHEW 5:21, ROMANS 13:9.)

Neither shall you commit adultery. (EXODUS 20:14, DEUTERONOMY 5:18, MATTHEW 5:27 AND 19:18, MARK 10:19, LUKE 18:20, ROMANS 13:9, JAMES 2:11.)

Neither shall you steal. (EXODUS 20:15, LEVITICUS 19:11, DEUTERONOMY 5:19, MATTHEW 19:18, MARK 10:19, LUKE 18:20, ROMANS 13:9.)

Neither shall you bear false witness against your neighbor. (EXODUS 20:16, DEUTERONOMY 5:20, MATTHEW 19:18, MARK 10:19, LUKE 18:20, ROMANS 13:9.)

Neither shall you covet your neighbor's wife. (EXODUS 20:17, DEUTERONOMY 5:21.)

Neither shall you desire your neighbor's house, or field, or male or female slave, or ox, or donkey, or anything that belongs to your neighbor. (EXODUS 20:17, DEUTERONOMY 5:21.)

Almost the same prohibitions are seen reiterated among the sacred verses of The Holy Koran (n.d.):

You shall not kill any person – for GOD has made life sacred – except in the course of justice. If one is killed unjustly, then we give his heir authority to enforce justice. Thus, he shall not exceed the limits in avenging the murder; he will be helped. (QURAN 17:33.)

... Anyone who murders any person who had not committed murder or horrendous crimes, it shall be as if he murdered all the people. And anyone who spares a life, it shall be as if he spared the lives of all the people. (QURAN 5:32.)

You shall not commit adultery; it is a gross sin, and an evil behavior. (QURAN 17:32.)

The thief, male or female, you shall mark their hands as a punishment for their crime, and to serve as an example from God. God is Almighty, Most Wise. (QURAN 5:38.)

Do not withhold any testimony by concealing what you had witnessed. Anyone who withholds a testimony is sinful at heart. (QURAN 2:283.)

And do not covet what we bestowed upon any other people. Such are temporary ornaments of this life, whereby we put them to the test. What your Lord provides for you is far better, and everlasting. (QURAN 20:131.)

They ask you about intoxicants and gambling: say, 'In them there is a gross sin, and some benefits for the people. But their sinfulness far outweighs their benefit.' (QURAN 2:219.)

Honoring one's parents is a mandatory duty common to both Christianity¹³² and Islam¹³³; both imply broader duties toward society in general.

Among the four accepted 'objectives in life' prescribed by conventional Hinduism, '*dharma*' provides for the universal notions of honesty, decency, respect, responsibility, duty and concern for others, deemed vested in all individuals regardless of their relative positions in society (Biswas 2006). '*Artha*' mandates that material possessions be acquired morally (Biswas 2006). '*Kāma*' or the pursuit of love and pleasure too is required at all times to be

within the bounds of both law and morality (Biswas 2006). Finally, '*moksha*' or salvation is considered expedited by recourse to both strict virtue and dedicated service to society (Biswas 2006).

4.18 Why the 'Sri Lankan example'?

One could possibly raise issue regarding why such a protracted discussion, particularly pertaining to Sri Lanka, was taken up within the foregoing pages. The short answer would be: to corroborate Aśoka's inscribed declaration that the conquest through 'Dhamma' had been 'won' as far south as 'Tamraparni' ('RE XIII,' Dhammika 1993, 27).

The Sri Lankan example also qualifies as 'the best evidence' on: **(a)** the viability of 'Dhamma' as the 'basic norm' (Kelsen) of a nation's legal system; and **(b)** the tenability of perpetuating a 'living law' (Ehrlich) of the people as founded on a system of 'primary rules' (Hart).

However, whether the history of Sri Lanka admits of an 'evolution' of its customary 'living law' into a more sophisticated system of enforced norms remains unclear. A few writers have in fact presented collections of customary 'laws' (see Bertolacci 1817, 451-477 and D'Oyly 1829) and even a comprehensive 'code' (see *Nīti-nighaṇḍuva* n.d., LeMesurier and Pa'nabokke translation) apparently toward evincing such an 'evolution.' All these constructs, however, are found wanting in the crucial requirement of perennial authority owing to their relative recentness and majority dependence on secondary sources.

Indeed, the disappearance of *Arahaths*¹³⁴ after the Magha¹³⁵ invasion and the virtual decimation of the *Sangha* by Rajasingha I¹³⁶ would inevitably have left the immemorial customs of 'Dhamma'-based polity open to all forms of corruption. Accordingly, it might be virtually impossible to discover any authentic presentation of the island's indigenous 'laws.'

The Sri Lankan example does ‘fall short of’ manifesting a wholly ‘Dhamma’-based system of substantive laws or external compulsions, reasonably so as not even Aśoka sought to fortify his conventional system of internal convictions with complementary state sponsored coercive mechanisms that would definitively bring about, keep-in-check and perpetuate a ‘Dhamma’-based system of *common law*. This, however, does not mean that the last said initiative is impracticable. It merely shows that the people of the past were more amenable to self-restraint than those of the present.

4.19 A ‘Dhamma’ based legal system

It has already been observed that ‘Dhamma,’ according to Aśoka, meant nothing more than ‘so much of that body of rational duties revealed by the Buddha immanently relevant toward establishing a righteous rule’ (see Chapter ‘3.3 Aśoka’s ‘Dhamma’’). The constituent elements of the ‘Dhamma’ being universal truths, a legal system based thereon would be deemed vested with some form of universality. It now appears opportune to present the tentative framework of such a ‘Dhamma’-based legal system.

4.20 Core postulates

‘Dhamma’-based polity has already been shown to encompass the *Buddhist social contract* (see Chapter ‘2.5 Buddhist social contract’); the *Cakkavatti duties* (see 3.2 ‘The Cakkavatti ideal and Aśoka’); the *seven factors of non-decline* (see Chapter ‘2.3 Conformity to Hart’s ‘primary rules’’); the *five precepts* (see Chapter ‘3.15 Five precepts – the *sine qua non* of ‘Dhamma’’); and the *sixfold reciprocal duties of support* (see Chapter ‘3.3 Aśoka’s ‘Dhamma’’). Hence, the *active* postulates that all of these constituents could give rise to minimally would include the following:

- That the representative government of the day be wholly elected upon the majority consensus of its people for the principal purposes of securing social welfare and

maintaining law and order; that recourse be had only to light forms of punishment in the nature of rebuking, upbraiding, expelling and the like; and that only moderate taxation be imposed on the people.

- That the said representative government of the people be firmly established in a body of righteous duties or 'Dhamma' and rule resolutely by the same.
- That a regime of reciprocal support for the care and protection of all principal segments of society be established and birds and beasts conserved.
- That all forms of socially harmful conduct be criminalized and financial assistance extended to the indigent toward eradicating poverty: the root of all crime.
- That teachers of morality belonging to all extant faiths be directed to consolidate and disseminate the most socially beneficial elements of their respective doctrines as based on the noble virtues of selflessness, goodwill and compassion toward securing the widespread spiritual advancement of society.
- **That abstinences from killing, stealing, carnal misconduct, lying and intoxication be firmly advocated as rational ethics worthy of espousal by all.**
- That both the rulers and those ruled indulge one another in generosity, affability, beneficence and indiscrimination.
- That the 'Dhamma' (righteous duties) be peaceably propagated amongst the peoples of the world in pursuance of eradicating recourse to belligerence and securing the greater weal of mankind, at all times respecting their individual and equal territorial sovereignties.

Taken cumulatively, these *active* postulates represent the righteous rule (or rule by ‘Dhamma’) that the people of Sri Lanka might be deemed to have habitually endorsed over many a generation (at least in respect of the greater number of its constituent norms). Since each *active* postulate inevitably complements every other, the loss of even one would account for a compound loss in the cumulative efficacy of the remaining whole. The bulleted enumeration above is not meant to be exhaustive, for the ‘Aśokas’ of the future might possibly see fit to supplement the same with new *active* postulates (by recourse to the greater mass of the Buddha’s *teachings* or *Dhamma*). However, that which mandates adherence to the *five precepts* is undeniably indispensable; without it, the identity of the ‘Dhamma’ could never be established (see Chapter ‘3.15 *Five precepts* – the *sine qua non* of ‘Dhamma’). Thus, *active* postulates might be even reduced to only this distinctive (prime) postulate that advocates adhering to the *five precepts*. Any form of governance based thereon would be deemed *ipso facto* one of ‘Dhamma,’ albeit in its minimal sense (see *Kuru-dhamma jāataka* n.d., Rouse translation).

Barring this ‘prime postulate,’ if and when any *active* postulate comes to lose its efficacy, it might be relegated to the status of an *inactive* postulate (ideally *via* judicial pronouncement at the highest level as moved for by a council of clerics charged with ascertaining the *pro tempore* mores of the day). However, its repeal from any constitutionally expressed list of ‘directive norms of state policy’ (or the like) should not necessarily follow, as there should exist the possibility of reactivating such an *inactive* postulate *via* the same said process. Needless to say that the ‘prime postulate’ could be repealed only by way of ‘legal revolution,’ whereupon every nuance of ‘Dhamma’ would come to be expunged from the succeeding system of polity.

It is pertinent to note that, save for the use of the word ‘Dhamma,’ there exists nothing among the aforementioned postulates to limit their efficacy exclusively to a Buddhist nation. The

attribute of 'generality' being abundantly manifest in them, they could be easily representative of any world order that bases itself on rational pragmatism.

4.21 Constitutional norms

Since progressive societies are generally assumed to move from customary to codified rules, what would be addressed next under the present scheme of concretization is that of reducing the said *active* postulates to a tangible form of fundamental law. A written constitution enshrining the 'Dhamma' would be the logical choice whose salient provisions should include the following:

- Vesting inalienable rights to sovereignty, self-determination and autonomy in the citizenry.
- Declaring the fundamental negative entitlements to not being deprived of (1) life, (2) equality, (3) fair trial, (4) freedom of thought, conscience and religion, (5) freedom from torture, cruel, inhuman or degrading treatment, (6) freedom from arbitrary arrest, arbitrary detention, arbitrary punishment, arbitrary taxation and retroactive penal legislation and (7) freedom from forced servitude, all inviolable and unrestricted. Mandating that infringements of these fundamental negative entitlements by any person be met with civil, criminal and/or civic sanctions imposed at the behest of the highest judicial forum of the land *via* an expeditious redress mechanism funded by the state.
- Requiring that both the head of the executive and members of the legislature be elected simultaneously at a free and fair poll held once every four years, the speaker and members of the cabinet in turn being elected by the members of the newly constituted legislature. Both the head of the executive and other members of the

executive be entitled to enjoy only those privileges commonly accorded to legislators and remain accountable to the legislature at all times.

- Mandating the creation of an *ethics council* whose membership shall be drawn from clerics of all extant religious denominations on the basis of proportional representation and vested with the function of issuing advisements to all three branches of the government on all matters having a crucial bearing on the people, including the appointing of suitable and qualified citizens to the highest positions in government, be they judges, commissioners, civil servants, plenipotentiaries or otherwise.
- Requiring that judges of the highest judicial forum be nominated by the *ethics council*, affirmed by the legislature, appointed by the head of the executive, and be vested with especial jurisdiction to issue declarations of incompatibility in respect of laws that contravene any constitutionally declared *active* postulate of the 'Dhamma.'
- Legislating the *active* postulates of the 'Dhamma' under a separate chapter of the constitution entitled 'directive norms of state policy' (or the like) at all times being unrepealable though amenable to *inactivation* and/or *supplementation* by way of a legislated constitutional amendment affirming the determination of a petition filed in this regard by the *ethics council* before the highest judicial forum.

4.22 'Dhamma' law

The legislature would next be vested with the task of transforming the above constitutional norms into pragmatic laws such as those which:

- Prohibit (i) killing (including aiding, abetting, counseling or procuring the killing of) any sentient being *save in circumstances of self-defense, prevention of spread of disease or*

*the like*¹³⁷; (ii) stealing (including appropriating, devaluing or destroying) unentitled property; (iii) rape, incest, pedophilia, adultery, bestiality, necrophilia, public indecency, public intoxication, gambling and other like forms of carnal excesses; (iv) expressing falsehoods (by words or actions); and (v) consuming any form of addictive intoxicant save on medical prescription.

- Enable comprehensive provisions for the due maintenance of indigent spouses, children and parents.
- Establish adequate retirement benefits for teachers and the clergy.
- Prescribe the reciprocal duties of support pertaining to parent-child and teacher-student relationships.
- Found a comprehensive and simplified regime of employer-employee protection.
- Institute a comprehensive public healthcare service and provide special state patronage for the differently abled.
- Abolish capital punishment.
- Mandate reformative incarceration in spiritual institutions for first offenders convicted of serious crimes.
- Substitute the adversarial system¹³⁸ with the inquisitorial system of adjudication.
- Bar the deployment of armed forces in any act of unprovoked aggression.

4.23 *Alien norms*

Admittedly, the international obligations of a 'Dhamma'-based state might well require that particular forms of enabling legislation be enacted nationally to give effect to norms that have been conceived internationally. In this event, it is clear that the substantive provisions given effect to by such special enabling legislation do not emanate from the said state's constitution and are hence wholly *alien*. Even so, if such provisions are considered non-prejudicial to the said state's constitutionally declared *active* postulates (of the 'Dhamma'), the highest judicial forum, upon being petitioned by the *ethics council*, might well issue a declaration endorsing their compatibility.

Conversely, an iniquitous provision like that justifying a 'prescriptive claim' to landed property on mere proof of 'undisturbed adverse possession' for an 'uninterrupted period of ten years' (see Prescription Ordinance No.22 of 1871, section 3), being in patent disavowal of the deed owner's documentary title thereto, would plainly violate the prohibition on stealing (prescribed by the 'Dhamma') and *ipso facto* necessitate a declaration of incompatibility being issued to confine the utility of this provision to only compensatory claims for 'useful'/'valuable' improvements executed if any.¹³⁹

It goes without saying that whenever the highest court declares a legislative provision 'incompatible,' the expectation would be that the legislature complies by repealing the same. Likewise, in the event of the highest court's advocating any supplementation to the law, the legislature would be expected to positively enact the same.

Might Buddhist Tenets Be Shown To Have Founded Or Substantially Influenced Any Doctrine Of Western Jurisprudence?

5.1 Affinity to *natural law*

The history of jurisprudence appears to have been primarily occupied with two types of inquiry: one toward determining the answer to ‘what the law is’ and the other in discovering ‘why people abide by the law.’

‘Law’ has today come to be understood broadly as encompassing: **(a)** customary morality or *natural law*; **(b)** positive or enacted law; and **(c)** combinations of both said **(a)** and **(b)**. ‘Law abidance’ on the other hand has from time to time been attributed to the efficacy of: **(a)** societal pressures; **(b)** historical biases; **(c)** *social contract*; **(d)** sanctioned norms; and even **(e)** economic security.

Natural law being the oldest school of jurisprudence – boasting a history of approximately 2500 years (Ed. Freeman 1959, 92) – warrants special consideration owing to its being the most proximate in time to the completion of the Buddha’s ministry.

Although the term *natural law* has never secured for itself an all-encompassing definition, its essence is that:

... There exist **objective moral principles** which depend on the essential nature of the universe and **which can be discovered by natural reason**, and that ordinary human law is only truly law in so far as it conforms to these principles [of *natural law*]. (Ed. Fitzgerald 1902, 15, reproduced with permission from ©Thomson Reuters (Professional) UK Limited *via* PLSclear, emphasis and parenthesis added.)

The reference to ‘principles’ of *natural law* as capable of being ‘discovered’ by innate ‘reason’ appears at first sight to parallel the appeal to rationalism as hitherto identified with the Buddha’s *Dhamma* (or *teaching*). However, a subtle but drastically divergent distinction remains to be appreciated regarding the manner in which *natural law* and the *Dhamma* employ their respective appeals to rationalism. Under *natural law*, rationalism constitutes the criterion by which the founding principles of that particular school of thought are to be both discovered and verified. Under the *Dhamma*, rationalism’s utility is confined to verification only, discovery being the exclusive prerogative of a *rightly self-awoken* Buddha (*Sammāsambuddha*). Thus, whilst *natural law* is dependent on man’s innate sense of rationality, the *Dhamma* is not; it exists quite independently of man.

Buddhism necessarily attributes the discovery of the *Dhamma* to none other than the *rightly self-awoken* Buddha. Neither being a deity nor a martyr, he is nonetheless born with the requisite supramundane *Virtue* and *Focus* to realize (through strong strife and mindful insight) the truisms of the *Dhamma* and thereby transcend the trappings of all forms of mundane causal origination toward redeeming himself from perpetual suffering (see Chapter ‘1.1 The Buddha’s *Dhamma*’). In achieving this end, he is truly self-taught, and being so remains unequalled by any other. Having attained supreme enlightenment, he discerns (from the *Dhamma*) a *Path* that lesser mortals could follow to free themselves from perpetual suffering. Thus, it is with the discovery of this *Noble Path* that the Buddha is duly credited (see *Sambuddha sutta* n.d., Thanissaro translation).

Moved by incomparable compassion for the whole of humanity, he then embarks on a noble quest of instruction, foremostly regarding the hitherto unknown *Path* of emancipation. Since many in this world are constrained by obligations, the Buddha simplifies the *Path* to one of graduated progression, thereby facilitating greater societal participation in the commonweal of all. Inasmuch as the *Noble Path* is derived from the *Dhamma* (the *teaching*), it remains dependent on the pragmatic norms of the latter, which universal truths the Buddha invites all

and sundry to accept only upon personal empirical-rational verification. Accordingly, no mortal of mere mundane intellect could (literally) 'discover' either the *Path* or the universal truths upon which it is founded, though s/he might, with her/his innate sense of 'right understanding,' appreciate the authenticity of both (*Path* and truths) and thereby strive toward her/his own salvation in accordance with the same. Thus, the Buddha's revelations as to *Path* and truths impliedly provide for: (1) a criterion of validity or recognition (the sanction of the Buddha); and (2) a distinct pragmatic method of (personal empirical-rational) verification.

The traditional school of *natural law*, however, by founding itself on the average man's presumed ability to discover principles of morality (based on his empirical understanding of natural causal relations) and verify the same (*via* his innate sense of rationality), suffers from a two-part deficiency: (1) the lack of uniformity in the common man's ability to so discover principles of morality; and (2) the lack of objective descriptions regarding 'natural causal relations' and 'morality.'

Nonetheless, verifiability *via* man's innate rationality being a feature common to both Buddhism and *natural law*, it remains pertinent to ascertain how this salient trait of the former came to be eventually identified with the latter.

5.2 Origins of *natural law*

Stoic philosophers were particularly responsible for bringing *natural law* to the fore as a universal system:

They stressed the ideas of individual worth, moral duty and universal brotherhood, and though in the early days theirs was a philosophy of withdrawal, enjoining conformity to the universal law upon the select few of wise men alone, in its later development ... stress was placed on its

universal aspects as laying down a law not only for the wise but for all men. (Lloyd 1959, 56, reproduced with permission from ©Thomson Reuters (Professional) UK Limited *via* PLSclear.)

Royal patronage (particularly of Antigonus Gonatas and Ptolemy II (see Baltzly 2008, '6. Influence'; Laërtius n.d., Yonge translation, 263-264, paras.XIV and XVI; and Laërtius n.d., Yonge translation, 322, para.II and 330, para.VIII)) had much to do with the proliferation and perpetuation of Stoic thought. (However, the attributes of *recourse to rational verification* and *regulation of conduct in accordance with nature* appeared in Stoicism only during its later stages of development.) The salient characteristics of Stoic *natural law* have received expression as follows:

And as reason is given to rational animals according to a more perfect principle, it follows that to live correctly according to reason is properly predicated of those who live according to nature. For nature is, as it were, the artist who produces the inclination. (Laërtius n.d., Yonge translation, 291, para.LII.)

Again, they say that justice exists by nature ... not because of any definition or principle; just as law does, or right reason (Laërtius n.d., Yonge translation, 306, para.LXVI.)

If our intellectual part is common, the reason also, in respect of which we are rational beings, is common: if this is so, common also is the reason which commands us what to do and what not to do; if this is so, there is a common law also; if this is so, we are fellow citizens; if this is so, we are members of some political community; if this is so, the world is in a manner a state. For of what other common political community will anyone say that the whole human race are members? And from thence, from this common political community comes also our very intellectual faculty and reasoning faculty and our capacity for law; or whence do they come? (Antoninus n.d., Long translation, 124, para.4.)

But he who values a rational soul, a soul universal and fitted for political life, regards nothing else except this; and above all things, he keeps his soul in a condition and in an activity conformable to

reason and social life, and he cooperates to this end with those who are of the same kind as himself. (Antoninus n.d., Long translation, 165-166, para.14.)

Every instrument, tool, vessel, if it does that for which it has been made, is well, and yet he who made it is not there. But in the things which are held together by nature there is within and there abides in them the power which made them; wherefore, the more is it fit to reverence this power and to think that if thou dost live and act according to its will, everything in thee is in conformity to intelligence. And thus also in the universe, the things which belong to it are in conformity to intelligence. (Antoninus n.d., Long translation, 175, para.40.)

One thing here is worth a great deal: to pass thy life in truth and justice, with a benevolent disposition even to liars and unjust men. (Antoninus n.d., Long translation, 179, para.47.)

To the rational animal, the same act is according to nature and according to reason. (Antoninus n.d., Long translation, 186, para.11.)

The poet says that Law rules all – And it is enough to remember that Law rules all (Antoninus n.d., Long translation, 191, para.31.)

Do not look around thee to discover other men's ruling principles, but look straight ... to what nature leads thee: both the universal nature through the things which happen to thee and thy own nature through the acts which must be done by thee. (Antoninus n.d., Long translation, 196, para.55.)

But intelligence and reason are able to go through everything that opposes them, and in such manner as they are formed by nature and as they choose. (Antoninus n.d., Long translation, 265, para.33.)

Thus, then, right reason differs not at all from the reason of justice. (Antoninus n.d., Long translation, 271, para.1.)

Admittedly, comparing the ethical principles of Stoicism with those of Buddhism appears relevant toward eliciting a probable nexus between the *Dhamma* (teaching) and *natural law*.

5.3 The Stoic philosophers¹⁴⁰

Regarding the attributes of a Stoic ‘sage,’ it has been provided *inter alia* as follows:

Feelings, of course, as psychical states, the sage, like every other human being, experiences – feelings of pleasure and pain, but they do not in any way disturb or unhinge him – under them he remains self-poised. ... In this way, the wise man, being self-sufficient, alone is free, and alone is a king; he is rich in the midst of poverty and happy though in physical torment. He never yields to anger, or resentment, or envy, or fear, or grief, or even to joy or to lust; nor does he experience pity or compassion, or show forgiveness, for he cannot compassionate or pardon another, whom he conceives is simply suffering from what he himself, if such suffering were his, would regard as no evil. Hence, further, the ideal sage has no desire for fame and scorns the pursuit of it, and is relieved from all anxiety above both the future and the past. (Davidson 1907, 149-150.)

Remarkably, the above appears to mirror the standpoint long since identified with the *Theravāda* Buddhist ‘sage’:

Having left home to roam without abode, in the village the **sage** is intimate with none; rid of sensual pleasures, without expectations, he would not engage people in dispute. (*Hāliddikāni sutta* n.d., Bodhi translation, 859-860, emphasis added.)

Freed of greed, not stingy, a **sage** doesn’t speak of themselves as being among superiors, inferiors or equals. One not prone to creation does not return to creation. They who have nothing in the world of their own do not grieve for that which is not, or drift among the *teachings*; that’s who is said to be at peace. (*Purābheda sutta* n.d., Sujato translation, emphasis added.)

People are tied to their acquisitions, to what is seen, heard, sensed and felt; dispel desire for this, be unstirred; they call him a **sage** who clings to nothing here. ... Proficient, long-trained in concentration, honest, discreet, without longing, the **sage** has attained the peaceful state,

depending on which he bides his time fully quenched within himself. (*Aratī sutta* n.d., Bodhi translation, 282, emphasis added.)

Thus, further analysis into the position borne by the Stoics is clearly warranted.

As philosophy was to them a substitute for religion, it was, above all things, their aim to make it a **rule of life, 'a way of living'** – not merely, as now, a necessary part of a university curriculum, but a power operative for good in daily action. (Davidson 1907, 48, emphasis added.)

Interestingly enough, Buddhism has much prior to Stoicism disclosed its practice as a 'way of life':

[Nanda:] People say that in the world there are **sages** – how is this? Do they say 'sage' for knowledge won or for a certain **way of life**¹⁴¹? [The Buddha:] The intelligent ones say not a 'sage,' for view, tradition or knowledge won; those foeless, desireless and free from distress who **so fare along** are **sages**, I say. (*Nanda-māṇava-pucchā* n.d., Mills translation, emphasis added.)

Stoics are said to have:

... Clearly laid down the nature of false or unfounded sense impressions and, in doing so, implicitly defined the foolish man as the hasty, the careless, the prejudiced percipient, or as a man suffering from mental disorder, while the wise man is he of unclouded mind, calm, careful, deliberate, unprejudiced. Impressions equally affect the wise and the unwise, but while the latter may give an occasional or accidental assent to them, the former has the characteristic of yielding a free, consistent and **unerring** assent and of stamping them with his approval. (Davidson 1907, 77, emphasis added.)

Again, Buddhism preconceives the said 'Stoic' notions as follows:

... **Guard the doors of your sense faculties.** On seeing a form with the eye ... on hearing a sound with the ear ... on smelling an odor with the nose ... on tasting a flavor with the tongue ... on

touching a tangible with the body ... on cognizing a mind-object with the mind, do not grasp at its signs and features. Since if you were to leave the eye faculty ... the ear faculty ... the nose faculty ... the tongue faculty ... the body faculty ... the mind faculty unguarded, evil, unwholesome states might invade you, practice the way of ... restraint, guard the eye faculty ... the ear faculty ... the nose faculty ... the tongue faculty ... the body faculty ... the mind faculty, undertake the restraint of the eye faculty ... the ear faculty ... the nose faculty ... the tongue faculty ... the body faculty ... mind faculty. (*Gaṇakamoggallāna sutta* n.d., Nanamoli and Bodhi translation, 875, abridged and emphasis added.)

According to Stoics:

Happiness consists ... not in the possession of anything external but in control of a man's own self, in strength of will illuminated by reason. In our power, in particular, is virtue and the choice of what is right and good; in the pursuit of which lie man's distinction and his bliss. (Davidson 1907, 145.)

Such free will has long since been identified with the Buddhist 'way of life':

By oneself, indeed, is evil done; by oneself is one defiled. By oneself is evil left undone; by oneself, indeed, is one purified. Purity and impurity depend on oneself. No one purifies another. (*Dhammapada* n.d., Narada translation, 149, verse 165.)

... These three sectarian tenets ... when taken to their conclusion, end with inaction. What three? '... [1] Everything an individual experiences – pleasurable/painful/neutral – is because of past deeds.' '... [2] Everything an individual experiences – pleasurable/painful/neutral – is because of an Almighty's creation.' '... [3] Everything an individual experiences – pleasurable/painful/neutral – has no cause or reason.' ... Those who believe that past deeds are the cause; an Almighty's creative power is the cause; or there is no cause or reason; have no enthusiasm or effort; no idea that there are things that should and should not be done. Since they don't acknowledge as a genuine fact that there are things that should and should not be done, they're unmindful and careless (*Titthāyatanādi sutta* n.d., Sujato translation, abridged with parentheses added.)

Stoics hold that:

... The wise man in ethics ... can **penetrate** appearances ... and refuse to give assent to those that are false, while no one can prevent his assenting to such as are true: he affirms the good and denies the evil. (Davidson 1907, 78-79, emphasis added.)

Buddhism predeclares that:

Not penetrating certain things, one deviates from *right view*,

The sleeping do not penetrate; it is time to be wakeful.

Thoroughly **penetrating** certain things, one does not deviate from *right view*,

Penetratingly and thoroughly, knowing they tread the *right path*. (*Appaṭividita sutta* n.d., Uppalavanna translation, emphasis added.)

The Stoics' understanding of 'happiness' is outlined as follows:

... Happiness, to the Stoic, means **virtue** – not something added on to it from without as its reward, but virtue itself as a realized state in the individual. Virtue, therefore, is the sole ultimate source of happiness, issuing naturally and inevitably in it In that case, virtue is not merely the chief but the only good, and vice, issuing in misery, is the only evil. Now, what is virtue? It is wisdom ... it is moral insight, or the clear and consistent perception of what is good and what is evil, and the eager intentional accepting of the one and rejecting of the other. (Davidson 1907, 152, emphasis added.)

Buddhism preconceives the culmination of ('clever') 'virtues' as follows:

Thus ... clever **virtues** are for the reason and benefit of non-remorse. Non-remorse is for the reason and benefit of **delight**. Delight is for the reason and benefit of **joy**. Joy is for the reason and benefit of tranquility. Tranquility is for the reason and benefit of pleasantness. Pleasantness is for the reason and benefit of concentration. Concentration is for the reason and benefit of knowledge and vision of seeing things as they really are. Knowledge and vision of seeing things as

they really are, is for the reason and benefit of turning away and disenchantment. Turning away and disenchantment is for knowledge and vision of release. Thus ... **clever virtues lead to the highest.** (*Kimatthiya sutta* n.d., Uppalavanna translation, emphasis added.)

When a bhikkhu whose taints are destroyed reviews his mind liberated from lust, liberated from hatred, liberated from delusion, there arises rapture ... **happiness** ... equanimity ... deliverance. (*Nirāmisā sutta* n.d., Bodhi translation, 1284-1285, emphasis added.)

‘They do it even though it’s hard,’ said the Buddha ... ‘the stable trainees with ethics and immersion.’ ‘For one who has entered the homeless life, contentment brings **happiness.**’ (*Kāmada sutta* n.d., Sujato translation, parenthesis and emphasis added.)

Seeing that the hindrances have been given up in them, **joy** springs up. Being joyful, **rapture** springs up. When the mind is full of rapture, the body becomes **tranquil.** When the body is tranquil, they feel **bliss.** And when blissful, the mind becomes immersed.¹⁴² (*Poṭṭhapāda sutta* n.d., Sujato translation, emphasis added.)

Stoics are said to have subscribed to:

... Sitting loose to the pleasures of the world, of **moderating**¹⁴³ and suppressing one’s desires, of finding the source of happiness and peace in the mind and inward being, not in external circumstances or the so-called good things of life, which are variable and uncertain and which perish in the using, leaving one unsatisfied. It is the characteristic of the wise man that he is self-sufficient – independent of fortune’s favor and of everything outside himself: he is master of the world by being master of his own desires. Hence, he can endure hardness without repining and can even rejoice in it, and asceticism is his natural element. (Davidson 1907, 131-132, emphasis added.)

Buddhism preconceives ‘moderation’ as follows:

And how is a mendicant one who knows **moderation**? It’s when a mendicant knows moderation when receiving robes, alms-food, lodgings and medicines and supplies for illness. If a mendicant

did not know moderation, s/he would not be called ‘one who knows moderation.’ But because s/he does know moderation, is called ‘one who knows moderation.’ Such is the one who knows the *teaching*, the one who knows the meaning, the one who has self-knowledge, and the one who knows moderation. (*Dhammaññū sutta* n.d., Sujato translation, amended and emphasis added.)

Here, when faithful householders invite a bhikkhu to take as much as he likes of robes, almsfood, resting places and medicinal requisites, the bhikkhu knows **moderation** in accepting. (*Mahā Gopālaka sutta*, Nanamoli and Bodhi translation, emphasis added.)

The Stoics’ position on ‘emancipation from desires’ has been summarized as follows:

... True freedom consists in emancipation from the thralldom of irrational desires (wealth, lust, domination, the passions), in the eradication of our desires and the reduction of our **wants** to the smallest possible number, and in subjection to the will under the supremacy of reason. (Davidson 1907, 143, emphasis added.)

‘Non-attachment’ has always been the keystone of Buddhism:

... An ignorant person [who] builds up **attachments** ... returns to suffering again and again. So let one who understands not build up **attachments** ... the origin of [all] suffering and rebirth. (*Mettaḡū-māṇava-pucchā sutta* n.d., Sujato translation, parentheses and emphasis added.)

From **attachment** springs grief; from **attachment** springs fear. For one who is wholly free from **attachment**, there is no grief; whence then fear? (*Dhammapada* n.d., Buddhharakkhitha translation, verse 214.)

Most modern historians prefer to avoid any discussion on the extent to which the Stoics practiced their professed austerities in reality. Existing accounts at times fail to manifest an ideal compliance with the code of Stoic virtue by even its chief exponents:

When he [Zeno] was asked why he, who was generally austere, relaxed at a dinner party, he said, ‘Lupins too are bitter, but when they are soaked, they become sweet.’ And ... **in entertainments of that kind, he used to indulge himself freely.** And he used to say that it was better to trip with the feet than with the tongue. (Laërtius n.d., Yonge translation, 269, para.XXII, parenthesis and emphasis added.)

And he [Zeno] died in the following manner. When he was going out of his school, he tripped and broke one of his toes, and striking the ground with his hand, he repeated the line out of the Niobe:–

I come: why call me so?

And immediately **he strangled himself**, and so he died. (Laërtius n.d., Yonge translation, 270, para.XXVI, parenthesis and emphasis added.)

And they also teach that **women ought to be in common among the wise**, so that whoever meets with any one may enjoy her, and this doctrine is maintained by Zeno in his Republic and by Chrysippus in his treatise on Polity (Laërtius n.d., Yonge translation, 307, para.LXVI, emphasis added.)

However, in fairness to the trinity of founding Stoic philosophers, it must be stressed that no direct evidence pertaining to their works or lives has survived (see Baltzly 2008, ‘1. Sources of our information on the Stoics’). Hence, the veracity of doxographical excerpts (such as those above) might be called into question. More apt, however, would be the defense that no record whatsoever exists of any Stoic’s claiming to have been a ‘sage’ or in the least under the tutelage of any such ‘sage.’ ‘Trainee-trainers of an apparently yet to be perfected discipline’ would best describe the status of all first-generation Stoics. Thus, in the absence of any foremost Stoic ‘sage,’ a serious issue is raised regarding the plausibility of attributing the authorship of ‘Stoic philosophy’ to the Stoics themselves. In fact, regarding the school’s ‘founder’ Zeno of Citium, it has been averred as follows:

And when he [Zeno] had made a good deal of progress, he attached himself to **Polemo** because of his freedom from arrogance, so that it is reported that he said to him, ‘**I am not ignorant, O’ Zeno,**

that you slip into the garden door and **steal my doctrines, and then clothe them in a Phoenician dress.**' (Laërtius n.d., Yonge translation, 268, para.XX, parenthesis and emphasis added.)

Polemo was an ardent student of Xenocrates (Laërtius n.d., Yonge translation, 159, para.VI), under whom Zeno himself is said to have obtained instruction (Laërtius n.d., Yonge translation, 259, para.III). Hence Plutarch's following 'asked and answered' question:

What beginnings do **Xenocrates** and **Polemo** take? Does not also **Zeno** follow these, who suppose nature and **that which is according to nature to be** the elements of **happiness**? But they indeed persisted in these things, as desirable, good and profitable; and joining to them virtue, which employs them and uses every one of them according to its property, thought to complete and consummate a perfect life and one every way absolute, producing that concord which is truly suitable and consonant to nature. (Plutarch n.d., 394, emphasis added.)

5.4 Xenocrates¹⁴⁴

As has been noted *per* Plutarch above, Xenocrates' 'beginnings' laid in striving to realize happiness by 'living according to nature.' The following serve to disclose his further espousals:

... Xenocrates may actually have followed some version of the Pythagorean way of life
(Huffman 2008, '4.1 Origins in the Early Academy: Speusippus, Xenocrates and Heraclides,' reproduced with permission from ©Carl Huffman.)

Being exceedingly devoid of every kind of pride, he often used to meditate with himself several times a day; and always allotted one hour of each day, it is said, to silence. (Laërtius n.d., Yonge translation, 156, para.VIII.)

The negative emphasis in Xenocrates' evaluation of philosophical activity as '**stopping the disturbance of the affairs of life**' (Diels 1879, 605, citing Galen) sounds like a step in the direction of the Hellenistic goal of 'undisturbedness.' (Dancy 2008, '3. Ethics,' reproduced with permission from ©Russell Dancy, emphasis added.)

Admittedly, the above hardly suffices as a viable reconstruction of Xenocrates' ethics. Nonetheless, it does present the two fundamental notions (constituents) of his thinking. **(a)** The first, 'living according to nature,' though almost exclusively ascribed to the Stoics, is thus seen attributed to Xenocrates as well, not surprisingly so in view of the influence that the latter might have exerted on his pupil Zeno of Citium (the 'founder' of the Stoic school), thereby plausibly accounting for the said principle's conveyance into Stoic thought. **(b)** The second, 'stopping the disturbance of the affairs of life,' is indeed an Epicurean epithet whose reattribution too comes as no surprise since 'Demetrius the Magnesians affirms that Epicurus¹⁴⁵ (the 'founder' of Epicureanism) *also* attended the lectures of Xenocrates (Laërtius n.d., Yonge translation, 428, para.VII, parenthesis and emphasis added). Thus, what in the teaching of Xenocrates constituted two aspects of an integrated ideal – **living in accordance with nature toward stopping the disturbance of the affairs of life** – was found divided and espoused (seemingly independently of each other) respectively by his two students, Zeno of Citium and Epicurus of Samos.

However, it appears that maintaining a strict divide between these 'two' schools of thought was not easy and often found conceptually counterproductive as both were subject to constant misunderstanding; *e.g.*, Epicureans were considered 'hedonists' and Stoics 'ascetics,' but in reality neither endorsed either extreme.

'Stoic virtue' finds expression in Epicurean thought and 'Epicurean wisdom' in the works of later Stoics. For example, Marcus Aurelius in his 'Meditations' prescribes a contemplative method, which though based in Stoicism is nonetheless tempered with Epicureanism. The following are explicit references made therein to Epicurus:

Indeed, in the case of most pains, let this remark of **Epicurus** aid thee: that pain is neither intolerable nor everlasting, if thou bearest in mind that it has its limits, and if thou addest nothing to it in imagination (Antoninus n.d., Long translation, 199, para.64, emphasis added.)

Epicurus says, In my sickness my conversation was not about my bodily sufferings, nor, says **he**, did I talk on such subjects to those who visited me; but I continued to discourse on the nature of things as before, keeping to this main point, how the mind, while participating in such movements as go on in the poor flesh, shall be free from perturbations and maintain its proper good. Nor did I, **he** says, give the physicians an opportunity of putting on solemn looks, as if they were doing something great, but my life went on well and happily. Do, then, the same that **he** did both in sickness, if thou art sick, and in any other circumstances (Antoninus n.d., Long translation, 244, para.41, emphasis added.)

5.5 Socrates¹⁴⁶

The following extracts attributed to Socrates¹⁴⁷ (both severally and concertedly) evince key similarities to ‘Stoic doctrine.’ The further indented and italicized excerpts within square brackets that follow these ‘extracts’ provide for corresponding Buddhist precedents, which have obviously fostered ‘Socratic thought’:

... A man who is good for anything ought not to calculate the chance of living or dying; he ought only to consider whether in doing anything he is doing right or wrong – acting the part of a good man or of a bad. (Plato n.d.a, Jowett translation, 15.) ... Zeal is invaluable, if a right one; but if wrong, the greater the zeal, the greater the evil; and therefore we ought to consider whether these things shall be done or not. For I am and always have been one of those natures who must be guided by reason, whatever the reason may be, which upon reflection appears to me to be the best (Plato n.d.c, Jowett translation, 34.)

[... When a desire arises to do some bodily action, you should reflect: doing this bodily action, will I be troubled, will others be troubled, will both be troubled. Is this bodily action demerit? Is it unpleasant? When reflecting, if you know: this bodily action will bring trouble to me, to others and to both. It is demerit. It is unpleasant. ... You should not do it. ... When reflecting, if you know: this bodily action I desire to do will not bring me trouble, others trouble, nor trouble to either. It's merit and brings pleasantness. ... You should do such bodily actions. (Ambalaṭṭhika-Rāhulovāda sutta n.d., Uppalavanna translation.)]

... We ought not to retaliate or render evil for evil to anyone, whatever evil we may have suffered from him. ... Neither injury nor retaliation nor warding off evil by evil is ever right. (Plato n.d.c, Jowett translation, 38.)

['Venerable sir ... I will abide in the Sunaparanta state.'

'Punna, the people of Sunaparanta are rough; if they scold and abuse you, what will you do?'

'Venerable sir ... it will occur to me ... they do not hurt me with their hands.'

'Punna, if the people ... hurt you with their hands ...?'

'Venerable sir ... it will occur to me ... they do not hurt me with clods.'

'Punna, if the people ... hurt you with clods ...?'

'Venerable sir ... it will occur to me ... they do not hurt me with a stick.'

'Punna, if the people ... hurt you with a stick ...?'

'Venerable sir ... it will occur to me ... they do not hurt me with a weapon.'

'Punna, if the people ... hurt you with a weapon ...?'

'Venerable sir ... it will occur to me ... they do not end my life with a sharp weapon.'

'Punna, if the people ... put an end to your life with a sharp weapon ...?'

'Venerable sir ... it will occur to me thus: There are disciples of the Blessed One who, loathing the body and life, search for an assassin. Here I have got an assassin, even without a search.'

'Good! Punna, it is possible for you to abide in Sunaparanta endowed with that appeasement in the Teaching.' (*Puṇṇovāda sutta* n.d., Uppalavanna translation.)

... Even if bandits were to carve you up savagely, limb by limb, with a two-handled saw, he among you who let his heart get angered ... at that would not be doing my bidding. Even then, you should train yourselves: 'Our minds will be unaffected and we will say no evil words. We will remain sympathetic, with a mind of good will and with no inner hate. We will keep pervading these people with an awareness imbued with good will and, beginning with them, we will keep pervading the all-encompassing world with an awareness imbued with good will – abundant, expansive, immeasurable, free from hostility, free from ill will.' That's how you should train yourselves. (*Kakacūpama sutta* n.d., Buddharakkhitha translation.)]

... The many care about – wealth, and family interests, and military offices, and speaking in the assembly, and magistracies, and plots, and parties. (Plato n.d.a, Jowett translation, 23.) ... Why ... care so much about laying up the greatest amount of money and honor and reputation and so little

about wisdom and truth and the greatest improvement of the soul ...? (Plato n.d.a, Jowett translation, 16.) ... Every man ... must look to himself and seek virtue and wisdom before he looks to his private interests ... in all his actions. (Plato n.d.a, Jowett translation, 23.) If you ask me what kind of wisdom, I reply, such wisdom as is attainable by man, for to that extent I am inclined to believe that I am wise (Plato n.d.a, Jowett translation, 6.) ... Do nothing but go about persuading ... old and young alike, not to take thought for your persons or your properties, but first and chiefly to care about the greatest improvement of the soul. ... Virtue is not given by money, but ... from virtue come ... every other good of man, public as well as private. (Plato n.d.a, Jowett translation, 17.)

[Ever grows the glory of him who is energetic, mindful and pure in conduct, discerning and self-controlled, righteous and heedful. (Dhammapada n.d., Buddharakkhitha translation, 11, verse 24.) Do not give way to heedlessness. Do not indulge in sensual pleasures. Only the heedful and meditative attain great happiness. (Dhammapada n.d., Buddharakkhitha translation, 13, verse 27.) Just as one upon the summit of a mountain beholds the groundlings, even so when the wise man casts away heedlessness by heedfulness and ascends the high tower of wisdom, this sorrowless sage beholds the sorrowing and foolish multitude. (Dhammapada n.d., Buddharakkhitha translation, 13, verse 28.) By craving for riches, the witless man ruins himself as well as others. (Dhammapada n.d., Buddharakkhitha translation, 141, verse 355.)]

... It is from defect of knowledge that men err, when they do err, in their choice of pleasures and pains – that is, in the choice of good and evil And surely ... the erring act committed without knowledge is done through ignorance. Accordingly, ‘to be overcome by pleasure’ means just this – ignorance in the highest degree (Plato n.d.d, Lamb translation, 243.)

[And what is the yoke of ignorance? It's when you don't truly understand the six [sense] fields of contact's origin, ending, gratification, drawback and escape, so ignorance and unknowing of the six [sense] fields of contact linger on inside. This is called the yoke of ignorance. (Yoga sutta n.d., Sujato translation, parentheses added.)]

The world is enveloped by ignorance Because of wrongly directed desire and heedlessness, it is not known (as it really is). It is soiled by longings and its great fear is

suffering. (*Ajita-māṇava-pucchā* n.d., Ireland translation, 38, reproduced with permission from the ©Buddhist Publication Society.)]

... There is more mischief when a man uses anything wrongly than when he lets it alone. (Plato n.d.d, Lamb translation, 411.) ... In the use of the goods ... wealth and health and beauty can we ... get any benefit ... without understanding and wisdom? (Plato n.d.d, Lamb translation, 413.) ... As regards the whole lot of things ... termed goods, the discussion they demand is not on the question of how they are **in themselves** ... goods, but rather ... as follows: if they are guided by ignorance, they are greater evils ... as they are more capable of ministering to their evil guide; whereas if understanding and wisdom guide them, they are greater goods; but **in themselves** neither sort is of any worth. (Plato n.d.d, Lamb translation, 415, emphasis added.)

[And how is a person 'light and bound for darkness'? It's when some person is ...born in an eminent family – a well-to-do family of aristocrats, Brahmins or householders – rich, affluent and wealthy, with lots of gold and silver, lots of property and assets, and lots of money and grain. And they're attractive, good-looking, lovely, of unsurpassed beauty. They get to have food, drink, clothes and vehicles; garlands, fragrance and makeup; and bed, house and lighting. But they do bad things by way of body, speech and mind. When their bodies breakup, after death, they're reborn in a place of loss, a bad place, the underworld, hell. That's how a person is 'light and bound for darkness.'

And how is a person 'light and bound for light'? It's when some person is reborn in an eminent family ... And they do good things by way of body, speech and mind. When their bodies breakup, after death, they're reborn in a good place, a heavenly realm. That's how a person is 'light and bound for light.' (*Tamotamaparāyana sutta* n.d., Sujato translation.)]

Whilst many a salient principle of 'Stoic doctrine' (see '5.2' and '5.3' above) is thus found to echo in 'Socratic thinking,' much of the latter is equally found to emanate from the Buddha's teachings (*Dhamma*).

Incidentally, though Zeno of Citium is widely regarded as ‘the first exponent’ of Stoicism, it appears that Antisthenes,¹⁴⁸ an avid follower of the teachings of Socrates, did in all probability found the Stoic school of thought:

... The Cynics and Stoics ... derived their **origin from Antisthenes**. (Laërtius n.d., Yonge translation, 223, para.X, emphasis added.)

He appears to have been the founder of the more manly Stoic school He was the original cause of the apathy of Diogenes, and the temperance of Crates, and the patience of Zeno, **having himself, as it were, laid the foundations of the city which they afterward built**. (Laërtius n.d., Yonge translation, 221-222, para.VIII, emphasis added.)

This is in no sense extraordinary, especially in view of the fact that both Antisthenes and Xenocrates belong to the Socratic lineage:

But of Philosophy, there arose **two schools**. One derived from **Anaximander**, the other from **Pythagoras**. ... For Anaximander succeeded Thales, and he was succeeded again by Anaximenes, and he by Anaxagoras, and he by Archelaus, who was the master of **Socrates, who was the originator of moral philosophy**. And he was the master of the sect of the Socratic philosophers, and of Plato, who was the founder of the old Academy; and Plato’s pupils were Speusippus and **Xenocrates**; and **Polemo** was the pupil of Xenocrates, and Crantor and Crates of Polemo. ... **Antisthenes** was the pupil of **Socrates** and the master of Diogenes the Cynic; and the pupil of Diogenes was Crates the Theban; **Zeno the Cittiaean** was his; Cleanthes was his; Chrysippus was his. (Laërtius n.d., Yonge translation, 10, para.X, emphasis added.)

Given the Socratic influence in Stoicism, it would be fitting to ascertain the teachings of those who contributed to the learning of Socrates toward possibly eliciting a source from which he derived his thought. The following averment attributed to Socrates serves this very end:

And I rejoiced to think that I had found in **Anaxagoras** a teacher of the causes of existence such as I desired I seized the books [of Anaxagoras] and read them as fast as I could in my

eagerness to know the better and the worse.¹⁴⁹ (Plato n.d.b, Jowett translation, 92, parenthesis and emphasis added.)

Thus, it appears that Socrates acquired knowledge of the teachings of Anaxagoras at the very inception of his learning. However, in terms of the succession of philosophers outlined earlier, Archelaus¹⁵⁰ is said to have been the ‘master’ of Socrates (Laërtius n.d., Yonge translation, 10, para.X). Nevertheless, the same source in its separate treatment of the life of Socrates twice avers to his having been a ‘pupil’ of Anaxagoras (and later a ‘disciple’ of Archelaus):

But, having been a **pupil of Anaxagoras** ... he became a disciple of Archelaus, the natural philosopher. (Laërtius n.d., Yonge translation, 64, para.III, emphasis added.)

Both **he** and Euripides were **pupils of Anaxagoras** ... (Laërtius n.d., Yonge translation, 74, para.XXIV, emphasis added.)

Thus, Socrates appears to have undergone instruction under both Anaxagoras and Archelaus, which is not surprising in view of the fact that the former was also the latter’s teacher (‘Archelaus ... was a pupil of Anaxagoras and the master of Socrates’ (Laërtius n.d., Yonge translation, 62, para.I)).

5.6 Anaxagoras¹⁵¹

The account of Archelaus in ‘The Lives and Opinions of Eminent Philosophers’ by Diogenes Laërtius (as translated by C.D. Yonge) is brief. Furthermore, even the more popular sources do not freely detail Archelaus’ particular thought, making it virtually impossible to demarcate the same. However, as regards Archelaus’ teacher Anaxagoras,¹⁵² although no trace of the latter’s professed ethical views survives, the extant fragments of his single volume of work provide for an intriguing presentation regarding both the composition and continuum of life:

The Greeks have an incorrect belief on Coming into Being and Passing Away. No Thing comes into being or passes away, but it is mixed together or separated from existing Things. Thus they would be correct if they called coming into being ‘mixing,’ and passing away ‘separation-off.’ (Freeman 1948, 85, para.17.)

Conditions being thus, one must believe that there are many things of all sorts in all composite products [:] ... (Freeman 1948, 83, para.4, parenthesis added) ... Air and Aether ... (Freeman 1948, 83, para.1-2) ... Moist and dry and hot and cold and bright and dark, and there was a great quantity of earth in the mixture ... (Freeman 1948, 83, para.4). It is not possible (for them) to exist apart, but all things contain a portion of everything (Freeman 1948, 84, para.6) ... not separated off from one another with an axe, neither the Hot from the Cold, nor the Cold from the Hot (Freeman 1948, 84, para.8). ... Each individual thing is and was most obviously that of which it contains the most (Freeman 1948, 85, para.12).

In everything, there is a portion of everything except Mind ... (Freeman 1948, 84, para.11). ... Mind is infinite and self-ruling, and is mixed with no Thing, but is alone by itself (Freeman 1948, 84, para.12). All things which have life, both the greater and the less, are ruled by Mind. Mind took command of the universal revolution so as to make (things) revolve ... (Freeman 1948, 84, para.12). And whatever they were going to be, and whatever things were then in existence that are not now, and all things that now exist and whatever shall exist – all were arranged by Mind ... (Freeman 1948, 84-85, para.12).

Through the weakness of the sense perceptions, we cannot judge truth (Freeman 1948, 86, para.21).

It is pertinent to note that Buddhism had preceded Anaxagoras in providing for **(a)** a more detailed investigation into the fundamental components of ‘matter’ and **(b)** a more systematic analysis of the correlation between ‘mind’ and ‘matter’ (under the Abhidhamma *pitaka* of the Pāli canon), which exposition finds brief summarization within the following collated excerpts from both commentary and canon:

According to Buddhism, **life** is a combination of mind (*nāma*) and matter (*rūpa*). Mind consists of the combination of sensations, perceptions, volitional activities and consciousness. **Matter consists of the combination of the four elements ...** (Dhammananda 1964, 89, emphasis added.)

... This body consisting of **the four** great **elements** the **earth** element, the **water** element, the **heat** [or **fire**] element, the **air** element. (*Kimsukopama sutta* n.d., Bodhi translation, 1252-1253, emphasis and parenthesis added.)

These four elements coexist and are inseparable, **but one may preponderate over another** as, for instance, *pathavi* in earth, *āpo* in water, *tejo* in fire and *vāyo* in air. They are also called *Mahābhūtas* or Great Essentials because they are invariably found in all material substances, ranging from the infinitesimally small cell to the most massive object. (Narada 1956, 320, emphasis added.)

Life is the co-existence of mind and matter. Decay is the lack of coordination of mind and matter. Death is the separation of mind and matter. Rebirth is the **recombination** of mind and matter. After the passing away of the physical body (matter), the mental forces (mind) recombine and assume a new combination in a different material form and condition another existence. (Dhammananda 1964, 89, emphasis added.)

It has been held regarding Anaxagoras that:

... We **do not know** how he acquired his philosophical learning. (Curd 2007a, '1. Life and Work,' reproduced with permission from ©Patricia Curd, emphasis added.)

Accordingly, further inquiry into the vertical descent of teaching as pursued thus far unavoidably comes to a halt (at least regarding 'handed down knowledge').

Nonetheless, it has been opined that:

Both Anaxagoras and Empedocles worked within the Parmenidean pattern (Curd 2007b, '7. The Pluralists: Anaxagoras of Clazomenae and Empedocles of Acragas,' reproduced with permission from ©Patricia Curd, emphasis added.)

Despite stories that they did not get along, there are signs of influence of Anaxagoras on Democritus (Curd 2007a, '6. Anaxagoras' Influence,' reproduced with permission from ©Patricia Curd.)

Since the above mentions Anaxagoras to have 'worked within the Parmenidean pattern' (*i.e.*, within the ideology of Parmenides¹⁵³) and further deems Empedocles to have equally done so, an inquiry into the respective teachings of these individuals is indeed worth undertaking.

5.7 Parmenides¹⁵⁴

He authored an elaborate poem *inter alia* on the cruciality of choosing the correct path toward realizing 'truth.' However, only fragments of the same have survived, among which the most salient shall be considered now (piecemeal):

Thou shalt inquire into everything: both the motionless heart of well-rounded Truth, and also **the opinions of mortals, in which there is no true reliability**. But nevertheless thou shalt learn these things (opinions) also – how one should go through all the things-that-seem, without exception, and **test them**. (Freeman 1948, 42, para.1, emphasis added.)

Hence, at the very outset, the concept of an ideal and unwavering 'truth' is contrasted with the 'unreliable' opinions of men thereon, entreating an inquirer to test all phenomena that appear to be true regarding their authenticity.

Come, I will tell you ... the ways of inquiry ... : the one that **IT IS**, and it is **NOT POSSIBLE FOR IT NOT TO BE**, is the way of credibility, for it follows Truth; the other, that **it is not**, and that it is **bound not to be**: this, I tell you, is a path that cannot be explored; for you could neither recognize that which **is not** nor express it. (Freeman 1948, 42, para.2, emphasis added.) One should both say and think

that ... **TO BE IS POSSIBLE**, and **NOTHINGNESS IS NOT POSSIBLE**. (Freeman 1948, 43, para.6, emphasis added.) For this (view) can never predominate, that that which *is not* 'exists.' You must debar your thought from this way of search, nor let ordinary experience in its variety force you along this way, (namely, that of allowing) the eye, sightless as it is, and the ear, full of sound, and the tongue, to rule; but **(YOU MUST) JUDGE BY MEANS OF THE REASON** (*Logos*) the much contested proof which is expounded by me. (Freeman 1948, 43, para.7-8, emphasis added.) ... **All things that mortals have established, believing in their truth, are just a name: becoming [, changing] and perishing** (Freeman 1948, 44, para.7-8, emphasis and parenthesis added.)

The prime distinction between the two prescribed modes of 'inquiry' pivots on the acceptance or rejection of the existence of a particular unnamed phenomenon. Rejecting the existence of this phenomenon and/or deeming it mere nothingness is vehemently denounced. This 'path' of rejection is identified as that pursued in furtherance of impermanent and duplicitous sense perceptions and their impressions, whilst the 'path' of acceptance is deemed that espoused on the basis of reasoned judgments.

There is only one other description of the way remaining, (namely), that (what **IS**) is. To this way there are very many signposts: that **BEING** has **no coming-into-being** and **no destruction**, for it is whole of limb, without motion, and **without end**. And it never *was*, nor *will be*, because it is **now** a whole all-together, one, **continuous**; for what *creation* of it will you look for? How, whence (could it have) *sprung*? Nor shall I allow you to speak or think of it as *springing from nothing ...* . (Freeman 1948, 43, para.7-8, emphasis added.)

But it is **motionless** in the limits of mighty bonds, without beginning, without cease, since Becoming and Destruction have been driven very far away, and **true conviction has rejected them**. And remaining the same in the same place, it rests by itself and thus remains there fixed (Freeman 1948, 44, para.7-8, emphasis added.)

... It is an **involute whole**. (Freeman 1948, 44, para.7-8, emphasis added.)

Several stipulations regarding the chief characteristics ('signposts') of the said unnamed phenomenon are made in furtherance of beseeching the inquirer to accept the same (as 'BEING') a reality ('IT IS'):

- 'no coming-into-being and no destruction';
- 'without end';
- 'now';
- 'continuous';
- 'motionless'; and
- 'inviolable.'

Hence, the question 'goes a begging' as to what this perfect phenomenon (which remains unnamed within the Parmenidean fragments) was (perhaps, gnosis/enlightenment or *Nibbāna*).

The first, foremost and fullest teaching on earthly perfectionism is Buddhism. Hence, it comes as no surprise to see the following canonical excerpts and commentaries manifesting the distinctions between 'IT IS' and '*it is not*' as echoed by Parmenides (in his 'poetic' expressions) above:

... Surely, **the path** that leads to worldly gain is **one** and **the path** that leads to *Nibbāna* is **another**; understanding this ... the disciple ... should not rejoice in worldly favors but cultivate detachment. (*Dhammapada* n.d., Narada translation, 72, verse 75, emphasis added.)

... There are these **two** kinds of searches: the **noble** search and the **ignoble** search. And what is the **ignoble** search? Here someone, being himself subject to birth ... aging ... sickness ... death ... sorrow ... defilement ... seeks [happiness in] what is also subject to birth ... aging ... sickness ... death ... sorrow ... defilement. ... This is the **ignoble** search. And what is the **noble** search? Here someone, being himself subject to and having understood the danger in what is subject to birth ... aging ... sickness ... death ... sorrow ... defilement ... seeks [happiness in] the **unborn ... unaging ... unailing ... deathless ... sorrowless ... undefiled** supreme security from bondage, *Nibbāna*. This is

the **noble** search. (*Ariyapariyesana sutta* n.d., Nanamoli and Bodhi translation, 254-256, abridged with emphasis and parentheses added.)

There is ... a state where there is neither earth, nor water, nor heat, nor air, neither infinity of space, nor infinity of consciousness, nor nothingness, nor perception, nor non-perception, neither this world nor that world It is ... the end of sorrow. (*Paṭhamanibbāna sutta* n.d., Strong translation, 111.)

There is ... **a not-born, a not-brought-to-being**, a not-made, a not-conditioned. **If ... there were no not-born, not-brought-to-being**, not-made, not-conditioned, no escape would be discerned from what is born, brought-to-being, made, conditioned. But since there is a **not-born, a not-brought-to-being**, a not-made, a not-conditioned, therefore an escape is discerned from what is born, brought-to-being, made, conditioned. (*Tatiyanibbāna sutta* n.d., Ireland translation, 97, reproduced with permission from the ©Buddhist Publication Society, emphasis added.)

Even as, although there Evil is,

That which is Good is also found;

So, though 'tis true that birth exists,

That which is **not birth** should be sought. (*Sumedhapatthanā kathā* n.d., Warren translation, 6, v.23, emphasis added.)

If *Nibbāna* IS **NOTHINGNESS**, then it necessarily must coincide with space (*Akāsa*) (Narada 1956, 495, emphasis added). With regard to the difference between space and *Nibbāna*, it may briefly be said that space **is not**, but *Nibbāna* IS (Narada 1956, 495, emphasis added). *Nibbāna* is there where the four elements of cohesion (*āpo*), extension (*pathavi*), heat (*tejo*) and motion (*vāyo*) find no footing (Narada 1956, 508).

The fact that *Nibbāna* is **realized** as one of the mental objects (*vatthu-dhamma*), decidedly proves that it is **NOT A STATE OF NOTHINGNESS**. If it were so, the Buddha would not have described its state in such terms as 'Infinite' (*Ananta*), 'Non-conditioned' (*Asamkhata*), 'Incomparable' (*Anāpameya*), 'Supreme' (*Anuttara*), 'Highest' (*Para*), 'Beyond' (*Pāra*), 'Highest Refuge' (*Parāyana*), 'Safety' (*Tāna*), 'Security' (*Khema*), 'Happiness' (*Siva*), 'Unique' (*Kevala*), 'Abodeless' (*Anālaya*), 'Imperishable' (*Akkhara*), '**Absolute Purity**' (*Visuddha*), 'Supramundane' (*Lokuttara*), 'Immortality'

(*Amata*), ‘Emancipation’ (*Mutti*), ‘Peace’ (*Śanti*) ... (Narada 1956, 495, emphasis added). ... **Eternal** (*Dhruva*), Desirable (*Subha*) ... Happy (*Sukha*) ... (Narada 1956, 499, emphasis added). ... Birthless (*Ajāta*), Decayless (*Ajara*) and **Deathless** (*Amara*) ... (Narada 1956, 500, emphasis added).

The *Nibbāna* of Buddhists is, therefore, neither a state of nothingness nor mere cessation. What it is not, one can definitely say. What precisely **IT IS**, one cannot adequately express in conventional terms as it is **unique**. **IT IS** for **self-realization** (*paccattam veditabbo*). (Narada 1956, 496-497, emphasis added.)

Desiring future security from bondage, **one should abandon sensual desire** however painful this may be. **Rightly comprehending with wisdom**, possessing a mind that is well released, one may reach freedom step by step. (*Nadīsota sutta* n.d., Ireland translation 188, reproduced with permission from the ©Buddhist Publication Society, emphasis added.)

That long-established Buddhist tenets were what Parmenides had apparently chosen to give voice to *via* his aforecited poetic verses is thus made clear.

5.8 Empedocles¹⁵⁵

Empedocles,¹⁵⁶ a younger contemporary of Anaxagoras, was apparently acquainted with the verses of Parmenides (above) as evinced by allusions to the same found within surviving fragments of his writings entitled ‘On Nature’:

There is a double creation of mortals and a double decline: the union of all things causes the birth and destruction of the one (race of mortals); the other is reared as the elements grow apart And these (**elements** [*fire and water and earth and the boundless height of air*]) never cease their continuous exchange, sometimes uniting [under the **pull of attraction**] ... so that all become One, at other times ... moving apart [under the **push of repulsion**] In this sense, they come into being and have no stable life ... as they follow the **cyclic process**. (Freeman 1948, 53, para.17, parentheses and emphasis added.)

In turn, they get the upper hand in the **revolving cycle** and perish into one another and increase in the turn appointed by Fate. For they alone exist, but running through one another **they become men and** the tribes of **other animals**, sometimes uniting ... into One ordered Whole, at other times ... moving apart ... until growing together into the Whole which is One (Freeman 1948, 55-56, para.26, emphasis added.)

For from these (**elements**) come all things that were, and are, and will be; and trees spring up, and men and women, and beasts and birds, and water-nurtured fish, and even the long-lived gods who are highest in honor. For these (**elements**) alone exist, but by running through one another they become different; to such a degree does mixing change them. (Freeman 1948, 54-55, para.21, emphasis added.)

As when painters decorate temple offerings with colors – men who, following their intelligence, are well skilled in their craft – these, when they take many colored pigments in their hands and have mixed them in a harmony, taking more of some, less of another, create from them forms like to all things, making trees, and men, and women, and animals, and birds, and fish nurtured in water, and even long-lived gods, who are highest in honor; so let not Deception compel your mind (to believe) that there is any other source for mortals, as many as are to be seen existing in countless numbers. (Freeman 1948, 55, para.23.)

The same element-based compounding as advanced by Anaxagoras (see ‘5.6’ above) is herein seen acknowledged by Empedocles, not surprisingly so given the fact that they both founded their thinking on the Parmenidean construct (Curd 2007b, ‘7. The Pluralists ...’). However, Buddhism’s preceding claim to the revelation of an element-based composition of ‘matter’ has already been noted (*Kimsukopama sutta* n.d., Bodhi translation, 1252-1253). Unsurprisingly, Empedocles’ parable of the ‘painters’ (above) too finds its predecessor within the Buddhist canon:

Suppose ... an artist or a painter, using dye or lac or turmeric or indigo or crimson, would create the figure of a man or a woman complete in all its features on a well-polished plank, or wall, or canvas. So too, if there is lust for the nutriment edible food, or for the nutriment contact, or for

the nutriment mental volition, or for the nutriment consciousness, if there is delight, if there is craving, consciousness becomes established there and comes to growth. Wherever consciousness becomes established and comes to growth, there is a descent of name-and-form. Where there is a descent of name-and-form, there is the growth of volitional formations. Where there is the growth of volitional formations, there is the production of future renewed existence. Where there is the production of future renewed existence, there is future birth, aging and death. Where there is future birth, aging and death, I say that is accompanied by sorrow, anguish and despair. (*Atthirāga sutta* n.d., Bodhi translation, 600.)

Likewise, the notion of a cyclic continuum of life as adverted to by Empedocles is first seen expounded in Buddhism as a law of dependent co-arising/origination (below), which however adopts the terms ‘craving’ and ‘suffering’ respectively in place of ‘pull of attraction’ and ‘push of repulsion’¹⁵⁷:

And what ... is ‘**dependent origination**’? With ignorance as condition, volitional formations [come to be]; with volitional formations as condition, consciousness; with consciousness as condition, name-and-form; with name-and-form as condition, the six sense bases; with the six sense bases as condition, contact; with contact as condition, feeling; with feeling as condition, craving; with **craving** as condition, clinging; with clinging as condition, existence; with existence as condition, birth; with birth as condition, aging-and-death, sorrow, lamentation, pain, displeasure and despair come to be. Such is the origin of this whole mass of **suffering**. This ... is called ‘dependent origination.’ (*Paṭiccasamuppāda sutta* n.d., Bodhi translation, 533, emphasis added.)

Rebirth is suffering; old age is suffering; illness is suffering; death is suffering; sorrow, lamentation, pain, sadness and distress are suffering; not getting what you wish for is suffering. ... And what is the source of suffering? **Craving is the source of suffering.** (*Nibbedhika sutta* n.d., Sujato translation, emphasis added.)

The surviving fragments of Empedocles’ writings on ‘Purifications’ *inter alia* provide as follows:

... When one of the divine spirits whose portion is long life sinfully stains his own limbs with bloodshed ... [s/he] must wander for thrice ten thousand seasons far from the company of the blessed, being born throughout the period into all kinds of mortal shapes, which exchange one hard way of life for another. ... Of this number am I too now, a fugitive from heaven and a wanderer (Freeman 1948, 65, para.115, parenthesis added.) ... For by now I have been born as boy, girl, plant, bird and dumb sea-fish (Freeman 1948, 65, para.117). ... Growth and Decay, Rest and Waking, Movement and Immobility, much-crowned Majesty and Defilement, Silence and Voice (Freeman 1948, 66, para.123). Alas, oh wretched race of mortals, direly unblessed... Such are the conflicts and groanings from which you have been born... (Freeman 1948, 66, para.124.) ... But this was the greatest pollution among men, to devour the goodly limbs (of animals) whose life they had reft from them (Freeman 1948, 66, para.128). ... Will ye not cease from this harsh-sounding slaughter... Do you not see that you are devouring one another in the thoughtlessness of your minds... (Freeman 1948, 67, para.136.) The father, having lifted up the son, slaughters him with a prayer, in his great folly. But they are troubled at sacrificing one who begs for mercy. But he, on the other hand, deaf to (the victim's) cries, slaughters him in his halls and prepares the evil feast. Likewise, son takes father, and children their mother, and tearing out the life, eat the flesh of their own kin. (Freeman 1948, 67, para.137.)

Compassion toward all living beings is a virtue required to be perfected by all Buddhists *via* sincere commitment to the first and foremost of all ethical precepts, that of abstaining from killing. Thus, Empedocles' said reproaches regarding the slaughter of animals receive a more coherent and concise emphasis within the ancient Pāli canon:

... The killing of living creatures, when cultivated, developed and practiced, leads to hell, the animal realm, or the ghost realm. The minimum result it leads to for a human being is a short life span. (*Apāyasaṃvattanika sutta* n.d., Sujato translation.)

Kill not any beings **nor cause them to be killed** [for consumption or otherwise], and do not approve of them having been killed; put by [lay aside] the rod for all that lives – whether they are weak or strong in the world. (*Dhammika sutta* n.d., Mills translation, emphasis and parentheses added.)

Furthermore, regarding sentient rebirth, scriptures of the same ancient canon declare as follows:

... [Even if] reborn in a good destination, in a heavenly world ... accompanied by a retinue of celestial nymphs ... supplied and endowed with the five cords of celestial sensual pleasure, still ... **he is not freed from hell, the animal realm** and the domain of ghosts, not freed from the plane of misery, the bad destinations, the nether world. (*Rāja sutta* n.d., Bodhi translation, 1788, parenthesis and emphasis added.)

In this long journey through existence, there is **no existence that I have missed** [except the pure abodes] In this long journey through existence, **there is no birth that I have missed** [except the pure abodes] (*Mahā Sīhanāda sutta* n.d., Uppalavanna translation, emphasis and parentheses added.)

Indeed, monks, the blood you have shed on account of the neck being severed from the body in this long journey in existences running from one existence to another [when you were born as cattle ... buffaloes ... sheep ... goats ... deer ... fowl ... pigs ... when you were taken as robbers who destroy villages ... who wait in ambush ... who went to other wives] is more than the water in the four great oceans. ... Without an end is the train of existence; a beginning cannot be pointed out, of beings enveloped in ignorance and bound by craving, running from one existence to another. (*Timsamatta sutta* n.d., Uppalavanna translation, abridged and parenthesis added.)

Controversy surrounds the death of Empedocles, and many a 'legend' has grown around it:

For Heraclides Empedocles himself remained in the place where he had been sitting. But when day broke ... he alone was not found. And when he was sought for, and the servants were examined and said that they did not know, one of them said that at midnight he had heard a loud voice calling Empedocles, and that then he himself rose up and saw a great light from heaven, but nothing else. ... But Hippobotus says that he rose up and went away as if he were going to mount Aetna, and that when he arrived at the crater of fire, he leaped in and disappeared, wishing to establish a belief that he had become a God. (Laërtius n.d., Yonge translation, 365, para.XI.)

But Diodorus, of Ephesus, writing about Anaximander, says Empedocles appeared among them, and they, rising up, offered him adoration and prayed to him as to a God. And he, wishing to confirm this idea, which they had adopted of him, leaped into the fire. (Laërtius n.d., Yonge translation, 366, para.XI.)

It is interesting to note that the Pāli canon had by this time already provided for at least one¹⁵⁸ instance¹⁵⁹ of volitional ‘spontaneous self-combustion’ (in furtherance of final unbinding):

Then [Venerable] Dabba [the Mallian] rose from his seat, bowed and respectfully circled the Buddha, keeping him on his right. Then he [Dabba] rose into the air and, sitting cross-legged in the sky, entered and withdrew from the fire element before becoming fully extinguished [attaining *pari Nibbāna* or *anupādisesa Nibbāna*]. Then, when he became fully extinguished while sitting in the sky, his body burning and combusting left neither ashes nor soot to be found. It’s like when ghee or oil blaze and burn, and neither ashes nor soot are found. (*Paṭhamadabba sutta* n.d., Sujato translation, parentheses added.)

The obvious question that arises in this regard is whether Empedocles – following *Arahath* Dabba Mallaputta – did likewise transcend to a state of final unbinding? If not, did he willfully commit suicide in furtherance of being commemorated as a ‘sage’ by his followers? Unfortunately, evidence is lacking to conclude either way.

5.9 Democritus¹⁶⁰

As noted above, Democritus¹⁶¹ is thought to have been influenced by Anaxagoras in his accounts on ‘perception and knowledge’ (Curd 2007a, ‘6. Anaxagoras’ Influence’). Unfortunately, Democritus’ works exist only in secondary accounts thereof (Berryman 2004, ‘1. Life and Works’) as those reproduced below, which for the most part remain unsubstantiated:

(a) We know nothing about anything really, but **opinion** is for all individuals an inflowing ... (Freeman 1948, 93, para.7, emphasis added). There are two sorts of knowledge, one genuine, one

bastard To the latter belong all the following: sight, hearing, smell, taste, touch. The real is separated from this. When the bastard can do no more – neither see more minutely, nor hear, nor smell, nor taste, nor perceive by touch – and a finer investigation is needed, then the genuine comes in as having a tool for distinguishing more finely. (Freeman 1948, 93, para.11.) It has often been demonstrated that we do not grasp how each thing **is** or **is not** (Freeman 1948, 93, para.10, emphasis added).

(b) All who ... overstepping due season in eating or drinking or sexual pleasure have pleasures that are but **brief** and **short-lived** ... but pains that are many. For this desire is always present for the same things, and when people get what they desire, the pleasure passes quickly, and they have nothing good for themselves except a **brief** enjoyment, and then again the need for the same things returns. (Freeman 1948, 112-113, para.235, emphasis added.)

(c) When the powerful prevail upon themselves to **lend to the indigent** and help them and benefit them, herein at last is pity and an end to isolation, and friendship, and mutual aid, and **harmony among the citizens**; and other blessings such as no man could enumerate (Freeman 1948, 114, para.255, emphasis added).

Although the above fragments constitute a mere sample of the myriad of writings purportedly attributed to Democritus, to the reader who is conversant with Buddhist canonical literature, a chord is almost immediately struck between the two. The provisions of the Pāli canon corresponding to the above Democritian dicta *inter alia* include the following:

(a) Yoked to both sensual pleasures and the desire to be reborn in a future life; yoked also to views ('**false opinions**': Dhammika translation, verse 16) and governed by ignorance, sentient beings continue to transmigrate, with ongoing birth and death. But those who fully understand sensual pleasures and the yoke to all future lives, with the yoke of views ('**false opinions**': Dhammika translation, verse 16) eradicated and ignorance dispelled, unyoked from all yokes, truly those sages have slipped their yoke. (*Yoga sutta* n.d., Sujato translation.)

(b) ... Beings who are not free from lust for sensual pleasures, who are devoured by craving for sensual pleasures, who burn with fever for sensual pleasures, still indulge in sensual pleasures.

The more such beings indulge in sensual pleasures, the more their craving for sensual pleasures ... and the more they are burned by their fever for sensual pleasures. Yet they find a certain measure of satisfaction and enjoyment in dependence on ... sensual pleasure. (*Māgaṇḍiya sutta* n.d., Nanamoli and Bodhi translation, 612-613.)

(c) Whosoever there be in the king's realm who devote themselves to keeping cattle and the farm, to them let his majesty the king **give food and seedcorn**. ... Who devote themselves to trade, to them let his majesty the king **give capital**. ... Who devote themselves to government service, to them let his majesty the king **give wages and food**. Then those men, following each his own business, will no longer harass the realm; the king's revenue will go up; **the country will be quiet and at peace**; and the populace, pleased one with another and happy, dancing their children in their arms, will dwell with open doors. (*Kūṭadanta sutta* n.d., Rhys Davids translation, 176, emphasis added.)

Furthermore, upon a reading of the entirety of Democritus' ethical sayings, it becomes clear that many a comparable construct (though not necessarily verbatim) might be elicited from the Pāli *Dhammapada* (n.d.). The following are just two examples of such like provisions:

Democritus' ethical sayings	Pāli <i>Dhammapada</i>
The cheerful man, who is impelled toward works that are just and lawful, rejoices by day and by night and is strong and free from care. But the man who neglects justice and does not do what he ought finds all such things disagreeable when he remembers any of them, and he is afraid and torments himself. (Freeman 1948, 108, para.174.)	Here he is happy; hereafter he is happy. In both states, the welldoer is happy. 'Good have I done' (thinking thus), he is happy. Furthermore, is he happy, having gone to a blissful state. (<i>Dhammapada</i> n.d., Narada translation, 19, verse 18, emphasis added.) Here he suffers; hereafter he suffers. In both states, the evildoer suffers. 'Evil have I done' (thinking thus), he suffers. Furthermore, he suffers, having gone to a woeful state. (<i>Dhammapada</i> n.d., Narada translation, 18-19, verse 17.)
(Inside, we are) a complex storehouse and treasury of ills, with many possibilities of suffering. (Freeman 1948, 105, para.149.)	Behold this beautiful body, a mass of sores, a heaped up (lump), diseased, much thought of, in which nothing lasts, nothing persists. (<i>Dhammapada</i> n.d., Narada translation, 136, verse 147.)

Democritus' ethical sayings also appear to share similar rudimentary characteristics with the much later norms of both Stoic and Epicurean teachings. Stoic doctrine having already been subjected to a comparative analysis with Buddhism (under '5.3 The Stoic Philosophers,' above), it appears opportune now to consider Epicureanism likewise comparatively.

Prior to doing so, however, a brief note must be made on the scholarship that has accumulated regarding Pyrrho's¹⁶² advocacy of 'renouncing all determinations based on perceptions' as learnt from India:

... He [Pyrrho] attached himself to Anaxarchus and attended him everywhere, so that he even went as far as the Gymnosophists in India and the Magi. (Laërtius n.d., Yonge translation, 402, para.II, parenthesis added.)

Owing to which circumstance, he seems to have taken a noble line in philosophy, introducing the doctrine of incomprehensibility and of the necessity of suspending one's judgment, as we learn from Ascanius of Abdera. For he used to say that nothing was honorable or disgraceful, or just or unjust. And on the same principle, he asserted that there was no such thing as downright truth, but that men did everything in consequence of custom and law. (Laërtius n.d., Yonge translation, 402, para.III.)

'Renouncing all determinations based on perceptions in furtherance of attaining suprasensory awareness' is indeed a Buddhist tenet. No fragments directly ascribable to Pyrrho, however, exist. Not even within third-party accounts does Pyrrho receive acknowledgement of having pursued his renunciation of sense-based opinions for the specific purpose of 'attaining suprasensory awareness' or *Nibbāna* (enlightenment/gnosis). For Pyrrho, 'suspending one's judgment' (on sense perceptions) appears to have been 'an end in itself' (having no further utility). Therefore, though 'the necessity of suspending one's judgment' is evidentially attributable to Pyrrho, 'attaining suprasensory awareness' is not. Hence, no affinity between Pyrrhonism and Buddhism could be evidentially maintained.

5.10 Epicurus¹⁶³

To Epicurus,¹⁶⁴ the singular objective in life for human beings was to secure that elusive ‘freedom of the body from pain and of the soul from confusion’ (Laërtius n.d., Yonge translation, 471, para.XXVII):

... For a correct theory, with regard to these things, can refer all choice and avoidance to the health of the body and the freedom from disquietude of the soul. Since this is the end of living happily; for it is for the sake of this that we do everything, wishing to avoid grief and fear; and when once this is the case, with respect to us, then the storm of the soul is, as I may say, put an end to (Laërtius n.d., Yonge translation, 470, para.XXVII.)

... Living happily ... we have recognized ... as the first good, being connate with us ... On this account, we do not choose every pleasure, but at times we pass over many pleasures when any difficulty is likely to ensue from them, and we think many pains better than pleasures when a greater pleasure follows them if we endure the pain for a time. ... It is right to estimate all these things by the measurement and view of what is suitable and unsuitable And, we think, contentment a great good To accustom one’s self, therefore, to simple and inexpensive habits is a great ingredient in the perfecting of health and makes a man free from hesitation with respect to the necessary uses of life. ... For it is not continued drinkings and revels, or the enjoyment of female society, or feasts of fish and other such things as a costly table supplies that make life pleasant, but sober contemplation, which examines into the reasons for all choice and avoidance, and which puts to flight the **vain opinions** from which the greater part of the confusion arises which troubles the soul. (Laërtius n.d., Yonge translation, 470-471, para.XXVII, emphasis added.)

Now the beginning and the greatest good of all these things is **prudence [wisdom]**, on which account prudence is something more valuable than even philosophy, inasmuch as all the other virtues spring from it, teaching us that it is not possible to live pleasantly unless one also lives prudently and honorably and justly; and that one cannot live prudently and honestly and justly without living pleasantly; for the virtues are connate with living agreeably, and living agreeably is

inseparable from the virtues. (Laërtius n.d., Yonge translation, 471-472, para.XXVII, emphasis and parenthesis added.)

The paramountcy accorded to ending suffering is a well-known tenet of Buddhism predating any parallel exposition on the same. The Pāli canon elaborates as follows:

Now this is the noble truth of **suffering** ... rebirth is suffering; old age is suffering; illness is suffering; death is suffering; association with the disliked is suffering; separation from the liked is suffering; not getting what you wish for is suffering. In brief, the five grasping aggregates are suffering. Now this is the noble truth of the **origin of suffering** ... it's the craving that leads to future lives, mixed up with relishing and greed, chasing pleasure in various realms. That is, craving for sensual pleasures, craving to continue existence, and craving to end existence. Now this is the noble truth of the **cessation of suffering** ... it's the fading away and cessation of that very same craving with nothing left over: giving it away, letting it go, releasing it and not clinging to it. Now this is the noble truth of **the practice that leads to the cessation of suffering** ... it is simply this *Noble Eightfold Path* that is *right* view, *right* thought, *right* speech, *right* action, *right* livelihood, *right* effort, *right* mindfulness and *right* immersion. (*Dhammacakkappavattana sutta* n.d., Sujato translation, emphasis added.)

'Furthermore, I laid down for my disciples the training that deals with the fundamentals of the spiritual life in order to **rightly end suffering in every way.**' (*Sikkhānisaṃsa sutta* n.d., Sujato translation, emphasis added.)

Regarding those 'pleasures' ('Catastematic pleasures' (Konstan 2005, '4. Psychology and Ethics' and '6. The Epicurean Life,' reproduced with permission from ©David Konstan)) contemplated by Epicurus above (Laërtius n.d., Yonge translation, 470-472, para.XXVII) the Pāli canon yet again takes precedence:

... Someone who has clever virtues need not intend: 'May non-remorse come to me.' It is the general rule for non-remorse to arise in a virtuous person. Someone who has no remorse need not intend: 'May delight come to me.' It is the general rule for delight to arise in one without remorse.

Someone who is delighted need not intend: ‘May joy come to me.’ It is the general rule for joy to arise in a delighted one. Someone who is joyful need not intend: ‘May my body be appeased.’ It is the general rule for the joyful to experience appeasement of the body. **Someone with an appeased body need not intend: ‘May I feel pleasant.’ It is the general rule for one with an appeased body to feel pleasant. A pleasant one need not intend: ‘May my mind be concentrated.’ It is the general rule for the pleasant one to be concentrated. ... Someone with a concentrated mind need not intend: ‘May I know and see it, as it really is.’ It is the general rule for the concentrated to know and see, as it really is. ...** Someone who knows and sees as it really is need not intend: ‘May I turn away.’ It is the general rule for one who knows and sees, as it really is, to turn away. ... The one who has turned away need not intend: ‘May I be disenchanted.’ It is the general rule for one who has turned away to be disenchanted. ... The one who is disenchanted need not intend: ‘May I realize knowledge and vision of release.’ It is the general rule for one disenchanted to realize the knowledge and vision of release. (*Cetanākaraṇīya sutta* n.d., Uppalavanna translation, emphasis added.)

Accordingly, a learned commentator has summed up the Buddhist position on suffering and its relation to sensory pleasures as follows:

Normally, the enjoyment of sensual pleasures is the highest and only happiness of the average person. There is no doubt some momentary happiness in the anticipation, gratification and retrospection of such fleeting material pleasures, but they are illusory and temporary. (Narada 1964, 83-84.) All are subject to ... decay (*jarā*), disease (*vyādhi*) and finally death (*marana*). No one is exempt from these ... suffering[s]. Wish unfulfilled is also suffering. As a rule, one does not wish to be associated with things or persons one detests, nor does one wish to be separated from things or persons one likes. One’s cherished desires are not, however, always gratified. At times, what one least expects or what one least desires is thrust on oneself. ... Real happiness is found within and is not to be defined in terms of wealth, power, honors or conquests. If such worldly possessions are forcibly or unjustly obtained, or are misdirected or even viewed with attachment, they become a source of pain and sorrow for the possessors. (Narada 1964, 83, parenthesis added.) According to the Buddha, non-attachment (*virāgattā*) or the transcending of material pleasures is a greater bliss¹⁶⁵ (Narada 1964, 84).

According to Epicurus:

Of all the things which wisdom provides for the happiness of the whole life, by far the most important is the acquisition of **friendship**. (Laërtius n.d., Yonge translation, 477, para.XXXI, 28, emphasis and parenthesis added.)

The same opinion encourages man to trust that no evil will be everlasting, or even of long duration, as it sees that, in the space of life allotted to us, the protection of **friendship** is most sure and trustworthy. (Laërtius n.d., Yonge translation, 477, para.XXXI, 29, emphasis and parenthesis added.)

The happiest men are they who have arrived at the point of having nothing to fear from those who surround them. Such men live with one another most agreeably, having the firmest grounds of confidence in one another, enjoying the advantages of **friendship** in all their fullness, and not lamenting, as a pitiable circumstance, the premature death of their friends. (Laërtius n.d., Yonge translation, 479, para.XXXI, 43, emphasis and parenthesis added.)

The fraternity of Buddhist monks, or *Sangha*, is widely accepted as constituting the world's oldest monastic order. Most germane to the present comparison with Epicureanism is the Buddha's own position regarding mutual friendship amongst the noble *Sangha*:

Then venerable Ananda approached the blessed one [the Buddha], worshipped and sat on a side. Sitting, he said to the blessed one, 'Venerable sir, blessed one, **half** the holy life is associating a virtuous friend and developing a good virtuous companionship.' 'Ananda, do not say so; **the complete** holy life is associating a virtuous friend and developing a good virtuous companionship. Ananda, the monk's expectation should be the development and making much of the *Noble Eightfold Path* of the virtuous friend and developing a good virtuous companionship.' (*Upaḍḍha sutta* n.d., Uppalavanna translation, emphasis added.)

The foregoing comparisons serve to manifest core thought similarities between Epicureanism and Buddhism. Inasmuch as like similarities have been already discerned between Stoicism

and Buddhism (under '5.3' above), it would be opportune to ascertain how further forward in history this Stoic-Epicurean-Buddhist core thought affinity was seen perpetuated.

5.11 Third generation Stoics

Buddhistic overtones are manifest in the writings of 'third generation' Stoics, particularly in those of Lucius Annaeus Seneca¹⁶⁶ and (Caesar) Marcus Aurelius Antoninus Augustus.¹⁶⁷ The following extracts (both singular and combined) from a work of the latter, when read with corresponding precedents from the Pāli canon (appearing below as further indented and italicized excerpts within square brackets), serve to evince this:

Of human life, the time is a point, and the substance is in a **flux**, and the perception dull, and the composition of the whole body subject to putrefaction (Antoninus n.d., Long translation, 106, para.17, emphasis added.)

*[This body ... which has visible shape, which is made up of the four primary elements, starts from parents, is sustained by victuals, is transitory and subject to attrition, abrasion, dissolution and dispersal ... is to be regarded as transitory, as ill, as a disease, as a pestilence, as a pang, as anguish, as a malady, as alien, as a **flux**,¹⁶⁸ as void, as non-self; and he who so regards the body loses thereby all liking and affection for a body, all subordination to a body. (Dīghanakha sutta n.d., Chalmers translation, 352, para.500, emphasis added.)]*

Some things are hurrying into existence, and others are hurrying out of it; and of that which is coming into existence, part is already extinguished. Motions and changes are continually renewing the world, just as the uninterrupted course of time is always renewing the infinite duration of ages. In this **flowing stream** then, on which there is no abiding, what is there of the things which hurry by on which a man would set a high price? It would be just as if a man should fall in love with one of the sparrows which fly by, but it has already passed out of sight. (Antoninus n.d., Long translation, 166, para.15, emphasis added.) All things are changing, and thou thyself art in continuous mutation and in a manner in continuous destruction, and the whole universe too (Antoninus n.d., Long translation, 236, para.19). For if a man reflects on the changes and

transformations which follow one another **like wave after wave** and their rapidity, he will despise everything which is perishable (Antoninus n.d., Long translation, 239, para.28, emphasis added).

[It's like a mountain river traveling far, flowing fast, carrying all before it. It doesn't turn back – not for a moment, a second, an instant – but runs, rolls and flows on. In the same way, life as a human is like a mountain river. It's brief and fleeting, full of suffering and distress. Be thoughtful and wake up! Do what's good and lead the spiritual life, for no one born can escape death. (Araka sutta n.d., Sujato translation, emphasis added.)]

... Our **perturbations** come only from the opinion, which is within. The other is that all these things, which thou seest, change immediately and will no longer be; and constantly bear in mind how many of these changes thou hast already witnessed. The universe is transformation; life is opinion. (Antoninus n.d., Long translation, 124, para.3, emphasis added.) Take away **thy** opinion, and then there is taken away the complaint, 'I have been harmed.' Take away the complaint, 'I have been harmed,' and the harm is taken away. (Antoninus n.d., Long translation, 125, para.7, emphasis added.) If thou takest away **thy** opinion about that which appears to give thee pain, thou thyself standest in perfect security. – **Who is this self?** – The reason. – But I am not reason. – Be it so. Let then the reason itself not trouble itself. But if any other part of thee suffers, let it have its own opinion about itself. (Antoninus n.d., Long translation, 219, para.40, emphasis added.)

[... 'I am' is a perturbation; 'I am this' is a perturbation; 'I shall be' is a perturbation; 'I shall not be' is a perturbation; 'I shall consist of form' is a perturbation; 'I shall be formless' is a perturbation; 'I shall be percipient' is a perturbation; 'I shall be non-percipient' is a perturbation; 'I shall be neither percipient nor non-percipient' is a perturbation. Perturbation is a disease; perturbation is a tumor; perturbation is a dart. Therefore ... you should train yourselves thus: 'We will dwell with an imperturbable mind.' (Yavakalāpi sutta, Bodhi translation, 1259, emphasis added.)]

Suppose that men kill thee, **cut** thee in pieces, curse thee. What then can these things do to prevent thy mind from remaining pure, wise, sober, just? (Antoninus n.d., Long translation, 224, para.51, emphasis added.)

[... Even if robbers cut your limbs one after another with a two-handed saw, if your mind be defiled on account of that, you have not done the duty in my dispensation. ... You should train thus. Our minds will not change; we will not utter evil words. We will abide compassionate with thoughts of loving kindness, not anger. (Kakacūpama sutta n.d., Uppalavanna translation, emphasis added.)]

For instance, if a man should stand by a limpid pure spring and curse it, the spring never ceases sending up potable water, and if he should cast clay into it or filth, it will speedily disperse them and wash them out and will not be at all polluted. How then shalt thou possess a perpetual fountain (and not a mere well)? By forming thyself hourly to freedom conjoined with contentment, simplicity and modesty. (Antoninus n.d., Long translation, 224, para.51.)

[Suppose ... a man submerges a pot of ghee or a pot of oil in a deep pool of water and breaks it. All of its shards and fragments would sink downward, but the ghee or oil there would rise upward. So too ... when a person's mind has been fortified over a long time by faith, virtue, learning, generosity and wisdom ... his body, consisting of form, composed of the four great elements, originating from mother and father, built up out of rice and gruel, [shall be] subject to impermanence, to being worn and rubbed away, to breaking apart and dispersal. But his mind, which has been fortified over a long time by faith, virtue, learning, generosity and wisdom – that goes upward, goes to distinction. (Mahānāma sutta n.d., Bodhi translation, 1809, parenthesis added.)]

In the series of things, those which follow are always aptly fitted to those which have gone before; for this series is not like a mere enumeration of disjointed things, which has only a necessary sequence, but it is a rational connection, and as all existing things are arranged together harmoniously, so the things which come into existence exhibit no mere succession but a certain wonderful relationship. (Antoninus n.d., Long translation, 137, para.45.)

[... What is 'dependent arising'? On account of ignorance arise determinations. On account of determinations arise consciousness. On account of consciousness arise name and matter. On account of name and matter arise the six spheres. On account of the six spheres arises contact. On account of contact arise feelings. On account of feelings arises craving. On account of craving arises seizing. On account of seizing arises being. On account of being

arises birth. On account of birth arise decay, death, grief, lament, unpleasantness, displeasure and distress. And there's the 'arising' of the complete mass of unpleasantness. (Paṭiccasamuppāda sutta n.d., Uppalavanna translation.)]

5.12 Migration of Indian thought

After an elaborate consideration of the many ethical ideals associated with the schools of philosophy emanating from the Greek domain, a pivotal point of understanding has now been reached: for almost every moral concept professed as founded by the Greeks, a comparative and even more comprehensive parallel has long since been identified and associated with Buddhism. Thus, the 'streams' of universal moral thought are hereby deduced as having truly 'flowed' from the 'founts' of the Indian subcontinent to the 'reservoirs' of the Mediterranean, not *vice versa*. In fact, several historical accounts bear out the plausibility of this archaic transmission of wisdom from East to West.

In 2nd century AD, Christian dogmatist Titus Flavius Clemens, also known as 'Clement of Alexandria,' made the following observations on the historical progression of philosophy:

Thus philosophy, a thing of the highest utility, flourished in antiquity among the barbarians,¹⁶⁹ shedding its light over the nations. And afterward, it came to Greece. First in its ranks were the prophets of the Egyptians; and the Chaldeans among the Assyrians; and the Druids among the Gauls; and the Samanaeans among the Bactrians; and the philosophers of the Celts; and the Magi of the Persians, who foretold the Savior's birth and came into the land of Judaea guided by a star. The Indian gymnosophists are also in the number, and the other barbarian philosophers. And of these there are two classes, some of them called Sarmanae and others Brahmins. And those of the Sarmanae who are called Hylobii neither inhabit cities nor have roofs over them, but are clothed in the bark of trees, feed on nuts and drink water in their hands. Like those called Encratites in the present day, they know not marriage nor begetting of children. **Some, too, of the Indians obey the precepts of Buddha, whom, on account of his extraordinary sanctity, they have raised to divine honors.** (Clemens c.198, Wilson translation, 398-399, emphasis added.)

G. R. S. Mead, in his 'critical study' on the life of philosopher Apollonius of Tyana,¹⁷⁰ has added to the above revelation as follows:

Not only so, but some would have it that two centuries before the direct general contact of Greece with India, brought about by the conquests of Alexander, **India through Pythagoras strongly and lastingly influenced all subsequent Greek thought** (Mead 1901, 17-18, emphasis added). The close resemblance, however, between many of the features of Pythagorean discipline and doctrine and Indo-Aryan thought and practice makes us hesitate entirely to reject the possibility of Pythagoras having visited ancient Aryavarta (Mead 1901, 18-19). From the time of Alexander onward, there was direct and constant contact between Aryavarta and the kingdoms of the successors of the world-conqueror, and many Greeks wrote about this land of mystery; but in all that has come down to us, we look in vain for anything but the vaguest indications of what the 'philosophers' of India systematically thought. That the Brahmins would at this time have permitted their sacred books to be read by the Yavanas (... the general name for Greeks in Indian records) is contrary to all we know of their history. The Yavanas were Mlechchhas, outside the pale of the Aryas, and all they could glean of the jealously guarded Brahma-vidya or theosophy must have depended solely upon outside observation. **But the dominant religious activity at this time in India was Buddhist, and it is to this** protest against the rigid distinctions of caste and race made by Brahmanical pride and to the startling novelty of an enthusiastic religious propaganda among all classes and races in India and outside India to all nations **that we must look for the most direct contact of thought between India and Greece.** (Mead 1901, 19-20, emphasis added.) ... Both by the seaway and by the great caravan route there was an ever-open line of communication between India and the Empire of the successors of Alexander, and it is even permissible to speculate that if we could recover a catalog of the great Alexandrian library, for instance, we should perchance find that in it Indian MSS. were to be found among the other rolls and parchments of the scriptures of the nations (Mead 1901, 22). However difficult, therefore, it may be to prove, from unquestionably historical statements, any direct influence of Indian thought on the conceptions and practices of some of these religious communities and philosophic schools of the Graeco-Roman Empire, and although in any particular case similarity of ideas need not necessarily be assigned to direct physical transmission, nevertheless the highest probability, if not the greatest assurance, remains that even prior to the days of Apollonius there was some private knowledge in Greece of the general ideas of the Vedanta and Dharma ... (Mead 1901, 24).

Arthur A. Macdonell too has opined thus:

... **The dependence of Pythagoras on Indian philosophy and science certainly seems to have a high degree of probability.** Almost all the doctrines ascribed to him – religious, philosophical, mathematical – were known in India in the sixth century BC. The coincidences are so numerous that their cumulative force becomes considerable. ... The doctrine of metempsychosis in the case of Pythagoras appears without any connection or explanatory background and was regarded by the Greeks as of foreign origin. He could not have derived it from Egypt, as it was not known to the ancient Egyptians. (Macdonell 1900, 422, emphasis added.)

The references made to Pythagoras¹⁷¹ above as the founding link between Indian and Greek thought are indeed pivotal and certainly warrant further elaboration. However, since both his life and teachings have been subjected to an almost incomparable level of aggrandizement and obfuscation, very little might be said on the same with any amount of confidence. Nonetheless, the following extant accounts do categorically advert to his associations, respectively, with India and Buddhism:

A wealth of facts and coincidences of the most remarkable kind give us the undeniable conviction that Pythagoras got the essential content of his world and life views from the Indians (Schroeder 1884, Google machine translation, 88). The Indians developed the strange doctrine of transmigration of souls, which no other people can be sure of, with great consistency, and Pythagoras' conception on this point agrees with that of India down to the most remarkable details (Schroeder 1884, Google machine translation, 88). We shall not presume to determine how the Greek thinker came to India. However, it is well known that trade connections between India and the West were established early on. (Schroeder 1884, Google machine translation, 90.) Richly loaded with Indian wisdom, deeply and thoroughly initiated into their train of thought, powerfully seized by the whole peculiarity, the great importance of that distant, foreign cultural world, he returned home to the Greek-Italian world and transplanted [t]here the seeds of education, whose far-reaching importance for the Greek culture and thus for the entire culture of the West only much later centuries were able to fully appreciate (Schroeder 1884, Google machine translation, 92). We believe that at a fixed point, which has become more and more clear, we have

demonstrated the influence of India on Greek philosophy ... Wide perspectives open up here, and questions may be raised Is it not natural to ask oneself whether that strange teaching of Parmenides, that the whole world is a delusion, does not have its origin in India? This teaching, which appears extremely strange in the Greek world ... can hardly have grown up independently there (Schroeder 1884, Google machine translation, 90.)

One of the master-builders of old was Pythagoras; **he brought from Ind the wisdom of the Buddha and translated it into Greek thought, adding to its austere grandeur the beauty characteristic of Greece, as Grecian art made tenderer the stern outlines of Indian sculpture.** (Bessant 1904, ix, *sic*, emphasis added.)

William Knighton, in his essay entitled 'Buddhism and the Philosophy of Greece' (first published in the *Ceylon Miscellany*, May 1844), has observed as follows:

In these three fundamental doctrines then: the metempsychosis, the eternity of matter, and the abstaining from the destruction of animal life, there was what every one will at least allow to be a very **extraordinary coincidence between the Buddhistical and Pythagorean tenets.** The accordance of the systems, however, by no means ends here. (Knighton, 1845, 342, emphasis added.) I have dwelt thus minutely upon the system of Pythagoras, because it was evidently the most influenced by the tenets of Buddhism, and I may surely be allowed to ask, whence this extraordinary coincidence between the two if there were no connection between them? **An agreement in so many tenets cannot be considered as a merely fortuitous event.** If we suppose, with many who have written on the subject, that Pythagoras visited India, the difficulty is solved at once, for we cannot surely conceive it possible that he could visit that country without hearing of the celebrated teacher and sage so lately dead, a teacher whose tenets so soon spread over the whole of the East. If, however, we maintain with others that such was not the case but that his doctrines were solely derived from Egypt, we must allow that **some communication had taken place with regard to philosophy between the two countries** (Knighton, 1845, 346-347, emphasis added.)

Besides Pythagoras, Democritus too appears to have traveled to India in search of philosophical instruction:

And Demetrius in his treatise on People of the Same Name, and Antisthenes in his Successions, both affirm that he traveled to Egypt to see the priests there and to learn mathematics of them; and that he proceeded further to the Chaldeans and penetrated into Persia, and went as far as the Persian Gulf. Some also say that he made acquaintance with the Gymnosophists in **India** and that he went to Aethiopia. (Laërtius n.d., Yonge translation, 390-391, para.II, emphasis added.)

About himself, too, where, pluming himself on his erudition, he says, '**I have roamed over the most ground of any man of my time, investigating the most remote parts. I have seen the most skies and lands, and I have heard of learned men in very great numbers.** And in composition no one has surpassed me; in demonstration, not even those among the Egyptians who are called Arpenodaptae, with all of whom I lived in exile up to eighty years.' (Clemens c.198, Wilson translation, 397, emphasis added.)

Of more importance is an alleged Graeco-Syrian maxim, which, though first thought spurious (but regarded as 'genuine' by Theodor Gomperz (Freeman 1948, 120, note¹)), appears capable of being attributed to Democritus himself:

Wise men when visiting a foreign land must silently and quietly *reconnoitre* while they look and listen to find out the reputation of the wise men there: what they are like and if they can hold their own before them while they secretly weigh their words against their own in their minds. When they have weighed and seen which group is better than the other, then they should make known the riches of their own wisdom so that they may be prized for the sake of the treasure, which is their property, while they enrich others from it. **But if their knowledge is too small to allow them to dispense from it, they should take from the others and go their way.** (Freeman 1948, 119-120, para.303, emphasis added.)

This surely might be construed as the *modus operandi* of Greek philosophers during the time of Democritus (and even Pythagoras), which in turn sheds much light on the anomalous absence of expressed references to Indian thought within Greek philosophy. Accordingly, it would be plausible to hypothesize that both Pythagoras and Democritus did stumble upon a treasure trove of knowledge (within/from India), which they found so overwhelming that they

elected to: appropriate the intellectual wealth therein; enrich others from it; and even present such borrowed learning as ‘theirs,’ without ever acknowledging the source from which the same was derived. Perhaps this was how all forms of Indian thought eventually came to be incorporated into ‘Greek philosophy.’

Incidentally, the following fragment attributed to Empedocles is of interest (regarding the ‘fount’ of all philosophy):

And there was among them **a man of unusual knowledge, and master especially of all sorts of wise deeds, who in truth possessed greatest wealth of mind** for whenever he reached out with all his mind, easily he beheld each one of all the things that are, even for ten and twenty generations of men. (Fairbanks 1898, 211, para.415, *sic*, emphasis added.)

Could this have been a reference to Buddha Gotama (or, in the least, an *Arahath* (a fully enlightened sage))? Ven. Dr. Basnagoda Rahula, in his dissertation entitled ‘The Untold Story About Greek Rational Thought’ (2000, 323-325), deems the above plausibly to have been a description of the former.

5.13 Revisiting Aśoka’s conquest through ‘Dhamma’

Surpassing all the aforesaid sources and providing for a more authentic mode of corroborating the conveyance of Buddhist thought to the West, exist the sentiments expressed by king Aśoka in his renowned ‘Rock Edict XIII,’ which unequivocally convey the practice of ‘Dhamma’ as having been the norm in all ‘conquered’ territories:

ROCK EDICT XIII[:] ... But this conquest is considered to be the chiefest by the beloved of the gods [Aśoka], which is conquest through Dhamma. **And that again has been achieved ... here and in the bordering dominions, even as far as six hundred *yojanas*,**¹⁷² where dwells the Yavana king called Amtiyoka,¹⁷³ and beyond this Amtiyoka to where dwell the four kings called Turamaya,¹⁷⁴ Amtekina,¹⁷⁵ Maga¹⁷⁶ and Alikasu(m)dara¹⁷⁷ – likewise down below, where are the Cholas, the

Pandyas, as far as the Tamraparniyas¹⁷⁸ – likewise here in the king’s dominions among the Yavanas and Kambojas, the Nabhapamtis in Nabhaka, the hereditary Bhojas, Andhras and Pulindas – everywhere they follow the teaching of the Dhamma. Even where the envoys of the beloved of the gods [Aśoka] do not go, they, hearing the ordinances uttered according to Dhamma and the teaching of Dhamma ... practice Dhamma and will so practice. (Bhandarkar 1925, 302, parentheses and emphasis added.)

The true connotation of this conquest through ‘Dhamma’ has been already detailed under chapters ‘3.14 Aśoka’s conquest through ‘Dhamma’’ and ‘3.15 *Five Precepts* - the *sine qua non* of ‘Dhamma’’ above. Suffice it here to recall the same succinctly as follows:

The subordinate kings in the east ... the south, the west and the north ... approach the universal monarch and tell him, ‘Welcome, great king; you have come at the right time; advise us.’ The universal monarch says, ‘**Life should not be destroyed, the not given should not be taken, sexual misconduct should not be, lies should not be told, and intoxicating drinks should not be taken. Enjoy your kingships as you have done.**’ Thus, they become the subordinate kings of the universal monarch. (*Bāla-Paṇḍita sutta* n.d., Uppalavanna translation, parenthesis and emphasis added.)

That such ‘conquests’ were effectuated over territories ruled by five named Hellenistic kings (in the least) might be said to evince the purported fostering of a multinational consensus on a minimum content of fundamental filial forbearances in furtherance of founding a regime of universal righteousness amenable to all. That such ‘conquests’ were ‘achieved’ in those regions should be construed more in favor of accession by their respective rulers to the proposed *corpus* of norms than docile submission to Buddhist indoctrination.¹⁷⁹ This is not to negate the possibility of any form of contemporaneous Buddhist missionary activity having been carried out by the *Sangha* during such time,¹⁸⁰ but to stress the unrivaled impetus afforded by the ‘Dhamma’ toward devising a nascent form of international diplomacy, the propagation of which is triumphantly testified to in ‘Rock Edict XIII.’ Notwithstanding its distinctiveness in recording such an enterprising and innovative feat, this indelible piece of

evidence has today come to be tacitly overlooked (apparently for no better reason than want of 'Western corroboration').¹⁸¹

In fact, on the issue of Indian (largely Buddhist) influence on Greek thought, it has been suggested that:

The question can certainly not be settled by hasty affirmation or denial; it requires [1] not only a wide knowledge of general history and [2] a minute study of scattered and imperfect indications of thought and practice, but also a [3] fine appreciation of the correct value of indirect evidence; [4] for of direct testimony there is none of a really decisive nature. (Mead 1901, 18, parentheses added.)

It is submitted that the preceding contents of this book have served to amply facilitate requirements '[1]' through '[3]' above. Therefore, at this juncture, it is considered opportune to reflect only on the supposition that 'no direct testimony of a 'decisive nature' exists regarding a Western adoption of any from of Eastern thought' (*per* '[4]' above).

As has already been observed, the respective doctrines of Stoics, Xenocrates, Socrates, Anaxagoras, Parmenides, Empedocles, Democritus and Epicurus reflect rudiments of more elaborate concepts identified exclusively with the antecedent *teachings* of the Buddha. Thus, they all manifest a form of abstract Buddhism.

During the Buddha's time (and immediately thereafter), a Buddhist was typified more by her/his *Dhammic* acumen than any revered refuge in the noble *Triple Gem*.¹⁸² In fact, during many an audience granted to a 'wandering ascetic'¹⁸³ the Buddha would often focus his expounding on whatever question/s raised in furtherance of bestowing upon the enquirer so much of the *Dhamma* as was thought necessary to deliver him from his voiced perplexity. Thus, many a fragment of the *Dhamma* gained firsthand from no less an authority than the Buddha would undoubtedly have secured its transmission to whatever territories visited by

these ‘wandering ascetics.’ Plausibly, much more would have been the fragments likewise disseminated by wanderers who were similarly enlightened *via* deliberations had with the fraternity of noble *Mahā Arahaths* both during and after the Buddha’s time.

That the *Dhamma* was free to be acquired, adopted or otherwise appropriated by all irrespective of caste, creed or race in the context of a free philosophy (so to speak) would undoubtedly have done much toward securing for itself a ‘most favored’ status. Accordingly, that ‘fragments’ of the *Dhamma* came to be celebrated by the Greek philosophers within their respective ideologies, bereft of all nuances as to source or exclusivity, constitutes neither an anomaly nor absurdity. In fact, the Buddha did categorically instruct his disciples to teach the *Dhamma* without self-exaltation (see *Udāyī sutta* n.d., Thanissaro translation). Thus, direct testimony of the kind sought under ‘[4]’ above would be unforthcoming by default.

A significant departure from Buddhist thought on the part of the said Greeks is seen in the myriad of cosmological theories advanced, especially by the pre-Socratic philosophers. However, it appears that this too was a waning trend in the face of a gaining preference for ethical expositions (perhaps following Buddhism, which concerns itself with cosmology only in passing). In fact, the Buddha regarded debates on the cosmos as falling within those paths of frivolous and vexatious *subjectification* (Pāli: *papañca*) that humans unfortunately pursue toward their detriment (see *Cūḷa Mālunkiyovāda sutta* n.d., Thanissaro translation). Thus, the inclusion of accounts on cosmic genesis within early Greek ideology might be possibly attributed to: **(a)** a need to present ‘the whole picture’ to avoid any form of public speculation regarding tenability; and/or **(b)** a need to accommodate divine influences as demanded by the mores of the day; or, in the absence of either of the above, **(c)** simple fabrication by way of *addenda* authored and articulated by secondary transcribers and expounders to reflect their own private perspectives.

Despite the ostensible nexus between Greek ideology and Buddhism (the latter having obviously influenced the former), it is disconcerting to note the existence of an initiative to assail the traditional timelines ascribed to both schools of thought in pursuit of relegating Buddhism to a mere parallel, if not later, teaching (to avert any contribution on its part to Western philosophy).

The world has so far accorded only sparse attention to the Aśokan inscriptions, though being no less than etched writings in stone. Here too, efforts have been made to date Aśoka's reign to a much later time than that disclosed by conventional sources, the apparent objective (again) being to relegate his 'Dhamma' to a para-Hellenistic or even post-Hellenistic era (particularly to oust its professed influence on the domains of the five Hellenistic kings: Antiochus II Theos; Ptolemy II Philadelphus; Antigonus Gonatas; Magas of Cyrene; and Alexander of Epirus (see Bhandarkar 1925, 302, above)).

Carbon dating of discovered papyri, especially those recently unearthed from Strasbourg and Derveni, has served to concur more with the conventional rather than contemporary timelines fixed for Greek philosophy, even advancing a few of its contributions to a more recent past. This in turn has somewhat arrested covert attempts to predate Greek philosophy *vis-à-vis* Buddhism.¹⁸⁴

Moreover, the exertions of a team of archeologists¹⁸⁵ (pioneering excavations within the sacred Maya Devi Temple at Lumbini, Nepal: a UNESCO World Heritage site long identified as the birthplace of the Buddha) led by Robin A. E. Coningham of Durham University have revealed the remains of a previously unknown 6th century BC timber structure that links to the birth story of the Buddha himself (Durham University 2013). Archaeological dating of this structure (*via* a combination of radiocarbon dating and optically stimulated luminescence techniques) has now come to corroborate the traditional *Theravāda* fixing of the Buddha's life, *i.e.*, from 623BC to 543BC.

The preceding inquiry was carried out primarily toward eliciting the true origins of *natural law* thinking as popularly attributed to the Stoics. Accordingly, it has now become apparent that the Stoic doctrine of *naturalism* was not only a derivative of Socratean ethics but also a promoter of Epicurean ideals. Moreover, proven synonymy with Buddhist *teachings ipso facto* bars these Greek schools from claiming any novelty in their *naturalistic* thinking. The adoption of Buddhist constructs (either knowingly or unknowingly) by both Stoics and Epicureans did ultimately provide for an abstracted doctrine of rational virtue.

In addition to this doctrinal affinity between Buddhism and Stoic-*naturalism*, it appears that (a) virtue inculcation, (b) natural causal relations and (c) rational verification constitute specific common bases (to a greater or lesser degree) between the two. However, it must be pointed out that the *Dhamma* was so adopted by the said patrons of *natural law* with near absolute preference for its truisms on morality (as opposed to its conduct regulation (see 'Chapter 1.1 The Buddha's *Dhamma*' and 'Chapter 2.2 A salient body of negative and positive duties')) evinced by the Stoics' preference for preaching virtue instead of a systematic code of ethics. The Stoics either took for granted or deemed insignificant the genesis of a stratum of derived 'ought' norms.

5.14 The 'is-ought' dilemma

It has been stressed that the chief setback of *natural law* is its professed 'plausibility' of deriving a moral proposition from one of fact; an 'ought' from an 'is' (Ed. Freeman 1959, 93). As has already been observed above, the Stoics did in all probability emulate the moral ('is') truisms of the *Dhamma*. However, they apparently 'thought twice' before incorporating its regime of moral ('ought') regulations, perhaps out of reluctance for having to attribute the latter's authority to the dictates of the Buddha (a feature that they would have preferred purged from their professed 'independent' construct). Above all, they failed to appreciate the

Dhamma's method of prescribing ethical rules toward gradationally inculcating virtues (preferring to profess strict virtue ethics instead).

By borrowing only the 'is' propositions of the *Dhamma*, they were indeed able to advance a species of *naturalism* based on universal causal relations perceptible to man's innate rationality. However, they foolhardily elevated the verifying authority (the rational mind) above the source authority (the Buddha's *teachings*), which in turn provided for inconsistencies in determining the legitimate content of their *natural law*. By not borrowing the moral 'oughts' of the *Dhamma*, they were left without a regulatory structure to complement their adopted truisms, resulting in an essentially passive moral ideology.

The folly of the Stoics was their obsession with generalization, which they obviously 'took too far': up to the point of obscurity. Although it has since been the hallmark of *natural law* theorists to propound mini-catalogues of 'fundamental good,' the following critique still holds true:

All that we would have so far is the *natural law* theorist's account of what we might call minimally rational action – action that seeks to realize some good. What **we would not have yet is a full account of right action**. (Murphy 2008, '2.4 From the good to the right,' reproduced with permission from ©Mark Murphy, punctuation and emphasis added.)

5.15 'Right action'

Unlike *natural law*, the Buddha's *Dhamma* does encompass 'a full account of right action' and even provides comprehensive guidelines by which to displace all speculation regarding what truly constitutes 'right action.' A trinity of criteria (prescribed by Mark C. Murphy (2008, '2.4 From the good to the right')) is seen amply met in this regard: **(a)** a 'master rule' founding a regime of moral rules; **(b)** a 'method' by which to judge all action; and **(c)** authoritative 'virtue' verification *via* the 'insight of a person of practical wisdom.'

(a) The ‘master rule’ of Buddhism

‘**Volition is *kamma***’ (Narada 1964, 348 citing *Nibbedhika sutta* n.d.).¹⁸⁶ ‘For after making a **choice**, one acts by way of **body, speech and mind**’ (*Nibbedhika sutta* n.d., Sujato translation, emphasis added).

Kamma perpetuates the life-flux¹⁸⁷ and thereby all its attendant sufferings, such as sickness, old age, death and rebirth, from which even the most virtuous of individuals can find no permanent escape. Hence, Buddhism’s prime directive or ‘master rule’ (of sorts) necessarily concerns itself with **securing deliverance from perpetual suffering for the greatest possible number**, as particularly reflected in the Buddha’s sermon to his first batch of missionaries:

‘Go ye now, O bhikkhus, and wander **for the gain of the many, for the welfare of the many, out of compassion for the world, for the good, for the gain and for the welfare of gods and men. Let not two of you go the same way.** Preach, O bhikkhus, the doctrine which is glorious in the beginning, glorious in the middle, glorious at the end, in the spirit and in the letter; proclaim a consummate, perfect and pure life of holiness. There are beings whose mental eyes are covered by scarcely any dust, but if the doctrine is not preached to them, they cannot attain salvation. They will understand the doctrine. And I will go also, O bhikkhus, to Uruvela, to Senani-nigama, in order to preach the doctrine.’ (*Māarakathā* n.d., Rhys Davids and Oldenberg translation, 112-113, para.11.1, emphasis added.)

(b) The Buddhist ‘method’ of judging action

Buddhism provides for a clear procedural basis by which to judge the morality of ‘actions’:

[The Buddha:] What do you think ...? What is the purpose of a mirror?

[Ven. Rahula:] For the purpose of reflection

[The Buddha:] So too ... **an action with the body** should be done after repeated reflection; **an action by speech** should be done after repeated reflection; **an action by mind should be done after repeated reflection.**

[The Buddha:] ... When you wish to do [*or while or after doing*] an action with the body [*or by speech or mind*], you should reflect upon that same bodily [*or spoken or mental*] action, thus: **'Would this action that I wish to do [*or am doing or have done*] with the body [*or by speech or mind*] lead to my own affliction, or to the affliction of others, or to the affliction of both?** Is [*or was*] it an unwholesome bodily [*or spoken or mental*] action with painful consequences, with painful results?' When you reflect, if you know: 'This action that I wish to do [*or am doing or have done*] with the body [*or by speech or mind*] would lead to my own affliction, or to the affliction of others, or to the affliction of both; it is an unwholesome bodily [*or spoken or mental*] action with painful consequences, with painful results,' then you definitely should not do [*or not have done*] such an action with the body [*or by speech or mind*]. But when you reflect, if you know: 'This action that I wish to do [*or am doing or have done*] with the body [*or by speech or mind*] would not lead to my own affliction, or to the affliction of others, or to the affliction of both; it is a wholesome bodily [*or spoken or mental*] action with pleasant consequences, with pleasant results,' then you may do [*or continue to do and abide happy and glad in*] such an action with the body [*or by speech or mind*]. (*Ambalaṭṭhika-Rāhulovāda sutta* n.d., Nanamoli and Bodhi translation, 524-525, paras.8-9, parentheses and emphasis added.)

Notwithstanding the above, a further substantive basis for evaluating actions has also been provided:

Greed is an origin for the arising of action; **hate** is an origin for the arising of action; and **delusion** is an origin for the arising of action. ... Non-greed does not arise from greed; greed itself arises from greed. ... Non-hate does not arise from hate; hate itself arises from hate. ... Non-delusion does not arise from delusion; delusion itself arises from delusion. ... A god, a human or any other good state would not be evident from actions born of greed, hate and delusion. Yet ... from actions born of greed, hate and delusion a hellish being, an animal birth, a ghostly birth or some other bad state would be evident.

...

Non-greed is an origin for the arising of action; **non-hate** is an origin for the arising of action; and **non-delusion** is an origin for the arising of action. ... Greed does not arise from non-greed; non-greed itself arises from non-greed. ... Hate does not arise from non-hate; non-hate itself arises from non-hate. ... Delusion does not arise from non-delusion; non-delusion itself arises from non-delusion. ... A hellish being, an animal birth, a ghostly birth or some other bad state, would not be evident from actions born of non-greed, non-hate and non-delusion. Yet ... from actions born of non-greed, non-hate and non-delusion a god, a human or any other good state would be evident. ... These ... are the origins for the arising of actions. ((*Kamma Nidāna sutta* n.d., Uppalavanna translation, emphasis added.¹⁸⁸)

Buddhism, accordingly, provides for both procedural and substantive distinguishing of moral and immoral actions and thereby comprehensively fulfills the requisites of the ‘method’ criterion referred to above.

(c) Verification of Buddhist ‘virtue’

As regards the ‘virtue’ criterion, no elaboration is required; the entirety of Buddhism is sourced from the deeds, words and thoughts of that incomparable being – the *Sammāsambuddha*, or ‘rightly self-awoken one’ – who is sublimely perfected *inter alia* in wisdom and virtue:

... The Realized One [the Buddha/*Sammāsambuddha*/*Tathāgatha*] ... **lives unattached, liberated, his mind free of ... defilements** Suppose there was a blue water lily or a pink or white lotus. Though it sprouted and grew in the water, it would rise up above the water and stand with no water clinging to it. In the same way, the Realized One has escaped ... so that he lives unattached, liberated, **his mind free of limits**. (*Vāhana sutta* n.d., Sujato translation, parenthesis and emphasis added.)

‘That Blessed One [the Buddha/*Sammāsambuddha*/*Tathāgatha*] **is perfected**, a fully awakened Buddha, **accomplished in knowledge and conduct**, holy, **knower of the world**, supreme guide for

those who wish to train, teacher of gods and humans, awakened, blessed.’ (*Dhajagga sutta* n.d. and *Dīghajāṇu sutta* n.d., Sujato translations, parenthesis and emphasis added.)

The summary of the *teachings* of all such *Sammāsambuddhas*, or ‘Realized Ones,’ is expressed thus:

To avoid all evil, to cultivate good and to cleanse one’s mind – this is the teaching of the Buddhas. (*Dhammapada* n.d., Buddharakkhitha translation, 71, verse 183, emphasis added.)

Two relatively modern jurists appear to have reflected upon this very *teaching* as follows:

Nature has placed mankind under the governance of two masters: **pain** and **pleasure**. It is for them alone to point out what we ought to do as well as to determine what we shall do. On the one hand, the standard of right and wrong, on the other hand, the chain of causes and effects are fastened to their throne. They govern us in all we do, in all we say, in all we think: every effort we can make to throw off our subjection will serve but to demonstrate and confirm it. In words, a man may pretend to abjure their empire, but in reality he will remain subject to it all the while. (Bentham 1780, 1, emphasis added.)

The only practical knowledge all men have naturally and infallibly in common as a self-evident principle, intellectually perceived by virtue of the concepts involved, is that **we must do good and avoid evil**. (Maritain 1951, 90, reproduced with permission from ©University of Chicago Press, emphasis added.)

It has become evident that Buddhism constitutes the founding bedrock of *natural law* (one of the foremost schools of jurisprudential thought). It both precedes and exceeds all other like constructs by precluding the incidence of any ‘is-ought dilemma’ (*via* its unique doctrine of causal morality as complemented by graded regulations).

The devising of *natural law* by the Stoics was done in furtherance of promoting conformity to a *corpus* of autonomous universal morality, neither dependent on nor owing allegiance to any particular deity or authority. Nonetheless, since Stoic *natural law* was derived from *Dhamma*, the utility of *Dhammic* epistemology as a legal method has now come to be virtually undeniable.

Buddhist ethics finds its foundation not on changing social customs but rather on the unchanging laws of nature. Buddhist ethical values are intrinsically a part of nature and the unchanging law of cause and effect (*kamma*). The simple fact that Buddhist ethics are rooted in *natural law* makes its principles both useful and acceptable to the modern world. The fact that the Buddhist ethical code was formulated over 2,500 years ago does not detract from its timeless character. (Dhammananda 1964, 171, emphasis added.)

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Resolute adherence to the precepts of righteousness has kept him away from many an otherwise lucrative livelihood. He is thus confined to a very modest form of existence.

'He is honest, hardworking and has the ability to grapple with complex issues of Law.'

(Retired Attorney-General of Sri Lanka, the late K.C. Kamalabayson P.C.)

¹Rational thinking is a means ‘... to discover by reflection or mental experiment the plan of thought according to which our life, as men endowed with reason, must be regulated’ (Fraser 1858, 1). ‘Rational philosophy ... is a search for ultimate truth, or that unity of reason which is conceived to be the final reward of the philosophical impulse’ (Fraser 1858, 3).

²‘... In seeking refuge in the ‘triple gem’ ... Buddhists only regard the Buddha ... an instructor who merely shows the *Path* of deliverance; the *Dhamma* ... the only way or means; the *Sangha* ... the living examples of the way of life to be lived. By merely seeking refuge in them, Buddhists do not consider that they would gain their deliverance.’ (Narada 1964, 245, emphasis added.)

³‘... Whether the Buddha arises or not, these truths exist, and it is a Buddha that reveals them to the deluded world. They do not and cannot change with time because they are eternal truths. The Buddha was not indebted to anyone for his realization of them, as he himself remarked ... thus: ‘With regard to things unheard before, there arose in me the eye, the knowledge, the wisdom, the insight and the light.’ These words are very significant because they testify to the originality of his new teaching.’ (Narada 1964, 81-82, emphasis added.)

⁴‘What if I live attending to and revering that same *teaching* [*Dhamma*] I have realized?’ Then Brahma Sahampathy, knowing the thought and thought process in the Blessed One’s mind, as quickly as a strong man would stretch his bent arm, or bend his stretched arm, vanished from the world of Brahma and appeared before the Blessed One. Then Brahma Sahampathy, arranging his robe on one shoulder ... the right knee on the ground and clasping his hands toward the Blessed One, said, ‘That is right, Blessed One! That is right, Well-Gone One! The worthy, rightfully enlightened ones in the past lived attending to and revering the *teaching*. The worthy, rightfully enlightened ones in the future will live attending to and revering the *teaching*. The worthy, rightfully enlightened one at present lives attending to and revering the *teaching*.’ (Gāraṇa sutta n.d., Uppalavanna translation; Paṭhama Uruvela sutta n.d., Uppalavanna translation.)

⁵The focus is not on the proof relating to a premise but on **resultant behavior** that could be expected from a person who either accepts or rejects it.

⁶The *teaching* is well explained by the Buddha – apparent in the present life, immediately effective, inviting inspection, relevant, so that sensible people can know it for themselves’ (*Dhajagga sutta* n.d., Sujato translation, emphasis added).

⁷On one occasion, Upali the millionaire, a follower of Nigantha Nataputta, approached the Buddha and was so pleased with the Buddha’s exposition of the *Dhamma* that he instantly expressed his desire to become a follower of the Buddha. But the Buddha advised him, saying, ‘Of a verity, O householder, **make a thorough**

investigation. It is well for a distinguished man like you to make a thorough investigation.’ Upali, who was overwhelmed with joy at this unexpected utterance of the Buddha, said, ‘Lord, if I had become a follower of another teacher, his followers would have taken me round the streets in procession proclaiming that such and such a millionaire had renounced his former religion and had embraced theirs. But, Lord, you advise me to investigate further. The more pleased am I with this salutary advice of yours.’ ... Though he became a Buddhist by conviction, the Buddha, quite in keeping with his boundless compassion and **perfect tolerance, advised him** [Upali] **to support his former religious teacher** [Nigantha Nataputta] **in accordance with his** [former] **practice.**’ (Narada 1964, 306-307, citing *Upāli sutta* n.d., emphasis and parentheses added.)

⁸When a warrior strives and struggles in battle, his mind is already low, degraded and misdirected as he thinks, ‘May these sentient beings be killed, slaughtered, slain, destroyed or annihilated!’ His foes kill him and finish him off, and when his body breaks up after death, he is reborn in the hell called ‘The Fallen.’ **But if you have such a view:** ‘Suppose a warrior, while striving and struggling in battle, is killed and finished off by his foes. When his body breaks up after death, he is reborn in the company of the gods of ‘The Fallen.’’ **This is your wrong view.** An individual with wrong view is reborn in one of two places, I say: hell or the animal realm.’ (*Yodhājīva sutta* n.d., Sujato translation, emphasis added.)

⁹A casual visitor to a Buddhist country who enters a Buddhist temple for the first time might get the wrong impression that Buddhism is confined to rites and ceremonies and is a superstitious religion which countenances worship of images and trees. ... What the Buddha expects from his adherents are not these forms of obeisance but the actual observance of his teachings. ‘He who practices my teachings best reveres me most’ is the advice of the Buddha. An understanding Buddhist can practice the *Dhamma* without external forms of homage. To follow the *Noble Eightfold Path*, neither temples nor images are absolutely necessary.’ (Narada 1964, xi, ‘Introduction,’ emphasis added.)

¹⁰See *Dhammacakkappavattana sutta* n.d., Piyadassi translation.

¹¹For example: “With birth as condition, aging-and-death comes to be’: whether there is an arising of *Tathāgatas* or no arising of *Tathāgatas*, that element still persists, the stableness of the *Dhamma*, the fixed course of the *Dhamma*, specific conditionality’ (*Paccaya sutta* n.d., Bodhi translation, 551).

¹²[22] The third Truth of the destruction of suffering, though dependent on oneself, is beyond logical reasoning and supramundane (*lokuttara*), unlike the first two, which are mundane (*lokīya*); [23] ... Is purely a self-realization – a *dhamma* to be comprehended by the mental eye (*sacchikātabba*); [26] ... Is not produced (*uppādetabba*) but is attained (*pāttabba*); [27] ... Has to be realized by developing the fourth Truth.’ (Narada 1964, 98.)

¹³Nowhere has such sincere repentance been manifested more than in the *Kuru-dhamma jātakaya* (n.d., Rouse translation), where king Dhananjaya and eleven members of his retinue candidly confess their minor to trivial transgressions of ‘killing,’ ‘stealing,’ ‘adultery’ and ‘lying’ (abstinences numbered ‘1.’ to ‘4.’ in the main

text, above), with equally sincere remorse. Each of the said eleven is well aware of his/her having to atone for the same according to the law of moral causation (*kamma*), despite the naive assurances provided by the non-*dhamma*-adhering Brahmins. For every inculpation averred by a *Kuru* native, the Brahmins summarily proffer exculpation. However, rightly construing these assurances as mere secular trivializations, they each remain unappeased. The stark distinction between *dhamma*-based culpability and that professed by the Brahmins is hence brought to the fore. The stringency of *dhamma*-based ethicality is what this *Jātakaya* champions, not the vindications proffered by the Brahmins. Unfortunately, many a Western scholar has been unable to appreciate this salient doctrinal distinction; see, for example, Huxley (1995, 191-203). For a comprehensive understanding of Buddhist ethics, see de Cea (2004, 123-142).

¹⁴This might secure no absolution for the transgression committed, the same having to be atoned for according to the law of moral causation (*kamma*).

¹⁵A thematic-coding-based grounded theory approach was adopted to cyclically interrelate the aforesaid primary and secondary data as well as correlate the same to contemporary jurisprudence.

¹⁶‘One should first establish oneself in what is proper; then only should one instruct others. Thus the wise man will not be reproached.’ (*Dhammapada* n.d., Buddharakkhitha translation, 63, verse 158.) ‘... That one who is himself sinking in the mud should pull out another who is sinking in the mud is impossible; that one who is not himself sinking in the mud should pull out another who is sinking in the mud is possible.’ (*Sallekha sutta* n.d., Nanamoli and Bodhi translation, 130.)

¹⁷It is perhaps this very Buddhist tenet that was endorsed by the community of nations who expressed themselves in the Preamble to the United Nations Educational, Scientific and Cultural Organization’s (*i.e.*, UNESCO’s) Constitution [1945] as follows: ‘... That since wars begin in the minds of men, **it is in the minds of men that the defenses of peace must be constructed**; ... That the wide diffusion of culture, and the education of humanity for justice and liberty and peace are indispensable to the dignity of man and constitute a sacred duty which all the nations must fulfill in a spirit of mutual assistance and concern; That a peace based exclusively upon the political and economic arrangements of governments would not be a peace which could secure the unanimous, lasting and sincere support of the peoples of the world, and that the peace must therefore be founded, if it is not to fail, upon the intellectual and moral solidarity of mankind.’ (Emphasis added.)

¹⁸‘1. Mind is the forerunner of (all evil) states. Mind is chief; mind-made are they. If one speaks or acts with wicked mind, because of that, suffering follows one, even as the wheel follows the hoof of the draught ox.’ (*Dhammapada* n.d., Narada translation, 1, verse 1.) ‘2. Mind is the forerunner of (all good) states. Mind is chief; mind-made are they. If one speaks or acts with pure mind, because of that, happiness follows one, even as one’s shadow that never leaves.’ (*Dhammapada* n.d., Narada translation, 5, verse 2.)

¹⁹‘When your dog does anything you want to break him of, you wait till he does it and then beat him for it. This is the way you make laws for your dog, and this is the way the judges make law for you and me. They won’t tell a man beforehand what it is he *should not do*; they won’t so much as allow of his being told; they lie by till he has done something which they say he *should not have done*, and then they hang him for it.’ (Bentham 1823, 235.)

²⁰‘... I will tell you about the Not Great Man, the Worst of Not Great Men, the Great Man and the Best of Great Men. Listen and attend carefully, I will tell. ... Who is the Not Great Man? Here ... a certain person destroys living things, takes the not-given, misbehaves in sexual conduct, tells lies, takes intoxicating and brewed drinks ... this is the Not Great Man. ... Who is the Worst of Not Great Men? Here ... a certain person destroys living things and incites others to destroy living things, takes of the not-given and incites others to take the not-given, misbehaves in sexual conduct and incites others to misbehave in sexual conduct, tells lies and incites others to tell lies, takes intoxicating and brewed drinks and incites others to take intoxicating and brewed drinks ... this is the Worst of Not Great Men. ... Who is the Great Man? Here ... a certain person does not destroy the life of living things, does not take the not-given, does not misbehave in sexual conduct, does not tell lies and does not take intoxicating and brewed drinks ... this is the Great Man. ... Who is the Best of Great Men? Here ... a certain person does not destroy the life of living things and does not incite others to destroy the life of living things, does not take the not-given and does not incite others to take the not-given, does not misbehave in sexual conduct and does not incite others to misbehave in sexual conduct, does not tell lies and does not incite others to tell lies, does not take intoxicating and brewed drinks and does not incite others to take intoxicating and brewed drinks ... this is the Best of Great Men.’ (*Sikkhāpada sutta* n.d., Uppalavanna translation.) ‘... Without dispelling five fears and animosities, it is said he is non-virtuous and is born in hell. What five? Destroying living things, taking the not-given, misbehaving in sexual desires, telling lies and taking intoxicated and brewed drinks. ... Without dispelling these five fears and animosities, it is said he is non-virtuous and is born in hell. ... Dispelling five fears and animosities, it is said he is virtuous and is born in heaven. What five? Abstaining from destroying living things, taking the not-given, misbehaving in sexual desires, telling lies and taking intoxicated and brewed drinks. ... Dispelling these five fears and animosities, it is said he is virtuous and is born in heaven.’ (*Vera sutta* n.d., Uppalavanna translation.)

²¹‘... These four are the objects of sympathy. What four? Giving gifts, kind language, beneficial behavior and equality of mind. ... Do not destroy them in favor of mother or son or father ... or to gain esteem and reverence. As long as the wise observe these objects of sympathy, so long will they come to greatness and praise.’ (*Saṅgaha sutta* n.d., Uppalavanna translation.)

²²‘... The disciple ... should **not** trade in these five. What five? Trading in swords, humans, flesh, intoxicants and poison.’ (*Vañijjā sutta* n.d., Uppalavanna translation, emphasis added.)

²³The following lesser-known discourse views the majority of the said **reciprocal relationships** from a somewhat different perspective: ‘... If these five things are evident in whichever clansman’s son ... it is

increase, not decrease that is expected. What five? ‘Here ... with the wealth he has earned rightfully, with aroused effort toiling with his hands while sweat was dripping, he attends to his mother and father with reverence. The mother and father, when attended and revered, compassionately wish him long life. The mother and father’s compassion for that clansman’s son is for his increase. ‘Again ... with the wealth he has earned rightfully, with aroused effort toiling with his hands while sweat was dripping, he attends with reverence to his wife and children, slaves and workmen. Wife and children, slaves and workmen, when attended and revered, compassionately wish him long life. Their compassion for that clansman’s son is for his increase. ‘Again ... with the wealth he has earned rightfully, with aroused effort toiling with his hands while sweat was dripping, he attends with reverence to the people in the neighborhood of the fields. Those people, when attended and revered, compassionately wish him long life. Their compassion for that clansman’s son is for his increase. ‘Again ... with the wealth he has earned rightfully, with aroused effort toiling with his hands while sweat was dripping, he makes offerings with reverence to the gods waiting to accept offerings. Those gods, when attended and revered with offerings, compassionately wish him long life. Their compassion for that clansman’s son is for his increase. ‘Again ... with the wealth he has earned rightfully, with aroused effort toiling with his hands while sweat was dripping, he attends reverently on recluses and *brāhmaṇas*. Those recluses and *brāhmaṇas*, when attended and revered, compassionately wish him long life. Their compassion for that clansman’s son is for his increase. ‘... If these five things are evident in which ever clansman’s son ... it is increase, not decrease that is expected.’ *‘Doing the duties of mother and father, he is always considerate to wife and children, is virtuous and liberal for the good of his household, co-associates and those dead. Recluses, Brahmins, gods and the wise desire his prosperity ... Living a household life, according to the teaching, he is praised here and now ... and afterward, he delights in heaven.’* (Licchavikumāra sutta n.d., Uppalavanna translation, emphasis added.)

²⁴... Rights and duties, privileges and no-rights, powers and liabilities, immunities and disabilities – seem to be what may be called ‘the lowest common denominators of the law.’ (Hohfeld 1919, 63-64.)

²⁵[1] ‘... In civilized society, men must be able to assume that others will do them no intended injury – that others will commit no intentional aggressions upon them.’ [2] ‘... In civilized society, men must be able to assume that their fellow men, when they act affirmatively, will do so with due care, that is, with the care which the ordinary understanding and moral sense of the community exacts with respect to consequences that may reasonably be anticipated’ [3] ‘... Men must be able to assume that others who keep things or maintain conditions or employ agencies that are likely to get out of hand or escape and do damage will restrain them or keep them within proper bounds’ [4] ‘... In civilized society, men must be able to assume that those with whom they deal in the general intercourse of society will act in good faith that they must be able to assume (a) that their fellow men will make good reasonable expectations created by their promises or other conduct, (b) that they will carry out their undertakings according to the expectation which the moral sentiment of the community attaches thereto, (c) that they will conduct themselves with zeal and fidelity in relations, offices and callings, and (d) that they will restore in specie or by equivalent what comes to

them by mistake or unanticipated situation whereby they receive what they could not have expected reasonably to receive under such circumstances.’ [5] ‘In civilized society, men must be able to assume that they may control, for purposes beneficial to themselves, what they have discovered and appropriated to their own use, what they have created by their own labor, and what they have acquired under the existing social and economic order.’ (Pound 1922, 169[1]; 170[2]; 175-6[3]; 188-9[4]; and 192-3[5]; parentheses added.)

²⁶[The Buddha:] Suppose ... a man wandering through a forest would see an ancient path ... traveled upon by people in the past. He would follow it and would see an ancient city, an ancient capital that had been inhabited by people in the past, with parks, groves, ponds and ramparts – a delightful place. Then the man would inform the king or a royal minister Then the king or the royal minister would renovate the [that] city, and some time later that city would become successful and prosperous, well populated, filled with people, attained to growth and expansion. So too ... I saw the ancient path ... traveled by the Perfectly Enlightened Ones of the past. And what is that ancient path ...? It is just this *Noble Eightfold Path*; that is, *right* view, *right* intention, *right* speech, *right* action, *right* livelihood, *right* effort, *right* mindfulness, *right* concentration. I followed that path, and by doing, so I have directly known aging and death, its origin, its cessation and the way leading to its cessation. I have directly known birth ... existence ... clinging ... craving ... feeling ... contact ... the six sense bases ... name and form ... consciousness ... volitional formations, their origin, their cessation and the way leading to their cessation. Having directly known them, I have explained them [Thus,] this holy life ... has become successful and prosperous, extended, popular, widespread, well proclaimed among *devas* and humans.’ (*Nagara sutta* n.d., Bodhi translation, 603-604, parenthesis added.)

²⁷‘Conquer anger by love. Conquer evil by good. Conquer the stingy by giving. Conquer the liar by truth.’ (*Dhammapada* n.d., Narada translation, 190, verse 223.)

²⁸Apparently, king Bimbisara chose the path of the ‘passive lay follower’ (‘(4)’ above), attaining thereby the status of ‘stream winner’ (*sotāpanna*), the first stage of sainthood.

²⁹The preambles to both the *Janasandha* (n.d., Rouse translation) and *Tesakuṇa* (n.d., Francis translation) *jātakas* expressly provide that the Buddha cited the same in furtherance of expounding the virtues of a righteous rule to king Pasenadi of Kosala. However, neither instance might reasonably be deemed a categorical advisement to the king made in pursuance of securing a radical change in the extant system of polity.

³⁰... The punishments mentioned are humane and confined to reproving, warning and banishment, with no mention of corporal or capital punishment on the part of the king, despite the fact that mutilation, torture and capital punishment were rife at the time’ (Jayatilleke 1967, 70, reproduced with permission from ©Anjani Karunaratne).

³¹‘What is emphasized in this theory is a democratic conception of the state and the law. ... The king is of the people, is to act in the interests of and for the people, and for this task has been elected by the people.’ (Jayatilleke 1967, 68, reproduced with permission from ©Anjani Karunaratne.)

³²‘Universal’ relating strictly to conformity, not territory.

³³The conventional Sinhala translation of this part of the same discourse provides for a tenfold enumeration of the said duties as follows: **(1)** To establish one’s self in the *Dhamma* and to lead a disciplined life along with one’s family in accordance with the *Dhamma*; **(2)** To engage one’s warriors in the *Dhamma*; **(3)** To establish one’s administrators in the *Dhamma*; **(4)** To establish one’s clerics in the *Dhamma*; **(5)** To establish one’s citizens in the *Dhamma*; **(6)** To provide ward and protection for ascetics and recluses of all descriptions; **(7)** To provide ward and protection for mammals, birds and all types of fauna; **(8)** To prevent all forms of crime from taking place within the kingdom; **(9)** To give wealth to the needy of the realm; **(10)** To accost virtuous clerics and receive their instruction.

³⁴273-232BC (?).

³⁵The *Arthaśāstra* ends with the averment, ‘Having seen discrepancies in many ways on the part of the writers of commentaries on the *Śāstras*, **Vishnu Gupta himself** has made (this) *Sūtra* and commentary’ (*Arthaśāstra* n.d., Shamasastri translation, 473, emphasis added). Thus, its authorship literally must be ascribed to one ‘Vishnu Gupta,’ although the popular practice has been to construe ‘Vishnu Gupta’ as being none other than Kautilya (sometimes Chanakya-Kautilya or simply Chanakya). However, within the *Arthaśāstra* itself, ‘Kautilya’ is quoted from no less than 80 times over and is thereby depicted as the authority preferred by the third-party compiler (above other commentators on the ‘*śāstras*’), deeming them two distinct individuals in stark contradiction to the authorship averment: ‘This *Śāstra*, bereft of undue enlargement and easy to grasp and understand, has been composed by **Kautilya** in words the meaning of which has been definitely settled’ (*Arthaśāstra* n.d., Shamasastri translation, 5, emphasis added). If so, the only plausible contention is that ‘Vishnu Gupta’ and ‘Kautilya’ are not one, but *two*: the former being the compiler of a work featuring the latter’s account on the ‘*śāstras*.’ Again, the question arises as to whom portions of the *Arthaśāstra* not directly stemming from quoted commentators should rightly be attributed: ‘Kautilya’ or ‘Vishnu Gupta’? Reason would prefer ‘Vishnu Gupta,’ although the aforesaid ‘authorship averment’ of the *Arthaśāstra* proffers ‘Kautilya.’ More problematic is it to determine Chanakya’s identity; was he in fact ‘Kautilya’ or ‘Vishnu Gupta,’ or neither? ‘Neither,’ most probably, should be the answer in view of the absence of any conclusive evidence confirming the *Arthaśāstra*’s influence on Mauryan expansionism. If so, both its compilation and efficacy (in the context of a revamped *Manusmṛiti*) would have to be consigned to a much later period in history, as it perhaps rightly should.

³⁶Such as the *Dharmasūtras* and *Dharmaśāstras*.

³⁷The author of this liberation was Sandrocottus [Chandragupta Maurya], who afterward, however, turned their semblance of liberty into slavery; for making himself king, he oppressed the people whom he had delivered from a foreign power with a cruel tyranny' (Justinus n.d., book XV, para.15.4, lines 13 and 14, parenthesis added).

³⁸358-281BC.

³⁹Sandrocottus [Chandragupta Maurya], having thus acquired a throne, was in possession of India when Seleucus was laying the foundations of his future greatness; who, after **making a league with him** and settling his affairs in the East, proceeded to join in the war against Antigonus' (Justinus n.d., book XV, para.15.4, lines 20-21, parenthesis and emphasis added). 'The whole region from Phrygia to the Indus was subject to Seleucus. He crossed the Indus and waged war with Androcottus [Chandragupta Maurya], king of the Indians, who dwelt on the banks of that stream, until they **came to an understanding with each other** and contracted a marriage relationship.' (Appianus n.d., 314, s.55, parenthesis and emphasis added.)

⁴⁰Whoever is inferior to another shall make peace with him; whoever is superior in power shall wage war ...' (*Arthaśāstra* n.d., Shamasastri translation, 295). 'Agreements of peace shall be made with equal and superior kings, and an inferior king shall be attacked' (*Arthaśāstra* n.d., Shamasastri translation, 300). 'Whoever is rising in power may break the agreement of peace' (*Arthaśāstra* n.d., Shamasastri translation, 347).

⁴¹Remarkably, Chandragupta's transition from implacable conqueror to pious clergyman appears to foreshadow his grandson Aśoka's similar conversion, which was to follow decades later.

⁴²That these named *Dhamma* texts do correspond with those of the extant Pāli canon has been confirmed (see Bhikkhu Thanissaro 1993).

⁴³... Long ago I held imperial sway over the whole world reigning in this very city; I **kept the five commandments** and made all people of the world keep the same' (*Mora jātaka* n.d., Rouse translation, 25, emphasis added). 'The Kuru righteousness means the **five virtues**; these the Bodhisatta observed and kept pure; as did the Bodhisatta, even so did queen-mother, queen-consort, younger brother, viceroy, family priest, *brāhmaṇa*, driver, courtier, charioteer, treasurer, master of the granaries, noble, porter, courtesan, slave-girl – all did the same' (*Kuru-dhamma jātaka* n.d., Rouse translation, 251, emphasis added). '... The king ... made proclamation by drum that all the townspeople should undertake **to keep the precepts**; he himself, with his household, undertook all the duties for the holy days and gave great gifts in charity' (*Āditta jātaka* n.d., Francis and Neil translation, 280, emphasis added).

⁴⁴SEPARATE KALINGA EDICT I[:] ... *Mahāmātras* of Tosali (or Samapa) who are the city **judiciaries** ...' (Bhandarkar 1925, 323, parenthesis and emphasis added).

⁴⁵1.Delusion, 2.Shamelessness, 3.Fearlessness (of consequences, or to commit wrong), 4.Restlessness, 5.Attachment, 6.Misbelief, 7.Conceit, 8.Hatred, 9.Jealousy, 10.Avarice, 11.Worry, 12.Sloth, 13.Torpor, 14.Doubt These fourteen mental states are termed ‘Immorals.’ (Narada 1956, 80.)

⁴⁶... When you know for yourselves, ‘These things are unskillful, blameworthy, criticized by sensible people, and when you undertake them, they lead to harm and suffering,’ then you should give them up. When you know for yourselves, ‘These things are skillful, blameless, praised by sensible people, and when you undertake them, they lead to welfare and happiness,’ then you should acquire them and keep them.’ (*Kālāma sutta* n.d., Sujato translation.)

⁴⁷‘He shall regard with fatherly kindness those who have passed the period of remission of taxes’ (*Arthaśāstra* n.d., Shamasastri translation, 46). ‘The king shall always protect the afflicted among his people as a father his sons’ (*Arthaśāstra* n.d., Shamasastri translation, 239).

⁴⁸In the happiness of his subjects lies his happiness; in their welfare his welfare; whatever pleases himself, he shall not consider as good, but whatever pleases his subjects, he shall consider as good’ (*Arthaśāstra* n.d., Shamasastri translation, 39). ‘The king shall provide the orphans ... the aged, the infirm, the afflicted and the helpless with maintenance. He shall also provide subsistence to helpless women when they are carrying and also to the children they give birth to.’ (*Arthaśāstra* n.d., Shamasastri translation, 47.) ‘During famine, the king shall show favor to his people by providing them with seeds and provision ...’ (*Arthaśāstra* n.d., Shamasastri translation, 237). ‘He shall, on the other hand, supply with grain and cattle those who colonize waste lands’ (*Arthaśāstra* n.d., Shamasastri translation, 273).

⁴⁹The king shall bestow on cultivators only such favor and remission ... as will tend to swell the treasury, and shall avoid such as will deplete it’ (*Arthaśāstra* n.d., Shamasastri translation, 46). ‘An adventurer may enjoy whatever the king graciously gives him out of the booty he has plundered from an enemy’s country, excepting the life of an Arya and the property belonging to gods, Brahmins or ascetics’ (*Arthaśāstra* n.d., Shamasastri translation, 218).

⁵⁰Namely: ‘*Purushas*’; ‘*Yuktas*’; ‘*Rajjukas*’; ‘*Prādesikas*’; ‘*Mahāmātras*’; ‘*Kumāras*’; and the ‘*Parishad*.’

⁵¹The positions of ‘*Ithijhakha-Mahāmātra*,’ ‘*Vrachabhumika*’ and ‘*Anta-Mahāmātra*,’ also designated by Aśoka, receive no mention in the *Arthaśāstra* (see Bhandarkar 1925, 56-58).

⁵²However, whether they derive from the *teachings* of any one of the twenty-seven (recent) *Sammāsambuddhas* before him is altogether another question. In the Nigliva minor pillar inscription, it is reported thus: ‘King Priyadarsin, the beloved of gods [Aśoka], when he had been consecrated fourteen years, enlarged for the second time the *stūpa* of Buddha Konakamana. And when he had been consecrated twenty years, he came in person, did worship and had a stone pillar erected.’ (Bhandarkar 1925, 333, parenthesis added.) This provides authority for the fact that the existence of a *prior* Buddha, namely Buddha Konagama,

was not only confidently acknowledged during Aśoka's time but also was the subject of much veneration, especially in view of the commemorative *stūpa* that had apparently been erected in his name. Now, it is an accepted tenet of Buddhism that all *Sammāsambuddhas* expound an identical *teaching*. If so, its most salient features should prevail (at least in traces) for some time after the *parinibbāna* of such a Buddha, as they have for approximately 2567 years since Buddha Gotama's. The *Jātaka*, or 'the narrative on the past lives of the Buddha Gotama,' which constitutes a popular part of the Pāli canon, does provide for several illustrations wherein vestiges of the 'Dhamma' have founded the sole governing ethos of a community. For example, in the *Kuru-dhamma jātaka* (n.d., Rouse translation), it is revealed that the country of the Kurus (a historically traceable community) was once governed exclusively by the *five precepts*, being all that apparently remained of the Buddhist *teachings* at such time. Thus, although most historians have been quick to assign every occurrence of 'Dhamma,' bereft of the prefix 'Buddha,' exclusively to the Vedic tradition, it is urged that there both did and will exist the quite rational alternative of ascribing the same to the *teachings of a former Buddha* instead, where plausible. The commemoration of 28 (twenty-eight) such Buddhas by name (Tanhankara, Medankara, Saranankara, Dipankara, Kondanna, Mangala, Sumana, Revata, Sobita, Anomadassi, Paduma, Narada, Padumuttara, Sumedha, Sujata, Piyadassi, Attadassi, Dhammadassi, Siddatta, Tissa, Pussa, Vipassi, Sikhi, Vessabhu, Kakusanda, Konagama, Kassapa and Gotama), which is practiced by Buddhists world-over, itself casts the commencement of the Buddha lineage to immemorial antiquity. Moreover, the total number of Buddhas (to date) has been tallied at no less than $512,000 + 24 + 1 = 512,025$ (*per* Dharmakeerthi n.d., 59). Thus, Buddha Gotama's revelation in the *Aggañña sutta* (cited under Chapter '2.4 Conformity to Hart's 'secondary rules'' above) to the effect that 'Dhamma' governed the *first Mahā Sammata* or 'Great Elect' (who in turn ruled by the 'Dhamma') becomes, at least, historically tenable.

⁵³PILLAR EDICT IV[:] ... This record relating to Dhamma has been caused to be written by me twenty-six years after my coronation. ... And my order goes even so far that a respite of three days is granted by me to fettered persons in the prisons who have been convicted and condemned to death. During that period, their relatives will plead for their lives to some officers. Otherwise, they will console the persons who are going to die and bestow gifts in order to secure for them happiness in the next world and undergo fasts for the same purpose. Verily, my desire is this: that even when the time for their living in this world has expired, they may attain happiness in the next world' (Sircar 1957, 72-73, parenthesis added.)

⁵⁴PILLAR EDICT V[:] ... Twenty-five jail deliveries have been effected by me, who am consecrated twenty-six years, just in that period' (Bhandarkar 1925, 315, parenthesis added).

⁵⁵PILLAR EDICT II[:] ... The gift of sight have I given in manifold ways and various favors to bipeds and quadrupeds, to birds and aquatic animals, even up to the boon of life' (Bhandarkar 1925, 307, parenthesis added).

⁵⁶ROCK EDICT XIII[:] ... Now the beloved of the gods [Aśoka] thinks that even if a person should wrong him, the offense would be forgiven if it was possible to forgive it. ... It is hereby explained to them that, in spite of his

repentance, the beloved of the gods [Aśoka] possesses power enough to punish them for their crimes, so that they should turn from evil ways and would not be killed for their crimes. Verily the beloved of the gods desires the following in respect of all creatures, *viz.*, non-injury to them, restraint in dealing with them, and impartiality in the case of crimes committed by them.’ (Sircar 1957, 58, parentheses added.)

⁵⁷‘ROCK EDICT XIII[:] ... That my sons and great-grandsons should not think of a fresh conquest by arms as worth achieving, that they should adopt the policy of forbearance and light punishment toward the vanquished even if they conquer a people by arms ...’ (Sircar 1957, 59, parenthesis added).

⁵⁸‘... Heinous crimes (*Ānantariya kamma*) – namely, matricide, parricide, the murder of an *Arahath*, the wounding of the Buddha and **the creation of a schism in the *Sangha***’ (Narada 1964, 371, emphasis added).

⁵⁹‘The Purposes of the United Nations are: 1.To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace; 2.To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace; 3.To achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion; and 4.To be a center for harmonizing the actions of nations in the attainment of these common ends.’ (Charter of the United Nations 1945, Article 1.)

⁶⁰‘The constitution may be created by custom or by a specific act performed by one or several individuals, that is, by a legislative act. In the latter case, it is always formulated in a document and hence called a ‘written’ constitution, in contradistinction to the ‘unwritten’ constitution brought about by custom.’ (Kelsen 1960, 222, reproduced with permission from ©University of California Press.)

⁶¹**Dualism** advocates that there shall be two non-overlapping regimes of legal interest, municipal and international, each being sovereign within its own respective area. Nevertheless, when the two clash, municipal law must prevail. In other words, international law cannot override municipal law unless it is specifically incorporated within the latter. **Monism** is the opposite of dualism. It provides that when municipal law clashes with international law, the latter must prevail; municipal law at all times being an incomplete manifestation of international law.

⁶²‘The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply [among others] ... **the general principles of law recognized by civilized nations ...**’ (The Statute of the International Court of Justice 1945, Article 38.1.c., parenthesis and emphasis added).

⁶³Although expressed in proximal relation to ‘the forest-folk,’ Aśoka’s pronouncement in ‘Rock Edict XIII’ that ‘in spite of his repentance [for resorting to belligerence in Kalinga], the beloved of the gods possesses power enough to punish them for their crimes, so that they should turn from evil ways *and would not be killed for their crimes*’ (Sircar 1957, 58, parenthesis and emphasis added) is clearly indicative of his willingness to readopt force, albeit reluctantly, where attendant circumstances render recourse to the same unavoidable (especially during peacekeeping).

⁶⁴‘When he had caused the state parasol of his uncles to be brought and purified in a natural pond that is here, Pandukabhaya kept it for himself, and with the water of that same pond he solemnized his own consecration, and Suvannapali, his spouse, he consecrated queen. On the young Canda, even as he had agreed, he conferred the office of his chaplain and other appointments on his other followers according to their merits.’ (*Mahāvāṅgsha* n.d., Geiger translation, 73-74, paras.77-79.)

⁶⁵... It was Aśoka who for the first time introduced the consecration ceremony of the Indian tradition, with Tissa as the first on the throne in Sri Lanka. This leads us to believe that earlier there were no *rajas* or kings ruling the island but only leaders of the community who were called *gamani*.’ (Seneviratna 1994, 90, reproduced with permission from ©Anuradha Seneviratna Memorial Foundation.)

⁶⁶‘When they saw that the elephant’s hall was also too small, the people who had assembled there, full of pious zeal, prepared seats for the *theras* outside the southern gate, in the pleasant Nandana garden in the royal park, thickly shaded, cool and covered with verdure. The *thera* went forth by the south gate and seated himself there. Numbers of women of noble families who came thither sat at the *thera*’s feet filling the garden. And to them, the *thera* preached the *Bālapandita suttanta*. A thousand of the women attained to the first stage of salvation. So, there in the grove, evening fell.’ (*Mahāvāṅgsha* n.d., Geiger translation, 97, paras.1-5.)

⁶⁷‘When the queen Anula had come with five hundred women and had bowed down and made offerings to the *theras*, she stepped to one side. The *thera* preached the *Petavatthu*, the *Vimānavatthu* and the *Sacca Samyutta*.’ (*Mahāvāṅgsha* n.d., Geiger translation, 95-96, paras.57-58.)

⁶⁸‘And many people from the city, hearing from persons who had seen them the day before, of the virtues of the *theras*, came together desirous to see the *theras* and made a great stir at the palace gates. When the king heard that and had been told on asking why it was so, he said, thoughtful for their welfare: ‘Here there is not enough space for all these men; let them cleanse the hall of the state elephant; there shall the townspeople be able to look upon the *theras*.’ When they had cleansed the elephant’s hall and had adorned it speedily with canopies and so forth, they prepared seats there for the *theras*, according to their rank. The great *thera* went thither with the other *theras*, and when he had taken his seat, he, the eminent preacher, preached the *Devaduta suttanta*.’ (*Mahāvāṅgsha* n.d., Geiger translation, 96, paras.59-64.)

⁶⁹... These **two bright principles protect the world**. What are the two? **Shame and fear of wrongdoing**. If ... these two bright principles did not protect the world, there would not be discerned respect for mother or

maternal aunt or maternal uncle's wife or a teacher's wife or the wives of other honored persons, and the world would have fallen into promiscuity, as with goats, sheep, chickens, pigs, dogs and jackals. But as these two bright principles protect the world, there is discerned respect for mother or maternal aunt or maternal uncle's wife or a teacher's wife and the wives of other honored persons.' (*Sukkadhamma sutta* n.d., Ireland translation, 138, reproduced with permission from the ©Buddhist Publication Society, emphasis added.)

⁷⁰For a colorful diagrammatic presentation, see Suvanno (2001, 80).

⁷¹Nor must it be disguised, on the other hand, that in those instances in which we find them obtaining an ascendancy over their sovereign, they too frequently directed his attention more to the embellishment of their religion than to the due administration of justice, whilst in their histories they universally applaud those who promoted their ends without any regard to their civil administration or judicial conduct' (Knighton 1845, 192).

⁷²Excepting the eleven Dravidians; seven Cholas; Panda Parakrama; Kalinga Magha; Rajasingha I; and Sri Vikrama Rajasinha.

⁷³Reigned 205-161BC.

⁷⁴The 'protection' that this father so fervently sought for his son was not mere physical protection, for the latter's success in combat had already been prophesized. It was his son's *spiritual salvation* that the father was so vehemently trying to 'protect' from being tainted by the sins of warfare.

⁷⁵This work is said to predate the *Mahāvāṅgsha* and was thought to be lost from Sri Lanka until a well-preserved copy was rediscovered in the 1950's by Ven. Polwatte Buddhaththa from the Mahakappina Mudalindaramaya close to Ambalangoda.

⁷⁶Reigned 20BC-9AD.

⁷⁷Reigned 9-21AD.

⁷⁸Reigned 21-30AD.

⁷⁹Reigned 215-236AD.

⁸⁰Reigned 340-369AD.

⁸¹Both Wijesinha and Geiger interpret this to connote the '*dasa-rāja dhamma*' or 'ten virtues of a king' enumerated under the *Mahā Haṁsa jātika* (n.d.) as follows: 'Almsgiving, justice, penitence, meek spirit, temper mild; peace, mercy, patience, charity, with morals undefiled ...' (Francis translation, 200). However, it would appear more contextually germane to construe the '**ten qualities of kings**' and all other like references contained in the chronicles as referring exclusively to the '*dasa cakkavatti vatha*' or the 'ten *Cakkavatti*

duties,' namely: **(1)** To establish one's self in the *Dhamma* and to lead a disciplined life along with one's family in accordance with the *Dhamma*; **(2)** To engage one's warriors in the *Dhamma*; **(3)** To establish one's administrators in the *Dhamma*; **(4)** To establish one's clerics in the *Dhamma*; **(5)** To establish one's citizens in the *Dhamma*; **(6)** To provide ward and protection for ascetics and recluses of all descriptions; **(7)** To provide ward and protection for mammals, birds and other types of fauna; **(8)** To prevent all forms of misconduct taking place within the kingdom; **(9)** To give wealth to the needy of the realm; and **(10)** To accost virtuous clerics and receive their instructions.

⁸²'... **[1]** Desire ... **[2]** Hatred ... **[3]** Fear ... and **[4]** Ignorance ...' (Narada 1964, 608, parentheses and emphasis added).

⁸³The *four bases of fellowship*, namely: **(1)** generosity; **(2)** affability; **(3)** beneficence; and **(4)** indiscrimination. (See *Saṅgahavatthu sutta* n.d., Thanissaro translation.)

⁸⁴Those aspiring to become future Buddhas.

⁸⁵His surgical 'knife,' for he was a skilled physician.

⁸⁶Reigned 369-410AD.

⁸⁷'... **[1]** Killing ..., **[2]** stealing ..., **[3]** sexual misconduct **[4]** lying ..., **[5]** slandering ..., **[6]** harsh speech ..., **[7]** frivolous talk **[8]** covetousness ..., **[9]** ill will ... and **[10]** false view' (Narada, 1964, 374, parentheses added).

⁸⁸'... **(1)** Generosity ... **(2)** Morality ... **(3)** Meditation ... **(4)** Reverence ... **(5)** Service ... **(6)** Transference of merit ... **(7)** Rejoicing in others' good actions ... **(8)** Hearing the doctrine ... **(9)** Expounding the doctrine ... and **(10)** Straightening one's own views ...' (Narada 1964, 378, emphasis added).

⁸⁹'Usually the 1st, 8th, 15th and 23rd of the lunar month are regarded as the *uposatha* or holy days when the lay followers observe the following *eight precepts (attha sīla)*: namely, abstinence from 1. killing, 2. stealing, 3. incelibacy, 4. lying, 5. liquor, 6. eating food after midday, 7. dancing, singing, music, unseemingly shows, using garlands, perfumes, unguents, ornaments and 8. 'using' high and luxurious 'seats.' Though, as a rule, they are sometimes observed on *uposatha* days, there is no objection to practicing them on any convenient day: the object being to control deeds, words and five senses.' (Narada 1964, 186, note¹.)

⁹⁰The foremost refectory reserved for the clergy of that day.

⁹¹Reigned 535-555AD.

⁹²The three 'baskets' of the Pāli Cannon, namely, the *Vinaya*, *Suttanta* and *Abhidhamma 'piṭakas.'*

⁹³The Commentaries.

⁹⁴Reigned 575-608AD.

⁹⁵Reigned 667-683AD.

⁹⁶Reigned 719-725AD.

⁹⁷An austere sect among the clergy who literally confined themselves to donning discarded cloths as robes.

⁹⁸Reigned 725-731AD.

⁹⁹Brahmins are found to have won favor from several monarchs in Sri Lanka, evincing the multi-religious ambience that prevailed on the island.

¹⁰⁰Reigned 731-733AD.

¹⁰¹Literally 'governor,' though construed in the given context as 'trustee.'

¹⁰²Reigned 772-778AD.

¹⁰³Reigned 802-805AD.

¹⁰⁴Reigned 805-816AD.

¹⁰⁵Reigned 831-833AD.

¹⁰⁶Reigned 887-898AD.

¹⁰⁷Reigned 915-924AD.

¹⁰⁸Reigned 955-972AD.

¹⁰⁹Reigned 1186-1187AD.

¹¹⁰Reigned 1202-1210AD.

¹¹¹'... Caused a treatise to be composed called *dhammādhikarana* ('rules of practice') (*Mahāvāṅgsha continuation* n.d., Wijesinha translation, 222 (428), para.41, emphasis added).

¹¹²Reigned 1270-1283AD.

¹¹³Reigned 1287-1293AD.

¹¹⁴Reigned 1302-1326AD.

¹¹⁵Reigned 1412-1467AD.

¹¹⁶‘Further commentaries,’ as falling within the postcanonical texts.

¹¹⁷Reigned 1687-1707AD.

¹¹⁸Reigned 915-924AD.

¹¹⁹Reigned 1158-1161AD.

¹²⁰Reigned 1114-1147AD.

¹²¹Reigned 1148-1157AD.

¹²²Reigned 1798-1815AD as the last king of Sri Lanka.

¹²³‘But as he indulged in intercourse with impious people, he changed for the worse. He had the chief councilors, the great dignitaries and many other officials gathered together and destroyed He had the people, many hundreds in number, brought to different spots and ... impaled Much wealth that had come to the people by inheritance, the king had confiscated like a thief that robs villages. And because the ruler committed in this way many evil deeds, the Singhalas and the inhabitants of the town of Colombo rebelled. They all came hither, captured the criminal king alive when the eighteenth year after his consecration had passed, and brought him to the opposite coast. After they had brought the king, the torturer of his people, to the opposite coast, the *Ingirīsi* [British] by name seized the whole kingdom.’ (*Cūlavangsha continuation* n.d., Geiger translation, 302, paras.23-29, emphasis and parenthesis added.)

¹²⁴Reigned 1234-1269AD.

¹²⁵Reigned 1114-1147AD.

¹²⁶Wijesinha (*Mahāvāngsha continuation* n.d., 129 (335), para.55) prefers the rendition ‘Kocallasattha’ instead.

¹²⁷Kassapa is reported to have committed suicide on the battlefield by slitting his own throat.

¹²⁸‘... The disciple of the Blessed One should not trade in these five. What five? Trading in swords, humans, flesh, intoxicants and poison.’ (*Vañijjā sutta* n.d., Uppalavanna translation.)

¹²⁹‘... Legitimate wealth – earned by his efforts and initiative, built up with his own hands, gathered by the sweat of the brow ...’ (*Ādiya sutta* n.d., Sujato translation).

¹³⁰Which provides *inter alia* that ‘5. The religion of Boodho, professed by the chiefs and inhabitants of these provinces, is declared inviolable, and its rites, ministers and places of worship are to be maintained and protected.’

¹³¹See Constitution of Sri Lanka (1972), Article 6 and the last line of the stanza appended to the formal ending of the said Constitution: '*Rājā bhavatu dhammiko,*' which means, 'May the king rule righteously' or 'May the government be righteous.'

¹³²'4. Honor your father and your mother, as the Lord your God commanded you, so that your days may be long and that it may go well with you in the land that the Lord your God is giving you' (The Holy Bible n.d., MATTHEW 15:4, MARK 10:19, EPHESIANS 6:2).

¹³³'... And your parents shall be honored. As long as one or both of them live, you shall never (even) say to them, 'Uff' (the slightest gesture of annoyance), nor shall you shout at them; you shall treat them amicably.' (The Holy Koran n.d., QURAN 17:23.)

¹³⁴The Chronicle records the following in relation to the reign of Parakramabahu II (reigned 1234-1269AD): 'And because of these hermits who practiced severe austerities, he made it to appear as if there were *Arahaths* in Lanka during his reign' (*Mahāvangsha continuation*, n.d., Wijesinha translation, 235 (441), para.25).

¹³⁵Reigned 1215-1236AD: '... Thereupon a certain wicked prince of the Kalinga race, Magha by name, invaded the country at the head of twenty thousand strong men from Kalinga and took possession of the island of Lanka. And he was a follower of false faiths and had a mind only to do mischief. Like unto a wild fire that consumeth the tender plants of the forests of charity, and like unto the sun when he closeth up the petals of the sacred lily of justice, and the moon when she obscureth the splendor of the lotus pond of patient endurance, even so was his mind wholly enslaved by ignorance. And this Magha, who was like unto a fierce drought, commanded his army of strong men to ransack the kingdom of Lanka, even as a wildfire doth a forest. Thereupon these mighty men, wicked disturbers of the peace of mankind, stalked about the land hither and thither, crying out boastfully, 'Lo! We are the giants of Kerala.' And they robbed the inhabitants of their garments and their jewels and everything that they had and violated even the chastity of families that had long been preserved inviolate. They cut off also the hands and feet of the people and despoiled their dwellings. Their oxen and buffaloes also, and other beasts, they bound up and carried them away forcibly. The rich men they tied up with cords and tortured, and took possession of all their wealth, and brought them to poverty. They broke down the image houses and destroyed many *cētiyas*. They took up their dwellings in the *vihāras* and beat the pious laymen therein. They flogged children and sorely distressed the five ranks of the religious orders. They compelled the people to carry burdens and made them labor heavily. Many books also of great excellence did they loose from the cords that bound them and cast them away in diverse places. **Even the great and lofty *cētiyas*, such as the Ratanavali, which stood like the embodiment of the glory of all the pious kings of old, they spared not, but utterly destroyed them, and caused a great many bodily relics to disappear thereby'** (*Mahāvangsha continuation*, n.d., Wijesinha translation, 223 (429), paras.56-69, emphasis added.)

¹³⁶Reigned 1554-1593AD. ‘... He annihilated the Order of the Victor, slew the community of the bhikkhus, burned the sacred books, destroyed the monasteries and thus barred his way to heaven’ (*Cūlavangsha continuation* n.d., Geiger translation, 226, paras.10-11).

¹³⁷Buddhism does not recognize any exception whatsoever to the prohibition on killing sentient beings. Nonetheless, the prescribed exceptions (based on Utilitarianism) are those that have now come to be ‘legitimately expected’ of every ‘reasonable’ legal system.

¹³⁸For a negative criticism of the adversarial system, see Bredemeier (1962, 84-85).

¹³⁹The right to seek compensation for useful and/or valuable improvements too emanates from an alien Roman-Dutch law concept: the doctrine of unjust enrichment, which unlike ‘prescriptive title’ is wholly compatible with the ‘Dhamma.’

¹⁴⁰The fragments attributed to these individuals as incorporated in this work find substantial corroboration in Baltzly (2008).

¹⁴¹‘Buddhism is a way of life, and what is essential is following the *Noble Eightfold Path*’ (Rahula 1959, 81). ‘It is a way of life to be followed, practiced and developed by each individual. It is self-discipline in body, word and mind, self-development and self-purification.’ (Rahula 1959, 49.)

¹⁴²‘He who has realized the Truth ... is the happiest being in the world. He is free from all ‘complexes’ and obsessions, the worries and troubles that torment others. His mental health is perfect. He does not repent the past, nor does he brood over the future. He lives fully in the present. Therefore, he appreciates and enjoys things in the present sense without self-projections. He is joyful, exultant, enjoying the pure life, his faculties pleased, free from anxiety, serene and peaceful. As he is free from selfish desire, hatred, ignorance, conceit, pride and all such ‘defilements,’ he is pure and gentle, full of universal love, compassion, kindness, sympathy, understanding and tolerance. His service to others is of the purest, for he has no thought of self. He gains nothing, accumulates nothing, not even anything spiritual, because he is free from the illusion of Self and the ‘thirst’ for becoming.’ (Rahula 1959, 43).

¹⁴³Due to some discernible overlap in specific areas (such as *virtue* and *molecular theory*), it has been suggested that there might exist a nexus between Stoicism and Jainism. However, the ethical basis of ‘moderation’ as espoused not only by the Stoics and Epicureans but also by some of their predecessors remains irreconcilable with the concept of ‘*Aparigraha*’ or non-possession, which is central to Jainism and involves the renunciation of *all* possessions, including one’s own body (in the ultimate), *via* the practice of ‘*sallekhana*’ (a meditative fast unto death), considered an essential prerequisite to gaining ‘*kaivalya*’ or the highest ‘*jnana*’ (knowledge) and ‘*darsana*’ (intuition). Such austere renunciation having never been practiced or preached by the Stoics, it becomes clear that there can be no doctrinal affinity to Jainism.

¹⁴⁴396-314BC.

¹⁴⁵341-270BC.

¹⁴⁶The fragments attributed to this individual, as incorporated in this work, find substantial corroboration in Parry (2004).

¹⁴⁷469-399BC.

¹⁴⁸445-365BC.

¹⁴⁹As to the credibility of this averment, see Nails 2005, '3. A Chronology of the historical Socrates in the context of Athenian history and the dramatic dates of Plato's dialogues.'

¹⁵⁰5th Cent.BC.

¹⁵¹The fragments attributed to this individual, as incorporated in this work, find substantial corroboration in Curd (2007a).

¹⁵²5th Cent.BC.

¹⁵³520-450BC.

¹⁵⁴The fragments attributed to this individual, as incorporated in this work, find substantial corroboration in Palmer (2008).

¹⁵⁵The fragments attributed to this individual, as incorporated in this work, find substantial corroboration in Parry (2005).

¹⁵⁶495-435BC.

¹⁵⁷This variance in terminology might rightly be overlooked as it concerns only a discrepancy in the English translations of the original Pāli and Greek, for the synonymy of the notions conveyed by the terms 'craving' and '*pull of attraction*' and 'suffering' and '*push of repulsion*' is plainly obvious. For the many possible interpretations of 'craving' (*tanhā*), see Gnanarama 2000, 49-50.

¹⁵⁸Venerable Ananda passed away at the age of one hundred and twenty. The *Dhammapada* commentary states that as people of both the sides of the river Rohini were equally serviceable to him and as both sides vied with each other to possess his relics, he sat cross-legged in the air over the middle of the river, preached the *Dhamma* to the multitude, and wished that his body would split in two and that one portion would fall on the near side and the other on the farther side. He then entered into the ecstatic meditation on the element

of fire (*Tejokasina samāpatti*). Instantly flames of fire issued from his body, and, as willed, one portion of the body fell on the near side and the other on the farther side.' (Narada 1964, 149.)

¹⁵⁹The annals of Sri Lanka too provide for a similar instance (regarding *Arahath Tissa*): 'Lifted up in the air as he sat, and winning mastery of his own body by the fire-meditation, according to his own free resolve, he passed into *Nibbāna*. Flames that broke forth from his body consumed the flesh and skin of the *thera's* whole body, the bones they did not consume' (*Mahāvangsha* n.d., Geiger translation, 45, paras.220-221).

¹⁶⁰The fragments attributed to this individual, as incorporated in this work, find substantial corroboration in Berryman (2004).

¹⁶¹460-370/351BC.

¹⁶²360-270BC.

¹⁶³The fragments attributed to this individual, as incorporated in this work, find substantial corroboration in Konstan (2005).

¹⁶⁴341-270BC.

¹⁶⁵'Neither the pleasures of the senses nor even divine happiness is worth even a sixteenth part of the happiness of craving's end [*Nibbāna*]' (*Rāja sutta* n.d., Sujato translation, parenthesis added).

¹⁶⁶1BC-65AD. Especially relevant is his *Epistulae morales ad Lucilium* (*Moral letters to Lucilius*) as translated by Richard Mott Gummere.

¹⁶⁷121-180AD.

¹⁶⁸'The Buddhist philosophical term for an individual is *santati*, that is, a **flux** or continuity' (Narada 1964, 464, emphasis added).

¹⁶⁹The Greeks used this term ('barbarian') to connote scores of different foreign cultures including the Thracians, Egyptians, Persians, **Indians**, Celts, Germans, Phoenicians, Etruscans, Romans and Carthaginians.

¹⁷⁰40-120AD.

¹⁷¹570-490BC.

¹⁷²This specific figure of 600 *yojanas* (approx. 4200 miles) has been deemed accurately representative of that lying linearly between Pataliputra and Macedonia (Guruge 1986, 56), implying the distances among the said territories to have been determined by actual travel.

¹⁷³'Amtyoka': Antiochus II Theos (261-246BC) (Guruge 1986, 54).

¹⁷⁴‘Turamāya’: Ptolemy II Philadelphus (285-247BC) (Guruge 1986, 54).

¹⁷⁵‘Amtekina’: Antigonus Gonatas (277-239BC) (Guruge 1986, 54).

¹⁷⁶‘Maga’: Magas of Cyrene (282-258BC) (Guruge 1986, 54).

¹⁷⁷‘Alikasu(m)dara’: Alexander of Epirus (272-255BC) (Guruge 1986, 54).

¹⁷⁸‘Tamraparniyas’: Sri Lankans.

¹⁷⁹T.W. Rhys Davids, in his work ‘Buddhist India’ (1903, 299, emphasis added), opines that ‘We **may** imagine the Greek amusement at the absurd idea of a ‘barbarian’ teaching them their duty, but we can **scarcely** imagine them discarding their gods and their superstitions at the bidding of an alien king.’ D.R. Bhandarkar, in his work ‘Aśoka’ (1925, 158, emphasis added), responds as follows: ‘Why ... this incapacity of the Greeks to adopt other religions? Their attitude toward the faiths of the ‘barbarians,’ inferior to them in civilization, is of course intelligible enough. But why suppose that they were intellectually perverse and impervious to the religious influences of a people by no means their inferiors in culture? Do we not, for instance, know that the Greeks or Yavanas who came in contact with Indian civilization had become converts to Buddhism and other Indian faiths? There are many references to them in literature and epigraphic records. Again, Ptolemy Philadelphos of Egypt was the founder or expander of the Alexandrian Library, and we know on the authority of Epiphanius that his librarian was anxious to translate the books of the Hindus. **The Greeks were certainly not such cultural obstinates as some of their modern admirers take them to be.**’

¹⁸⁰‘When the *thera* Moggaliputta, the illuminator of the religion of the Conqueror, had brought the (third) council to an end and when, looking into the future, he had beheld the founding of the religion in adjacent countries, (then) in the month Kattika he sent forth *theras*, one here and one there. The *thera* Majjhantika he sent to Kasmira and Gandhara; the *thera* Mahadeva he sent to Mahisamandala. To Vanavasa he sent the *thera* named Rakkhita, and to Aparantaka the Yona named Dharnmarakkhita; to Maharattha (he sent) the *thera* named Mahadhammarakkhita, but the *thera* Maharakkhita he sent into the country of the Yona. He sent the *thera* Majjhima to the Himalaya country, and to Suvannabhumi he sent the two *theras* Sona and Uttara. The great *thera* Mahinda, the *theras* Itthiya, Uttiya, Sambala and Bhaddasala his disciples – these five *theras* he sent forth with the charge, ‘Ye shall found in the lovely island of Lanka the lovely religion of the Conqueror.’ (Mahāvāṅgsha n.d., Geiger translation, 82, paras.1-8.)

¹⁸¹This is truly unfortunate and lends much to the notion that there exists a covert initiative to obscure the predominant influence exerted by Indian thought (particularly Buddhist teachings) upon the fruition of both Greek philosophy and international jurisprudence.

¹⁸²... According to the unbroken age-old tradition in Buddhist countries, one is considered a Buddhist if one takes the Buddha, the Dhamma (the Teaching) and the Sangha (The Order of Monks) – generally called ‘the Triple-Gem’ – as one’s refuges ...’ (Rahula 1959, 80).

¹⁸³*E.g.*: Moliya Sīvaka (*Sīvaka sutta* n.d.); Mandissa and Jaliya (*Jāliya sutta* n.d.); Dīghanakha (*Dīghanakha sutta* n.d.); Vekhanassa (*Vekhanassa sutta* n.d.); Vacchagotta (*Vacchagotta sutta* n.d.); Sutavan (*Sutavā sutta* n.d.); *etc.*

¹⁸⁴Nevertheless, the inordinate delays occasioned in releasing transcribed data to the public (especially in the case of the Derveni papyrus) might be construed as an apparent reluctance on the part of ‘historians’ to admit to historical facts, whenever such facts are considered prejudicial to their own vantage points.

¹⁸⁵R.A.E. Coningham, K.P. Acharya, K.M. Strickland, C.E. Davis, M.J. Manuel, I.A. Simpson, K. Gilliland, J. Tremblay, T.C. Kinnaird and D.C.W. Sanderson.

¹⁸⁶The Pāli term **Kamma**, literally, means **action** or **doing**. Any kind of intentional action, **whether mental, verbal** or **physical**, is regarded as **Kamma**. It covers all that is included in the phrase ‘Thought, word and deed.’ Generally speaking, all good and bad actions constitute **Kamma**. In its ultimate sense, **Kamma** means all moral and immoral volition (*kusala akusala cetanā*). Involuntary, unintentional or unconscious actions, though technically deeds, do not constitute **Kamma** because **volition**, the most important factor in determining **Kamma**, is absent.’ (Narada 1964, 348, emphasis added.)

¹⁸⁷‘According to Buddhism, we are ‘born from the **matrix** of action’ (**Kamma-yoni**). Parents merely provide us with a material layer. ... At the moment of conception, it is **Kamma** that conditions the initial consciousness that vitalizes the fetus.’ (Narada 1964, 400, emphasis added.)

¹⁸⁸Also see *Sammādiṭṭhi sutta* (n.d., Nanamoli and Bodhi translation).

End.

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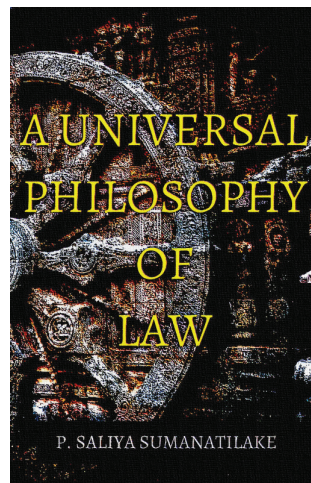
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Preface

‘An essay in Buddhist Jurisprudence’ perhaps best describes this humble treatise, the completion of which has proven no less than an arduous undertaking. The outlining of (i) a ‘Dhamma’-based legal system; (ii) its postulates; and (iii) ‘parallelism’-based internationalism are just a few of this work’s original offerings. Above all else, this writing constitutes an onerous discharge of my duties owed to Buddhism and the Law.

The scholarship contained within the pages to follow has been virtually self-acquired at the cost of many an obligation owed to both my loving mother **Indra** and devoted sister **Menik**. Hence, they share equally in whatever merits accruing to this book, all demerits remaining mine alone.

P. Saliya Sumanatilake,

19th August 2023.

Introduction

12TH CENTURY AD ROCK INSCRIPTION OF PARAKRAMABAHU I:

... Buddha [Gotama], having fulfilled the exercise of all the thirty preeminent virtues over a period of four *asankhyas* and one hundred thousand *kalpas*, mounted on the dais at the foot of the great Bodhi tree, which formed as it were the field of battle with Mara, vanquished this well-nigh irresistible Mara together with his host and attained to the state of omniscience. Thereafter, for forty-five years he manifested himself like a great rain cloud over the four continents, and so with showers of nectar like *Dhamma*, he assuaged the torments of the living beings who were being burnt by the *kleśa* fire of many *kalpas*, numbering hundreds of thousands of *kotis*. Having thus accomplished all the duties of a Buddha, he passed away into the *Nirupadhiśeṣa Nirvāna* state in the grove of *sāla* trees of the Malla princes in the neighborhood of the city of Kusinara. (Wickremasinghe 1928, 273, parenthesis added.)

1.1 The Buddha's *Dhamma*

The *teachings* of *Theravāda* Buddhism (as distinct from its devotional practices) are an approximately 2600-year-old revelation of universal rationality, succinctly referred to as the *Dhamma*: a compendium of universal truths common to all times, places and beings of all descriptions as found on all planes of existence. These universal truths, whence liberated from their ritualistic backdrops, constitute a pragmatic body of norms common to all forms of recognized religious, moral and ethical traditions. They bear no taint of allegiance/bias toward any particular divine entity, martyr or savior, hence their autonomousness. Any individual, sect, society or institution might freely espouse them and benefit therefrom. Verifiable by empirical study and rational thinking,¹ they remain self-evident and irrefutable.

Thus, universal rationality constitutes the core of Buddhism; the customary practices of its devotees are no more than meritorious manifestations of gratitude, respect and homage to its three principal proponents:² the **Buddha** (he who unearthed the universal truths and taught

them to this world); the ***Dhamma*** (the disclosed body of universal truths constituting a self-legitimizing source of learning); and the ***Sangha*** (they who spread the Buddha's *teachings* on the universal truths for the betterment of mankind).

So liberal and humble is Buddhism that it sanctions, nay even encourages, abstraction of the *Dhamma's* fundamental tenets for the greater weal of humanity without any demand whatsoever for source recognition or the like. Hence, many a canonical work on the *Dhamma* is even today seen published with a copyright waiver in pursuance of securing the dissemination of its universal truths, which have no creed and remain free to be adopted by all.

Indeed, the great revelation made by the Buddha is the *Dhamma*. Never proclaiming the *Dhamma* to be 'his,'³ the Buddha categorically instructed all followers to seek refuge in *it*, and not *him*, for their own salvation. Inasmuch as the *Dhamma* consists of universal truths, it is to the entire universe that it belongs. But, since it was the Buddha who, with his supramundane wisdom, revealed, declared and expounded the *Dhamma* to this world, the latter has increasingly come to be overwhelmed by a faith following in favor of the former (in the context of a 'religion' rooted in grateful deference to the Buddha).

A devout retinue is without doubt conducive to the perpetuation of the *Dhamma*. Nonetheless, true devotion to the same is deemed to stem from an unreserved appreciation for its multitude of verifiable truths: realization being the precursor of faith. The Buddha himself did manifest this trait, for only upon reaching enlightenment did he choose to revere⁴ the *Dhamma*, demonstrating thereby that one must first know the nature of a thing before resolving to honor it.

Unsurprisingly, the method chosen by the Buddha to expound the *Dhamma's* conglomerate mass of universal truths was wholly pragmatic⁵:

[1] If there is another world, then on the dissolution of the body after death ... [the] good [virtuous] person [with right view] will reappear in a happy destination [2] Now ... let me assume that there is no other world: still this good person is here and now praised by the wise as a virtuous person, one with right view Then this good person has made a lucky throw on both counts: ... **he is praised by the wise here and now, and ... on the dissolution of the body after death, he will reappear in a happy destination** (*Apaṇṇaka sutta* n.d., Nanamoli translation, 509, parentheses added.)

These two pragmatic premises (*i.e.*, [1] and [2] above) constitute the central message of the *Dhamma*.⁶ The Buddha's argument was that if one were to accept the *Dhamma*, one would be **mindful** of one's actions so as not to occasion harm to any form of correlated being (itself an objective worthy of universal espousal).

The earth-colored garb, bare head and begging bowl borne by each member of the *Sangha* constitute nothing more than the dispassionate insignia of truth-teachers. The Buddha never sought to establish a 'hallowed sect' to 'convert to,' 'conversion' being understood only within the limited context of a change in one's personal perspective on life; one becomes a Buddhist not by conversion but conviction. In fact, the Buddha did expressly require it of an individual who decidedly abandoned his religious beliefs in favor of Buddhism to continue to patronize his former teachers in the exact measure as he had done before.⁷ Thus, it should come as no surprise that Buddhism has never caused any sect to suffer harm, indignation or humiliation whatsoever.

Furthermore, the *Dhamma* cannot possibly account for any form of belligerence, as it embraces peace by default. Even a so-called 'dishonorable peace' is acceptable if an imminent threat to life could be avoided thereby. Whatever asserted to the contrary, neither a 'just war' nor a 'just warrior'⁸ could ever exist in Buddhism.

The *Dhamma* was never professed with a view to having it glorified as ‘the greatest of all ethical teachings.’ True Buddhism is neither bigoted nor conceited but (in their stead) unassuming and open-minded. It does not concern itself with petty exertions in the nature of establishing an everlasting lineage of truth-teachers or lay followers. Inasmuch as the *law of impermanence* constitutes a revelation of the *Dhamma*, every sentient existence, whether Buddhist or otherwise, remains caught up by the same.⁹

The Buddha expounded the universal truths of the *Dhamma* under two primary subheadings: **(1) Doctrine** (again referred to as *dhamma* or truisms); and **(2) Decorum** (*vinaya* or regulations in the context of positive and negative duties). *Decorum (vinaya)*, however, is wholly subsumed within *Doctrine (dhamma)*.

Dhammic epistemology embraces four distinctive truths¹⁰ based on natural causal relations¹¹ common to the existence of all sentient beings:

- I *Perpetual suffering* (for all pleasures are but fleeting moments in the continuum of pain, experienced among other instances during birth, decay, disease and death);
- II *Its cause* (ignorant and insatiable craving within the context of cyclical dependent origination);
- III *Ending It* (by sublimating to the state of realized disengagement);¹² and
- IV *The Path to Ending It* (by espousing an eightfold insightful self-purification).

The Buddha explained the last said *Path* in the context of a *Noble Eightfold* accomplishment of rectitude. Threefold are the attainments associated with this *Path*:

- *Virtue* (*right* speech, *right* actions and *right* livelihood);
- *Focus* (*right* effort, *right* mindfulness and *right* concentration); and
- *Wisdom* (*right* understanding and *right* thoughts).

Virtue constitutes the first conquest on the *Path*, whilst *Wisdom* the last. However, the fulfilling of requisites pertaining to any of these three stages of attainment could be electively approached, the ultimate objective being self-enlightenment *via* self-discipline and self-purification.

The said *Path* is indeed open to the clergy and laity alike, though members of the former are admittedly better circumstanced to embrace it. Fulfilling all the requisites of the said *Path* is deemed mandatory toward eradicating the root of all suffering. Resolute adherence to a prescribed code of ethical rules enables the inculcation of *Virtue*, which in turn inhibits potential defilements. Focused (honed) *Virtue* extinguishes defilements, thereby providing the ideal milieu for nurturing *Wisdom*. Realized *Wisdom* eradicates all suffering.

Nonetheless, partial *Path* fulfillment in terms of conforming to a set of minimal rules suffices to ensure not only secular comforts within this life itself but also passage into the **(a)** detached, **(b)** heavenly or **(c)** human abodes after death to the exclusion of all states of woe. This set of minimal rules (the basic code) might be said to encompass:

(A) Resolute **abstinences** from:

1. Killing (including aiding, abetting, counseling or procuring the killing of) any sentient being;
2. Stealing (including appropriating, devaluing or destroying) unentitled property;
3. Engaging in any form of carnal misconduct;
4. Expressing falsehoods (by words or actions); and
5. Consuming any form of intoxicant;

(B) Complemented by sincere **indulgences** in:

6. Generosity;
7. Affability;
8. Beneficence; and
9. Indiscrimination;

(C) Toward **inculcating** within one's self (in relation to all sentient life):

- 10.** Selflessness (to dispel innate selfishness);
- 11.** Goodwill (to conquer innate ill will); and
- 12.** Compassion (to vanquish innate cruelty).

A sincere commitment to comply with **all** of the above might be said to constitute the bare minimum expected of any bearer of the title 'Buddhist' (*i.e.*, to connote 's/he who venerates the Buddha'). Nonetheless, transgressing any one or more of the above would not *ipso facto* defeat the status of being a 'Buddhist' provided that sincere repentance¹³ and stronger resolve to not repeat such lapses¹⁴ are duly indulged. Thus, reforming the individual, including the miscreant and the criminal, is indeed the true office of Buddhism.

1.2 The problem statement

Although Sri Lanka is considered to have created a wholly autochthonous means of self-governance *via* the Constitutions of 1972 and 1978, its legal system's continued dependence on a body of colonial statute law (governing crime, marriage, property, succession, *etc.*) has only served to shackle the minds of its present-day legislators to the ideals and morals associated with a bygone era of servile dependence. This in turn has fostered the piecemeal growth of an *alien* (as opposed to indigenous) body of jurisprudence within this celebrated 'sovereign' republic, rendering tame its majestic assertion to self-determination.

As far as Sri Lanka is concerned, the manifest incompatibility between **(a)** the extant legal system's *alien* norms and constructions and **(b)** the conceptions of justice held by native nationals must surely account for its people's 'lack of faith in the law' that has for some time now become more than apparent:

In our country ... we have inherited a Western democracy **planted here perforce** by our invaders. The 'seedlings' were sown here without examination of the 'soil and climate.' The suitability of what is 'planted' even in respect of our legal and educational systems is often questioned and

regarded as ‘alien’ to us and thus a ‘misfit’ in our socio-cultural ‘soil and climate.’ (Ratnapala 1997, (xii), emphasis added.)

It is time that we give serious thought to this contradictory situation. If modern democracy imported to our countries from the West had failed, is there no alternative? Is there any use in going repeatedly for constitutional inspiration to foreign countries without trying to understand our own? **Perhaps our own tradition could help.** (Ratnapala 1997, (xii)-(xiii), emphasis added.)

If sovereignty is truly vested in the people of Sri Lanka, then it is in the **moral reservoirs of the people** that the basis for creating, interpreting and administering its law should be found.

It must be noted that these ‘moral reservoirs of the people’ both existed and continue to exist wholly independently of all *alien* jurisprudence. They comprise the myriad of norms associated with the maintenance and perpetuation of civilized life as founded, fostered and furthered by the Sri Lankan populace throughout their many centuries of precolonial self-governance. Having been recast by the Buddhist ‘Dhamma’ into a coherent system, the said ‘norms’ served to address and redress the interests of both rulers and their subjects alike. Thus, an indigenous legal system and its omnipotent ‘Grundnorm’ (borrowing from Merkl’s/Kelsen’s parlance) of ‘Dhamma’ came to be established within Sri Lanka with distinct recognizability.

Inasmuch as the fount of native Sri Lankan law was Buddhism, the fostering of other religions such as Hinduism, Christianity and Islam within the confines of the island nation was quite easily facilitated, especially in view of Buddhism’s inherent tolerance toward all creeds. Since these other religions found common bases with Buddhism, especially *vis-à-vis* the *five precepts* (see Chapter ‘4.17 Overlapping morality’ below), their prevalence was in no sense prejudicial to the normative structure of the said ‘Dhamma’-based legal system of Sri Lanka.

Thus, a revamping of the entire extant legal system in accordance with a 'Dhamma'-based ideology on polity is what reformists have called for in Sri Lanka, albeit to be accomplished cost-effectively *via* already established mechanisms (such as the legislature's power of amendment and the judiciary's discretion in interpretation).

Nonetheless, the exact 'pith and substance' of this indigenous 'Dhamma'-based ideology on polity continues to be the subject of much speculation, as no singular authoritative record, whether fragmented or otherwise, remains to unequivocally evince its existence. Legal historians are left with no other option but to reconstruct a tentative profile of such indigenous 'polity' by recourse to averments contained in: **(1)** historical chronicles; **(2)** memoirs of early foreign visitants; and **(3)** infrequent declarations made within ancient inscriptions. This admittedly is a difficult task as it entails the filtering out of attendant biases in order to ensure the factual accuracy of all pertinent averments.

Rather than vexing oneself in this manner, it would be much easier to make 'short shrift' of such an inquiry by flatly denying Buddhism's potency to serve as the 'basic norm' of any secular legal system. Two 'renowned Buddhist scholars' have done just that, as evidenced by their averments quoted under '**(a)**' and '**(b)**' below.

(a) In the strict sense of the word, there is **no Buddhist law**; there is only an influence on changes that have taken place in customs. No Buddhist authority, whether local or central, whether lay or clerical, has ever enacted or promulgated any law. Such law as has been administered in countries ruled over by monarchs nominally Buddhist has been custom rather than law **There have been changes in custom. But the changes have not been the result of any enactment from above. They have been brought about by a change of opinion among the people themselves.** (Rhys Davids 1914, 827, emphasis added.)

The foregoing passage clearly brings out the writer's predisposition to associate 'law' with 'some form of authoritative enactment' to the absolute exclusion of custom, 'changes' in

which are nonetheless expressedly acknowledged to have been brought about by Buddhism. Thomas William Rhys Davids (1843–1922) was an accomplished British Civil Servant who even read for the bar and briefly practiced law. Nonetheless, it appears that he, like many others of his time, had only limited exposure to the blossoming trends in jurisprudential thought that came into fruition only during the mid-twentieth century. Thus, though being in consonance with the prevailing legal thought of his time (particularly with that professed by John Austin (1790-1859)), Rhys Davids' aforesaid pronouncement expelling Buddhist 'custom' from the province of law must be deemed today a patent anachronism.

(b) ... The Buddha's *teachings* **do not contain specific legal rules** for the lay devotees. Of course **it is possible to infer** from them principles and rules of content susceptible of being embodied in the form of legal precepts. But these are to be found scattered in the whole mass of canonical books and commentaries; they are nowhere written in a methodical manner. They cover but a small part of the sphere of the law. (Lingat 1950, 294-295, emphasis added.)

Here the writer Dr. Robert Lingat (1892–1972), sometime professor of law, appears to base his critique more on the criteria of *(a)* ease of accessibility and *(b)* quantitative coverage rather than *(c)* qualitative legal worth and *(d)* fundamentality. 'Legal precepts' are undoubtedly the 'building blocks' of a legal system. Hence, R. Lingat's affirming the existence of such 'legal precepts' within Buddhism whilst equally denying their potential to constitute a legal system amounts to nothing more than a theoretical contradiction.

1.3 Research questions

Toward establishing the existence of a historically defensible Buddhism-based legal system, the current study shall strive to answer sequentially the following crucial research questions:

- Does Buddhism prescribe any rudimentary rules by which human behavior in society 'ought' to be regulated?

- Have such rudimentary Buddhist rules of societal conduct ever come to be enforced as expressed or implied law within any particular territory or state?
- Was the 'Dhamma'-based Aśokan synthesis of domestic 'law' ever established in Sri Lanka?
- Might Buddhist tenets be shown to have founded or substantially influenced any doctrine of Western jurisprudence?

1.4 Envisaged outcome

Determining the salient constituents of the indigenous 'Dhamma'-based legal system of Sri Lanka constitutes the central objective of this study. Once these constituents are ascertained in the form of core jurisprudential postulates of the natives, they would serve as the criteria by which acceptability of the existing normative legal structure could be judged. Based on such criteria, the extent to which the entire legal system of Sri Lanka need be reformed should become obvious.

1.5 Data collection

In view of the manifest necessity to 'go back in time' for the purpose of unraveling whatever extant facts as might exist in support of answering the aforementioned research questions of this study, an unobtrusive and non-reactive approach was thought best to be employed, basing itself firmly in the (social) historical tradition. As averred by Lucille E. Notter (1972, 483):

Historical research is not merely a collection of incidents, facts, dates or figures; it is a study of the relationships of facts and incidents, of themes or currents of social and professional issues that have influenced past events and continue to influence the present and the future. (Reproduced with permission from ©Wolters Kluwer Health Inc.)

1.6 Data sources

A variety of historical data as contained in inscriptions, texts and even immemorial public enunciations were both perused and analyzed within the confines of a typical library study, for it has been affirmed that the (academic) library presents a resourceful inquirer with an extensive array of contrasting sources to compare and draw conclusions from (Glaser and Strauss 1967, 179).

The primary data considered in the main were: translated excerpts from the *Suttānta Pitaka* of the *Theravāda* Buddhist Pāli canon; translated remnant writings of Greek philosophers; translated rock and pillar inscriptions of king Aśoka; and immemorial idiomatical expressions of the Sinhalese. The secondary data analyzed included translated excerpts from the redacted Mahāvamsa and Cūlavamsa and translated anecdotes from the Pāli *Sīhala Vattu*. Additionally, encyclopedic accounts and authoritative texts on Jurisprudence, Buddhism, History, *etc.* were thought worthy of consideration in furtherance of facilitating comparisons with extant theoretical perspectives.

1.7 Authenticity and accuracy of primary data sources

1.7.1 Authenticity and accuracy of the Pāli canon

Excerpts from the *Theravāda* Buddhist Pāli canon were sourced: **(a)** firstly, from the anthology of translated *suttas* made available online *via* ‘Access to Insight.org’; **(b)** secondly, from both ‘SuttaCentral.net’ and the (now archived) Sri Lankan ‘Mettanet.lk’ Tipitaka portal; and **(c)** residually, from translations contained in individual works of reputed clerics and non-clerics. Only those *sutta* excerpts that received virtually the same translation in at least two of the said three sources were deemed eligible for analysis.

As regards the authenticity and accuracy of the Pāli cannon itself, one need go no further than Bhikkhus Sujato and Brahmali (2015), who in their laborious work have cited a myriad of

sources that either concur with or remain unopposed to the temporal, geographical, societal and philosophical averments borne by these ‘Early Buddhist Texts’ (‘the foundational literature from which everything else derives,’ 8). Thus, their well-founded conclusion is that:

... It is **very likely** that the bulk of the sayings in the EBTs [Early Buddhist Texts] that are attributed to the Buddha were actually spoken by him. It is **very unlikely** that most of these sayings are inauthentic. (Sujato and Brahmali 2014, 5, emphasis and parenthesis added.)

The said venerable authors also caution that:

Anyone wishing to establish the thesis that the EBTs are **inauthentic** needs to propose an explanation that accounts for the entire range of evidence in a manner that is at least as simple, natural and reasonable as the thesis of authenticity. To our knowledge, **this has never even been attempted**. Rather, skeptics content themselves with picking holes in individual pieces of evidence, which merely distracts from the overall picture and discourages further inquiry. Their methods have much in common with denialist rhetoric (Sujato and Brahmali 2014, 9, emphasis added.)

... **The denial of authenticity is a product of excessive and unreasonable skepticism, not evidence.** (Sujato and Brahmali 2014, 12, emphasis added.)

‘EBTs’ are in turn defined as:

... Texts spoken by the historical Buddha and his contemporary disciples. These are the bulk of the *suttas* in the main four Pāli *Nikāyas* and ... a small portion of the *Khuddaka Nikāya*, consisting of significant parts of the *Sutta Nipāta*, *Udāna*, *Itivuttaka*, *Dhammapada* and *Thera-* and *Therī Gāthā*. The ‘*suttas*,’ in a narrow sense, are those passages that are directly attributed to the Buddha himself (and, to a lesser extent, his direct disciples). (Sujato and Brahmali 2014, 11-12.)

Nonetheless, the present work does take vehement exception to the averments made by the same authors under '1.4 The Universal Monarch' (Sujato and Brahmali 2014, 32-35) and '4.1 Vedic influence on the EBTs' (Sujato and Brahmali 2014, 77-79).

1.7.2 Authenticity and accuracy of the writings of Greek philosophers

As regards the pre-Socratics, it is Hermann Diels' *Fragmente der vorsokratiker* (as translated by Kathleen Freeman) that has been almost entirely resorted to owing to the scholarly acclaim it has garnered during the past 100 years or so. Doxographical accounts have also been used to supplement the same owing to their sheer antiquity. The writings of the post-Socratics have been derived from disclosures made in individual works expounding their distinctive schools of thought (authored by either the philosophers themselves or modern historians). The individual entries on Greek philosophy/philosophers made by those esteemed scholars who have contributed to the *Stanford Encyclopedia of Philosophy* [Online] were resorted to as the verifying standard (of conformity).

1.7.3 Authenticity and accuracy of king Aśoka's inscriptions

Since being deciphered in the 1830's by James Prinsep (with a key contribution from George Turnour and assistance from Captain Edward Smith), the 'edicts of Aśoka' have stood unchallenged in their authenticity (notwithstanding authorship issues raised by the likes of Christopher I. Beckwith).

The accuracy of extant translations on the Aśokan inscriptions could only be determined by having recourse to an 'overlapping consensus' (borrowing from John Rawls' parlance: to convey '**mean value equivalence**'), *i.e.*, by contrasting the translations of cleric Ven. Dhammika (arguably 'the Buddhist standard' conveying a logically appropriate deference toward Buddhism) with those of non-clerics A. Sen, D. R. Bhandarkar and D. C. Sircar. This

comparison served to prove the translations preferred by Bhandarkar as manifesting a true mean among these diverse interpretations, though those of Sircar were plainly more coherent.

1.7.4 Authenticity and accuracy of Singhala idiomatical expressions

The immemorial antiquity of two idiomatic expressions of the Singhalese referred to by this work: '*haya hathara nodanna*' and '*ane pau*' (see Chapter '4.4 The 'six–four' maxim') became apparent during many a casual conversation had with a senior citizen of the public. Ample corroboration in this regard was provided by pertinent expositions discoverable on the World Wide Web. This served to establish the two said averments as 'part and parcel' of the dynamic oral history of Sri Lankans.

1.8 Evaluating the credibility of secondary data sources

Excerpts from the Mahāvamsa and Cūlavamsa were derived from three source translations: those of Turnour, Wickremasinghe and Geiger. This provided for an 'overlapping consensus' (again borrowing from Rawls' parlance) to be arrived at regarding each excerpt cited in evidence.

As to the stand-alone credibility of both the Mahāvamsa and Cūlavamsa, it is not possible to add anything more to that already expressed by Geiger (see Chapter '4.11 Geiger's opinion on the combined chronicle'). Suffice it to say that since their respective redactions, the Mahāvamsa and Cūlavamsa, though being critiqued for exaggerated religious 'devoutness' and enemy 'vanquishments,' are yet to be authoritatively impeached in their overall credibility.

As regards the anecdotes from the Pāli *Sīhala Vattu*, whilst its transcriber Ven. Polwatte Bhuddhadatta declares the same to have been derived from the Singhala *Atta-Kathā* ('religious stories') of the Anuradhapura era (as authored by Ven. Dhammanandi and reduced to ola/talipot inscriptions preserved for posterity), no independent evidence exists to

corroborate their authenticity. Nonetheless, their value as 'historical source material' remains undisputed. After all, gathering pertinent evidence from whatever diverse (conventional/unconventional) sources to provide a determinate answer is what historical research is all about (Lune and Berg, 1989, 162).

1.9 Analyzing the data

The direction of inquiry was dictated exclusively by the questions that arose naturally regarding the social artifacts that rendered themselves liable to research. Such a directed content analysis allowed for identification of resulting patterns, connections and insights firmly grounded in the analyzed data.¹⁵ This provided for a comprehensive addressing of all research questions raised.

Does Buddhism Prescribe Any Rudimentary Rules By Which Human Behavior In Society ‘Ought’ To Be Regulated?

2.1 Societal regulation

Although the *Dhamma* acknowledges the potential for virtue within every human being, the same is deemed conditioned by both hereditary (*samsāric*) traits and societal factors. Accordingly, great emphasis is placed on the receipt of due guidance from parents, teachers, friends and clerics so that one might gradually evolve into a beneficent individual of much decorum and wisdom. Herein lies Buddhism’s preoccupation with societal regulation, without which the realization of its paramount ideal (or ‘master rule’) of **securing deliverance from perpetual suffering for the greatest possible number** would be virtually inconceivable.

Buddhism deems societal reform an expeditious *modus* by which ‘deliverance from suffering’ might be secured for the greatest possible number of individuals. Accordingly, the *onus* rests squarely on the individual to initiate such a noble form of rudimentary reform. Inasmuch as the Buddha led by example, all Buddhists are expected to firmly establish themselves in the prescribed codes of conduct before preaching them for the benefit of others.¹⁶ The envisaged progression of reform admittedly is piecemeal; its effectuation comes by way of internal convictions to the exclusion of external compulsions:

... **It is only in the human mind that true reform can be effected.**¹⁷ Reforms imposed by force upon the external world have a very short life because they have no roots. But those reforms, which spring as a result of the transformation of man’s inner consciousness, remain rooted. ... So reforms come about when men’s minds have prepared the way for them, and they live as long as men revitalize them out of their own love of truth, justice and their fellow men. The Buddhist attitude is that social reform can be achieved **not** by harshness and punishment but through education and compassion. (Dhammananda 1964, 270, emphasis added.)

In short, without complementary internal righteous convictions being held by individuals, external legal compulsions fail to exert any regulatory effect on them. This is common to all law enforcement. In fact, habitual law abidance resides necessarily within the domain of internal convictions; only when external compulsions match internal convictions substantially would a legal order be accepted without challenge as reasonable, obvious and familiar (Bourdieu 1972, 166).

Choosing to cater to the rational mind so as to facilitate internal convictions (as opposed to restraining the dynamic body by way of external compulsions) must be logically the more productive initiative; it addresses the cause (the mind being the forerunner of all actions¹⁸) in preference to the effects. Jeremy Bentham's illustration (cited by him in relation to judge-made law) that teaching conduct to one's dog by waiting for it to do something objectionable and then beating it, though apt for dogs, is futile for men¹⁹ (Bentham 1823, 235) appears to set out this point vividly. Indoctrinating righteous ideals from childhood onward appears to be the only viable means of accomplishing both resolute realization of moral worth and sincere deference to laws that enforce the same.

It appears that a regulatory system rooted firmly in sincere conviction is indeed viable and perhaps even more conscionable than one secured by fearful compulsion. Nevertheless, both have issues regarding their respective sustainability, especially within the backdrop of miscreant activity that might either increase or decrease depending on its amenability to the prevailing *status quo* of a given society. Thus, whilst a system rooted in external compulsions might show greater resilience to radical behavior, one entrenched in internal convictions might ensure better compliance (though neither would prove foolproof).

The prescribed method is admittedly protractive; it contemplates individual reform as the forerunner to societal refinement. This does not *ipso facto* bar the initiative to expedite any reformative process by recourse to external compulsions as well, provided that it fully

complies with Buddhism's aforementioned 'master rule' of 'securing deliverance from perpetual suffering for the greatest possible number.'

It goes without saying that the aforesaid internal convictions must be held in relation to a salient body of norms that has (in the least) the potential to address the myriad of interactions associated with the functioning of a commune of individuals.

2.2 A salient body of negative and positive duties

'Resolute abstinences'²⁰ from:

1. Killing (including aiding, abetting, counseling or procuring the killing of) any sentient being;
2. Stealing (including appropriating, devaluing or destroying) unentitled property;
3. Engaging in any form of carnal misconduct;
4. Expressing falsehoods (by words or actions); and
5. Consuming any form of intoxicant;

(cumulatively referred to as the '*five precepts*')

coupled with sincere indulgence in²¹:

6. Generosity;
7. Affability;
8. Beneficence; and
9. Indiscrimination;

(cumulatively referred to as the '*four bases of fellowship*)

toward inculcating:

10. Selflessness (to dispel selfishness);
11. Good will (to conquer ill will); and
12. Compassion (to vanquish cruelty);

within thyself, in relation to all life,' has already been determined the basic code of conduct that warrants entitlement to the status 'Buddhist' (see Chapter '1.1 The Buddha's *Dhamma*').

However, since requisites ‘10.’ to ‘12.’ above are merely the resultant virtues of the practices envisaged under ‘1.’ to ‘9.’, normative or ‘ought’ considerations could only attach to the latter. Limbs ‘1.’ to ‘5.’ denote negative duties, whilst ‘6.’ to ‘9.’ provide the grounds for fostering positive duties.

According to renowned jurist H. L. A. Hart (1961, 89), curtailing recourse to aggressions, misappropriations and frauds constitutes an indispensable prerequisite for any form of societal existence; Buddhism more than adequately provides for these under limbs ‘1.’ to ‘5.’ above. Again, to the extent to which such curtailments have implications on one’s livelihood, the Buddha has expressly prohibited any association with the following five occupations: trading in weapons; trading in human beings; trading in meat; trading in intoxicants; and trading in poisons.²²

Furthermore, Jeremy Bentham’s hypothesis to the effect that law abidance might be sanctioned positively with rewards (1823, 235) is seen buttressed by the Pāli canon, specifically in relation to the said *five precepts* and their resultant virtues:

... The noble disciple gives up destroying living things and abstains from it; gives up taking the not given and abstains from it; gives up misbehavior in sexual desires and abstains from it; gives up telling lies and abstains from it; gives up taking intoxicating and brewed drinks and abstains from it.
 ... The noble disciple abstaining from destroying living things; taking the not given; misbehavior in sexual desires; telling lies; taking intoxicating and brewed drinks; gives non-fear, non-anger and non-anxiety to innumerable beings. Giving non-fear, non-anger and non-anxiety to innumerable beings, he himself shares that non-fear, non-anger and non-anxiety. ... These **five** are offerings, great offerings ... born of good ... and ... the bringer[s] of pleasantness, resulting in heavenly bliss, conducive to heavenly bliss that is pleasant, agreeable and welcome. (*Abhisanda sutta* n.d., Uppalavanna translation, abridged with emphasis and parenthesis added.)

... These **five** are the benefits of right behavior. What five? **One does not blame oneself, the wise ... praise him, his fame spreads, he dies a non-deluded death, after death, he ... is born in heaven.** (*Paṭhama Duccarita sutta* n.d., Uppalavanna translation, emphasis added.)

... These **five** are the benefits for the virtuous one, for his attainment of virtues. What five? ... The virtuous one, on account of his virtues and diligence, **comes to great gain of wealth** ... on account of his attainment of virtues **spreads a good fame** ... on account of his attainment of virtues, **whatever gathering he approaches whether of warriors, brāhmaṇas, ordinary householders or recluses** ... **he approaches unconfused with confidence** ... on account of his virtues **dies a non-deluded death** ... on account of his attainment of virtues **after death is born in increase in heaven.** (*Sīla sutta* n.d., Uppalavanna translation, abridged and emphasis added.)

Positive duties themselves, founded upon limbs ‘6.’ to ‘9.’ above, find categorical enumeration within the said Pāli canon in no less than reciprocal form (hereinafter referred to as the ‘*sixfold reciprocal duties of support*’):

... A **parent** should tend to her/his child by: (i) dissuading her/him from evil, (ii) persuading her/him to do good, (iii) nurturing her/him in an innocuous livelihood, (iv) giving her/him in marriage to a virtuous individual, (v) handing over to her/him whatever due inheritances at the proper time.

... A **child** should tend to her/his parents by: (i) maintaining them to the best of her/his abilities, (ii) gratefully attending on them, (iii) preserving their family lineages, (iv) behaving in a noble manner worthy of their bequests and other bestowments, (v) offering alms in their name.

... A **teacher** should tend to her/his pupil by: (i) inculcating the highest rectitude in her/him, (ii) instructing her/him in the most amenable subjects, (iii) ensuring that s/he fully understands all instructions; (iv) introducing her/him to noble friends and associates; (v) providing for her/his safety in every quarter.

... A **pupil** should tend to her/his teacher by: (i) respectfully greeting her/him, (ii) being eager to receive instructions, (iii) being attentive to such instructions; (iv) conforming to such instructions, (v) gratefully assisting and supporting her/him.

... A **husband** should tend to his wife by: (i) being courteous to her, (ii) not despising her, (iii) remaining faithful to her, (iv) delegating authority to her, (v) providing her with whatever desired adornments.

... A **wife** should tend to her husband by: (i) conscientiously performing her duties, (ii) being hospitable to his kin and kith, (iii) remaining faithful to him, (iv) protecting his earnings and wealth, (v) being disposed to industriousness and skillfulness.

... A **friend** should tend to her/his friend by: (i) being generous to her/him, (ii) courteously speaking to her/him, (iii) promoting her/his well-being, (iv) treating her/him as one's equal, (v) being truthful to her/him.

... An **associate** who is thus tended to by her/his friend should: (i) protect her/him when s/he is heedless, (ii) protect her/his property when s/he is heedless, (iii) become a refuge when s/he is in distress, (iv) not forsake her/him when s/he is in need, (v) be considerate toward her/his family.

... A **master/mistress** should tend to her/his servant/employee by: (i) assigning her/him work according to her/his strength and ability, (ii) compensating her/his services with food and wages, (iii) compassionately tending to her/him in sickness, (iv) sharing received delicacies with her/him, (v) duly relieving her/him from work.

... A **servant/employee** who is thus tended to by her/his master should: (i) rise before her/his master does, (ii) go to sleep after her/his master does, (iii) take only what is given, (iv) perform her/his duties conscientiously, (v) uphold and defend her/his master's good name.

... A **layperson** should tend to clerics by: (i) acting compassionately toward them, (ii) speaking compassionately toward them, (iii) thinking compassionately toward them, (iv) not closing their doors to them, (v) fulfilling their material needs.

... A **cleric** who is thus tended to by a layperson should: (i) dissuade her/him from evil, (ii) persuade her/him to do good, (iii) remain compassionate toward her/him, (iv) apprise her/him of what s/he has not been apprised of and clarify what s/he has been apprised of, (v) point out the path to a heavenly state.²³ (*Śīgālovāda sutta* n.d., Narada 1964, 588-590, amended.)

The foregoing enumeration manifests Buddhism's preoccupation with the now legally commonplace notion of reciprocal support. The key relationships of parent-child, husband-wife and master-servant are all seen expressedly obligated by such reciprocal duties, paralleling the acknowledged postulates for modern family law, labor law and maintenance law. As regards the additional master-pupil, civilian-civilian ('friend'-'associate') and lay-clergy ('layperson'-'cleric') reciprocity that Buddhism prescribes, the first is increasingly becoming the

focus of legal activism, though the remaining two continue to be regulated by customary practices (if any).

It is of paramount significance to note that the Buddha defined 'clergy' to encompass the advocates of all religious sects, thereby displacing any accusations of 'preferential treatment' toward the *Sangha* (who in fact receive no expressed mention within the above enumeration).

Three out of the said six categories of reciprocity being legally cognizable (and the remaining three in the least encompassing postulates worthy of legal activism), to hold that Buddhism 'only exacted an influence over extant customary practices' is tantamount to pleading naïve ignorance.

Not only is it evident that a systematic regime of societal obligations ('primary rules') was so provided for by Buddhism, but also the employing of such concepts as *duty*, *liability* and *privilege* (within the same) was done with full knowledge of their respective jural implications.²⁴

2.3 Conformity to Hart's 'primary rules'

As to the efficacy of a system of customary societal obligations, H. L. A. Hart offers the following:

It is, of course, possible to imagine a society without a legislature, courts or officials of any kind. Indeed, there are many examples of such primitive communities which not only claim that this possibility is realized, but depict in detail the life of a society where the only means of social control is the general attitude of the group toward its own standard modes of behavior We shall refer to such social structure as one of primary rules of obligation. (Hart 1961, 89, reproduced with permission from ©Oxford Publishing Limited *via* PLSclear.)

... Though there are dissidents and malefactors, the majority live by the rules seen from the internal point of view. (Hart 1961, 89, reproduced with permission from ©Oxford Publishing Limited *via* PLSclear.)

Accordingly, that a legal order might be effectuated solely on the convinced (as opposed to enforced) abidance of its membership is found acceptable to modern juristic thinking. That the Buddha's *teachings* in terms of the *five precepts* (and the *prohibited trades* derived therefrom (see '2.2' above)) coupled with the *sixfold reciprocal duties of support* (as rooted in the *four bases of fellowship*) do provide for a regime of 'primary rules of obligation' contemplated by Hart above is indeed evident; that such a system of 'primary rules' based on internal convictions could practically qualify as a means of societal regulation is equally evident. If the elusive term 'law' could be broadly defined as 'a means by which human behavior in society is regulated,' then the *corpus* of 'primary rules' or societal obligations enshrined within Buddhism should be necessarily construed as providing for no less than a distinct **system of law**.

Furthermore, Buddhism's regime of 'primary rules' appears to have a far greater reach than that contemplated by relatively modern lists of legal postulates. For example, Roscoe Pound's 'jural postulates'²⁵ (defined by him as 'the wants or claims involved in civilized society' (Pound 1922, 169)) could be met comprehensively by employing the *five precepts* together with just one of the said *sixfold reciprocal duties of support*: that of 'friend'-'associate' beneficence or communal fraternity.

That Buddhism does provide for a normative regime of 'primary rules' or societal obligations is clear. However, it must be emphasized that this patent legal potential of the Buddhist norm has never been (and by default shall never be) patronized by a *Sammāsambuddha* (a *rightly self-awoken one* (in short: 'Buddha')) whose exclusive office it is to discover²⁶ and expound the *Noble Eightfold Path* leading to the cessation of all sentient suffering. The marked absence

from the Pāli canon of criticisms regarding the polity of his day evinces the pacifist dimension of the Buddha's *teachings*, which *teachings* were meant to complement but not countermand the prevailing methods of governance:

... While the religious *teachings* of the Buddha seeped down to the masses ... the influence of the political philosophy, on the whole, remained peripheral and sporadic There are several reasons for this. The Buddha himself did not think that ... teachers living on the alms of the faithful should devote their life to the study of a science like that of 'the science of power.' ... Likewise, it was not the primary task of the Buddha or the monks to set up an ideal political order, which concerns the laity and kings **It was, therefore, left to the lay Buddhist movement ... to espouse the cause of this political philosophy of righteousness** ['Dhamma']. (Jayatilleke 1967, 97-98, reproduced with permission from ©Anjani Karunaratne, emphasis and parenthesis added.)

In short, Buddhism might be said to recognize four types of voluntary adherents:

- (1) The extroverted sage/sage aspirant;
- (2) The introverted sage/sage aspirant;
- (3) The extroverted lay follower; and
- (4) The introverted lay follower.

The fourth category ('(4)' above) encompasses that part of the laity whose association with the *Dhamma* is understood exclusively in terms of their own private salvation, representative of which would be laypersons who constantly condition themselves in the *Path* practices of *generosity*, *discipline* and *meditation*. The third category ('(3)' above) epitomizes those exceptional laypersons who bear not only concerns for their own salvation but also noble compassion for the whole world and hence propagate the *Dhamma* with a view to ensuring freedom from suffering for the greatest possible number: the least representative of which is the benefactor of a *Dhamma dāna* (*i.e.*, a gift of insight by way of sermon, book or otherwise), and the most the prophesized *Cakkavattin* or 'universal monarch.' According to Buddhism, it

is to this category alone that the propriety of strategic social reform should naturally and necessarily attach.

Professor Steven Collins has construed the *Mūga-pakkha jātaka* (n.d.) as providing ‘authority’ for the assumption that kingship according to Buddhism unavoidably entails rebirth in the hellish abodes (Collins 1998, 36 and 421). Nonetheless, in his own translation of some relevant sections of the said *jātaka*, he declares regarding its protagonist, prince Temiya, that:

When he [prince Temiya] was a month old, he was dressed up and brought to his father, who looked at his dear son and hugged him, then put him on his lap and sat down delighted. At that moment four criminals were brought in; the king ordered that one of them receive a thousand lashes with spiked whips, one be sent to prison in chains, one be struck on the body a thousand times with swords and the last be impaled on a stake. [Having] ... heard his father’s orders, he became terrified and fearful: ‘Alas, because he is a king, **my father is doing terrible things, which will take him to hell.**’ (Collins 1998, 427, parenthesis and emphasis added.)

It is clear from Prof. Collins’ own translation that the proximate and operative cause attributed by prince Temiya to his father’s fated end of being ‘take[n] ... to hell’ is the ‘doing’ of ‘terrible things’ in the nature of imposing cruel punishments: lashings ‘with spiked whips’; imprisoning ‘in chains’; striking ‘the body a thousand times with swords’; and impaling ‘on a stake.’ Being ‘a king’ merely constitutes the backdrop/setting in which ‘terrible things’ could be choicely done.

Inasmuch as ‘a king’ could authorize the ‘doing’ of such ‘terrible things,’ he could equally sanction the ‘doing’ of wonderful things: imposing humane sanctions of a non-retributive but restorative nature; providing capital to the needy to eradicate poverty (the true root of all crime); protecting women, children and all vulnerable subjects from the vicissitudes of life; *etc.* In short, a king could always exercise rational choice in electing to do merciful as opposed to

‘terrible’ things, a privilege that was unfortunately never available to the king’s executioner (hence, the king’s bad *kamma* would always surpass the executioner’s).

Prof. Collins’ said translation also manifests an apparent irreconcilability between (a) its opening statement that king Kasiraja (*i.e.*, prince Temiya’s father) ruled ‘justly’ (*dhammena*) and (b) the said acts of cruel punishment expressedly attributed to him (aptly criticized by prince Temiya as ‘evil acts’ or ‘wrongdoing’: *adhamma-cariya*).

In fairness to the original redaction of this *jātaka* (see *Mūga-pakkha jātaka* n.d., Cowell and Rouse translation, 1), it must be stated that king Kasiraja is in no sense depicted as an adherent of the Buddhist ‘Dhamma’ (righteousness). It is his chief queen Candadevi who is expressed as being ‘devoted to good works’ (*sīlasampannā*), having categorically taken ‘upon herself the *uposatha* vows’ and leading a ‘virtuous life.’ In fact, it is her very ‘act of truth’ based in Buddhist *Dhamma* (*teaching*) that serves to endow her with a son. King Kasiraja, in contrast, resorts to commanding his sixteen thousand wives to ‘pray’ to ‘the moon and other deities’ for a son, a recourse neither of Buddhism nor of the Buddhist *Dhamma* but of the Hindu *pūjās* (rites), which deem ‘god’ Chandra (the Moon) a perennial fertility deity (along with goddesses Aditi, Manasa, Parvati and Satoshi). Thus, the use of the word ‘*dhammena*’ to describe king Kasiraja’s reign (in the opening line of the *Mūga-pakkha jātaka*) appears to have been done designedly to portray him as an adherent of the *dharma* or *dharmaśāstras* (religious and legal duties) based in Hinduism, distinct from the Buddhist *Dhamma* espoused by both chief queen Candadevi and prince Temiya.

Again, in relation to the *Rājovāda jātaka*, Prof. Collins (1998, 456-458) points out that ‘*dhammena*’ is the common word used by the original redactor to describe the manner in which both kings Brahmadata and Mallika ruled their respective territories (1998, 458). Nonetheless, a subtle distinction between the two kings’ governances is appreciated: whilst Brahmadata’s is expressed both ‘*sammena*’ (equitable) and ‘*dhammena*’ (‘just’/righteous),

Mallika's is expressed only '*dhammena*.' Hence, despite both their reigns being described as '*dhammena*,' the said two kings exercised divergent value systems of polity within their respective domains:

He conquers wrath by mildness, the bad with goodness sways,
 By gifts the miser vanquishes and lies with truth repays.²⁷
 Give place, give place, O driver! such are this monarch's [king Brahmadata's] ways!
 (*Rājovāda jātaka* n.d., Rouse translation, 3, parenthesis added.)

Rough to the rough, king Mallika the mild with mildness sways,
 Masters the good by goodness, and the bad with badness pays.
 Give place, give place, O driver! such are this monarch's ways!
 (*Rājovāda jātaka* n.d., Rouse translation, 3.)

Once again, the context rightly determines the distinctive and contrasting connotations to be placed on the word '*dhammena*' when used severally in relation to Brahmadata and Mallika (analogous to its use in relation to Candadevi and Kasiraja in the *Mūga-pakkha jātaka* above). It becomes apparent that the maxim *noscitur a sociis* (the meaning of a word should be taken from its context) applies to determine the respective connotations of the word 'Dhamma' as used within both the *Mūga-pakkha* and *Rājovāda jātakas*. (Thus, *noscitur a sociis* might be deemed to enjoy interpretative authority within the entire body of the *Jātaka Pāli*.)

Neither king Seniya Bimbisara²⁸ (of Magadha) nor king Pasenadi (of Kosala) was a *Cakkavatti* monarch. Hence, despite their respective positions of power and devout patronage toward the *Sangha*, the Buddha never expressly entreated either to alter his methods of governing toward reflecting exclusive conformity to the 'Dhamma.'²⁹ However, the Buddha did not shun an opportunity that presented itself for his instructions on due governance, as clearly evinced by the record pertaining to his encounter with the Licchavis (of the Licchavika tribe, the leading tribe of the Vajjika Confederacy of Republican Tribes or 'the Vajjis') at Sarandada:

At one time the Buddha was staying near Vesali at the Sarandada tree shrine. Then several Licchavis went up to the Buddha, bowed and sat down to one side, and the Buddha said to these Licchavis, ‘Licchavis, I will teach you these **seven principles that prevent decline**. Listen and apply your mind well; I will speak.’ ‘Yes, sir,’ they replied. The Buddha said this: ‘... As long as the Vajjis [1] meet frequently and have many meetings ... [2] meet in harmony, leave in harmony and carry on their business in harmony ... [3] don’t make new decrees or abolish existing decrees, but undertake and follow the ancient Vajjian traditions as they have been decreed ... [4] honor, respect, esteem and venerate Vajjian elders, and think them worth listening to ... [5] don’t forcibly abduct the women or girls of the clans and make them live with them ... [6] honor, respect, esteem and venerate the Vajjian shrines, whether inner or outer, not neglecting the proper spirit-offerings that were given and made in the past ... [7] organize proper protection, shelter and security for perfected ones [*Arahaths*], so that more perfected ones might come to the realm and those already here may live in comfort ... they can expect growth, not decline. As long as these seven principles that prevent decline last among the Vajjis, and as long as the Vajjis are seen following them, they can expect growth, not decline.’ (*Sārandada sutta* n.d., Sujato translation, abridged with parentheses and emphasis added.)

Although many a diverse opinion has been preferred on the legal worth of these *seven factors of non-decline* (*sapta aparihānīya dhamma*) disclosed by the Buddha to the Licchavis, it is submitted that what they truly constitute is a set of requisites indispensable to both maintaining and perpetuating the Buddhist societal obligations (‘primary rules’) based system of governance described at the beginning of this section.

2.4 Conformity to Hart’s ‘secondary rules’

As regards the most apparent shortcoming of being governed by a simple set of societal obligations or ‘primary rules,’ H. L. A. Hart declares as follows:

... We cannot ask: ‘From what ultimate provision of the system do the separate rules derive their validity or ‘binding force’?’ For there is no such provision (1961, 229, reproduced with permission from ©Oxford Publishing Limited *via* PLSclear, emphasis added.)

Accordingly, all methods of societal control based solely on ‘primary rules’ (at first sight, even those fostered by Buddhism) ought to be viewed as lacking the finesse of a legal system for want of authoritative recognition (Hart 1961, 92). However, whilst the Buddha never did seek formal recognition for the societal obligations (‘primary rules’) declared by him as applying to the laity, he did reveal the mechanism by which ‘secondary rules’ pertaining not only to authoritative recognition but also adjudication (Hart 1961, 94) and sanctions (Hart 1961, 95) should come to be institutionalized:

Now a certain greedy person, while keeping his own share, took a share not given him and enjoyed it. They arrested him and said, ‘Alas! O being, thou hast done a wicked thing, in that thou hast, while keeping thine own share, taken and enjoyed a share ungiven. O being, thou shouldest not do thus.’

‘Be it so,’ replied that being to the others. But a second time he stole likewise, and a third, whereupon, after the same reproof, some struck him with their hands, some with clods and others with staves. And so theft came first to be known, and upbraiding, and lying, and violence.

Then the best people met together and lamented, saying, ‘Alas! Evil things have appeared among beings, in that theft has come to be known, and upbraiding, and lying, and violence. Suppose we now elect one being and tell him: Do thou rebuke whomsoever is rightly deserving of rebuke, and upbraid or expel whomsoever is rightly deserving thereof; but we will provide for thy share of the rice.’

Thereupon the people approached a person who was finer, handsomer, pleasanter and more commanding than the rest, and said, ‘**Come, fellow being! Rebuke whomsoever is rightly deserving of rebuke, and upbraid or expel whomsoever is rightly deserving thereof; but we will provide for your share of the rice.**’

‘Be it so,’ replied that person to the rest, and so he rebuked, upbraided or expelled those rightly deserving thereof,³⁰ while they provided for his share of the rice.

Now, because he was the great man elected by the race, there arose the first title of ‘Great Elect’ [*Mahā Sammata*].³¹ And because he was Lord of the fields, there arose the second title of ‘Nobleman.’ And because he reconciles others by justice [‘Dhamma’], there arose the third title of ‘King.’ Such was the origin of this circle of Nobles by an ancient primeval title; yea, and of those very people who, though different, are alike and not dissimilar, by virtue of justice [‘Dhamma’], not by injustice [‘Adhamma’]. Justice [‘Dhamma’] ... is best for the human race in this world and the next. (*Aggañña sutta* n.d., Edmunds translation, emphasis and parentheses added.)

John Locke, in his second essay ‘of civil-government,’ appears to virtually restate the above:

... If we look back, as far as history will direct us, toward the *original of commonwealths*, we shall generally find them under the government and administration of one man. (Locke 1821, 276, s.105.)

... And therefore ... some one good and excellent man, having got a pre-eminency amongst the rest, had this deference paid to his goodness and virtue, as to a kind of natural authority, that the chief rule, with arbitration of their differences, by a tacit consent devolved into his, without any other caution but the assurance they had of his uprightness and wisdom (Locke 1821, 267-268, s.94.)

... They used their natural freedom to set up him whom they judged the ablest and most likely to rule well over them. (Locke 1821, 277, s.105.)

... And all this for the preservation of the property of all the members of that society, as far as it is possible. (Locke 1821, 261, s.88.)

Wherever therefore any number of men are so united into one society as to quit every one his executive power of the law of nature and to resign it to the public, there and there only is a *political* or *civil society*. ... And this puts men out of the state of nature into that of a *commonwealth* by setting up a judge on earth with authority to determine all the controversies and redress the injuries that may happen to any member of the commonwealth (Locke 1821, 262, s.89.)

It is opportune to note the following opinion of J. J. Rousseau within the backdrop of the aforesaid narratives:

I suppose men to have reached the point at which the obstacles in the way of their preservation in the state of nature show their power of resistance to be greater than the resources at the disposal of each individual for his maintenance in that state. That primitive condition can then subsist no longer, and the human race would perish unless it changed its manner of existence.

But, as men cannot engender new forces but only unite and direct existing ones, they have no other means of preserving themselves than the formation, by aggregation, of a sum of forces great enough to overcome the resistance. These they have to bring into play by means of a single motive power and cause to act in concert.

This sum of forces can arise only where several persons come together, but as the force and liberty of each man are the chief instruments of his self-preservation, how can he pledge them without harming his own interests and neglecting the care he owes to himself? This difficulty, in its bearing on my present subject, may be stated in the following terms: 'The problem is to find a form of association which will defend and protect with the whole common force the person and goods of each associate, and in which each, while uniting himself with all, may still obey himself alone and remain as free as before.' This is the fundamental problem of which the **social contract** provides the solution.

The clauses of this contract are so determined by the nature of the act that the slightest modification would make them vain and ineffective, so that, although they have perhaps never been formally set forth, they are everywhere the same and everywhere tacitly admitted and recognized, until, on the violation of the social compact, each regains his original rights and resumes his natural liberty, while losing the conventional liberty in favor of which he renounced it. (Rousseau 1762, 14-15, emphasis added.)

2.5 Buddhist *social contract*

Buddhism's reply to H. L. A. Hart's 'secondary rules' is found firmly couched within the notion of 'Dhamma'-based *social contract* that, besides 'identifying the individual' (Hart 1961, 94) who is to 'finally and authoritatively' (Hart 1961, 91) adjudicate upon a fact of violation, prescribes a 'centralization of social pressure' (Hart 1961, 95) by his being empowered to issue binding sanctions (Hart 1961, 95), which services are in turn compensated by contributions for his sustenance as collected from the entire community (the origin of public taxation). These powers to adjudicate and sanction, though seemingly prerogatives of an autonomous authority, were in reality only contractually delegated by society as a whole; they remained at all times withdrawable and entrustable by the people to some elected other:

... Primitive society knows little of absolute rulers ... and its members are not usually concerned merely to obey but have pronounced views as to the rightness of obedience on the part of all concerned. (Hart 1961, 52, reproduced with permission from ©Oxford Publishing Limited *via* PLSclear.)

Whilst the genesis of Buddhist *social contract* is thus brought to light, its fruition in the context of a fully fledged governing mechanism based on an ideal concept of righteous kingship rooted in a unique **rule by way of rational law** (surpassing the 'rule of law') worthy of universal application (justifying the title 'universal monarch'³² being bestowed upon its implementer) is seen expounded by the Buddha in his *teachings* adverting to the *Cakkavatti* monarch:

... A righteous king **ruling in righteousness** He lived in supremacy over this earth to its ocean bounds, **having conquered** it, not by scourge, not by the sword, but **by righteousness**. (*Cakkavattisihanāda sutta* n.d., Rhys Davids and Rhys Davids translation 1921, 60, [59](2), emphasis added.)

The subordinate kings in the east ... the south, the west and the north ... approach the universal monarch and tell him, 'Welcome, great king; you have come at the right time; advise us.' The

universal monarch says, ‘Life should not be destroyed, the not given should not be taken, sexual misconduct should not be, lies should not be told and intoxicating drinks should not be taken. **Enjoy your kingships as you have done.**’ Thus, they become the subordinate kings of the universal monarch. (*Bāla-Pañḍita sutta* n.d., Uppalavanna translation, emphasis added.)

However, it is also provided that such a conqueror would be blessed with such an overwhelming commanding prowess only to the extent of his being resolutely committed to an explicit set of duties:

Thou shouldst **provide the right watch, ward and protection** for thine own folk, for the army, for the nobles, for vassals, for *brāhmaṇas* and householders, for town and country dwellers, for the religious world and for beasts and birds. Throughout thy kingdom, **let no wrongdoing prevail**. And whomsoever in thy kingdom is poor; to him **let wealth be given**.

And [regarding those] in thy kingdom of religious life – renouncing the carelessness arising from the intoxication of the senses and devoted to forbearance and sympathy – each mastering self, each calming self, each perfecting self; **from time to time, question [them on]** what is good and what is bad, what is criminal and what is not, what is to be done and what is left undone, what line of action will in the long run work for weal or for woe; **hear what they have to say, deter from evil and take up what is good.**³³ (*Cakkavattisīhanāda sutta* n.d., Rhys Davids and Rhys Davids translation, 62-63, [61](5), abridged with parentheses and emphasis added.)

Furthermore, when:

... A certain bhikkhu asked the Blessed One [the Buddha]: ‘Venerable sir, how is the righteous universal monarch the ruler of righteousness?’ The Blessed One said: [by virtue of] **the teaching [Dhammo]**. ... ‘O! Bhikkhu, the righteous universal monarch who values righteousness and pays homage to *the teaching*, making *the teaching* his flag and sign, righteously protects *the teaching*, makes arrangements to protect himself, all the populace, warriors, *brāhmaṇas*, people in the suburbs, recluses and animals. In this manner he rolls the wheel [of righteousness, *i.e.*, rules righteously] not to be stopped by the hand of any opposing human.’ (*Cakkavatti sutta* n.d., Uppalavanna translation, parentheses and emphasis added.)

[The Blessed One/the Buddha:] Bhikkhus, whomever that righteous universal monarch, he too does not *turn the wheel* [rule righteously] without a leader. When this was said, a certain bhikkhu said thus to the Blessed One: ‘Venerable sir, **who is the leader of the righteous universal monarch that rules righteously?**’ The Blessed One said, ‘Bhikkhu, it is ***the teaching*** [*Dhammo*].’ (*Dhammarāja sutta* n.d., Uppalavanna translation, parentheses and emphasis added.)

A conqueror’s strict obeisance to the *Dhamma* (the *teaching*) being a *sine qua non* to his conquest through ‘Dhamma’ (righteousness), without a *Sammāsambuddha* (a *rightly self-awoken one*) to reveal the *Dhamma* (the *teaching*), there could never be any conquest by or propagation of any such body of righteous norms. Accordingly, conquering through ‘Dhamma’ is construed as a fusion between (**a**) strictly adhering to a basic code of Buddhist ethics (ideally, the salient body of negative and positive duties enumerated under ‘2.2’ above) and (**b**) pacifistically propagating the same in furtherance of securing voluntary abidance therein by the greatest possible number.

Have Such Rudimentary Buddhist Rules Of Societal Conduct Ever Come To Be Enforced As Expressed Or Implied Law Within Any Particular Territory Or State?

It shall be seen (under '3.2' below) that the edicts of king Aśoka³⁴ (which for some inexplicable reason have received only scant mention in Western or pro-Western historical accounts) bear ample testimony to the fact that he was an ardent emulator of the aforementioned *Cakkavatti* monarch's 'Dhamma'-based governance. Suffice it to cite here a translated excerpt from his renowned 'Rock Edict XIII' to evince this:

ROCK EDICT XIII[:] **Conquest through Dhamma is now considered to be the best conquest** by the beloved of the gods [Aśoka]. And such a conquest has been achieved by the beloved of the gods not only here in his own dominions but also in the territories bordering on his dominions
(Sircar 1957, 58, parentheses and emphasis added.)

As a precursor to analyzing Aśoka's rule *vis-à-vis* the said *Cakkavatti* ideal, the beginnings of the empire to which he finally laid claim must receive specific mention so as to distinguish the later innovations in statecraft ascribable exclusively to him.

3.1 Polity of the Mauryas

Historical sources deem Aśoka third in the line of monarchs representing the Maurya Empire. His grandfather, Chandragupta, is widely accepted as both the founder of the Maurya dynasty and decidedly India's first true emperor (owing to the sheer extent of peninsular land brought under his sole dominion and ruled in its entirety thereafter).

The many accounts of Chandragupta's exploits plainly personify him as a tenacious and astute combatant who was unrelenting in his pursuits, particularly 'spurred on' by his relatively young age and access to timely strategic counsel as dispensed by his alleged mentor, the enigmatic Chanakya/Kautilya or Vishnu Gupta: 'author'³⁵ of the *Arthaśāstra*. It has today become commonplace to ascribe the success of Chandragupta's territorial conquests exclusively to the dictates of the *Arthaśāstra*, though no independent corroboration for the propriety of this ascription exists.

In fact, the precepts of 'good' governance and warcraft that receive expression within the *Arthaśāstra* were not wholly unknown to the ruling classes of such times, whose numbers were usually well educated not only in these specialized areas but also in all this-worldly and other-worldly affairs (*via* Vedic or other derivative³⁶ expositional instructions received at the hands of erudite *brāhmaṇas* whose sacred duty it was to dispense such 'wisdom').

The original codification of the 'Laws of Manu' or the *Manusmṛiti/Mānava-dharmaśāstra* (foremost among all derivative works based on Vedic lore) dates back to anytime between 200BC and 200AD, though it is widely accepted as having been expounded by *brāhmaṇas* since centuries before. The *Arthaśāstra* (a relatively mundane and much later construct widely attributed to Chanakya/Kautilya or Vishnu Gupta) admittedly is the more voluminous of the two and is accepted as dating back to the 2nd century BC to roughly correspond with the reign of Chandragupta. A comparison of the said two works reveals a considerable borrowing from the *Manusmṛiti* by the author of the *Arthaśāstra* in both principles and content, especially in relation to caste discrimination; kingship; warcraft; espionage; judicial process; offenses; and deterrent punishments. However, here ends the similarity between the two, for the further prescriptions of the *Arthaśāstra* – particularly those concerning espionage, counterespionage, contemptuous international relations and ceaseless conquests – contemplate such extremities in action that only an avaricious autocrat of both deceitful and insecure disposition could possibly have any use for them. In short, these further prescriptions effectually serve to

transgress all demarcations of rationality as should be rightly attendant upon the due governance of any welfare state.

The only trait that Chanakya's ideal tyrant appears to have shared with Chandragupta Maurya is cruelty, which the latter supposedly meted out to natives of vanquished territories.³⁷ However, a treaty with Seleucus I Nicator³⁸ did manifest both his amenability to multinational diplomacy and confidence in keeping cordial relations even with an ex-foe,³⁹ a stark departure from the *Arthasāstra*, which not only views peace and diplomacy as facets of defeatist recourse⁴⁰ but also prescribes eliminating one's enemies as the only worthwhile pursuit. Chandragupta's amicable ties with the Dravidian kingdoms of the South further evince his having been amenable to peacekeeping.

Again, Chandragupta's reported voluntary abdication of his throne and entry into Jain priesthood during the later stages of his life manifest preferred adherence to the prescribed Vedic relinquishments for old age (*sanyāsi*) in apparent refutation of the perpetual power possessiveness advocated by the *Arthasāstra*. That a king who was supposedly disposed to Jainism (which *inter alia* extols the virtue of 'equality to all') could endorse a code of regulation based primarily on overt caste discrimination appears patently untenable.⁴¹

Regarding Chandragupta's successor Bindusara, in whose court too Chanakya did dwell (in no less a capacity than 'prime minister'), the influence exerted by the *Arthasāstra* appears to have been more pronounced, for it is recorded that Bindusara revitalized the Hindu autocracy and simultaneously expanded the bounds of his inherited empire, albeit to the exclusion of Kalinga (his only residual foe). Perhaps it was this expansionism that the *Arthasāstra* did in fact have more to do with. However, Bindusara's sustained peace with the southernmost Dravidian territories and his alleged adoption of antiapartheid Ajivakism appear to refute the plausibility of such a claim (on a basis analogous to that determined in relation to Chandragupta above). Notably, the inclusion of 'Ajivakas' within the following provision of the

Arthaśāstra that ‘... when a person entertains, in dinner dedicated to gods or ancestors, Buddhists (*śākya*), Ajivakas, Sudras and exiled persons (*pravrajita*), a fine of 100 *panās* shall be imposed’ (*Arthaśāstra* n.d., Shamasastri translation, 226), appears to be a plain contradiction of Bindusara’s chosen religious affiliation, further negating the *Arthaśāstra*’s supposed influence on his rule. (Likewise, the inclusion of ‘Buddhists (*śākya*)’ within the said provision would undoubtedly have rendered the *Arthaśāstra* inapplicable to Aśoka’s reign as well.)

Chanakya, allegedly, comes to be assassinated by a co-chamberlain during the said reign of Bindusara. Thus, by the time the Maurya empire found its way into the hands of Bindusara’s son Aśoka, the ‘trusted’ counsel of Chanakya was no more, save in terms of whatever writings on the *Arthaśāstra*, *Nītiśāstra* and the like as did survive. However, whether Aśoka did in fact have recourse to these *śāstras* appears doubtful.

It is not until the time of Aśoka that an authoritative account of the Mauryan administration manifests itself, indelibly by way of the many edicts etched in stone as commissioned by him. The key fact to be borne in mind, however, is that the data yielded by these edicts relates almost entirely to the period following Aśoka’s transition to Buddhism, the edicts themselves being dubbed ‘Dhamma’ edicts. Accordingly, their advertence is not merely to a conventional system of governance but one markedly revamped in accordance with Aśoka’s own form of public administration (as synthesized from the *teachings* of the Buddha). This becomes evident in comparing the said edictal provisions with the corresponding averments (where available) of the *Arthaśāstra* (regarded here as representative of early Mauryan rule). This comparison, taken up below, shall be seen to account for major inconsistencies in spirit, approach and outcome between two manifestly divergent systems of polity.

3.2 The *Cakkavatti* ideal and Aśoka

The salient traits of the *Cakkavatti* ideology have been already noted in this work (see Chapter '2.5 Buddhist *social contract*'). Accordingly, the latent and patent duties of this 'universal monarch' might be summarized as follows:

- **Firstly**, to establish one's self firmly in the *Dhamma* (the *teachings* of the Buddha) and to both govern and be governed by the same.
- **Secondly**, to establish a regime of reciprocal support for the care and protection of all principal segments of society and conserve birds and beasts.
- **Thirdly**, to ensure that 'Adhamma' shall not prevail by prohibiting socially harmful conduct and gifting property to those in need.
- **Fourthly**, to consult virtuous clerics of all denominations toward mobilizing and disseminating the most ethical and socially beneficial elements of their respective doctrines in an effort to secure widespread spiritual advancement.
- **Fifthly**, to firmly advocate abstinences from killing, stealing, carnal misconduct, lying and intoxication as universal norms of rationality worthy of emulation by all.
- **Sixthly**, to gain the consensual submission of neighboring realms to the rule of 'Dhamma' (righteous duties) at all times respecting their individual and equal territorial sovereignties, thereby abandoning recourse to all forms of belligerence, whether in conquest or otherwise.

King Aśoka's commitment to these sixfold obligations now stands to be considered. The best information in this regard (to date) is that provided by the numerous rock and pillar inscriptions accredited to him from which historians have sought to derive the basis of his distinctive 'Dhamma.' As 'Pillar Edict VI' *inter alia* provides:

PILLAR EDICT VI[:] ... Twelve years after my coronation, records relating to Dhamma were caused to be written by me [Aśoka] for the first time, for the welfare and happiness of the people, so that without violation thereof they might attain the growth of Dhamma in various respects. (Sircar 1957, 74, parentheses added.)

Of course, this was just one among many mechanisms employed by Aśoka toward securing the due dissemination of the 'Dhamma':

PILLAR EDICT VII[:] ... '... [Aśoka]: In times past, kings had wished that men should grow with a befitting growth of Dhamma. But men did not grow with a befitting growth of Dhamma. How then may men be moved to conform to Dhamma ... with a befitting growth of Dhamma?' On this ... beloved of gods [Aśoka] said thus: '... **Proclamations** of Dhamma will I proclaim. **Instructions** in Dhamma will I instruct. Men hearkening thereto will conform, uplift themselves and mightily grow with the growth of Dhamma.' For this purpose have I proclaimed **proclamations** of Dhamma and directed various **instructions** in Dhamma. My officers, the *Vyūthas*, have been set over many people. These will preach and disseminate it. *Rajjukas* have been set over many hundred thousands of lives. They too have been ordered: 'Preach thus and thus to the faithful men.' (Bhandarkar 1925, 318-319, parentheses and emphasis added.)

Many have raised issue on the meaning that should be rightly attributed to the term 'Dhamma' as used by Aśoka, notwithstanding his unequivocal admission to being a Buddhist disciple (*per* the Bhabru Minor Rock Inscription ('MRI III')):

BHABRU INSCRIPTION[:] Priyadarśin [Aśoka], king of Magadha, bids the *Sangha* his greetings and wishes of good health and comfortable living. 'Ye know, reverend sirs, how great are my respect and delight in Buddha, *Dhamma* and *Sangha*. Whatever, reverend sirs, has been said by the

blessed Buddha, all that has been well said. But, reverend sirs, whatever I ought on my own account to recommend in order that the sublime *Dhamma* may thus endure long, I deem it proper to proclaim. Reverend sirs, these are the texts of *Dhamma*: (1) *Vinaya-samukase*; (2) *Aliya-vasāni*; (3) *Anāgata-bhayāni*; (4) *Muni-gāthā*; (5) *Moneya-sute*; (6) *Upatisa-pasina*; and (7) the sermon to *Rāhula pronounced by the blessed Buddha concerning falsehood*. These **texts of *Dhamma***,⁴² reverend sirs, I desire the majority of monks and nuns to constantly hear and meditate upon. Similarly, the laity, male and female, should do the same. It is for this reason, reverend sirs, that I cause this to be engraved, in order that they may know my wish.’ (Bhandarkar 1925, 331, parentheses and emphasis added.)

This last edict, whilst evincing Aśoka’s profound faith and erudition in the Buddha’s *teachings*, further manifests his compliance with the ‘**Fourthly**’ enjoined duty of the ‘universal monarch’ (above): to consult virtuous clerics and secure the preservation of their teachings for the benefit of posterity. Furthermore, in the Brahmagiri Minor Rock Inscription (‘MRI I’), Aśoka avers *inter alia* that his said learning was facilitated by his own eager exertions:

BRAHMAGIRI INSCRIPTION[:] ... The beloved of gods [Aśoka] said: ‘It was more than two years and a half that I was a lay worshipper, but did not exert myself strenuously. It is one year, indeed more than one year, that I have lived with the *Sangha* and have exerted myself’ (Bhandarkar 1925, 328, parentheses added.)

Thus, it appears that Aśoka must have been well established in the *Dhamma* (the *teaching*) as ‘**Firstly**’ required of a *Cakkavatti* monarch (see above). The following averments made by him serve not only to further evince this but also insinuate his having secured the requisite care and protection of his subjects as ‘**Secondly**’ required of a *Cakkavatti* monarch:

ROCK EDICT IV[:] For the most excellent act is instruction in *Dhamma*, and the fostering of the practice of *Dhamma* is not for a man devoid of virtuous conduct. Growth and non-diminution in this matter are therefore excellent. (Bhandarkar 1925, 282, parenthesis added.)

PILLAR EDICT I[:] ... ‘... ... Through my instructions, this longing for Dhamma and love of Dhamma have grown and will grow day by day among my people. And my officials, whether of high, low or middle rank, themselves conform to these, and being fit to induce the fickle-minded to undertake the fulfillment of Dhamma, cause the latter also to attain to them. So also the *Mahāmātras* of the frontier provinces. This is the rule: namely, **protection by Dhamma**, execution of order by Dhamma, causing happiness by Dhamma and administration by Dhamma.’ (Bhandarkar 1925, 305, parenthesis and emphasis added.)

3.3 Aśoka’s ‘Dhamma’

Since to a Buddhist the term ‘Dhamma’ can have only one meaning, namely ‘the *Dhamma* as taught by the Buddha,’ some are quick to take Aśoka’s specific use of this term to be synonymous with the entirety of Buddhism as enshrined within the bountiful canonical texts (see Jayawickrama 1959, 76, note¹ and Guruge 1987, 50). Others, especially non-Buddhists, seek to wholly liberate ‘Dhamma’ from Buddhism (by attributing its content formulation to that of mere logical deduction from an analysis of the salient tenets pertaining to all religions that prevailed during the Aśokan era) toward deeming it common denominator morality (see Thapar 1994, 22). Admittedly, both connotations represent extremities of opinion preoccupied with bias either toward (in the case of the former) or against (in the case of the latter) Buddhism. Aśoka in fact espoused neither extreme, construing ‘Dhamma’ (in its application to both his subjects and the world at large) to signify an ideal mean between them.

It has been already observed that compliance with a clearly defined code of conduct constitutes that which is expected of every bearer of the title ‘Buddhist,’ minimally⁴³ by resolutely abstaining from killing, stealing, carnal misconduct, lying and consuming intoxicants, but ideally by also fulfilling the reciprocal duties between parent and child, teacher and pupil, husband and wife, friends and associates, masters and servants and clerics and devotees. That the ‘Dhamma’ (espoused by king Aśoka) could only connote this very ‘basic code’ of negative

and positive **duties** is constructively affirmed by the Buddha in the following revelations (relating to his prior births as a *bodhisattva* (the *jātakas*)):

‘We walk in **uprightness**, we speak no lies, all foul and wicked sins we keep afar, we do eschew all things that evil are ... We hear the deeds of foolish and of wise, of what the foolish do no heed we take, the wise we follow and the fools forsake ... In gifts beforehand our contentment lies, even while giving we are well content, nor having given do we then repent ... Priests, Brahmins, wayfarers we satisfy, beggars and mendicants and all who need, we give them drink and hungry folk we feed ... Wedded, for others’ wives we do not sigh, But we are faithful to the marriage vow, and faithful are our wives to us I trow ... The children that from these true wives are sprung, are wise abundantly to learning bred, versed in the Vedas and all perfected ... Each to do **right** for sake of heaven tries, so lives the father and so lives the mother, so son and daughter, sister so and brother ... For sake of heaven our servants too, apply their lives to goodness, men and maidens all, retainers, servitors, each meanest thrall’ (*Mahā Dhammapāla jātaka* n.d., Rouse translation, 34, emphasis added.)

‘Take not the life of living creatures, and the other ten paths of evildoing eschew, fulfill the duty of service to mother and the duty of service to father and the threefold course of **right**; thus ye shall become destined for heaven and shall receive great glory.’ (*Dhamma jātaka* n.d., Rouse translation, 64, emphasis added.)

‘Give alms, practice virtue, **righteously** follow your business and calling, educate yourselves in the days of your youth, gain wealth, do not behave like a village cheat or a dog, be not harsh nor cruel, do your duty in caring for mother and for father, in family life honor your elders.’ (*Janasandha jātaka* n.d., Rouse translation, 110, emphasis added.)

‘To parents dear, O warrior king, do righteously ... To wife and children, warrior king, do righteously ... To friends and courtiers, warrior king, do righteously ... In war and travel, warrior king, do righteously ... In town and village, warrior king, do righteously ... In every land and realm, O king, do righteously ... To Brahmins and ascetics all, do righteously ... To beasts and birds, O warrior king, do righteously ... Do **righteously**, O warrior king; from this all blessings flow ... By following a righteous course, to heaven thou sire shalt go. With watchful vigilance, O king, on

paths of goodness go: The Brahmins, Indra and the gods have won their godhead so.’ (*Ummadantī jātaka* n.d., Francis translation, 115, emphasis added.)

So then, establishing them in the five moral laws and exhorting them to be diligent in almsgiving and the like virtues, he dismissed them, and they all, after ruling their kingdoms **righteously**, at the end of their days went to swell the host of heaven. (*Soṇa-Nanda jātaka* n.d., Francis translation, 174, emphasis added.)

What ‘ruling righteously’ should eschew has been succinctly but unequivocally expressed by the Buddha as follows:

... Killing; destruction; depriving; conquering; grief; and giving grief. (*Rajja sutta* n.d., Uppalavanna translation.)

Thus, when king Aśoka expressed his intentions to ‘establish’ his people in the ‘Dhamma,’ he could only have meant indoctrinating them in the aforesaid ‘basic code’ of **duties**. Inasmuch as the excerpts from the *jātakas* cited above deem such a ‘basic code’ synonymous with ‘uprightness’ or ‘righteousness,’ it becomes evident that nothing short of a regime of righteous rule (based not so much in compulsion but rational submission) is what was so contemplated. Hence, Aśoka could only have employed the term ‘Dhamma’ to mean **so much of that body of rational duties revealed by the Buddha immanently relevant toward establishing a righteous rule**. The validity of this interpretation is affirmed by the following Aśokan edict excerpts, which constructively advert to both the *sixfold reciprocal duties of support* (as rooted in the *four bases of fellowship*) and *five precepts* (abstinences) as constituting the ‘Dhamma’:

ROCK EDICT XI[:] ... There is no such gift as the gift of Dhamma, to wit acquaintance with Dhamma, participation in Dhamma and kinship with Dhamma. **Therein this happens: ‘seemly behavior toward slaves and servants, meritorious hearkening to father and mother, meritorious gifts to friends, acquaintances ... relatives ... *brāhmaṇas* and *śramaṇas* and meritorious non-slaughter of animals.’** This ought to be said by a father, a son, a brother, a master, a friend or acquaintance,

may, even a neighbor: ‘This is meritorious; this ought to be done.’ He who does it in this manner accomplishes the worldly life and obtains infinite spiritual merit through that gift of Dhamma. (Bhandarkar 1925, 297-298, parentheses and emphasis added.)

MINOR ROCK INSCRIPTION II[:] ... **‘Father and mother should be hearkened to ... respect for living creatures should be made firm. Truth should be spoken.’** These are the qualities of Dhamma which should be practiced. Likewise, **the preceptor should be revered by the pupil** and one should behave oneself fittingly toward the blood relatives. This *natural constitution* of the human mind is primeval and it is long-enduring. Hence, it should be acted upon. (Bhandarkar 1925, 330, parentheses and emphasis added.)

ROCK EDICT IX[:] ... That rite, however, bears great fruit, which is Dhamma-*mangala* [celebration]. ... **Seemly behavior toward the servile and menial classes and reverence toward preceptors is considered meritorious; self-control in regard to animals is considered meritorious. These and other similar items are indeed the Dhamma-*mangala*.** Therefore, **a father, a son, a brother, a master, a friend or acquaintance**, nay, even **a neighbor** ought to say, ‘This is meritorious, this rite ought to be performed till that object is attained. And after it is performed, I shall do it again.’ (Bhandarkar 1925, 295, parentheses and emphasis added.)

BILINGUAL KANDAHAR INSCRIPTION[:] ... And the king [Aśoka] abstains from the slaughter of living beings and other people, including the king’s hunters and fishermen, have given up hunting [Greek version]. Similarly, **those who were without restraint have now ceased to be without restraint** [Aramaic version]. And **they have become obedient to their father and mother and to the old people**, contrary to what was the case previously [Greek version]. And henceforth, by so acting, they will live in an altogether better and more profitable way [Greek version]. (Sircar 1957, 45, parentheses and emphasis added.)

PILLAR EDICT VII[:] ... And this development of Dhamma and conformity to Dhamma, which consist of **mercy, gift, truthfulness, purity, gentleness and charity, will thus grow among the people.** (Bhandarkar 1925, 320, parentheses and emphasis added.)

The last edict excerpt identifies the particular gains in *virtue* that Aśoka expected to be eventually realized by his subjects owing to their continued adherence to those practices of ‘Dhamma’ as prescribed by the preceding four. This is plainly in line with the Buddhist method of prescribing ethical rules toward gradationally inculcating *Virtue*, referred to earlier in this work (see Chapter ‘1.1 The Buddha’s *Dhamma*’).

The concept of non-restraint reflected in the edict excerpt from the ‘KANDAHAR INSCRIPTION’ above (which avers *inter alia* that Aśoka’s subjects had ceased from not-restraining themselves) is indeed pivotal. It appears to encompass every willful transgression of social decency, including stealing, engaging in carnal misconduct, uttering falsehoods and indulging in intoxicants. Nonetheless, the criticism might be leveled that one is hereby reading ‘too much’ into the term ‘without restraint’ or perhaps even ‘making too much of a case for’ Aśoka’s comprehensively espousing the *five precepts* and *sixfold reciprocal duties of support*, when the contents of his said five edicts (‘RE XI,’ ‘MRI II,’ ‘RE IX,’ ‘KANDAHAR INSCRIPTION’ and ‘PE VII’) taken cumulatively refer only to abstinences from killing and lying and convey reciprocity only in generic terms (*e.g.*, ‘proper behavior,’ ‘respect’ and ‘generosity’). Indeed, such censure might have been warranted, but for the following **saving clause** expressedly proclaimed by Aśoka in ‘Rock Edict XIV,’ which was plainly meant to be read with **all** his edicts:

ROCK EDICT XIV[:] **These Dhamma-lipis have been caused to be inscribed** by ... the beloved of gods [Aśoka] ... as **abridged, of medium length or expanded. Not everything has been brought together at every place.** Vast indeed is the kingdom and much has been inscribed, and much will I cause to be inscribed. And, owing to their sweetness, various things have been uttered over and over again. And why? In order that the people may act accordingly. **But it may be that something has here been inscribed incompletely, considering either the unfamiliar country or good reason for condensation or through the fault of the scribe.** (Bhandarkar 1925, 304, parentheses and emphasis added.)

Hence, reason demands that the provisions contained in Aśoka's edicts be construed beyond all literal confines whenever their **fundamental source**, namely the *Dhamma* as taught by the Buddha (or the *teaching*), considers such a broader construction opportune. The populace's abstaining from 'non-restraint' as averred by Aśoka in the 'KANDAHAR INSCRIPTION' above would thus be interpretable legitimately as implying their resolute adherence to the *five precepts*. This being so, corollary due regard for secured **(a)** life, **(b)** property, **(c)** marriage, **(d)** pledge and **(e)** sobriety could be deemed to have been commonplace amongst his officials and subjects alike:

...'Taking the precepts' in Buddhism is actually the formal acknowledgment of a subsisting **duty, a duty which arises from *Dharma* [the *teaching*]**. The person who 'takes the precepts' is saying in effect 'I hereby recognize my *Dharmic* duty not to do *x, y* and *z*.' (Keown 1995, 18, reproduced with permission from ©Damien Keown and the editors of the *Journal of Buddhist Ethics*, emphasis and parentheses added.)

Wesley N. Hohfeld (1879-1918) provides that:

A **duty** ... is that which one ought or ought not to do. '**Duty**' and '**right**' are **correlative** terms. (Hohfeld 1919, 38, emphasis added.)

Inasmuch as a duty correlates to a right, the duties mandated by the *five precepts* to abstain from **(1)** killing, **(2)** stealing, **(3)** carnal misconduct, **(4)** lying and **(5)** all forms of intoxicants ought respectfully correlate to the *in rem* rights to **(a)** life, **(b)** property, **(c)** marriage, **(d)** pledge and **(e)** sobriety. However, since **negative** (not positive) **duties** are postulated by the *five precepts*, the correlative entitlements that they seek to vest in all sentient beings could be only **negative rights**:

... A **negative duty** is a duty to **refrain** from some specified sort of action or from any action that would bring about a certain specified sort of result A **negative right**, then, is one that

correlates with a **negative duty** on the part of those against whom it is a right (Narveson 1988, 57, reproduced with permission from ©Jan Narveson, emphasis added.)

... The right-holder is the one who suffers from the breach of **Dharmic duty** [‘a duty which arises from’ the Buddha’s *teachings*] when the precepts are broken. In the case of the **first precept** this would be the person who was unjustly killed. The right the victim has may therefore be ... **the right not to be killed**. (Keown 1995, 18, reproduced with permission from ©Damien Keown and the editors of the *Journal of Buddhist Ethics*, emphasis and parenthesis added.)

Contrastingly, the *sixfold reciprocal duties of support* and the *four bases of fellowship* postulate positive acts and hence positive duties. If so, should positive rights *ipso facto* vest in the beneficiaries of these positive duties?

... Husbands and wives, kings and subjects, teachers and students, all have **reciprocal obligations** ...
 The requirements of *Dharma* [the Buddha’s *teachings*] are expressed in the form of **duties** rather than rights. In other words ... ‘A husband **should** support his wife’ **as opposed to** ‘Wives have **a right** to be maintained by their husbands.’ (Keown 1995, 10, emphasis and parentheses added.)

Thus, the Buddha’s *teachings* view all duties (both positive and negative) from the benefactor’s perspective, not the beneficiary’s; duties (not ‘rights’) are categorically declared, albeit without a means for their enforcement. This is commensurate with the emphasis laid by the ‘Dhamma’ on internal convictions in preference to external compulsions as outlined earlier (see Chapter ‘2.1 Societal regulation’). Rather than selfishly asserting one’s ‘rights’ to life, support and inviolability, the Buddha’s *teachings* prefer one’s selflessly abiding by her/his duty to let all sentient beings live, thrive and be free from abuse. It is not that a positive regime of rights is irreconcilable with the said *teachings*, but that better outcomes could be reached within a context free from vindictory inferences. Whilst obligations and duties would be always spoken of by the *Dhamma*, ‘rights’ though constructively acknowledgeable would not. Moreover, the bare meaning of the usage ‘Dhamma’ (*per* Aśoka) is ‘duty.’

From the foregoing, it becomes apparent that Aśoka did formidably achieve compliance with the greater part of those duties enjoined ‘*Secondly*’ and ‘*Fifthly*’ under the sixfold commitments expected of every ‘universal monarch’ (see ‘3.2’ above).

3.4 Protection accorded to animals

On Aśoka’s disposition toward birds and beasts, his edicts provide *inter alia* as follows:

PILLAR EDICT V[:] Thus said king [Aśoka] ... :— ‘When I had been consecrated twenty-six years, the following animals were declared unworthy of slaughter, namely, parrots, starlings, ruddy geese, swans, *nandimukhas*, *gelatas*, flying foxes, queen ants, female tortoises, boneless fish, *vedaveyakas*, *gangā-paputakas*, skates, tortoises and porcupines, hare like squirrels, twelve-antler stags, bulls set free, household vermin, rhinoceros, gray doves, village pigeons and all quadrupeds which are neither used nor eaten. She-goats, ewes and sows, which are with young or in milk, are unworthy of slaughter, and some of their young ones up to six months of age. Cocks shall not be caponed. Chaff containing living things shall not be burnt. Forests shall not be set on fire either for mischief or for the destruction of life. The living shall not be fed with the living. About the full moon of each of the three seasons and the full moon of *Tishya*, fish may neither be killed nor sold during three days, namely, the fourteenth and the fifteenth of the fortnight and the first of the following fortnight, and certainly not on ‘fast days.’ On the same days, these and other species of life also shall not be killed in the elephant forest and fish preserves. On the eighth of each fortnight and on the fourteenth and fifteenth, on the *Tishya* and *Punarvasu* days, on the full moon days of the three seasons — on such auspicious days, hells shall not be castrated; he-goats, rams, boars and such others as are castrated shall not be castrated. On the *Tishya* and *Punarvasu* days, on the full moon days of the seasons and during the fortnights connected with the full moons of the seasons, the branding of horses and oxen shall not be done.’ (Bhandarkar 1925, 314-315, parentheses and emphasis added.)

ROCK EDICT I[:] This Dhamma-*lipi* was caused to be engraved by king [Aśoka] No animal should here be immolated and offered as a sacrifice, nor should any [sacrificial] *samāja* [festival] be held, for king [Aśoka] ... sees much evil in a [sacrificial] *samāja*. There are, however, certain *samājas*, which are considered excellent Formerly in the kitchen of king [Aśoka] ... many hundreds of

thousands of animals were every day slaughtered for curry. But now, when this Dhamma-*lipi* was written, only three animals were being killed for curry, namely, two peacocks and one deer, but even that deer not regularly. **Even these three animals will not be afterward killed.** (Bhandarkar 1925, 273, parentheses and emphasis added.)

Thus, Aśoka's own resolve to abstain from consuming meat is made manifest. As regards his subjects, destroying animals by way of sacrificial ritual was strictly prohibited, whilst slaughtering them for food was greatly restricted. The Pāli canon bears out several instances wherein the Buddha has vehemently denounced animal sacrifices. The following suffices as a succinct example of the same:

The Brahmin Ujjaya approached the Blessed One, exchanged friendly greetings, sat on a side and said, 'Does good [Buddha] Gotama praise sacrifices?'

[Buddha Gotama:] 'Brahmin, I do not praise *all* sacrifices. I do not praise a sacrifice where cattle, goats, fowl, pigs and other living things are destroyed. I do not praise the destruction of living creatures. What is the reason? Noble ones or those fallen to that method do not approach such sacrifices.'

'Brahmin, I **praise sacrifices where cattle, goats, fowl, pigs and other living things are not destroyed. I praise the non-destruction of living creatures**, such as a constant source of giving gifts and making suitable sacrifices. What is the reason? Noble ones and those fallen to that method approach such sacrifices.'

... Even the gods become highly pleased in such a sacrifice. (*Ujjāya sutta* n.d., Uppalavanna translation, parentheses and emphasis added.)

The conservation of birds and beasts as (also) required '**Secondly**' of a *Cakkavatti* monarch (see '3.2' above) being so evinced as sufficiently addressed by king Aśoka, all that remains is to assess his compliances with the '**Thirdly**' enjoined providing of property to the needy and

'*Sixthly*' enjoined patronizing of pacifist conquests only (to the exclusion of all forms of belligerence).

3.5 Buddhist economics

Regarding the due distribution of his wealth, Aśoka declares as follows:

PILLAR EDICT VII[:] ... Thus said king [Aśoka] ... : 'These and many other head officers are employed in the distribution of bounties, both my own and those of the queens, and in all my gynoecia, both here and in the provinces, they put forth various satisfactory efforts and in manifold ways. And I have arranged that they shall be occupied with the distribution of the bounties, both of my sons and of other sons of queens **Mercy, gift**, truthfulness, purity, **gentleness** and **charity** will thus grow among the people.' (Bhandarkar 1925, 320, parentheses and emphasis added.)

ROCK EDICT VIII[:] ... Now, king [Aśoka] ... visited Sambodhi ten years after his coronation. Thence started these pilgrimages for *Dhamma* [the *teaching*]. During these pilgrimages, the following take place, *viz.*, visiting the *brāhmaṇas* and *śramaṇas* and making gifts to them, meeting the aged and making provision of money for them ... **all this being conducive to the promotion of Dhamma.** (Sircar 1957, 52, parentheses and emphasis added.)

It was not through blind benevolence that Aśoka gave so freely of his good fortune to the needy, for he appears to have appreciated that many a gainful virtue such as kindness, generosity and selflessness would be fostered thereby amongst his people. In short, he not only gave but also taught others to give, as is evident from the partaking in this ritual by the majority membership of his royal households. Again, he attributes this practice exclusively to the 'Dhamma,' which by envisaging a channeling of wealth from 'rich' to 'poor' appears to contemplate a 'trickledown' economy (of sorts). However, the "channeling" of wealth' proposed by Buddhism is certainly not in the sense of a mere 'trickle' but a steady flow, as evinced by the following:

Giving gifts to a guest, giving gifts to one going away, giving gifts to the sick, giving gifts when there is a famine and leaving aside the first reaping of grains and the first fruits to the virtuous. These are the five gifts to be given at the right time. (*Kāladāna sutta* n.d., Uppalavanna translation.)

And what is accomplishment in generosity? It's when a gentleman lives at home, rid of the stain of stinginess, freely generous, openhanded, loving to let go, committed to charity, loving to give and to share. This is called accomplishment in generosity. (*Dīghajāṇu sutta* n.d., Sujato translation.)

3.6 Buddhist criminology

It appears that the '**Thirdly**' enjoined *Cakkavatti* duties of 'ensuring that 'Adhamma' shall not prevail' and 'giving property to those in need' (see '3.2' above) have been paired designedly, presupposing a causal relationship between the two (*viz.*, eradicating socially harmful conduct – including crimes – by giving property to those in need). The *Cakkavattisīhanāda sutta* elaborates on this as follows:

14. Thus, brethren, from goods not being bestowed [by the king] on the destitute, **poverty** grew rife; from poverty growing rife, **stealing** increased; from the spread of stealing, **violence** grew apace; from the growth of violence, the **destruction of life** became common; from the frequency of murder, both the span of life in those beings and their comeliness also wasted away (*Cakkavattisīhanāda sutta* n.d., Rhys Davids and Rhys Davids translation, 67, parenthesis and emphasis added.)

A vicious chain reaction is seen given effect to as a result of 'goods not being bestowed [by the king] on the destitute.' As to what such benevolence on the part of the king should ideally encompass is disclosed by a parallel *sutta*:

Whosoever there be in the king's realm who devote themselves to keeping cattle and the farm, to them let his majesty the king **give food and seed** Whosoever there be in the king's realm who devote themselves to trade, to them let his majesty the king **give capital**. Whosoever there be in the king's realm who devote themselves to government service, to them let his majesty the king

give wages and food. Then those men, following each his own business, will no longer harass the realm; the king's revenue will go up; the country will be quiet and at peace; and the populace, pleased one with another and happy, dancing their children in their arms, will dwell with open doors. (*Kūṭadanta sutta* n.d., Rhys Davids translation, 176, emphasis added.)

This again brings to light the emphasis placed by Buddhism on its own species of *social contract*, which makes it incumbent on a 'king' to facilitate his subjects with all initial capital requirements in terms of **(a)** animal feed and seed, **(b)** money and **(c)** remuneration and subsistence as necessitated by their respective vocations. The failure to extend such vital state patronage is clearly contemplated as bringing about both a gradual impoverishment of its people and rapid escalation in crime, perpetuating thereby an ever-increasing disregard for humanity.

Thus, Buddhism deems crime dependent (both for its existence and proliferation) on a *pro tempore* deficiency in the citizenry's free access to state sponsored capital lending. Identifying 'theft' as crime's first instance appears to further this notion; it correlates man's foremost transgression to an inherently compulsive need to procure for himself (either rightly or wrongly) the illusory assurance of economic stability.

Unsurprisingly, such dearth-of-capital-based crime does receive recognition within modern criminology as well. F. Bourguignon (1999, 61-99) in his paper entitled 'Crime as a Social Cost of Poverty and Inequality: A Review Focusing on Developing Countries' has concluded from an array of studies conducted in this regard that, though falling short of conclusiveness, proof does exist to deem impoverishment both a precipitator and intensifier of criminal activity (1999, 95). Furthermore, a study conducted by Charis E. Kubrin and Gregory D. Squires (2004, 1-16) of George Washington University entitled 'The Impact of Capital on Crime ...' has categorically found that in communities where capital borrowing had been made easier, criminal activity sustained a lower prevalence (2004, 16).

3.7 Aśoka's welfare state

In addition to the capital incentives afforded to his subjects by way of gifts, Aśoka appears to have generously funded the service sectors as well, especially by taking great pains to establish healthcare facilities for humans and animals alike:

ROCK EDICT II[:] Everywhere in the dominions of king [Aśoka] ... as well as of those of his frontier sovereigns ... as far as the Tamraparni [and] the Yona Greek king called Amtiyaka (Antiochus) and also those who are the neighbors of Amtiyaka (Antiochus) — everywhere has king [Aśoka] ... established medical treatment of two kinds ... [:] that wholesome for men and that wholesome for animals. Where medicinal herbs wholesome for men and wholesome for animals are not found, they have everywhere been imported and planted. Roots and fruits, wherever they are not found, have been imported and planted. On the roads, wells have been caused to be dug and trees caused to be planted for the enjoyment of man and beast. (Bhandarkar 1925, 275-276, parentheses added.)

His contributions to the general social welfare of his subjects have been summarized as follows:

PILLAR EDICT VII[:] ... Thus said [Aśoka] ... : 'On the roads have I planted the banyan trees. They will offer shade to man and beast. I have grown mango orchards. I have caused wells to be dug at every eight *koses* and I have had rest houses [built]. I have made many waiting sheds at different places for the enjoyment of man and beast.' (Bhandarkar 1925, 319, parentheses added.)

These undertakings appear to have been directly influenced by a passage from the Pāli canon, which explicitly states:

They who plant orchards and gardens, who plant groves, who build bridges, who set up sheds by the roadside with drinking water for the travelers, who sink wells or build reservoirs, who put up various forms of shelter for the public, are those in whom merit grows by day and by night. (*Vanaropa sutta* n.d., Uppalavanna translation.)

Thus, it appears that Aśoka did patronize the material welfare of his subjects no less than their spiritual development (both in furtherance of the ‘Dhamma’).

3.8 Aśoka’s internal administration

Before detailing Aśoka’s international pursuits in the context of their compatibility with the ‘*Sixthly*’ enjoined *Cakkavatti* duty ‘to abstain from belligerent conquests’ (see ‘3.2’ above), it is considered opportune to focus on some key aspects of his domestic system of governance.

Aśokan edicts broadly provide for three themes of discussion in this regard: **(1)** governance in compliance with Buddhist *social contract*; **(2)** a system of administration subject to continuous review; and **(3)** fostering religious freedom throughout the realm.

As regards the vibrancy of Buddhist *social contract* within his administration, Aśoka’s edicts declare as follows:

ROCK EDICT VI[:] ... There is verily no duty which is more important to me than promoting the welfare of all men. And whatever effort I make is made **in order that I may discharge the debt, which I owe to all living beings**, that I may make them happy in this world and that they may attain heaven in the next world. Therefore, this record relating to Dhamma has been caused to be written by me on stone for the following purpose, *viz.*, that it may last for a long time and that my sons, grandsons and great-grandsons may conform to it for the welfare of all men. (Sircar 1957, 51, parenthesis and emphasis added.)

SEPARATE KALINGA EDICT I[:] ... All men are my offspring. Just as for my offspring, I desire that they be united with all welfare and happiness of this world and of the next; precisely do I desire it for all men. (Bhandarkar 1925, 323, parenthesis added.)

PILLAR EDICT IV[:] ... Certainly, just as a person feels confident after making over his offspring to a clever nurse, saying unto himself, ‘The clever nurse desires to bring up my offspring,’ even so have I appointed the *Rajjukas* for the welfare and happiness of the provincials, in order that they may

perform their duties without fear, with confidence and without perplexity. (Bhandarkar 1925, 309-310, parenthesis added.)

Aśoka thus construed the securing of his subjects' welfare as paramount. That he deemed the same a 'debt' reveals the depth of his commitment to its due discharge. He clearly had no ambitions toward any form of totalitarian rule and appears to have viewed his own kingship in the context of a sacred trust bestowed upon him for the greater material and spiritual well-being of his subjects. This trust, he considered himself obliged to discharge *via* the specific *modus* of 'Dhamma'-based societal reform in much the same manner as a 'universal monarch' was bound to do.

The already extant system of decentralized rule encompassing a variety of regal agents appears to have been considerably revamped by Aśoka in pursuance of ensuring a just administration of public welfare. Significant departures from established conventions are seen by way of: **(a)** attributing a limited judicial role to the office of *Mahāmātra*⁴⁴ (Minister); **(b)** vesting original judicial jurisdiction in the *Rajjukas* (see immediately below); and **(c)** requiring both *Mahāmātras* and *Rajjukas* to discharge their judicial functions under the auspices of newly designated 'Dhamma'-*Mahāmātras*.

PILLAR EDICT IV[:] Thus said king [Aśoka] ... : 'This Dhamma-*lipi* was caused to be written by me when I had been crowned twenty-six years. The *Rajjukas* have been set by me over people consisting of many hundred thousands of souls. I have made them self-dependent in their judicial investigation and punishment ... in order that the *Rajjukas* may perform their duties with confidence and without fear, cause welfare and happiness to the people of the provinces and confer favors upon them. They will make themselves acquainted with what gives happiness or pain and exhort the people of the provinces along with the faithful ... so that they may gain happiness in this world and in the next. The *Rajjukas* are eager to obey me. And just because the *Rajjukas* desire to obey me, subordinate officers also will obey my wishes and orders and will also exhort some people. ... For this reason, I have made *Rajjukas* self-dependent in respect of judicial investigation and

punishment. **For this is desirable ... uniformity of judicial investigation and uniformity of punishment.**' (Bhandarkar 1925, 309-310, parentheses and emphasis added.)

Officers such as *Yuktas*, *Rajjukas*, *Prādesikas* and *Mahāmātras* are all cited as having been enjoined with advising on the 'Dhamma' in addition to discharging their conventional executive functions (rendering them teachers *cum* administrators):

ROCK EDICT III[:] ... Everywhere in my dominions, the *Yuktas*, the *Rajjukas* and the *Prādesikas* shall proceed on circuit every five years ... **for the instruction of Dhamma** as for other business
(Bhandarkar 1925, 277, parenthesis and emphasis added.)

3.9 Aśoka's administrative and judicial review

The exercise of all executive powers was apparently subjected to a three-tiered system of review:

(1) Self or internal review (introspection) in accordance with the salient tenets of the 'Dhamma':

SEPARATE KALINGA EDICT I[:] You should desire ... to follow *the middle path*. **No one can act in a seemly manner with such dispositions as envy, want of perseverance, harshness, hastiness, want of application, laziness and sense of lassitude.**⁴⁵ Hence you should desire ... that these dispositions may **not** be yours. (Bhandarkar 1925, 323-324, parenthesis and emphasis added.)

PILLAR EDICT III[:] ... Nevertheless, a person should see to this and say unto himself, 'These passions indeed lead to defilement, such as impetuosity, cruelty, anger, pride, malice, and **by reason of them I may cause my fall.**' [Contrastingly] This should certainly be seen to: '**This conduces to my good here ... and ... also to my good in the world to come.**'⁴⁶ (Bhandarkar 1925, 308, parenthesis and emphasis added.)

(2) External or supervisory review by specially assigned *Mahāmātras* who were well versed in the ‘Dhamma’:

SEPARATE KALINGA EDICT I[:] ... And for this purpose, as required by Dhamma, I shall cause an officer to go forth on tour every five years, who will be neither harsh nor fiery but gentle in action. Being aware of this object, they will act according to my instructions. But from Ujjain the royal prince will send forth officers of this class and will not overstep three years. In like manner from Takshasila. When those *Mahāmātras* go forth on tour, without neglecting their own function, they will mind this also and act according to the instructions of the king. (Bhandarkar 1925, 325, parentheses added.)

(3) Remedial or corrective review at the hands of newly constituted ‘Dhamma’-*Mahāmātras* (spiritual moderators) deemed the principal exponents of the ‘Dhamma’:

ROCK EDICT V[:] ... Now, for a long time past previously, there were no Dhamma-*Mahāmātras*. Dhamma-*Mahāmātras* were **created by me** when I had been consecrated thirteen years. (Bhandarkar 1925, 284, parenthesis and emphasis added.)

ROCK EDICT V[:] ... They are ... engaged with the fettered persons in the prisons, for the distribution of money to those amongst them who are encumbered with progeny, for the unfettering of those who have committed crimes under the instigation of others and for the release of those who are aged. They are engaged everywhere: here and elsewhere in all the towns, in the households of my brothers and sisters and other relatives. These Dhamma-*Mahāmātras* are engaged everywhere in my dominions among people devoted to Dhamma to determine whether a person is only inclined toward Dhamma or is fully established in Dhamma or is given to charity. (Sircar 1957, 50, parenthesis added.)

ROCK EDICT V[:] ... **They have been set to work among all sects for the establishment of Dhamma, promotion of Dhamma and for the welfare and happiness of the righteous.** In the country of the Yavanas, Kambojas and the Gandharas, and of the hereditary Rashtrikas and others on the Western coast, they are occupied with the welfare and happiness of the *brāhmaṇas* and *grihapatis* who have become hirelings, and of the helpless and the aged, **and are also occupied with the**

removal of shackles from the righteous. (Bhandarkar 1925, 284-285, parenthesis and emphasis added.)

PILLAR EDICT VII[:] ... Thus said Priyadarśin ... [Aśoka]: ‘The Dhamma-*Mahāmātras* have been appointed by me for various matters of charity. **They are engaged with all sects** — the ascetics and the householders. I have arranged that they shall be occupied with the business of the *Sangha*. Likewise, I have arranged that they shall be occupied with the *brāhmaṇas*, *ājīvikas*, *nirgranthas* and the various sects.’ (Bhandarkar 1925, 319-320, parentheses and emphasis added.)

Thus, the extraordinary task of establishing the ‘Dhamma’ among all extant religions was firmly vested in the office of ‘Dhamma’-*Mahāmātra* (along with the otherwise ordinary charge of compensating innocents and correcting injustices found anytime and anywhere within the realm). Surely, if the connotation of the word ‘Dhamma’ were taken to encompass the entirety of the Buddha’s *teachings* (or *Dhamma*), this unique role assigned to these spiritual moderators would amount to nothing more than securing a conversion of the masses, which would be a manifest contradiction of working ‘among/with all/various sects’ as expressed in the last two of the above edict excerpts. On the contrary, if ‘Dhamma’ were held to connote mere common denominator morality, there would be nothing left to ‘establish’ or ‘promote’ (as contemplated by ‘ROCK EDICT V’ above) for it would be seen to plainly exist already amongst all prevailing religions.

Accordingly, the only plausible meaning that could attach to Aśoka’s ‘Dhamma’ is that which has already been ascribed to it in the context of a salient body of negative and positive duties (a ‘basic code’) derived from the Buddha’s *teachings* (or *Dhamma*) inherently capable of being identified with every extant religion.

3.10 *Arthaśāstra* vs. 'Dhamma'

The *Arthaśāstra* does encompass some isolated paternalistic⁴⁷ concerns for social welfare.⁴⁸ However, not only are these provisions superficial in their resolve and disconnected from the context in which they appear, but they are also contradicted by the predominant objective of the treatise: to swell the king's coffers *via* local taxation and foreign plunder.⁴⁹ Hence, they appear designed interpolations effected during a later era to evince 'parity' with *pro tempore* ideals.

Again, the *Arthaśāstra* does expressly provide that 'whatever of the property of citizens robbed by thieves the king cannot recover, shall be made good from his *own* pocket' (*Arthaśāstra* n.d., Shamasastri translation, 218, emphasis added). However, this appears the only instance of an ostensible acceptance by the king of a (*social*) *contractual* duty owed to his subjects. In fact, a reading of the whole treatise leads to the impression that all concerns for social welfare expressed therein are mere pretenses for securing the due remittance of taxes and prompt discharge of land and service tenures 'owed' by the public.

The most obvious parallel between the *Arthaśāstran* and Aśokan administrations must be the detailing of diverse officials who appear to bear likenesses in both designations and functions. Here too, however, there is appreciable inequality. Whilst the former prescribes a greater array of administrators featuring no less than thirteen distinct categories, the latter accounts for only about half of such number,⁵⁰ including two specialist classes of officials: the *Rajjukas* and the 'Dhamma'-*Mahāmātras* who were plainly unknown to the *Arthaśāstra*.⁵¹ In fact, the 'Dhamma'-*Mahāmātras*, who functioned as both spiritual moderators and administrative adjudicators, are yet to find their equals in the history of governance.

Accordingly, though it is admitted that Aśoka did inherit a system of autocratic rule, his reformed implementation of the same was never intended to mirror the core tenets of the

Arthaśāstra; his enhancing the decentralization of powers and implementing a unique form of scrutinized administration were manifestly in contradistinction thereto. In fact, the special focus placed by Aśoka on both judicial and administrative review is nowhere advocated within the *Arthaśāstra*.

A radical change in existing polity by way of a pragmatic reconstitution of the entire administrative mechanism in furtherance of due discharge of righteous duties (the 'Dhamma') is what Aśoka should be thought to have accomplished. This, however, is not to say that Aśoka's legal administration was itself derived *en bloc* from Buddhism. Nay, its salient features of deputized administration, specified officials, reasonable taxation, social welfare, access to justice, deterrent punishment, *etc.* all find common ground with traditional Vedic and derivative expositions on the same as were popularly practiced by many an Indian king who reigned very much before the time of Buddha Gotama.⁵² This then is merely to assert that any dictate of the *Arthaśāstra* that was innately opposed to the 'Dhamma' could never have enjoyed any efficacy within Aśoka's rule.

3.11 Religious freedom

All that remains to be assessed is the extent to which Aśoka patronized both religious freedom and appreciation for the 'Dhamma' during his illustrious reign:

ROCK EDICT VII[:] King [Aśoka] ... wishes that **all religious sects should live harmoniously** in all parts of his dominions. In fact, **all of them desire to achieve self-control and purity of thought**. People, however, are of diverse inclinations and diverse passions. (Sircar 1957, 51, parentheses and emphasis added.)

ROCK EDICT XII[:] There should be no extolment of one's own sect or disparagement of other sects on inappropriate occasions, and ... it should be moderate in every case, even on appropriate occasions. On the contrary, other sects should be duly honored in every way on all occasions. If a person acts in this way, he not only promotes his own sect but also benefits other sects. But if a

person acts otherwise, he not only injures his own sect but also harms other sects. Truly, if a person extols his own sect and disparages other sects with a view to glorifying his sect owing merely to his attachment to it, he injures his own sect very severely by acting in that way. Therefore, restraint in regard to speech is commendable ... **people should learn and respect the fundamentals of one another's Dhamma.** ... And those who are attached to their respective sects should be informed as follows: 'The Beloved of the Gods does not value either the offering of gifts or the honoring of people so highly as the following, viz., that **there should be a growth of the essentials of Dhamma among men of all sects.**' Indeed, many of my officers are engaged for the realization of the said end, such as the *Mahāmātras* in charge of the affairs relating to Dhamma, the *Mahāmātras* who are superintendents of matters relating to the ladies of the royal household, the officers in charge of my cattle and pasture lands, and other classes of officials. **And the result of their activities, as expected by me, is the promotion of each one's sect and the glorification of Dhamma.** (Sircar 1957, 55-56, parentheses and emphasis added.)

It appears that the 'Dhamma' was rightly judged as sharing a symbiotic relationship with all amenable religions: the greater the proliferation of religion, the greater the acceptance of 'Dhamma.' Again, the greater the patronage accorded to religious freedom, the greater the conformity to 'Dhamma' and hence the law. Of significance to note is the implied focus on internal convictions within these correlations.

That the *sixfold reciprocal duties of support* (as rooted in the *four bases of fellowship*) along with the *five precepts* (abstinences) should be *naturally* accepted by all religions as figuring among their own ethics and virtues appears to have been Aśoka's *rationale* in securing the greatest participation of the greatest number in the common weal of his empire (this *rationale* being borrowed from the *Cakkavatti* ideology as *taught* by the Buddha). These core elements of Aśoka's 'Dhamma' have already been determined synonymous with H. L. A. Hart's 'primary rules' or societal obligations (see Chapter '2.3 Conformity to Hart's 'primary rules)'). Furthermore, since they were not only acknowledged by imperial authority (presumably in terms of Buddhist *social contract*) but also expansively administered and adjudicated upon by official regal agents, they must surely have gained for themselves a status of authoritative

recognition and thereby the true standing of law (in terms of Hart's analysis outlined earlier under Chapter '2.4 Conformity to Hart's 'secondary rules'').

3.12 An internalized system

The method preferred by Aśoka in implementing the 'Dhamma' was instruction ('exhortation') rather than compulsion (educating as opposed to penalizing):

PILLAR EDICT VII[:] ... Thus saith king [Aśoka] 'This progress of Dhamma among men has been promoted by me only in two ways, viz., by imposing restrictions in accordance with the principles of Dhamma and by exhortation. But of these two, **the restrictions relating to Dhamma are of little consequence. By exhortation, however, Dhamma has been promoted considerably.** The restrictions relating to Dhamma are indeed such as have been enjoined by me, viz., that certain animals are exempt from slaughter and also the numerous other restrictions relating to Dhamma that I have imposed. The progress of Dhamma among men has indeed been promoted by me considerably by **exhortation** in regard to the abstention from hurting any living being and abstention from killing any animal.' (Sircar 1957, 78, parentheses and emphasis added.)

Aśoka appears to have reckoned internal convictions more efficient in securing societal reforms than external compulsions, thereby endorsing the conventional Buddhist practice in this regard (see below *Aggañña sutta* n.d. excerpt). Thus, the 'Dhamma' is seen electively supported by persuasive as opposed to compulsive authority toward ensuring its realized acceptance on a piecemeal basis in accordance with Aśoka's expansionist policy of conquest through 'Dhamma' ('Rock Edict XIII,' Sircar 1957, 56-59, 58). This in turn has facilitated a clear line being drawn between the administrative regime he inherited and that which he established.

'Pillar Edict IV'⁵³ constructively provides that even though twenty-six years had lapsed since his ascending the throne, Aśoka had not abolished the death penalty (endorsed by conventional Vedic norms of polity). Nonetheless, an apparent transitory provision mandating a three-day

stay of execution was plainly in force to facilitate pleas for clemency being raised by concerned relatives on behalf of those so condemned. Only an individual having the misfortune of being deemed ‘unworthy of forgiveness’ by his own kith and kin would accordingly meet with the full rigor of the law. Thus, the harshness of the traditional rule was herein seen tempered (by Aśoka) with the virtue of compassion as prescribed by the ‘Dhamma.’

The following averments **(a)** that within twenty-six years of his rule Aśoka granted amnesty to prisoners on twenty-five occasions⁵⁴ (and even commuted death sentences⁵⁵), **(b)** that although having the power to punish, he was disposed toward forgiving those who could be forgiven⁵⁶ and **(c)** that he saw the virtue in light punishment⁵⁷ evince Aśoka’s preference for reformative as opposed to retributive justice (a stark departure from the conventional Vedic norm). The following excerpt sums up his ‘Dhamma’ orientation:

ROCK EDICT XIII[:] ... Nay, if anyone does him wrong, the beloved of gods [Aśoka] must bear all that can be borne. (Bhandarkar 1925, 301, parentheses added.)

However, that which typifies Aśoka’s chosen recourse to the method of lenient chastisement (as advocated by Buddhist *social contract*) is the following excerpt from his ‘schism’ edict:

INSCRIPTION ON THE SARNATH PILLAR[:] Thus orders king Priyadarśin [Aśoka] ...: ‘... The *Sangha* may not be divided by anyone. But whomsoever breaks the *Sangha*, be it monk or nun, **shall be clad in white raiment and compelled to live in what is not a residence of the clergy.**’ (Bhandarkar 1925, 333, parenthesis and emphasis added.)

Thus, the only punishment prescribed for such grave an offense (by Buddhist standards⁵⁸) as causing a schism in the *Sangha* was ostracism from the community, cloth and dwellings of the *Sangha* (provided that the offender was either a monk or nun). This is manifestly in keeping with the norm of Buddhist *social contract* (see Chapter ‘2.4 Conformity to Hart’s ‘secondary rules’’) to:

'**Rebuke** whomsoever is rightly deserving of rebuke and **upbraid** or **expel** whomsoever is rightly deserving thereof' (*Aggañña sutta* n.d., Edmunds translation, emphasis added.)

Hence, where verbal admonishing appeared futile, recourse could be rightly had to expelling the perpetrator; such expulsion, in the earliest days, did connote literally banishing the miscreant from the territorial confines of the community. However, with the exponential growths in domiciled populations and consequent running out of destinations to dispatch convicts to such ostracizing was compelled to be enforced only constructively, *i.e.*, by confining the malefactor within a prison so as to segregate him from society. How isolating a criminal should be carried out under Buddhist *social contract* has been described as follows:

The isolation of the wrongdoer should not result in subjecting him to unnecessary mental and physical torture. The isolation should serve the purpose of educating him, disciplining him to become a new man and protecting others as far as possible from his misdeeds. **Punishment in Buddhist penology has no retributive or sadistic objective at all.** (Ratnapala 1991, 135, emphasis added.)

The justification for such isolation (constructive expulsion) is analogically explained by the Pāli canon as follows:

... Just as to one measuring a mass of grains, there is the grain that is well ripened in one heap ... There is [also] the grain that is weakly ripened: the rubbish heap thrown out by the wind, [which] the farmer takes a broom and sweeps ... out far away. What is the reason? '**May the good grain be not spoilt [by the bad grain]!**' (*Kāraṇḍava sutta* n.d., Uppalavanna translation, parentheses and emphasis added.)

The *Jātaka* Pāli provides for an instance wherein punitive expulsion was preferred as the righteous recourse. In the *Cūḷa Paduma jātaka* n.d. (Rouse translation, 81-85), king Paduma, though being initially enraged and ordering mutilations and capital punishment in

respect of his treacherous wife, is said to have immediately resiled, choosing to mitigate the same to mere banishment from the kingdom in accordance with the ‘Dhamma.’

In the *Sumangala jāataka* n.d. (Francis and Neil translation, 263-265), where a park keeper appeared to have caused the death of a *Paccekabuddha*, the king of Benares is said to have desisted from acting hastily (in anger) by suspending his judgment until a fair opportunity could be afforded to the accused to plead his defense. Then, on discerning such death to have been caused by accident (and restoring the park keeper to his former status), the king is reported to have declared *inter alia* as follows:

‘King am I, my people’s Lord;
 Anger shall not check my bent:
 When to vice I take the sword,
Pity prompts the punishment.’

(*Sumaṅgala jāataka* n.d., Francis and Neil translation, 265, emphasis added.)

Thus, converting Buddhist ideology into reality ruled wise king Aśoka, evidencing not only the tenability of ‘Dhammic’ governance but also its invincibility, for history admits of no instance wherein his reign was ever challenged either from within or without. Nonetheless, what the exact culmination of Aśoka’s unprecedented reform in polity was remains (at least for now) within the domain of conjecture, as there exists no authoritative account whatsoever regarding the last ten years of his regal administration.

3.13 Unity in diversity

One cannot be blind to the fact that the Aśokan construct on polity deems ‘Dhamma’ the ultimate unifying force amongst a populace diversified by race, caste and creed, providing for their peaceful coexistence *via* a body of persuasive (not compulsive) *common law* (comprising societal obligations authoritatively prescribed by Buddhist *social contract*).

If the 'Dhamma' has historically served to so unite a specified diverse populace, its potential to unite all amenable cultures and creeds throughout the world cannot be ignored. Surely, it was this inherent attribute of the 'Dhamma' that Aśoka employed in peacefully propagating his influence over neighboring territories and beyond to the extent of securing willful submission to his novel form of moral paternalism. Hence, he did both conceive and establish the first 'association of nations for their own commonweal (as secured by the 'Dhamma')' or, in more familiar terminology, the first 'Dhamma' Commonwealth of Nations. Thus, Aśokan 'Dhamma' constitutes the definitive regime of a 'law of nations' by both archaic and modern standards.

Not only did Aśoka synthesize a globally applicable system of law based on the *teachings* of the Buddha, but he also secured the benefits of this system for all his subjects alike.

Whether in fact the diversified world could lay claim to a common system of ethics is one of the more troublesome questions that has plagued international law since its very inception. J. M. Finnis has determined in this regard as follows:

... **All** human societies show a concern for the value of human life **All** human societies regard the procreation of a new human life as in itself a good thing, unless there are special circumstances. **No** human society fails to restrict sexual activity **All** human societies display a concern for truth **All** societies display a favor for the values of cooperation, of common over individual good, of obligation between individuals and of justice within groups. ... **All** have some conception of ... title or property and of reciprocity. **All** display a concern for powers or principles which are to be respected as suprahuman (Finnis 1980, 83-84, reproduced with permission from ©J.M. Finnis, emphasis added.)

3.14 Aśoka's conquest through 'Dhamma'

The key aspects of Aśoka's domestic administration having been considered, it would be opportune to conclude with an analysis of his due adherence to the '*Sixthly*' enjoined *Cakkavatti* duty: to secure sincere and voluntary cession of neighboring territories to the rule

of 'Dhamma' for the greater weal of mankind (in short, to positively but peaceably proliferate the righteous rule). Aśoka apparently proceeded in this regard upon reflecting as follows:

ROCK EDICT XIII[:] ... Verily, the slaughter, death and captivity of the people that occurs when an unconquered country is being conquered is looked upon as extremely painful and regrettable by the beloved of gods [Aśoka]. But ... more regrettable [is] ... that there[in] dwell Bramanic, Sramanic and other sects and householders, among whom are established[:] ... **hearkening to the elders, hearkening to the parents, hearkening to the preceptors, seemly behavior and steadfast devotion to friends, acquaintances, companions and relatives and to slaves and servants.** ... In ... war, ... **such pious people befall personal violence, death or banishment from the[ir] loved ones.** And in case ... their friends, acquaintances, companions and relatives ... meet with [such] a calamity, ... that calamity becomes their [own] personal violence. This is the lot of all ... and is considered regrettable by the beloved of gods [Aśoka]. (Bhandarkar 1925, 300-301, parentheses and emphasis added.)

ROCK EDICT XIII[:] ... And this edict of Dhamma has been recorded for this purpose ... in order that my sons and grandsons, whomever they may be, may not think of a new conquest as worth achieving; that in regard to a conquest possible only through the use of arrow, they may observe forbearance and lightness of punishment; and that they may regard ... **the real conquest ... a conquest through Dhamma** that is good for this world and the next. (Bhandarkar 1925, 302-303, parenthesis and emphasis added.)

ROCK EDICT XIII[:] Whatever conquest is achieved in this way, verily that conquest creates an atmosphere of satisfaction everywhere, both among the victors and the vanquished. **In the conquest through Dhamma, satisfaction is derived by both the parties.** (Sircar 1957, 59, parenthesis and emphasis added.)

SEPARATE KALINGA EDICT II[:] ... The following question may occur to the people of the unconquered territories lying beyond the borders of my dominions: 'What is the king's desire in respect of us?' The following alone is my wish, which should be realized by the peoples living on the borders, viz., that the king desires that they should be unworried on his account, that they should have confidence in him, and that they should expect of him only happiness and no misery. ... My desire

is that **they should practice the duties associated with Dhamma** for my sake and that they should attain happiness in this world as well as in the next. (Sircar 1957, 61, parentheses and emphasis added.)

However, the specific means by which such a conquest through ‘Dhamma’ might be effected does not receive expression within these edicts. Hence, recourse must be had (again) to the *Cakkavattisīhanāda sutta*, whose pertinent provisions in this regard have been restated in the *Bāla-Pañḍita sutta*. Accordingly, the ‘universal monarch,’ who being entreated by an auspicious sign (‘the wheel treasure’) to embark (along with his fourfold army) on a series of sojourns commencing with that to the domain eastward of his and progressing clockwise respectively to the southward, westward and northward domains, would find himself being received as follows:

The subordinate kings in the east ... the south, the west and the north ... approach the universal monarch and tell him, ‘**Welcome, great king; you have come at the right time; advise us.**’ The universal monarch says, ‘**Life should not be destroyed, the not given should not be taken, carnal misconduct should not be, lies should not be told and intoxicating drinks should not be taken. Enjoy your kingships as you have done.**’ Thus, they become the subordinate kings of the universal monarch. (*Bāla-Pañḍita sutta* n.d., Uppalavanna translation, parenthesis and emphasis added.)

Thus, this conquest through ‘Dhamma’ is not only rendered a wholly non-belligerent act but also deemed a preferred pledging of submission to the beneficent policies of a confederate self-rule in accordance with the ‘Dhamma.’ The *Jātaka* Pāli serves to illustrate such a nominal ceding of territory (in the context of an expansionist campaign carried out by king Manoja under the counsel of ascetic Nanda) as follows:

And ... Nanda went to the Kosala king and reassured him, saying, ‘Great king, be not dismayed. There is no danger threatening you; the kingdom shall still be yours. Only ‘submit’ to king Manoja.’ He believed what Nanda said and agreed to do so. Then, conducting him into the presence of Manoja, Nanda said, ‘The king of Kosala ‘submits’ to you, sire: **let the kingdom still remain his.**’

Manoja readily assented, and receiving his ‘submission,’ he marched with the two armies to the kingdom of Anga and took Anga, and then he took Magadha in the kingdom of that name, and by these means he made himself master of the kings of all India, and accompanied by them he marched straight back to the city of Brahmavaddhana. (*Soṇa-Nanda jātaka* n.d., Francis translation, 167, emphasis added.)

What the ‘conqueror’ in fact puts into practice is nothing more than the peaceful propagation of a policy of obligatory righteous conduct that compromises neither the territorial integrity nor sovereignty of an acceding realm. This constructive ratification of a common body of norms by all bordering domains serves to secure for them not only **(a)** the continuance of their respective sovereign identities (by virtually eliminating the emergence of any form of belligerent act on the part of a chance regional subjugator) but also **(b)** a universal standard of respect for the basic rights of all individuals residing within their territories.

The ideals of ‘eradicating wars,’ ‘securing the sovereignty and self-determination of states’ and ‘ensuring fundamental freedoms for all’ were the very keystones of the cross-border consensus⁵⁹ that finally led to a unification of the world’s nations under a novel regime of international law. It appears that Aśoka’s model, based in Buddhism, did set the first precedent in this regard.

3.15 *Five precepts – the sine qua non of ‘Dhamma’*

Pivotal significance attaches to a ‘universal monarch’s’ duty to both instruct neighboring rulers on the *five precepts* and secure their sincere allegiance to the same. The continued freedom to enjoy ‘subordinate’ kingships was conditional upon duly incorporating the *five precepts* into their respective domestic constitutions as follows: ‘Life should not be destroyed, the not given should not be taken, carnal misconduct should not be, lies should not be told and intoxicating drinks should not be taken.’ The specific emphasis laid on ‘adhering to the *five precepts*’ necessarily implies this particular requisite to be the *sine qua non* of every ‘Dhamma’-based

system of polity. Hence, the dutiful discharge of the other five *Cakkavatti* duties alone would not suffice to declare a reign based thereon as one in accordance with ‘Dhamma.’ In short, there could be no ‘rule by ‘Dhamma’’ without devout deference to the *five precepts*, though the latter could of its own accord constitute the former. For example, in the *Kuru-Dhamma jātaka* (n.d., Rouse translation), the polity of the Kurūs as derived entirely from the *five precepts* (apparently being all that remained of the relevant Buddha’s *teachings* at such time) was held worthy of the title ‘Dhamma,’ hence ‘Kuru-Dhamma’ to mean ‘righteous duties/law of the Kurus.’

In his noble pursuit of establishing an incomparable ‘Dhamma’-based confederacy, Aśoka did in all probability outline for himself a ‘working plan’ of sorts in the form of an implied customary constitution⁶⁰ encompassing the sixfold *Cakkavatti* duties to which he devoutly swore allegiance. Administering his realm in accordance with this customary constitution is what Aśoka would have anticipated as giving rise to a righteous rule (or rule by ‘Dhamma’), which he earnestly believed that every ‘civilized’ society was bound to espouse. Moreover, considering the requisites of the conquest through ‘Dhamma’ (described above), it appears that a simplistic regime of righteous rule could be duly established by implementing the *five precepts* alone.

Corroborative affirmation (*via* modern Western jurisprudence) of the said ‘Dhamma’-based Aśokan synthesis of domestic and international ‘law’ is now thought apt to be sought.

3.16 John Rawls *vis-à-vis* Aśoka

For John Rawls, it is through ‘political liberalism’ that agreement on a common body of norms might be arrived at by culturally and/or religiously diverse groups of reasonable peoples (especially) in societies that are peaceful, non-expansionist and respectful of human rights (1993a, xviii-xxxii). As regards a society predominantly subjected to a religious doctrine that

influences government policy (termed ‘hierarchical’ (1993b, 60-68)), Rawls deems compliance with the following indispensable toward gaining for itself the stability to foster a common agreement or ‘overlapping consensus’ (1993a, 134) amongst its varied populace:

A hierarchical society may have an established religion with certain privileges. Still, it is essential to its being well-ordered that **no religions are persecuted or denied civic and social conditions that permit their practice in peace and without fear.** (Rawls 1993b, 63, reproduced with permission from ©BasicBooks: Hachette Book Group Inc., emphasis added.)

It follows that its religious doctrine, assumed to be comprehensive and influential in government policy, is not expansionist in the sense that **it fully respects the civic order and integrity of other societies. If it seeks wider influence, it does so in ways compatible with the independence of, and the liberties within, other societies.** (Rawls 1993b, 61, reproduced with permission from ©BasicBooks: Hachette Book Group Inc., emphasis added.)

Religious freedom, respect for the sovereignty of other states and peaceful propagation of norms are all rudimentary tenets already seen associated with Aśoka’s ‘Dhamma.’ Abandonment of all forms of belligerence too constitutes a salient feature of Aśoka’s rule as evinced by his edicts.

‘Dhamma’ (or the ‘common good conception of justice’ in Rawls’ parlance (1993b, 61)) was not only championed by Aśoka (and his ‘subordinate’ governors) but also mandated the criterion by which all official acts affecting the public were to be discharged (ensuring equality in administration). Of particular relevance is his exhortation in ‘Rock Edict XII’ that: ‘... People should learn and respect the **fundamentals** of one another’s *Dhamma*. ... There should be a growth of the[ir] **essentials** [or ‘common good conception of justice’] ... among men of all sects’ (Sircar 1957, 51, emphasis added). Bhandarkar aptly opines the *rationale* of this exhortation as follows: ‘What ... the ethical side of a religion teaches cannot be something

which is peculiar to that religion, but rather must be the common property of all religions. It is ... the **essence of all religions** ... which Aśoka teaches ...' (1925, 111, emphasis added).

It would appear reasonable to ponder whether John Rawls had Aśoka's unique mode of governance in mind when he deliberated upon the requisites of a stable 'hierarchical' society, for it is very clear that the criteria prescribed by the former are foreshadowed in the edicts of the latter. Again, Rawls' following revelations by which he proceeds to both discard and adopt the very methods seen discarded and adopted in synthesizing the 'Dhamma' appear nothing more than Aśokan thought conceptualized in his (Rawlsian) parlance:

... A society can be well-ordered by a **political conception of justice** so long as ... citizens who affirm reasonable but opposing comprehensive doctrines belong to an **overlapping consensus** (Rawls 1993a, 38-39, emphasis added.)

The fact that people affirm **the same** ['overlapping'] **political conception** ... does not make their affirming it any less religious, philosophical or moral, as the case may be, since the grounds sincerely held determine the nature of their affirmation. (Rawls 1993a, 147-148, emphasis and parenthesis added.)

3.17 Benefits of an 'overlapping consensus'

Rawls (1993a, 158) envisages the beneficial virtues of a society in which a rational 'overlapping consensus' reigns as **(a)** gainful societal interaction amongst diverse individuals who command equal respect and **(b)** the broadest possible agreement on a variety of socio-political perspectives and standards. Aśoka both precedes and excels Rawls by realizing these beneficial virtues not only in domestic governance but also in interstate diplomacy. The averments in 'Rock Edict XIII' appear to evince the fruitions of his efforts in this regard:

ROCK EDICT XIII[:] Everywhere they follow the teaching of the beloved of gods [Aśoka] in respect of Dhamma. Even where the envoys of the beloved of gods do not go, they, hearing the

ordinances uttered according to Dhamma and the teaching of Dhamma by the beloved of gods, practice Dhamma (Bhandarkar 1925, 302, parentheses added.)

However, in fairness to Rawls, it must be pointed out that he too did ultimately endorse the interstate worth of his ‘overlapping consensus’ (see Rawls 1993b, 39-40).

The foregoing analysis bears ample testimony to the unparalleled uniqueness of Aśoka’s ‘Dhammic’ governance (based on the *teachings* of the Buddha) and its tenability *vis-à-vis* modern jurisprudence. It has also been noted that the body of persuasive (not compulsive) *common law* so employed founds arguably the first definitive regime of international law.

3.18 Aśokan internationalism

As Kalidas Nag has aptly noted:

... ... The empire of Aśoka, with its new philosophy of conquest by righteousness ... and its new foundation of universal well-being ... stands as the central climacteric of human history: at once a fateful warning and a divine inspiration for humanity. (Nag, 1926, 12, emphasis added.)

... ... He [Aśoka] arrived at that noblest of political revelations that ‘true conquest consists in the conquest of men’s hearts by **the law of Dhamma.**’ From that conversion and that revelation issued ... the first code of progressive imperialism and **the first basis of constructive internationalism.** The great truth of universalism ... which appeared as an incarnation in the personality of the first world-man, [the] Buddha, translated itself into the cosmopolitics of **this first practical internationalist of history – Dhammāśoka** ... the well-wisher of all (Nag, 1926, 13, parentheses and emphasis added.)

The closest that modern jurisprudence comes to emulating the Aśokan method of procuring international consensus on (at least) a core content of universal norms is the ‘overlapping consensus’ proposed by John Rawls (noted earlier).

What indeed the *Cakkavatti* ideology (as emulated by Aśoka) does envision is the piecemeal progression of a concord from amongst regional territories to all divergent quarters of the world so as to facilitate an international accord on a body of salient general principles: all states as equal sovereign bodies recognizing the same fundamental norms. The recourse to war being removed from every state privy to this accord, all are assured of their territorial integrity *vis-à-vis* one another. Mere submission to a hegemonic regime of international dominance is certainly not what the *Cakkavatti* ideal strives to achieve but its direct opposite: peaceably procuring the greatest possible consensual conformity to an omnipotent code of universal norms, at all times ensuring the equal and individual sovereignty of every participatory state.

3.19 International parallelism

Much has already been said regarding conquest through/by 'Dhamma,' which obligates those charged with governing an acceding state to enforce the *five precepts*. This in turn contemplates the coming into force of a minimal code of moral conduct (see '3.15' above) that serves to ensure not only the peaceful coexistence among all such ratifying states but also security of **(a)** life, **(b)** property, **(c)** marriage, **(d)** pledge and **(e)** sobriety to all persons residing within their respective territories. (Thus, the individual, in preference to her/his acceding state, receives cognizance under the Buddhist system of internationalism.)

Furthermore, the strategy suggested for securing universal deference is undoubtedly unique; it goes 'contrary to the norm' by presuming the regime of international law as an incorporeal entity **entrenched** within the constitutions of all acceding states. Hence, Buddhist jurisprudence views internationalism as the substratum of nationalism, not *vice versa*.

A minimum content (in terms of the *five precepts*) being so brought into force commonly among all ratifying states, a 'consensus' by way of 'overlapping' comes into play. Thus, in

contrast to the extant concepts⁶¹ of monism and dualism, the *Cakkavatti* doctrine professes a unique method of **parallelism**, which avoids both potential hegemony and cross-border nullity. The ultimate expectation of such parallelism lies in securing the entire world's conformity to the said entrenched code of universal norms, whereupon a minimum content of **international morality** would come to be enforced commonly amongst its various peoples (epitomizing an ideal 'unity in diversity'). Hans Kelsen has opined pertinently that:

... **International morality is the soil which fosters the growth of international law.** It is international morality which determines the general direction of the development of international law. (Kelsen 1942, 37-38, reproduced with permission from ©President and Fellows of Harvard College, emphasis added.)

Hence, the significance of international morality in formulating international law is made abundantly clear.

3.20 International morality as 'General Principles'

It becomes clear that the *Cakkavatti* ideal's universal perspective lies firmly enshrined within a resolved endeavor to entrench a regime of international morality amongst the many diverse states of the world, upon which free intercourse might prosper in furtherance of all ideals complementary to human progress. Again, this form of international morality as founded upon a body of universal fundamental norms might be deemed to pair off with the formal international law source⁶² of 'general principles of law recognized by civilized nations,' which Schlesinger (1957, 739), Jalet (1963, 1044) and Verzijl (1968, 59) appear to construe broadly: a nucleus of norms common to every orderly society constituting the nondeductible minimum of every legal system without which any rational form of social existence would never be possible. This very connotation serves to echo all that has been construed as (strictly) conveyed by Aśoka's 'Dhamma.'

3.21 The *ius gentium*

Whilst Aśoka proceeded to actively propagate the said *Cakkavatti* code of morals in the East, the Stoic synthesis of *natural law* (based on Buddhist virtue) had already begun permeating the West (see Chapter '5'), influencing the creation of a new body of norms in the context of a *ius gentium* or 'law of nations':

The laws of every people governed by statutes and customs are partly peculiar to itself, partly **common to all mankind**. The rules enacted by a given state for its own members are peculiar to itself and are called civil law [*ius civile*]; **the rules prescribed by natural reason** [*ius naturale*] **are observed by all nations alike** and are called gentile law [*ius gentium*]. So the laws of the people of Rome are partly peculiar to itself, partly **common to all nations** and this distinction shall be traced, as occasion offers, through all the branches of the code. (Gaius n.d., Poste translation, 10, emphasis and parenthesis added.)

It appears that *ius gentium* mimics the trait of parallelism typified by the 'Dhamma.' However, since *natural law* sought to encompass only the 'is' propositional content of Buddhist morality (to the exclusion of the 'Dhamma's' 'ought' norms (see Chapter '5.14 The 'is'-'ought' dilemma')), this deficit was inevitably passed on to its derivative: the *ius gentium*. Consequently, substantive disparities between the *ius gentium* and the 'Dhamma' have arisen, e.g., the tacit approval by the former of both war and slavery in contradistinction to the latter's expressed prohibition thereof.

Although the *ius gentium* appears to mimic the 'Dhamma' in utility, it departs from the latter by way of its substantive content, which to date remains vague and for the most part unascertained, entailing much international debate and speculation. Viewed from the perspective of Buddhist jurisprudence, the *ius gentium* should have encompassed the salient 'ought' norms of the 'Dhamma' that could have ideally functioned as a body of entrenched postulates for the creation of positive laws based thereon both municipally and internationally.

What, according to Buddhist jurisprudence, truly qualifies as a ‘law of nations’ is that body of postulates derived from the ‘Dhamma,’ which comes to be incorporeally entrenched *via* parallelism within the constitutional provisions of each and every acceding state. (Corporeal) municipal law enacted upon the same is envisaged as making available the benefits of the ‘Dhamma’ to all individuals, minimally in the context of secured fundamental negative rights (see ‘3.3’ above). Furthermore, the need for ‘Dhamma’-based international law is thought to arise in the dual contexts of **(a)** preserving the commonwealth of understanding established among all party nations and **(b)** propagating its universal worth as a basis of interstate interaction.

However, this is not ‘all’ that Buddhism contributes to the notion of *ius gentium* or ‘law of nations.’ Earlier in this work, specific mention was made of the Buddha’s instructions to the Licchavis on ‘seven factors of non-decline’ (*sapta अपरिहानिया धम्म*), which clearly prescribe the minimal requisites toward securing a Buddhist system of ‘primary rules’ or societal obligations (see Chapter ‘2.3 Conformity to Hart’s ‘primary rules’’). Inasmuch as the Licchavis were the leading tribe of the Vajjika Confederacy of Republican Tribes, the first four of the said *seven factors* might aptly apply to the concept of a ‘law of nations’ as well:

... [1] Meet frequently and have many meetings ... [2] Meet in harmony, leave in harmony and carry on their business in harmony ... [3] Don’t make new decrees or abolish existing decrees, but undertake and follow the ancient ... traditions as they have been decreed ... [4] Honor, respect, esteem and venerate ... elders, and think them worth listening to (*Sārandada sutta* n.d., Sujato translation, abridged with parentheses and emphasis added.)

Thus, the need to maintain both cordiality and conference amongst the membership, to receive opportune input from the ‘old guard’ and to carry on immemorial customary practices all appear to be directed at both preserving and perpetuating the founding ‘overlapping (cross border) consensus’ (Rawls’ parlance). Whilst the abrogation of original postulates is

expressedly prohibited, the conceiving of new ones might not be altogether impossible so long as the criterion of keeping to ancient customs is strictly observed.

On this basis, the *ius gentium* comes to be understood as the intermediary stage between universal morality and positive law in the context of universal postulates on polity as derived from the former and effecting the latter. A tentative list of such postulates epitomizing the ‘Dhamma’-based *ius gentium* is put forward under Chapter ‘4.20 Core postulates.’

3.22 *Natural law’s affinity to international law*

For decades it has been taken for granted that *natural law*, in the context of ‘international morality,’ has served to influence many a development in international law, especially the establishing of a regime of human rights. However, in view of the ‘is’-‘ought’ dilemma that has plagued the very founts of *natural law* (see Chapter ‘5.14’), it has been voiced that the normative basis for many an innovation identified with the same should have been duly credited to the *ius gentium* instead (Waldron 2008, 13). This concurs with the ‘Dhamma’s’ construction of the *ius gentium*, which prioritizes securing life, property, marriage, pledge and sobriety of individual subjects as the *modus operandi* for actuating universal concerns for the diversified nation populations of the world. Herein lies another distinct feature of the said Buddhist construct, in that it considers securing the rights of individuals a precondition toward generating both respect and recognition for the territorial integrity of sovereign states (as opposed to the conventional practice of preferring states’ rights to those of their constituents). Furthermore (*per* Wolfgang Friedmann’s differentiation (see Abi-Saab, 1998)), the ‘Dhamma’ appears to secure for itself an ideal mean between a ‘law of coexistence’ and a ‘law of cooperation’ by virtue of its unique construction of a ‘law of nations’:

... There emerged with Buddhism the concept of a common good, embracing the whole world and conceived as both material and spiritual welfare. Going along with this idea there was the concept of a common humanity transcending national and racial barriers. All men were equal. Man

belonged to one species. Owing to this oneness, of which he is ignorant, national pride, racial feelings and national feelings were ultimately mistaken notions. (Jayatilleke 1967, 90, reproduced with permission from ©Anjani Karunaratne.)

3.23 A 'law of nations' without sanctions

The 'Dhamma' deems pacifist persuasion the pivotal procurer of a universal consensus. Whether there could exist an efficacious 'law of nations' bereft of any positive enforcement is a concern that has already been addressed within modern jurisprudence (see also Hart 1961, 214 and Zolo 1998, 311-312):

Law is dependent for its effectiveness much more upon acquired habit than upon force, and in fact this acquired habit is such that it never enters the head of the ordinary man that he might steal or murder. This habit is itself based upon a kind of half-reasoned sentiment, which is the very lifeblood of civilized society. **But if this is so within the state, the same must be the situation as between citizens of different states.** (Burns 1915, 226-227, emphasis added.)

The 'half-reasoned sentiment' is one of fundamental trust in citizens of other states, and as a confirmed attitude, it may be the real force in that international courtesy, which goes beyond mere law and even beyond the strict conceptions of national duty. But this true comity of nations can only be established upon a basis of acquired habit among the inhabitants of different civilized groups – a habit of thought and action, which would simply make the relationship 'human' across the frontiers of states and might not even imply a continual interchange of views and goods. (Burns 1915, 227.)

3.24 The 'Panchsheel pact'

It must be pointed out that the efficacy of a 'Dhamma'-based 'law of nations' did not find itself confined to ancient Aśokan times alone. As recently as in 1954, an attempt was made to emulate this very ideology in the context of a bilateral trade pact between Asian 'giants' China and India. Popularly referred to as the 'Panchsheel agreement,' it, however, did not seek to

literally embody Buddhism's traditional *five precepts* (albeit well known to the Buddhist populations of both China and India), apparently due to their being considered too broad in scope to have any bearing on a mere trade pact.

Nonetheless, on analyzing the said agreement's operative provisions (*i.e.*, Articles 'I' to 'VI'), it becomes apparent that recognition for *three* (concerning life, property and pledge) of the *five* negative rights secured by the *five precepts* could easily have been accommodated within 'the tenor and presents' of the same. Perhaps Jawaharlal Nehru (the then premier of India) thought it prudent not to so ostensibly reflect the minimal 'Buddhist' code of duties within a treaty entered into on behalf of his majority 'Hindu nation.' Alternatively, perhaps the name 'Panchsheel' coined to this pact was devised tactfully to cater to both Chinese and Tibetan (Buddhistic) appeal.

Signed in Beijing (then Peking) on 29th April 1954, the said agreement's preamble expressedly provides as follows:

The Government of the Republic of India and the Central People's Government of the People's Republic of China:

Being desirous of promoting trade and cultural intercourse between the Tibet region of China and India and of facilitating pilgrimage and travel by the people of China and India;

Have resolved to enter into the present agreement based on the following principles:

- (1) Mutual respect for each other's territorial integrity and sovereignty;
- (2) Mutual non-aggression;
- (3) Mutual non-interference in each other's internal affairs;
- (4) Equality and mutual benefit: and
- (5) Peaceful coexistence

(Agreement between The Republic of India and The People's Republic of China on Trade and Intercourse between Tibet Region of China and India (1954).)

Nowhere within the said pact does the word 'panchsheel' appear, rightly so, for if it did, its true Buddhist connotation would have been contravened. However, it is also not the case that the five principles enumerated in this pact have no affinity whatsoever to Buddhism. In fact, principles '(1),' '(3)' and '(4)' above respectively reflect the *Cakkavatti* norms of secured territorial integrity, equal sovereignty and mutual beneficence for the inhabitants of all states, whilst '(2)' and '(5)' endorse the *Cakkavatti* prohibition on recourse to all forms of belligerence in pursuance of sustained peace.

That this pact stood strong for eight long years and even founded the basis for two more agreements between China and India (entered into in 1993 and 1996), manifests the efficacy of 'Dhamma'-based norms within the bilateral diplomacy of states. Thus, their potential for multinational efficacy must be necessarily implied. As an erudite scholar turned bhikkhu has opined:

... .. This ethic ... of the universal monarch, or *Cakkavatti*, rises well above partisan sects and creeds of religion and conflicting political ideologies and attempts to unify humans in harmonious comradeship. It is this ideology and this aspiration alone which would sweep over continents and communities, larger or smaller; call them by whatever name one likes, nations, races or ethnic groups or communities with their own religious identities. And as for the efficient and effective running of such a process of harmonious human continuity, the constant and unfailing protective lubricant should be persuasion and personal conviction alone and never pressure, propaganda or persecution, carried out in open or in secrecy. (Dhammavihari 2006, 30 (pdf, 24).)

Was The ‘Dhamma’-Based Aśokan Synthesis Of Domestic ‘Law’ Ever Established In Sri Lanka?

The Aśokan conquest through ‘Dhamma’ is not found limited to mere theoretical exposition. For although no independent evidence in this regard has been thus far unearthed from the regions west of India (referred to in ‘Rock Edict XIII’), the annals of Tamraparni (Sri Lanka) provide for ample corroboration and even further elaboration on the specifics pertaining to the conquest through ‘Dhamma’ as carried out in respect of this island nation.

4.1 Sri Lanka – a ‘Dhamma’ conquest

On the death of his father, Tissa ascended the throne with the usual consecration ... and this event is said to have been accompanied by the miraculous appearances of priceless items in his dominion. One such was a *veluyatthi*, a bamboo staff, which served as the royal insignia. It is also asserted that Tissa had been an unseen friend of Aśoka even before he became king, implying that there were political and cultural connections between his father and Aśoka even before his accession to the throne. (Seneviratna 1994, 88, reproduced with permission from the ©Anuradha Seneviratna Memorial Foundation.)

Apparently, king Tissa (later bestowed with the honorific ‘*devānampiya*’) had been apprised of the unique nature of Aśoka’s commonweal empire, which formidably assured unto its membership *inter alia* the fundamental negative rights to (not being denied) self-determination and territorial integrity, seemingly secured by the emperor’s discretion to deploy a ‘peacekeeping force’ (sourced from the mighty Mauryan army) to either preempt or redress any infringement in this regard.⁶³ Tissa would in all probability have construed the potential access to such able assistance at the gainful ‘cost’ of elective recourse to a rule by ‘Dhamma’ as nothing less than a ‘win-win’ situation. The coincidental emergence of natural treasures (‘priceless items’) within Tissa’s own domain appears to have been construed as an

auspicious sign to embark on his intended entry into the ‘Dhamma’ confederacy, the treasures themselves being considered worthy offerings to so benevolent an emperor as Aśoka. Tissa’s further initiatives in this regard have been described as follows:

The king sent four persons appointed as his envoys: his nephew Maharittha, who was the chief of his ministers, then his chaplain, a minister and his treasurer ... and he bade them take with them those priceless jewels, the three kinds of precious stones, ... the three stems like wagon poles, ... a spiral shell winding to the right and the eight kinds of pearls. When they ... reached ... Pataliputta, they gave those gifts into the hands of king Dhammaśoka [Aśoka]. When he saw them, he rejoiced greatly. Thinking, ‘Here I have no such precious things,’ the monarch, in his joy, **bestowed on Arittha the rank of a commander in his army, on the Brahmin the dignity of chaplain, to the minister he gave the rank of staff bearer and to the treasurer that of a guild lord.**

When he had allotted to the envoys abundance of all things for their entertainment and dwelling houses, he took counsel with his ministers considering what should be sent as a return gift; and he took a fan, a diadem, a sword, a parasol, shoes, a turban, ear ornaments, chains, a pitcher, yellow sandalwood, a set of garments that had no need of cleansing, a costly napkin, unguent brought by the Nagas, red colored earth, water from the lake Anotatta and also water from the Ganges, a spiral shell winding in auspicious wise, a maiden in the flower of her youth, utensils as golden platters, a costly litter, yellow and *emblic myrobalans* and precious ambrosial healing herbs, sixty times one hundred wagon loads of mountain rice brought thither by parrots, nay, all that was needful for consecrating a king, marvelous in splendor; and sending these things in due time as a gift to his friend, the lord of men [Aśoka] sent **envoys also** with the gift of the true doctrine [the Buddha’s *teachings* or *Dhamma*], saying, ‘**I have taken refuge in the Buddha, his Doctrine and his Order; I have declared myself a lay disciple in the religion of the Sakya son; seek then even thou O best of men converting thy mind with believing heart, refuge in these best of gems! and saying moreover, ‘Consecrate my friend yet again as king,’ he dismissed his friend’s ministers with many marks of honor.**

... Highly honored, they set forth **with the envoys** on the first day of the bright half of the month Vesakha. Having embarked at Tamalitti and landed at Jambukola, they sought out the king when

they arrived ... on the twelfth day. **The envoys handed the gifts to the ruler of Lanka [Tissa]; the ruler of Lanka made them welcome with great hospitality.**

... **The envoys ... [re]consecrated the ruler of Lanka [Tissa],** whose first consecration had been held in the month Maggasira on the day when the moon first shows itself, **fulfilling the charge of Dhammaśoka**

Thus, on the full moon day of the month Vesakha, the ruler of men, **in whose name was contained the words ‘friend of the gods’** [‘beloved of the gods’: *devānampiya*], bestowing good upon his people, held his consecration as king in Lanka, where in every place they held high festival. (*Mahāvanga* n.d., Geiger translation, 78-81, paras.20-42, parentheses and emphasis added.)

Ven. Dr. Walpola Sri Rahula, in his seminal work ‘History of Buddhism in Ceylon,’ provides the following explanatory notes on the salient traits of ‘kingship’ as both understood and practiced in Sri Lanka at this time:

In pre-Buddhist Ceylon, there do not seem to have been kings in the proper sense of the word and no central government which coordinated the different local or provincial governments. It was not possible to maintain constant and regular contact between Anuradhapura and Mahagama or Kalyani, as the means of communication were very limited. Therefore, the chiefs of the different localities became automatically the rulers of those provinces. Little or no information is found about the details of this local government. But it is quite justifiable to say that there was a system of village committees or local bodies which managed the affairs of villages satisfactorily. (Rahula 1956, 25.)

... **There was no proper coronation of kings.** Perhaps the early kings, who were more or less provincial chiefs or *gāmanīs*, had no idea of a complete royal coronation. But they had a simple ceremony, which served as a consecration when they assumed authority as rulers. We have a glimpse of this ceremony in the short account of Pandukabhaya’s accession to the throne as given in the Mahāvamsa.⁶⁴ (Rahula 1956, 26, emphasis added.)

The *Mahāvamsa-tika* definitely states that it was Aśoka who introduced the proper form of coronation into Ceylon.⁶⁵ (Rahula 1956, 26, emphasis added.)

Strictly speaking, Tissa's embassy effected nothing more than a *de jure* voluntary cession of Tamraparni (Sri Lanka) to the imperial cognizance of the Aśokan commonwealth of 'Dhamma' states, the ratification of which was accomplished *via* the two-step process of (1) re-vesting in Tissa's four principal envoys the titles of 'commander,' 'chaplain,' 'staff bearer' and 'guild lord' under the overriding imperial prerogative of Aśoka (resulting in their authority being derived thenceforth not from Tissa but from Aśoka); and (2) ceremonially re-consecrating Tissa under the prefixed Aśokan title '*devānampiya*' to manifest steadfast allegiance to Tamraparni's new 'basic norm' of polity: the 'Dhamma.'

4.2 Hans Kelsen on 'legal revolution'

From a jurisprudential viewpoint, the said events brought about a complete break in the existing legal continuum and a substitution thereof; in short, an abandonment of the old and the adoption of a new 'basic norm' (*i.e.*, the extralegal and autonomous hypothesized 'bedrock' of a legal system (see Kelsen 1945, 115-116)) of governance for the island of Lanka. Such a transformation has today come to be termed a 'legal revolution,' the cardinal expounding of which is attributed to Hans Kelsen:

It is just the phenomenon of **revolution**, which clearly shows the significance of the **basic norm**. ...
 ... If the old order ceases and the new order begins to be efficacious because the individuals whose behavior the new order regulates actually behave, by and large, in conformity with the new order, then this order is considered as a valid order. It is now according to this new order that the actual behavior of individuals is interpreted as legal or illegal. But this means that **a new basic norm** is presupposed. It is no longer the norm according to which the old ... constitution is valid, but a norm according to which the new ... constitution is valid, **a norm endowing the revolutionary government with legal authority**. (Kelsen 1945, 118, emphasis added.)

It has already been observed (see Chapter '3.15 *Five precepts* – the *sine qua non* of 'Dhamma') that Aśoka did in all probability 'presuppose' for himself the existence of an implied customary constitution (firmly rooted in the sixfold *Cakkavatti* duties as complemented by the norms of Buddhist *social contract*), which though derived exclusively from the *teachings* of the Buddha was nonetheless so conceived as to enjoy a distinct form of autonomous authority worthy of universal utilization.

Again, the positive legal order that Aśoka imposed on his subjects appears to have been entirely drawn from the elementary regulatory norms of his said implied customary constitution founded on his own presupposed 'basic norm' of 'Dhamma.' This new 'basic norm' itself, knowing no predecessor and constituting a clear break in the conventional traditions of polity, might be deemed to have come into force in a 'revolutionary' way, albeit silently.

Thus, upon both the reappointing of Tissa's officials under the aegis of Aśoka's 'Dhamma' empire and re-consecrating of Tissa under Aśoka's own imperial designation of '*devānampiya*,' the same 'basic norm' of 'Dhamma' did come into force in a 'revolutionary' way *vis-à-vis* the island of Lanka, replacing autocratic rule with 'Dhammic' rule. So came to pass the first 'legal revolution' known to Sri Lanka.

Undoubtedly, the said 'revolution's' success did come to be sealed within the island *via* the advent of Buddhism 'at the hands of' *Arahath* Mahinda, which episode and all succeeding events connected therewith find expression in no less than nine more chapters (XIII-XXI) of the *Mahāvamsa* (*Mahāvangsha* n.d., Geiger translation, 88-141).

Whether the whole of the Aśokan customary constitution did come into force with Sri Lanka remains unclear. Nevertheless, that the majority of its regulatory norms did find themselves adopted by successive generations of pious kings is sufficiently reflected in the accounts

pertaining to their respective reigns (see '4.6' below). Above all, what remains abundantly clear is that the invocation clause of the said customary constitution, 'devout deference to the *five precepts*' (see Chapter '3.15 *Five precepts* – the *sine qua non* of 'Dhamma'), did receive firm acceptance by the native populace, evincing majority ratification of the 'basic norm' of 'Dhamma' within the confines of the island.

4.3 The investiture of 'Dhamma' in Sri Lanka

Of particular significance to note is *Arahath* Mahinda's choosing the *Bāla-Paṇḍita sutta* to be expounded to the scores of people who had gathered at the Nandana garden, which assembly was apparently the largest⁶⁶ among those he had occasion to address upon setting foot on the island of Lanka (see *Mahāvāṅgsha* n.d., Geiger translation, 88-101). Not only does this particular discourse reiterate the composite elements of a conquest through 'Dhamma,' the expounding of which would obviously have worked to both educate the public and remind the king of his commitment toward upholding the *five precepts*, but it also illustrates the consequences of both 'good' and 'bad' action as executed *via* thoughts, words and deeds, which would undoubtedly have served to admonish both royals and commoners to gainfully abide by the said same *five precepts* (thus constituting the first instructions received by the people of Lanka on the righteous rule/rule by 'Dhamma').

Of equal importance (if not more) is the judicious appropriateness with which *Arahath* Mahinda exercised his choice in *sutta* expounding at the third, fourth and fifth assemblies addressed by him, commencing with (a) *Peta Vatthu*, *Vimāna Vatthu* and *Sacca Samyutta*,⁶⁷ following up with the (b) *Devadūta sutta*,⁶⁸ and concluding with the said (c) *Bāla-Paṇḍita sutta*, especially in view of their being so expounded designedly rather than fortuitously to facilitate a progression of understanding within each addressee.

Sayagyi U Ko Lay (Zeyar Maung) in his compilation entitled 'Guide to Tipitaka' provides the following accounts on the *Vimāna Vatthu* and *Peta Vatthu*, respectively:

... *Vimāna Vatthu* ... [:] ... These discourses are given with a view to bring out the fact that the human world offers plenty of opportunities for performing meritorious acts. The other objective for such discourses is to refute the wrong views of those who believe that nothing exists after this life (the annihilationists) and those who maintain that there is no resultant effect to any action. ... The vivid accounts of the lives of the *devas* [celestial beings] in various *deva* abodes [celestial mansions] serve to show clearly that the higher beings are not immortals, nor creators, but are also evolved, conditioned by the results of their previous meritorious deeds (1985, 132, parentheses and emphasis added.)

... *Peta Vatthu* ... [:] 'The stories of *petas*' are graphic accounts of the miserable states of beings who have been reborn in unhappy existences as a consequence of their evil deeds. There are fifty-one stories, divided into four *vaggas*, describing the life of misery of the evildoers, in direct contrast to the magnificent life of the *devas* [referred to in the *Vimāna Vatthu*]. Emphasis is again laid on the beneficial effects of giving, whereas envy, jealousy, miserliness, greed and wrong views are shown to be the causes for appearance in the unhappy state of *petas*. The chief suffering in this state is dire lack of food, clothing and dwelling for the condemned being. A certain and immediate release from such miseries can be given to the unfortunate being if his former relatives perform meritorious deeds and share the merit with him. (1985, 132-133, parentheses and emphasis added.)

Sacca Samyutta, which constitutes the last section of the *Samyutta Nikāya*, comprises eleven *vaggas* and approximately one hundred and thirty-five short discourses, among which fifty-five reveal the rarity of virtuous people in this world; thirty stress the consequential scarcity of rebirth in the good planes of existence (the human and heavenly abodes); and fifty emphasize the need to diligently comprehend the *Four Noble Truths* (so as to transcend all states of woe).

The *Devadūta sutta* (n.d.), which details the gruesome sufferings associated with the manifold dimensions of hell, offers the following as its gist:

... These ... beings conducting well by body, speech and mind, not blaming noble ones, developing right view, bearing the right view of actions, at the breakup of the body after death go to increase, are born in heaven ... [or] with humans. These ... beings ... by [misconduct in] body, speech and mind, blaming noble ones, developing wrong view, bearing the wrong view of actions, at the breakup of the body after death are born in the sphere of ghosts ... [or] with animals ... [or] decrease and are born in hell. (*Devadūta sutta* n.d., Uppalavanna translation, parentheses added.)

Finally, the *Bāla-Paṇḍita sutta* (n.d.), having *inter alia* provided for **(a)** a harrowing description of the animal existence, **(b)** the exceptional occurrence of human birth and **(c)** unimaginable gains in the heavenly planes, declares that:

... ... If he abstained from destroying living things, did not take the not given, did not misbehave sexually, did not tell lies and did not take intoxicating drinks ... the wise one, conducting well by body, speech and mind, at the breakup of the body after death, goes to increase, is born in heaven. Saying it rightly that heaven is completely welcome and agreeable. **It is not easy to give a comparison for that pleasantness.**

[But] ... if he destroyed living things, took the not given, misbehaved sexually, told lies and took intoxicating drinks ... the fool, misbehaving by body, speech and mind, at the break up of the body after death, goes to decrease, is born in hell. Saying it rightly that hell is completely unwelcome and disagreeable. **It is not easy to give a comparison for that unpleasantness.** (*Bāla-Paṇḍita sutta* n.d., Uppalavanna translation, abridged with emphasis and parenthesis added.)

Regarding this whole episode of systematic exposition of Buddhist discourses by *Arahath Mahinda*, Ven. Dr. Walpola Sri Rahula opines as follows:

Mahinda introduced a **new** theme: emphasis was laid on the moral side of religion as a requisite for a happy life. It brought to his audiences a **new** vision, unfolding **new** horizons of spiritual development. (Rahula 1956, 52, emphasis added.)

It is apparent that *Arahath* Mahinda commenced his said 'Dhamma' instructions to the masses with much emphasis on the consequential aspects of either following or breaching moral conduct (*i.e.*, consequentialism). This particular feature serves to draw a distinction between his approach and his father Aśoka's, which, being rooted in rational understanding, remained appreciable only to those possessed of a somewhat evolved/refined mentality. In short, *Arahath* Mahinda's approach was meant 'to play on' man's (**a**) patent trait of placing one's own interests before those of others (in this case one's own salvation), whilst Aśoka's was designed to harness man's (**b**) latent yearnings for public peace and fraternity (which perhaps would not have appeared as 'immediately gainful' to the ordinary man as the former).

Though Aśoka did in his edicts refer to one's gaining 'heaven' by adhering to the 'Dhamma,' he apparently failed to mention one's regression to hell (or other woeful states) for willfully breaching the same. Thus, (**a**) shame and (**b**) fear for wrongdoing (two salient regulative characteristics emphasized by the Buddha as no less than 'protectors of the world' (*Sukkadhamma sutta* n.d.⁶⁹)) appear not to have been commandingly imparted on the Aśokan populace, though convincingly instilled in the retinue of *Arahath* Mahinda.

Perhaps this is where the mundane intelligence of emperor Aśoka did 'bow down' to the supramundane wisdom of *Arahath* Mahinda, for as the annals of history reveal, Buddhism (and the primacy of 'Dhamma') soon came to be forgotten within the subcontinent of India: its hallowed birthplace, whilst its predominance and efficacy were both caused to be devotedly perpetuated within the island of Lanka: its adoptive home.

Thus, the success of *Arahath* Mahinda's ministry is seen in his choosing the conduct-based hell/heaven resultant of Buddhism as the key method by which to instill both shame and fear toward wrongdoing in the hearts and minds of native Sri Lankans.

4.4 The 'six–four' maxim

Canonical interpretations provided by erudite *Ariyas* (of the likes of Buddhaghōsa) have facilitated determinations being made regarding the specifics of heavenly and hellish abodes as understood in Buddhism. Accordingly, the total number of planes of existence is fixed at thirty-one,⁷⁰ and among them, the number of hells and heavens is respectively six and four.

So widely acknowledged would have been *Arahath Mahinda's teachings* on the said conduct-based hell/heaven resultant that the numerical reference 'six (and) four' came to be identified by native Sri Lankans exclusively with the six heavens and four hells, manifesting a widespread understanding of its Buddhistic connotation. A homegrown maxim too did evolve in terms of the Singhala construct '*hayak hatharak nodannā*,' which literally translates as 'he who has no knowledge of the six and four' to mean 'he who is unaware of those volitions of mind, body or words leading to the six heavenly abodes and four hellish states.' In keeping with the essence of the *Bāla-Paṇḍita sutta* above, this would simply mean 'he who is unaware of the *five precepts*.' The said maxim has since been habitually uttered by many hundreds of succeeding Sri Lankan generations, particularly (**a**) in exempting those lacking sufficient maturity of understanding from the consequences of their lapses in virtue or (**b**) in ridiculing or otherwise censuring those who ought to have known the gravity of their wrongful conduct.

Again, the Singhala utterance '*pau*,' simply translated as '(it's a) sin,' which has (*per* tradition) immemorially emanated from the lips of Sri Lankans of all creeds in response to any attempted or actual oppression of another (especially in breach of the *five precepts*), serves as a living manifestation of the majority populace's inherent shame and fear of wrongdoing (as instilled by *Arahath Mahinda*):

A **tradition** ... looks forward as well as back. It implies a common purpose or a common ideal. The group, which is united by a **living tradition**, generally holds (1) the same sort of character the best and (2) the same sort of life the most desirable. Yet neither the ideal character nor the ideal life

may be yet in existence; the present circumstances in the group may only tend in the admired direction. The ideals imagined may have only a vague basis in fact, and yet they may unite as if they were established facts. (Burns 1915, 17-18, emphasis added.)

Thus, in the face of many a bold assertion made by historians to the effect that native Sri Lankans possessed nothing by way of a criterion for general societal regulation ('save for religious rituals which operated within their own limited confines'), the aforesaid immemorial customary invocation of the 'six-four' maxim (with all its resultant social implications within the closely knit village communities of yesteryear) as complemented by the internalized notion of 'sin' (*'pau'*) stands steadfast in vehement refutation thereof.

Admittedly, this system of societal regulation was one based predominantly on internal convictions (see Chapters '2.1 Societal regulation' and '3.12 An internalized system'). However, as has already been jurisprudentially determined above, a system embodying 'primary rules' or societal obligations (see Chapter '2.3 Conformity to Hart's 'primary rules'') akin to the *five precepts*, though being manifestly customary, might still be considered one of law:

... .. What is involved is not simply a negation, a prohibition of certain disapproved actions, but also the obverse side of this negation, the meaning it confers on foreseeable and approved actions, which then furnish a point of orientation for ongoing interactive responses. ... The law that develops out of human interaction, [is] a form of law that we are forced – by the dictionaries and title headings – to call '**customary law.**' (Fuller 1969, 2-3, reproduced with permission from ©Oxford University Press, emphasis and parenthesis added.)

Furthermore, that both the said 'six-four' maxim and pronouncement 'sin' (*'pau'*) prevail to date, exercising their respective influences over the hearts and minds of all natives, might be deemed a living testament to the conclusion that conforming to the *five precepts* (the crucial invocative element of the 'Dhamma') continues to maintain its origin status as the 'basic norm'

of Sri Lankan polity, albeit more within the peoples' internal convictions than the rulers' external manifestations (nonetheless jurisprudentially cognizable).

The norm of keeping to the *five precepts* constitutes an *unbroken golden thread* first spun by *Arahath* Mahinda in the Nandana garden of Anuradhapura. Having since *passed through the fabric* of generations of Sri Lankans, at the behest of kings, the *Sangha* and above all else the people (*via* their internal convictions), it remains *viable* to date.

4.5 The Sri Lankan example

It has already been deduced that the 'Dhamma' does to date enjoy a form of residual supremacy in Sri Lanka as the fount of the 'living law' (Ehrlich 1913, 493) of its people. Thus, it would be opportune to consider the extent to which its authoritativeness within the successive regimes of rule since *devānampiya-Tissa's* has received historical expression, especially toward determining the sustained 'efficacy' (Kelsen 1945, 119) of the 'legal revolution' brought about by the Tissa-Aśoka confederacy.

Save for (**a**) foreign invaders in the form of eleven Dravidians, seven Cholas, Panda king Parakrama and Kalinga Magha, (**b**) king Rajasingha I or 'Seethawaka Rajasingha' (who converted to Hinduism and virtually eradicated Buddhism from the island) and (**c**) the last king Sri Vikrama Rajasinha (whose reign was latterly carried out in stark contradiction to the precepts of Buddhism), the patronage accorded to 'Buddhism' by the majority of Sri Lanka's successive rulers might be deemed to have done much to perpetuate the righteous rule/rule by 'Dhamma' amongst the island's greater populace.

Nonetheless, a reading of both the *Mahāvamsa* and *Cūlavamsa* patently discloses instances wherein the rulers (or potential rulers) of the realm had chosen hostility over amity toward securing their intended conquests, which obviously runs contrary to the Buddhist ethic. A few had even (unconscionably) waged wars to 'defend the perpetuation of Buddhism' in contexts

wherein no threats thereto ever existed. However, no sooner than establishing themselves in power, these warriors would often manifest utter piety, rendering many a service to the clergy (though not often to the laity) as a form of ‘penance’ due on their former ‘wicked’ deeds. This raises the question as to whether these monarchs were designedly misled to believe that it was justifiable to wage war provided that it could result in the ‘greater glorification of Buddhism,’ which premise might have alighted from a twisted interpretation placed on the renowned endeavors of Aśoka in his successive historical roles as **(a)** combatant (*candaśoka*) and **(b)** diplomat (*dhammaśoka*). The stark difference herein being that whilst Aśoka both abandoned and expressedly denounced all forms of belligerence upon converting to Buddhism, the aforesaid Sri Lankan aspirants to kingship, though being virtually born into Buddhism, appear to have in its very name waged war. Neither father nor brother is seen spared in this needless course of bloodshed that reportedly sees the deaths of hundreds and entails much hardship to the greater populace. Hence, the chronicle reports as follows:

... Some former kings with the intent to obtain the kingdom cared not for their brethren and kinsfolk but persecuted one another (*Mahāvāṅgsha continuation* n.d., Wijesinha translation, 289 (495), paras.96-97.)

... Kings gifted with **little wisdom**, maddened by the beauty of Lanka, did that which was evil and came to great trouble (*Mahāvāṅgsha continuation* n.d., Wijesinha translation, 289 (495), paras.101-102, emphasis added.)

However, the following observation too has been categorically made on how the island’s people would often deal with these episodes of tyranny:

... The Ceylonese seem never to have attained that depth of debasement or that servility of soul, which would oblige them to obey every command, however unjust, and to comply with every irregular desire of their monarch’s mind. This fact we have frequently seen exemplified in the antecedent history, and, to the honor of Buddhism, it must be recorded that its priests were

generally found the most instrumental in bringing about reconciliations and that they frequently acted as ‘the messengers of peace.’⁷¹ (Knighton 1845, 192.)

Even when a monarch who had formerly resorted to warfare did eventually establish a regime of righteous rule/rule by ‘Dhamma’ it would not (unless furthered by a successor of true piety) endure for long. Likewise, the many magnificent constructs symbolizing the externalized glory of the ‘Buddhist church’ erected by these kings often became the very installations prone to both plunder and destruction by invading foes (tantamount to an abandonment by the very deities who were invested with their resolute care).

Fortunately, these nefarious administrations founded upon the bedrock of belligerence constitute but one aspect of the island’s political history, which contemporaneously admits of many a pious ruler and his obeisance to the ‘Dhamma.’ Of the approximately one hundred and seventy-three (173) kings who ruled the island since the advent of Buddhism,⁷² no less than thirty (30) governed both themselves and their subjects under the pristine banner of the ‘Dhamma,’ often striving to maintain strict compliance with the sixfold duties of the *Cakkavatti* Monarch (see Chapter ‘3.2 The *Cakkavatti* ideal and Aśoka’) as epitomized by emperor Aśoka. This fact too does the chronicle report as follows:

... They who were endowed with **wisdom** and favored by Lanka did that which was right and acquired great fame. (*Mahāvāṅṣha continuation* n.d., Wijesinha translation, 289 (495), paras.102-103, emphasis and punctuation added.)

The most noteworthy aspects of the respective reigns of these **wise rulers** shall be considered now.

4.6 'Dhamma' based kingship

King Kakavannatissa,⁷³ the father of both kings (*duttha*-)Gamani-Abhaya and Saddhatissa, is reported to have conducted his reign in expressed renunciation of war, which disposition he had hoped would be espoused by both his sons (especially the elder of the two Gamani-Abhaya). The *Mahāvamsa* specifically details two instances wherein the said pious king virtually implored his sons to follow in his noble pacifism:

When they were ten and twelve years old, the king [Kakavannatissa], who would fain put them to the test, offered hospitality [as usual] ... to the bhikkhus, and when he had the rice that was left by them taken and placed in a dish and set before the boys, he divided it into three portions and spoke thus: 'Never, dear ones, will we turn away from the bhikkhus, the guardian spirits of our house: With such thoughts as these, eat ye this portion here.' And furthermore, 'We two brothers will for ever be without enmity, one toward the other; with such thoughts as these, eat ye this portion here.' And as if it were ambrosia, they both ate the two portions. **But when it was said to them, 'Never will we fight with the Damilas; with such thoughts, eat ye this portion here,' Tissa dashed the food away with his hand ... Gamani, who had (in like manner) flung away the morsel of rice, went to his bed, and drawing in his hands and feet, he lay upon his bed.** (*Mahāvangsha* n.d., Geiger translation, 153-154, paras.78-84, parenthesis and emphasis added.)

Afterward, prince Gamani ... sent to announce to his father the king, 'I will make war upon the Damilas.' The king, **to protect him**, forbade him, saying, '**The region on this side of the river is enough.**' **Even to three times he** [king Kakavannatissa] **sent to announce the same reply.** 'If my father were a man, he would not speak thus; therefore, shall he put this on. And therewith Gamani sent him a woman's ornament. And enraged at him, the king said, 'Make a golden chain! With that will I bind him, for else he cannot be protected.'⁷⁴ (*Mahāvangsha* n.d., Geiger translation, 164, paras.3-6, emphasis added.)

The *Sihala Vatthu* (n.d.)⁷⁵ in its account on king Kakavannatissa specifically adds that he was steadfastly committed to upholding the *five precepts* ('a practice brought forth from his

previous birth in the island'), the continuance of which (in this birth) ultimately did secure for him no less a boon than the bliss of heaven (Buddhadaththa translation, 112-113).

King Bathikabhaya⁷⁶ is said to have done away with 'the tax appointed for himself' (*Mahāvāṅgsha* n.d., Geiger translation, 241, para.40) and his younger brother Mahadathika Mahanaga⁷⁷ to have 'commanded the **remission of the prison penalties**' (*Mahāvāṅgsha* n.d., Geiger translation, 244, para.84, emphasis added). Furthermore:

... All those **works of merit** that had been decreed by the kings of old and that had also been decreed by his brother [Bathikabhaya], those did he [Mahanaga] carry out without neglecting anything. (*Mahāvāṅgsha* n.d., Geiger translation, 244, paras.85-86, emphasis and parentheses added.)

After Mahanaga's death, his son Amandagamani-Abhaya⁷⁸ did reign, and '**on the whole island**, the ruler of men commanded **not to kill**' (*Mahāvāṅgsha* n.d., Geiger translation, 246, para.6, emphasis added).

The following has been said of king Voharika Tissa⁷⁹:

After the death of Sirinaga, his son Tissa reigned twenty-two years with knowledge of the law and the tradition. Because he, first in this country, **made a law that set aside bodily injury as penalty**, he received the name king Voharika-tissa. (*Mahāvāṅgsha* n.d., Geiger translation, 258, paras.27-29, emphasis added.)

Renowned king Buddhadasa,⁸⁰ who reigned for approximately twenty-nine years, deservedly receives the following mention:

Creating happiness by every means for the inhabitants of the island, protecting the town as the wealthy Vessavana protects the town of Alakamanda, gifted with wisdom and virtue, a refuge of pure pity and endowed with the **ten qualities of kings**,⁸¹ while avoiding *the four wrong paths*,⁸²

practicing justice, he won over his subjects by the *four heart-winning qualities*.⁸³ The ruler lived openly before the people the life that *bodhisattas*⁸⁴ lead and had pity for all beings as a father has pity for his children. **He fulfilled the wishes of the poor by gifts of money, those of the rich by protecting their property and their life.** Great in discernment, he treated the good with winning friendliness, the wicked with sternness, the sick with remedies. (*Cūlavangsha* n.d., Geiger translation, 9-10, paras.106-111, emphasis added.)

For the good of the inhabitants of the island, the ruler **had refuges for the sick set up in every village and placed physicians in them.** He made a summary of the essential content of all the medical textbooks and charged one physician with the care of twice five villages and gave the physicians the produce of ten fields as livelihood. He also appointed physicians for elephants, horses and soldiers. For cripples and for the blind, he built refuges in various places and refuges with maintenance in the principal street. **He hearkened constantly to the good doctrine**, showing reverence to the preachers of the doctrine. ... Of his great pity, he had a pocket for his knife⁸⁵ made in the inside of his mantle, and wherever he met them, he freed the afflicted from their pains. (*Cūlavangsha* n.d., Geiger translation, 13-14, paras.145-150.)

The succeeding forty-two year reign of the said king Buddhadasa's son Upatissa⁸⁶ appears to have been equally providential for the people of Sri Lanka:

... Endowed with all royal virtues, ever leading a moral life, great in pity. Shunning the *ten sinful actions*,⁸⁷ he practiced the *ten meritorious works*⁸⁸; the king fulfilled the *ten royal duties* By the *four heart-winning qualities* **he won over the four regions of the world.** ... For cripples, women in travail, for the blind and the sick he erected great **nursing shelters and alms halls.** (*Cūlavangsha* n.d., Geiger translation, 17-18, paras.179-183, emphasis added.)

In the southwest corner of the royal palace, he had a house built for the *uposatha*⁸⁹ festival and a house with an image of Buddha, as well as a pleasant garden surrounded by a wall. On the fourteenth, on the fifteenth, as well as on the eighth day of the half of the month and on extraordinary festivals, he stayed there accessible to instruction, taking upon himself the eightfold *uposatha* vow. His whole life long he ate of the food served in the **Mahapali hall**.⁹⁰ When he took a walk in the garden, having set up a feeding place for the Kalanda birds, he had his own food

served to them, and this is a custom to this day. **Once seeing a criminal who was to be executed being led forth, he was deeply moved and had a corpse fetched from the burying ground He then gave the criminal money and let him escape by night, but after sunrise ... he had the corpse burnt as if it had been the criminal.** (*Cūlavangsha* n.d., Geiger translation, 20-21, paras.200-206, emphasis added.)

Regarding king Moggallana II,⁹¹ the following is disclosed:

He was an abode of virtues like generosity, self-control, purity and goodness. By **largess, friendly speech, by working for the good of others** and by his natural feelings for others, he won over the mass of his subjects. (*Cūlavangsha* n.d., Geiger translation, 57, paras.55-56, emphasis added.)

While distinguishing the preachers of the doctrine by abundant gifts of honor, he had the **three pitakas**⁹² together with the **atthakathā**⁹³ recited. (*Cūlavangsha* n.d., Geiger translation, 57, para.58, emphasis added.)

While **full of pity for the world as a mother for the son of her womb**, he died, having given and enjoyed according to desire, in the twentieth year of his reign. (*Cūlavangsha* n.d., Geiger translation, 57, para.63.)

Concerning king Aggabodhi I,⁹⁴ the record provides as follows:

To the most distinguished officials ... **he gave positions according to their merits.** He won over his subjects by the *heart-winning qualities* and by the *royal virtues*. (*Cūlavangsha* n.d., Geiger translation, 65, para.7, emphasis added.)

Those also who were in attendance on him were, like him, given up to works of merit. Thus, by continually keeping the company of good men, **he was able to restore the wholesome customs of their ancestors** (*Mahāvāngsha continuation* n.d., Wijesinha translation, 15 (221), paras.11-12, emphasis added.)

And **he took counsel at all times of the good priest** Dathasiva and **ruled his conduct according to the precepts** of religion and **ministered unto that priest** as became him. (*Mahāvāṅgsha continuation* n.d., Wijesinha translation, 15 (221), para.22, emphasis added.)

With reference to king Aggabodhi IV,⁹⁵ it has been said that:

He was a **just monarch**, gifted **with right[eous] views**; therefore, he performed meritorious works without number. He **took care** of the eating houses of the inmates of the three fraternities, **enlarged** the Mahapali hall and **decreed the keeping of the command ‘not to slay.’** (*Cūlavāṅgsha* n.d., Geiger translation, 98, paras.2-4, emphasis and parenthesis added.)

... He was in all his dealings one to whom the *teachings* of the Buddha were the highest good, and **vying with him all the people also fulfilled the commands of that doctrine.** (*Cūlavāṅgsha* n.d., Geiger translation, 99, para.18, emphasis added.)

He was attacked by an incurable disease and as he saw that the time for his death had come, he called his subjects, **exhorted them to piety** and went to his death. (*Cūlavāṅgsha* n.d., Geiger translation, 101, paras.35-36, emphasis added.)

King Agghabodhi V⁹⁶ is accounted for as follows:

The *uposatha* day he observed with fasting, together with the inhabitants of the island, and preached to them the doctrine in order to procure them spiritual happiness. **Everyone in his kingdom cultivated action which leads to heaven, for as the monarch acts, so do also his subjects.** (*Cūlavāṅgsha* n.d., Geiger translation, 111, paras.10-11, emphasis added.)

No means for bringing to beings happiness in both worlds was left untried by him, who was unflagging day and night. The fine garments worn by himself he gave to the *pāmsakūlin* bhikkhus⁹⁷ as raiment. **The employment of officials in wrong places, undeserved favor or unlawful seizure of property was unknown with him. To all creatures he gave the nourishment by which each of them live, and whatever makes them happy, with that he blessed them.** (*Cūlavāṅgsha* n.d., Geiger translation, 111, paras.15-18, emphasis added.)

The said Agghabodhi V's brother Kassapa III⁹⁸ apparently 'followed suit':

As a father wins his son, so he won his people by generosity, by friendly speech and by care for their welfare. Offices he bestowed on various people **according to merit**, and he himself enjoyed the pleasures of life free from all sorrow. For laymen, bhikkhus and *brāhmaṇas*,⁹⁹ the prince encouraged the way of life fitting for each and **carried out the command 'to kill no living creature.'** (*Cūlavangsha* n.d., Geiger translation, 112, paras.21-24, emphasis added.)

Regarding Mahinda I,¹⁰⁰ the record states:

Only as *Ādipāda*¹⁰¹ he administered the kingdom to protect, as it were, during his life, living beings on the island. (*Cūlavangsha* n.d., Geiger translation, 113, para.31, emphasis added.)

To the Mahapali hall, **he gave an offering of ten cartloads, and beggars he provided with luxuries like his own.** He ate nothing without first having given to the beggars, and if without thinking of it he had eaten, he used to give them double of what he had himself enjoyed. (*Cūlavangsha* n.d., Geiger translation, 113, paras.34-35, emphasis added.)

King Aggabodhi VII¹⁰² is reported to have:

By legal acts ... carefully reformed the Order of the conqueror Buddha, and by judging according to justice ... **rooted out unjust judges.** (*Cūlavangsha* n.d., Geiger translation, 116, para.71, emphasis added.)

King Mahinda III¹⁰³:

Known all the earth round by the name of Dhammikasilamegha ... was a light of the true doctrine, a banner of the doctrine, to whom the true doctrine was the highest, and ... performed without fail every work that **followed the right[eous] path** and which had been done by former kings, but ... **avoided wrong.** (*Cūlavangsha* n.d., Geiger translation, 131, paras.39-40, emphasis and parenthesis added.)

Regarding king Agghabodhi VIII,¹⁰⁴ it has been written that:

On the *uposatha* days, **he forbade the bringing in of fish, meat and intoxicating drinks into the center of the town.** (*Cūlavangsha* n.d., Geiger translation, 132, para.48, emphasis added.)

Once he addressed one of his slaves with the word 'slave'; to make up to him for it, he let him use the same word toward himself. The wise prince made his mother offer his own person as a gift to the bhikkhu community, then paid down a sum equal to his own value and was thus again a free man. (*Cūlavangsha* n.d., Geiger translation, 133, paras.62-63, emphasis added.)

King Aggabodhi IX¹⁰⁵:

... Had the drums beaten and summoned the beggars, **distributing to them gold** as much as they wanted, for three days. (*Cūlavangsha* n.d., Geiger translation, 136, para.91, emphasis added.)

As regards king Udaya II,¹⁰⁶ it has been said that he:

... **Removed all the wicked chiefs of provinces and of districts from their offices, and drove away the robbers from the country and freed it from the thorns of danger, and made merry the hearts of all the people from the fullness of his riches and his great bounty.** And this man, who was worthy of being honored by the prudent and of being served by the needy, and like unto the wish conferring tree in the comfort that he bestowed on the poor, **forsook the evil ways that aforetime had been followed throughout the land, and walked in the path of righteousness, and took up his abode there.** (*Mahāvāṅgśha continuation* n.d., Wijesinha translation, 62 (268), paras.122-125, emphasis added.)

The reign of Kassapa V¹⁰⁷ is highlighted by the following:

... He was a **learned expounder of the law**, and skilled in all arts, and gifted in **discerning between right and wrong.** He was versed in policy and grounded firmly in the faith like unto an immovable pillar, so that he remained unshaken by the winds of contrary doctrines. He harbored neither

pride nor guile, nor deceit, nor such like sins, but was a mine of virtue, like unto the ocean for all sorts of gems. (*Mahāvangsha continuation* n.d., Wijesinha translation, 65 (271), paras.39-41, emphasis added.)

By the practice of the *ten virtues of kings* and the *four means of conciliation*, he watched over his people like his own eye. (*Mahāvangsha continuation* n.d., Wijesinha translation, 65 (271), para.43, emphasis added.)

King Mahinda IV¹⁰⁸:

... Built an alms hall on the grounds of the elephant house and gave to beggars alms and couches. **In all the hospitals, he distributed medicine and beds, and he had food given regularly to criminals in prison.** To apes, the wild boar, the gazelle and to dogs he, a fount of pity, **had rice and cakes distributed** as much as they would. In the four *vihāras*, the king **had raw rice laid down in heaps with the injunction that the poor should take of it as much as they wanted.** (*Cūlavangsha* n.d., Geiger translation, 181, paras.30-33, emphasis added.)

The account on Vijayabahu II¹⁰⁹ provides that:

... This most merciful sovereign, on the day that he was anointed king over the realm, wisely **set at liberty such of the inhabitants of Lanka as his mother's brother, the great king Parakrama-Bahu, had cast into prison and had caused to suffer grievous pains and penalties.** To all of them, **wheresoever they were, he restored also all their lands and possessions and spread happiness all over the realm.** (*Mahāvangsha continuation* n.d., Wijesinha translation, 220 (426), paras.3-4, emphasis added.)

He himself composed in the Magadha tongue a most excellent letter, sent it to the monarch living in Arimaddana, concluded with this beloved prince **a friendly treaty** as aforetime his great grandfather Vijayabahu, and being highly famed to increase the joy of the bhikkhus in the land of Lanka and Arimaddana, he made the Order of the Buddha lustrous. (*Cūlavangsha continuation* n.d., Geiger translation, 126, paras.6-8, emphasis added.)

During the reign of queen Kalyanawathie¹¹⁰ (the queen-consort of king Nissanka-Malla), General Ayasmantha:

... Bent on doing good, **had a text book compiled which had 'law' as its subject.**¹¹¹ (*Cūlavangsha continuation* n.d., Geiger translation, 131, para.41, emphasis added.)

King Buwanekabahu I¹¹² is described thus:

As he then **won over all his subjects by a just policy, he was a just king** and a believing adherent of the Doctrine. He bestowed on the skilful scribes of the sacred books abundant money and had the whole of the *tipitaka* copied by them, had it preserved here and there in the *vihāras* of Lanka, and thus the lord of men caused the dissemination of the sacred texts. (*Cūlavangsha continuation* n.d., Geiger translation, 203, paras.36-38, emphasis added.)

Regarding king Parakramabahu III,¹¹³ the record states:

... He reflected: 'That Tooth Relic, which was taken to the Pandu kingdom ... worthy of veneration by our race, how shall I bring it back from there?' And as the ruler **saw no other means but friendly negotiation**, he set forth in the company of several able warriors, betook himself to the Pandu kingdom and sought out the ruler of the Pandus. **By daily conversations he inclined him favorably**, received from the hands of the king the Tooth Relic, returned to the island of Lanka and placed the relic in ... Pulatthinagara in the former relic temple. Then the ruler took up his abode in this city and began **to carry on the government without transgressing the precepts laid down for kings.** (*Cūlavangsha continuation* n.d., Geiger translation, 205, paras.51-56, emphasis added.)

The following is made known about king Parakramabahu IV¹¹⁴:

To the office of royal teacher, the king appointed a grand *thera* from the Cola country, a self-controlled man, versed in various tongues and intimate with philosophic works. **Ever and again he heard from him continuously all the *jātakas*, learned them by heart and retained their contents. Then he rendered by degrees these five hundred and fifty beautiful *jātakas* from the Pāli tongue**

into the Sinhala speech. He recited them in the midst of the grand *theras* who were intimate with the *three pitakas*, and after correcting them, he had them written down and distributed throughout Lanka. And these *jātakas* he made over to a wise *thera*, Medhamkara by name, whom he had gained for the purpose that they might be preserved in the succession of his disciples and thereby handed down still further. (*Cūlavangsha continuation* n.d., Geiger translation, 208, paras.80-86, emphasis added.)

King Parakramabahu VI¹¹⁵:

... Had the sacred *three pitakas* together with the commentaries and the *tīkāś*¹¹⁶ copied and caused a summary of the *teachings* of the Buddha to be made. He also granted villages and the like to the scribes, that they might copy day by day the books of the true doctrine. (*Cūlavangsha continuation* n.d., Geiger translation, 217, paras.27-28, emphasis added.)

Concluding the instant analysis is the following account on king Wimala-dharma-suriya II¹¹⁷:

... Wimaladharmasuriya became king, whose ornament was his faith and other virtues He ... gladdened his subjects by the *four heart-winning qualities* and **protected uninterruptedly in peace and justice** the realm of Lanka as a lord of men whose ornament was his virtue. (*Cūlavangsha continuation* n.d., Geiger translation, 239, paras.1-3.)

Day after day he listened to the sermon of the doctrine, and since even on days which were not *uposatha* days he kept the ordained fasts, he did much good. In this and many other ways, longing for good, he day and night unweariedly did much good. (*Cūlavangsha continuation* n.d., Geiger translation, 240, paras.19-20, emphasis added.)

The following evinces the said pious king's virtue of religious forbearance:

While Father [Joseph] Vaz was thus successfully pursuing his apostolical labors and advancing the glory of God among the people of Kandy, the Frenchman [de Lanerole] ... burning with envy, instigated the ... priests in the city to petition the king [Wimaladharmasuriya II], on two different occasions, to demolish his Church and to banish him from the kingdom, urging as reason, in the

first place, the old story of his being an emissary [spy] of the Portuguese; and in the second place, that he had persuaded many of the servants in the palace to embrace the Catholic religion and to despise the worship of Buddha. The king, however, was not willing to accede to their petition and at once told them that **he did not find anything blamable in Father Vaz's conduct**. When the ... priests observed to the king that they were astonished to see him tolerate a religion professed by his enemies, meaning the Portuguese, his reply was that **he hated the Portuguese *only* for their political intrigues and *not* for their religion**. (Casie Chitty 1848, 17-18, parenthesis and emphasis added.)

Thus, despite many of Lanka's rulers having resorted to violence (to a greater or lesser degree in some form or the other), the reigns of the aforementioned monarchs being clearly rooted in piety should suffice to endorse the fact that the 'Dhamma' was indeed effectively perpetuated as the island's 'basic norm.'

Furthermore, despite the majority of etched edicts in Sri Lanka being found to be **(a)** 'council warrants of immunity' respecting lands, **(b)** declarations of duties owed to the Buddhist temples, **(c)** declarations of Buddhist clergy entitlements and services owed to them by laymen settled within temple precincts, **(d)** conveyances and donations made to the Buddhist monastic schools and **(e)** emancipations from servitude, a few do contain averments concerning the administration of the realm in accordance with the righteous duties or 'Dhamma':

VESSAGIRI SLAB INSCRIPTION NO.2A OF MAHINDA IV¹¹⁸: ... The great king ... Mihindu ... who has not transgressed ... the **ten regal virtues** and the **four elements of popularity**; who has secured for himself the way to *Nirvāna*, which consists in **charity**, in accomplished **virtues** and in **righteous conduct**; who has won the hearts of all men by being great in his compassion for the world (Wickremasinghe 1912, 34, emphasis added.)

SLAB INSCRIPTION OF QUEEN LILAVATI¹¹⁹: By creating a council of **wise**, brave and faithful ministers, she has freed her own kingdom from the dangers arising from other kingdoms, and thus placing the

people and the Buddhist church in a **peaceful state**, her majesty reigns in accordance with the **ten virtues belonging to royalty**. ... May future sovereigns also, having regard to the good of the two worlds, keep it up as it has been kept up and continue to give their protection. (Wickremasinghe 1912, 181-182, emphasis added.)

Even as late as in 11th century AD, Aśoka was thought fit to be emulated with much admiration:

ROCK INSCRIPTION OF PARAKRAMABAHU I¹²⁰: His majesty pondered that **in the days gone by the great king Dhammaśoka** ... crushed out the sinful bhikkhus In like manner, his majesty Parakramabahu ... remov[ed] ... many hundreds of sinful monks (Wickremasinghe 1928, 274-275, emphasis and parenthesis added.)

However, the many inscribed averments of king Nissanka-Malla¹²¹ ('dauntless warrior') though implying an avid deference to the *Dhamma (teaching)*, appear verbose, rhetorical, self-aggrandizing and sympathetic toward belligerence: traits unbecoming of a resolute *Cakkavatti* monarch emulator.

Nonetheless, the fact remains that until at least 11th century AD, India's emperor Aśoka – specifically under the honorific '*dhammaśoka*' (not '*candaśoka*') – remained the ideal ruler to be emulated within Sri Lanka (apparently for his unique righteous rule/rule by 'Dhamma'). Furthermore, a minimal form of this righteous rule has received expression as part of the *dasa ākgnā* ('ten ordinances') that apparently bound every king *per* the *Lak Raja Lo Sirita* (a palm leaf manuscript of *circa* 1769AD):

There are ordinances **which have existed from ancient times**; namely, that the prince [1] **shall not** kill the king his father or [2] the queen his mother; that he [3] **shall not** forsake the religion of Boodho [Buddha] and embrace a different religion; that he [4] **shall not** put to death any member of the priesthood; that [5] he **shall not** injure such boa-trees as may be planted near any temple containing the image or relics of Boodho nor deface any part of the temple; that [6] he **shall not** deprive any animal of life; that [7] he **shall not** commit theft or [8] **adultery**; that [9] he **shall not**

utter a falsehood or [10] drink intoxicating liquors. (Bertolacci 1817, 461-462, emphasis and parentheses added.)

Thus, even as of 1769AD, abiding by the *five precepts* ('6', '7,' '8,' '9' and '10' above) was deemed no less than an ancient *ākgnāwa* that (ideally) bound every successive ruler of Sri Lanka.

4.7 A rival school of thought

A contrary school of opinion does exist seeking to advance the premise that only 'lip service' was paid to the 'Dhamma' by the majority rulers of Sri Lanka, who being instructed in works such as the 'Laws of Manu' and Kautilya's *Arthaśāstra* in fact implemented and enforced the salient principles of these treatises in preference to those of the former. Indeed, the starting point for this argument might well have been provided by one part of a published narrative pertaining to an interview had with dethroned king Sri Vikrama Rajasinha¹²²:

In the course of conversation, he [Sri Vikrama Rajasinha] entered upon a discussion in regard to the cause of thunder and lightning. Some allusion having been made to the severity of the king's punishments, he rather testily observed, '**I governed my kingdom according to the Shasters' – Hindoo or brāhmaṇical law books, of which the Institutes of Manu are said to have obtained the highest reputation. Manu professes to have great confidence in the utility of punishments. 'Punishment,' says he, 'governs all mankind; punishment alone preserves them; punishment wakes, while their guards are asleep. The wise consider punishment as the perfection of justice.'** *'The whole race of men is kept in order by punishment, for a guiltless man is hard to be found'* (*Laws of Manu*). (Marshall 1846, 172, parenthesis and emphasis added.)

However, the worth of this particular revelation is rendered inconsequential by the averments contained in a concluding (supplementary) chapter of the Cūlavamsa, which categorically provide that Sri Vikrama Rajasinha deliberately eschewed the customs of his predecessors and instead adopted a merciless form of totalitarian rule.¹²³ Thus, the above disclosure regarding

the basis of his reign must necessarily confine itself unto him alone and can in no sense be presumed representative of the chosen polity of his predecessors. (Admittedly, however, Rajasingha I, Kalinga Magha, the seven Cholas and the eleven Dravidians all appear to have espoused a similar form of despotic rule based on extreme Manuism.)

The said 'contrary school of opinion' yet seeks to legitimize itself principally on the strength of certain averments contained in the chronicles that categorically refer to **(1)** perpetuation of capital punishment and torture by successive monarchs, **(2)** Manu, Kautilya and their respective works and **(3)** underground passageways, espionage, poisons, the notion of justice and the king's officials, all of which shall be addressed now.

4.8 Capital punishment and torture

Admittedly, references to capital punishment, corporal punishment and some forms of torture are seen scattered throughout both the Mahāvamsa and Cūlavamsa. However, as has already been observed under '4.6' above, of significance are the expressed instances wherein capital punishment and the slaying of sentient beings were abolished; bodily injury as a penalty was set aside (effectually ousting torture); confiscated lands were ordered restored; and prisoners were maintained under state patronage.

Even king Parakramabahu II,¹²⁴ who would have secured a place in the above list of 'wise' rulers if not for his campaign against the Damilas, is said to have decreed a remission of punishments as follows:

People whose heads were to be cut off he punished only in stern fashion with dungeon and fetters and then set them free again. But for such people as deserved prison, the ruler, to whom pity was the highest, ordained some lighter punishment or other and reprimanded them. But on people who should have been banished from the country, the ruler ... laid but a fine of a thousand (*kahapanās*). But on all those who deserved a fine, he looked with indignation, and with all sorts

of words of rebuke he made of them honest men. (*Cūlavangsha continuation* n.d., Geiger translation, 148, paras.4-7.)

It perhaps would be not ‘too presumptuous’ to imply the adoption of these same initiatives by the entirety of said ‘wise’ rulers, especially since they have all been described as having devoutly embraced the Buddhist discipline and/or doctrine at some point during their respective reigns.

Furthermore, the disclosure under ‘4.6’ above in relation to king Upatissa (son of king Buddhadasa) to the effect that he covertly granted pardon to a criminal sentenced to death, though acknowledging the existence of capital punishment during his reign, nonetheless exemplifies his ‘Dhamma’-based acumen in staying its execution. Thus, it appears that the alleged ‘perpetuation of capital punishment and torture’ enumerated as ‘(1)’ under ‘4.7’ above does not remain necessarily true of all who ruled Sri Lanka.

4.9 The ‘Laws of Manu’

Five times is Manu mentioned (by name) in the combined chronicle: twice under chapter eighty, and once each under chapters eighty-three, eighty-four and ninety-six.

- The *first* citing occurs in relation to Vijayabahu II:

As the ruler departed not from any precept of the **political teaching of Manu**, he rejoiced the people through the *four heart-winning qualities*. (*Cūlavangsha continuation* n.d., Geiger translation, 126, para.9, emphasis added.)

That the tenets of the ‘political teaching of Manu’ should come to foster ‘*the four heart-winning qualities*’ otherwise referred to as the *four bases of fellowship* (generosity, affability,

beneficence and indiscrimination) is plainly ludicrous. Nowhere in the ‘Laws of Manu’ does such a distinct categorization appear.

- The *second* is in connection with Panda king Parakrama:

When then a space of about seven months had passed for the *mahesi* [queen Lilavati], there landed with a great Pandu army from the Pandu kingdom the glorious Panda king Parakkama, [who] deposed the queen and her general ... and after he had cleared Lanka from the briers of revolt ... ruled the realm in ... Pulatthinagara for three years, without transgressing **the political precepts of Manu**. (*Cūlavangsha continuation* n.d., Geiger translation, 132, paras.51-53, parenthesis and emphasis added.)

Admittedly, this might be an accurate description of the *status quo* as it prevailed since it is to a foreign invader that the chronicle hereby refers.

- The *third* concerns Parakramabahu II:

But on people who should have been banished from the country, the ruler, who **might be likened to Manu**, laid but a fine of a thousand *kahapanās*. (*Cūlavangsha continuation* n.d., Geiger translation, 148, para.6, emphasis added.)

Although the ‘Laws of Manu’ do require kings to punish criminals ‘justly,’ remissions of their sentences on extraneous grounds such as compassion run wholly contrary to the same:

128. A king who punishes those who do not deserve it **and punishes not those who deserve it brings great infamy on himself and, after death, sinks into hell**. (*Manusmṛiti* n.d., Bühler translation, 276, emphasis added.)

314. A thief shall, running, approach the king, with flying hair, confessing that theft and saying, ‘Thus have I done, punish me’; 315. And he must carry on his shoulder a pestle, or a club of Khadira wood, or a spear sharp at both ends, or an iron staff. 316. Whether he be punished or

pardoned, the thief is freed from the guilt of theft, **but the king, if he punishes not, takes upon himself the guilt of the thief.** (*Manusmṛiti* n.d., Bühler translation, 309, emphasis added.)

344. A king who desires to gain the throne of Indra and imperishable eternal fame shall **not**, even for a moment, neglect to punish the man who commits violence. (*Manusmṛiti* n.d., Bühler translation, 314, emphasis added.)

233. Whenever any legal transaction has been completed or a punishment been inflicted according to the law, he shall sanction it and **not annul it.** (*Manusmṛiti* n.d., Bühler translation, 382, emphasis added.)

- The *fourth* too relates to Parakramabahu II:

Thereupon the ruler, versed in the **ordinances of Manu**, caused to be determined to what families the villages, fields, houses and so forth, long since seized by the alien foe, belonged by heredity, and had them returned to their aforesaid owners as before. (*Cūlavangsha continuation* n.d., Geiger translation, 154, paras.1-2, emphasis added.)

Admittedly, the ‘Laws of Manu’ do make provision in this regard as follows:

40. Property stolen by thieves must be restored by the king to men of all castes (*varna*); a king who uses such property for himself incurs the guilt of a thief. (*Manusmṛiti* n.d., Bühler translation, 260.)

- The *fifth* is about Rajasingha II:

While he, experienced in all the **statecraft taught by Manu**, sojourned there, he received news of the Olandas [the Dutch]. He thought that good, sent two dignitaries to their fair land, had a number of people fetched from there in many ships, and when these arrived in the rich, prosperous, thickly populated coastlands near Digha-vapi, he showed them favor. (*Cūlavangsha continuation* n.d., Geiger translation, 236-237, paras.26-28, emphasis added.)

Apparently, the connotation here is that experience in ‘the statecraft taught by Manu’ had nurtured in the king a sense of diplomacy. The closest available Manu teaching in this regard is as follows:

208. By gaining gold and land, a king grows not so much in strength as by obtaining a firm friend, who, though weak, may become powerful in the future. (*Manusmṛiti* n.d., Bühler translation, 250.)

Apart from falling quite short of a ‘teaching on interstate diplomacy,’ it appears that this provision is clearly devoid of any form of uniqueness attributable exclusively to the ‘Laws of Manu.’

Thus, regarding the said five references to Manu above: ‘the *first*’ being ludicrous, ‘the *second*’ speculative, ‘the *third*’ inconsistent and ‘the *fifth*’ indistinct, only one, ‘the *fourth*,’ remains amenable to any tenable contextual relevance. Even more remarkable is the fact that all these references are found confined to ‘Part Two’ of the Cūlavamsa, and these too appear only in four chapters among its last twenty. Neither in the Mahāvamsa nor in ‘Part One’ of the Cūlavamsa does any reference to Manu exist whatsoever.

4.10 Kautilya

A reference to Kautilya by name is first detected in ‘Part One’ of the Cūlavamsa under chapter sixty-four, which concerns the scholarship of prince Parakramabahu¹²⁵:

In the numerous books of the ... Buddha, in the works on politics as in that of **Kotalla** and others, in grammar and poetry together with the knowledge of vocabulary and ritual, in dance and song, in the art of driving the elephant and so forth, above all in the lore of the manipulation of the body, the sword and other weapons, he was past master. (*Cūlavangsha* n.d., Geiger translation, 243, paras.3-5, emphasis added.)

Wilhelm Geiger (foremost translator of both the Mahāvamsa and Cūlavamsa), referring to his understanding of the word ‘Kotalla’ (Wijesinha prefers ‘Kocalla’ (*Mahāvangsha continuation* n.d., 103 (309), para.3)) above, provides in the appertaining footnote thereto *inter alia* as follows:

I believe that Kautalya, *i.e.*, Canakya, the famous minister of Candragupta, is meant. He is alleged to be the author of a textbook on politics, ‘*Artha-śāstra*,’ which has been recently discovered. (*Cūlavangsha* n.d., Geiger translation, 243, note¹, emphasis added.)

However, just forty-two paragraphs later, within the same said sixty-fourth chapter of the Cūlavamsa, the following appears:

I hear of the great wisdom of Canakka, that best of *brāhmaṇas* who uprooted the kings of the Nanda dynasty. (*Cūlavangsha* n.d., Geiger translation, 247, paras.45-46, emphasis added.)

Moreover, in the footnote that he attaches to this ‘Canakka’ (*i.e.*, 247, note⁵), Geiger merely directs the reader to the same said footnote to ‘Kotalla’ above without any further elaboration thereon.

It is indeed difficult to accept that the original author of this part of the chronicle did ‘mistakenly’ refer to the same person by two names within the same chapter and just paragraphs apart. Even more surprising is this very author’s reverting to the use of ‘Kotalla’ (in the seventieth chapter) in further relating the account on the very same prince Parakramabahu I:

With careful consideration of the works profitable for the carrying on of war, such as the textbook of¹²⁶ Kotalla, the *Yuddhawava* and others he, versed in the procedure of war, worked out with ingenuity in a way according with the locality and the time, the plan of campaign, wrote it down, had it handed out to the officers and gave the order, ‘Doubt not that ye do a thing of great

moment, if ye do but swerve by a hair's breadth from this my instruction.' (*Cūlavangsha* n.d., Geiger translation, 291-292, paras.56-58, emphasis added.)

Geiger (*Cūlavangsha* n.d., 291, note²) refers this 'Kotalla' too to the previously mentioned footnote (*i.e.*, 243, note¹) and pleads his ignorance regarding 'Yuddhawava' above. In any event, the above passage constitutes the last apparent reference to Kautilya/'Kotalla' as contained within the extended chronicle, thus confining all such citations to 'Part One' of the *Cūlavamsa* alone.

It is clear that the original author/chronicler refers to 'Kotalla' specifically in the context of a renowned expounder of both 'politics' and 'the carrying on of war' so as to denote this a matter of **fact** (rather than one of opinion). Contrastingly, his advertence to 'Canakka' appears more in the form of an **opined** tribute to the latter's legendary toppling of the Nanda dynasty. It is Geiger who equates the two ('Kotalla' = 'Canakka'), not the original author/chronicler. The original author/chronicler, for his part, apparently construes 'Kotalla' and 'Canakka' as two separate individuals, which in turn serves to buttress the deductions made earlier in this work regarding the contradictory averments as to authorship alighting from within the *Arthaśāstra* itself (see entry³⁵ in 'Notes' appended to this work).

4.11 Geiger's opinion on the combined chronicle

Taken cumulatively, references to both 'Kotalla' and Manu appear only in the *Cūlavamsa* under chapters (**a**) sixty-four and seventy, in respect of the former and (**b**) eighty, eighty-three, eighty-four and ninety-six, in respect of the latter. According to Geiger:

The whole Ceylon chronicle ... consists of **four** parts:

I., constituting a single entity, namely the Mahāvamsa, running from chapter 1(.0) to chapter 37.50;

II.I, being the first of three subdivisions of the *Cūlavamsa*, continuing from chapter 37.51 to chapter 79.84;

II.II, the second subdivision of the Cūlavamsa, extending from chapter 79.85 to chapter 90.102; and
 II.III, the third and final subdivision of the Cūlavamsa, proceeding from chapter 90.105 to chapter 100.292.

The author of I. is Mahanama, of II.I, Dhammakitti, of II.III, Sumangala; the author of II.II is **unknown**. (Geiger 1930, 208, abridged and emphasis added.)

Geiger provides further that:

The compilers of the three parts of the Cūlavamsa were to a great extent influenced by the Indian *kāvya* literature and by the rules of the Indian poetics, the *alamkāra*. This influence is considerably stronger in the second part than in the first, composed by Dhammakitti, and stronger again in the third portion than in the second. The reliability of the three portions and their value as historical sources is also different; it decreases, generally speaking, from portion to portion, while on the other hand, the language becomes more artificial and sometimes even abstruse. (Geiger 1930, 213, emphasis added.)

Concerning Dhammakitti (the author of the first part of the Cūlavamsa: chapters 37.51 to 79.84), Geiger opines specifically as follows:

Already Mahanama, the author of the older Mahāvamsa, was fain to create a *kāvya*, an artificial poem, and he was no stranger to the rules of *alamkāra*. But this is true in a still higher degree of Dhammakitti. He was a man of literary culture. I believe I have proved ... that he must have been acquainted with Indian *nīti* literature, perhaps with its chief work, the *Arthaśāstra* of Kautalya. These literary reminiscences were, of course, not without influence on his attitude toward historical events and persons. (*Cūlavangsha* n.d., Geiger translation, vi.)

... From what he had read, he drew an ideal picture of an Indian king. The man whose glorification was his aim must correspond to this picture. He must have all the qualities belonging to an Indian king and employ all the methods of statecraft which political science prescribes or recommends. All these individual traits the compiler combines with the data furnished by tradition, **without**

question as to probability or improbability of these. (*Cūlavangsha* n.d., Geiger translation, vii, emphasis added.)

Accordingly, the aforementioned stipulations associating Parakramabahu I with Kautilyan lore appear to be designed interpolations at the hands of Dhammakitti, rendered more in poetic adulation of the former than in strict representation of actual fact.

Geiger goes on to conclude that:

I do not hesitate to call just those chs. 37 to 60 perhaps the best and most reliable parts of the whole Mahāvamsa. Its statements are so often confirmed by external testimonies even in details that, according to my conviction, doubts about its general trustworthiness are not justified. (Geiger 1930, 218.)

... Although **allowances for some poetical licenses must be made in the description of the character and the deeds of Parakkamabahu I.** (Geiger 1930, 228, emphasis added.)

He tacitly deems the content of the Cūlavamsa from **chapter sixty onward** interpolated by way of subtle to sizeable exaggeration. Accordingly, it appears that the said citations pertaining to both 'Kotalla' and Manu (as feature from chapter sixty-four onward) must *ipso facto* yield to this very doubt of exaggeration.

In any event, it would be unconscionable to reckon the meager figure of eight citations (in respect of supposed recourse had by only five kings to either the 'Laws of Manu' or the writings of 'Kotalla') sufficient to debase the efficacy of the 'Dhamma' already demonstrated as having prevailed predominantly over the reigns of no less than twenty-six (26) monarchs.

Thus, the expressed advertence by the chronicler to 'Manu, Kautilya and their respective works' enumerated as '(2)' under '4.7' above comes to be rid of all probative value toward sustaining the 'contrary school of opinion.'

This is confirmed by the fact that even during the reigns of one hundred and forty-seven (147) Lankan rulers who engaged in some form of belligerence (whilst maintaining and strengthening the *Sangha*), the 'basic norm' of 'Dhamma' did prevail *de jure* in the hallowed position of ultimate criterion of judgment. For example, when prince Saddhatissa sought refuge in a Buddhist temple from the onslaught of his brother *duttha*-Gamani, the latter, knowing full well of the sanctuary granted to the former by the bhikkhus, both accepted and honored the same with due obeisance (albeit censuring his brother's 'cowardly' act). Furthermore, upon the bhikkhus' presenting their said ward Saddhatissa for reconciliation with king *duttha*-Gamani, the latter obligingly restored his estranged brother to the status he had formerly enjoyed, expressing only his disappointment at the *Sangha*'s disinclination to intervene on their behalf sooner (*Mahāvāṅgsha* n.d., Geiger translation, 167-169, paras.39-59). Again, Parakramabahu I (foremost among the many warriors celebrated by both chronicles) is reported to have set aside his very claim to the throne of Lanka in reverence to the *rationale* of 'Dhamma' as follows:

When the ruler Gajabahu heard that the enemy widespread on all sides was approaching, he saw no other step that he could take, so the king sent to the congregation of bhikkhus belonging to the three fraternities settled in Pulatthinagara the message, 'I see for myself no protection save with the venerable brethren; let them, out of pity, free me from my sorrow.' When the bhikkhus heard these words they ... their hearts moved with pity ... sought out the ruler Parakramabahu, and after exchanging greetings they ... spake the following conciliatory words: **'The Exalted One** [the Buddha], **to whom pity was the highest, expounded many times in many discourses the misery of discord and the blessings of concord.** Now the ruler of men, Gajabahu, has neither a son nor brothers, but he himself, being old, is near death. Thy pledged word that the gaining of the royal dominion has as object only the furtherance of the laity and of the Order will thus shortly be

fulfilled. Therefore shalt thou give up the strife and return to thine own province, hearkening to the word of the bhikkhu congregation.’

Thus the king Parakramabahu, hearkening to the words of the Order, gave up the kingdom gained with great trouble to king Gajabahu and betook himself to his own province. (*Cūlavangsha* n.d., Geiger translation, 313-314, paras.327-336, emphasis added.)

It is also recorded that king Moggallana I, after having secured victory over his brother Kassapa,¹²⁷ did enter the city of Anuradhapura, proceed directly to the Mahāvihāra and offer the ‘royal parasol’ (the symbol of kingship) to the order of the *Sangha* (*Mahāvangsha continuation* n.d., Wijesinha translation, 3 (209), paras.30-31) in due manifestation of his devout submission to the authority of ‘Dhamma.’

4.12 Mahā Ummagga jātaka

Again, what Geiger perceives as influences had by the works of both Manu and Kautilya upon the conduct of Lankan royals, allegedly evinced by the combined chronicle’s references to their associations with ‘poison’ (*Mahāvangsha* n.d., Geiger translation, 146, paras.3-6), ‘spies’ (*Mahāvangsha continuation* n.d., Wijesinha translation, 114-115, paras.128-145), an ‘underground passage’ (*Mahāvangsha continuation* n.d., Wijesinha translation, 74, paras.7-8) and the ‘friend’ (or king’s counselor) (*Mahāvangsha continuation* n.d., Wijesinha translation, 249, paras.3-4), does have an alternative and even more plausible explanation. Namely, that the said royals were instead well-versed in the more germane *Mahā Ummagga jātaka* (n.d.) of the Pāli cannon, which the chronicler of the *Cūlavamsa* reveals as being expressly cited by prince Parakramabahu I in the latter’s disclosure of the many sources from which he obtained his learning:

I hear in tales, as in the *Ummaggajātaka* and others, of deeds done by the *Bodhisatta* in the different stages of his development, the outcome of his heroic nature and of other qualities. (*Cūlavangsha* n.d., Geiger translation, 246-247, para.41, emphasis added.)

In fairness to Geiger, it must be disclosed that he too at times foresaw the chronicler's personal indoctrination and know-how being presumptuously passed on to those very dignitaries whom the latter had occasion to describe:

That the **compiler** [not the character] was influenced by the reading of textbooks on *nīti*, as for instance Kautalya's *Arthaśāstra* ... is **unmistakable**. (*Cūlavangsha* n.d., Geiger translation, 263, note¹, emphasis and parenthesis added.)

Thus, in the passage reproduced below describing king Vijayabahu IV's endeavor to recruit a suitable advisor to his court, the chronicler, in manifest disagreement with the passage's literal meaning, superimposes by interpolation (in order to misrepresent the same as having been within the said king's contemplation) 'the seven elements of government,' which receive exclusive expression under the 'Laws of Manu' and Kautilya's *Arthaśāstra* respectively as follows:

294. The king and his minister, his capital, his realm, his treasury, his army and **his ally** are the seven constituent parts of a kingdom; hence, a kingdom is said to have seven limbs (*anga*). (*Manusmṛiti* n.d., Bühler translation, 395, emphasis added.)

The king, the minister, the country, the fort, the treasury, the army and the friend are the elements of sovereignty. (*Arthaśāstra* n.d., Shamasastri translation, 289, emphasis added.)

However, neither the 'element' designated 'ally' under the former nor 'friend' under the latter (duly connoting either a friendly territory or its ruler) has any bearing on the office of 'counselor' or 'advisor' to which the passage describing king Vijayabahu IV's endeavor to recruit unequivocally relates:

Fearless in heart, king Vijayabahu gave his consent and took over the burden of the government. Now he thought, 'I will show my father, so long as he is in life, that I am a son of the higher kind.' And he probed ever further: 'Who is there now fitted to be the element 'friend' **among the seven**

elements of government, as ruler, minister, friend and the like; trustworthy, a clever counselor, a comrade in misfortune, who speaks the truth, who is good to me?’ And he realized: ‘There is the *Ādipāda* Virabahu, the son of my father’s sister, well bred, adorned with virtues, skilled in all tasks. Since the time when we played together in the sand till today, he has showed the highest confidence in me and in all good people. He cannot bear to stand anywhere if he does not see me, and I also cannot bear to take a seat without seeing him. He is at pains even as I to further the laity and the Order, richly dowered with mental and bodily power. Therefore, is he fitted for the element, friend.’ He summoned him to him and entrusted him with the position of a devoted friend. (*Cūlavangsha continuation* n.d., Geiger translation, 183, paras.1-9, emphasis added.)

It becomes evident that the original chronicler has for some inexplicable reason misconstrued the said seventh ‘element’ of ‘ally’/‘friend’ (connoting either a friendly territory or its ruler) to be synonymous with the concept of a king’s personal advisor. Even more inexplicable is both Wijesinha and Geiger being duped by this ‘red herring’ on the part of the original chronicler to the extent of their embarking on ‘a wild goose chase’ to substantiate this fabrication. In fact, the particular spurious interpolation is relatively easy to discern; it constitutes that portion of the passage reproduced in bold italics above, which when **deleted** easily manifests the true rendition as follows:

... And he probed ever further: **‘Who is there now fitted to be the element ‘friend’; trustworthy, a clever counselor, a comrade in misfortune, who speaks the truth, who is good to me?’**
(*Cūlavangsha continuation* n.d., Geiger translation, 183, para.3, emphasis added.)

Here again, it would be more plausible to attribute the said king’s resolve to appoint the best possible person his advisor to the *Mahā Ummagga jātaka*, especially in view of the popular knowledge that prevailed at such time regarding Mahaushadha’s legendary counsel: reputed to have saved his beloved king Vedeha from many a life-threatening predicament.

Thus, influences thought by the *Cūlavamsa* to have been exerted by (the works of) Manu, Kautilya and the like – regarding ‘underground passageways, espionage, poisons, the notion of

justice and the king's officials' – are found either overly presumptive or evidently mistaken. This renders criterion '(3)' enumerated under '4.7' above bereft of sufficient probative value to corroborate the 'contrary school of opinion.'

Kautilyan presumptuousness has relatively recently been rebutted within the context of a local archaeological finding. *Per* Coningham, Gunawardhana, Manuel, Adikari, Katugampola, Young, Schmidt, Krishnan and Simpson (2007, 714, 715 and 716-717), excavational evidence pertaining to urban settlements and monastic sites within the 'hinterland of Anuradhapura' was found **not to support** the 'settlement hierarchy' advocated by the *Arthaśāstra* (n.d., Shamasastri translation, 45), though hitherto **presumed to have been followed** in Sri Lanka.

Criteria '(1),' '(2)' and '(3)' enumerated under '4.7' above having been found summarily dismissible, the suggestion that 'monarchs of Sri Lanka being instructed in works such as the 'Laws of Manu' and Kautilya's *Arthaśāstra* paid only 'lip-service' to the 'basic norm' of 'Dhamma'' comes to be voided of all credibility.

4.13 The people's practice of the 'Dhamma'

The foregoing analysis has served to exemplify the extent to which the rule by 'Dhamma' (righteous duties) came to be enforced upon the general populace of Sri Lanka at the behest of many a pious monarch who governed the island nation from time to time (both the Mahāvamsa and Cūlavamsa bearing ample testimony to this fact). However, the said chronicles provide little information regarding the extent to which the precepts of 'Dhamma' were actually practiced by native Sri Lankans. Ven. Dr. Walpola Sri Rahula deduces in this regard as follows:

Acquiring merit of various kinds as security for the next world was the motive underlying the religion of the laity, from the king down to the poorest peasant. Wealth, health, beauty, longevity, intelligence, power, high caste and the like, which the people desired, were the results of good karma. **People tried, therefore, to do good and to be good in order to obtain these happy**

conditions. It was easier for the ordinary man to do deeds, which were considered meritorious, than to develop a good and pure spiritual character. (Rahula 1956, 254, emphasis added.)

The vast majority of people had neither the earnestness nor the peace of mind necessary for practicing the higher *teachings* of the Buddha. Nor did they have the intelligence to understand its significance. But they had the greatest respect and attachment to religion. They would give their lives in its name, even if they did not know what it really meant. So they expected monks, who were the guardians of their life and conscience, here and hereafter, to practice the religion for them. **They would take part in that noble work and acquire some merit vicariously by supporting and protecting a devout *Sangha* ...** (Rahula 1956, 259-260, emphasis added.)

The devotion of the ordinary poor people was more genuine and touching than even that of kings and ministers. (Rahula 1956, 261, emphasis added.)

... **Sometimes poor people fed bhikkhus while they themselves were actually starving.** (Rahula 1956, 261, emphasis added.)

No one who was not well versed in religion was considered 'cultured.' (Rahula 1956, 291, emphasis added.)

The deduction that the common man was more concerned with his fate in the 'next' world than his spiritual salvation in this (Rahula 1956, 254) is particularly significant as it receives both past and present validation respectively *via* (a) *Arahath* Mahinda's pivotal exhortation to the laity to abide by the *five precepts* in order to gain heaven and avoid the states of woe (see '4.3' above) and (b) the symbolic 'six-four' maxim, which has effectively perpetuated the same exhortation to date (see '4.4' above).

4.14 *Sīhala Vatthu*

Ven. Dr. Walpola Sri Rahula's aforesaid deductions are found amply substantiated by the collection of anecdotes embodied in the *Sīhala Vatthu* (n.d.), among which (a) to (g) below are particularly relevant:

(a) During the reign of king Saddhatissa, there lived in Anuradhapura a tailor by the name of Tissa who, abiding by the *five precepts*, did diligently occupy himself in his vocation, albeit under the self-imposed condition that with whatever he earned from dawn to noon he would facilitate the *Sangha*, and with that from noon till dusk he would maintain his parents. Showing no interest in the prospect of marriage, which his parents dutifully put to him, the 'tailor-Tissa' so compassionately engaged in his said twofold benefaction that he soon came to be celebrated by the *devas*, approved by the noble *Arahaths*, cherished by the people and cared for by the king, finally gaining entry into the heaven of Thusitha upon his death. (*Sīhala Vatthu* n.d., Buddhadaththa translation, 1-3, translated into English.)

Thus, the salient 'Dhamma' practices of abiding by the *five precepts*, abstaining from all *prohibited trades* (see *Vañijjā sutta* n.d.¹²⁸), earning one's keep in accordance with 'the sweat of one's brow' (see *Ādiya sutta* n.d.¹²⁹) and dutifully serving both 'parents' and the 'clergy' in accordance with the *sixfold reciprocal duties of support* are all reflected in the above.

(b) An erudite bhikkhu having obtained his alms for the day was about to consume his midday meal when his gaze fell upon an on-looking thief, possessed with vile motives, though clearly in a state of hunger. Hence, the bhikkhu compassionately offered his repast to the thief. The thief eagerly devoured the food, and being gratified thereby confessed to the bhikkhu his intended vengeance had the meal not been so offered, asking forgiveness for having contemplated the same. The bhikkhu consoled the thief and instructed him on the benefits of abiding by the *five precepts*, whereupon the thief quite honestly declared his inability to adhere to them given his chosen livelihood. However, upon being urged by the bhikkhu to keep to at least one of the said *precepts*, the thief gladly agreed, stating that he would adhere to *abstaining from carnal* (including sexual) *misconduct*. That night, the said thief came across two heads of cattle and, intending to steal the same, entered the relevant householder's premises. No sooner than his doing so, the

householder's wife confronted him. She, at once being deeply enamored by his youthful physique, queried his presence thereat, to which the thief declared his intent to steal the cattle. The householder's wife intimated her willingness to let him do so, provided that he first satisfied her erotic cravings. Disgusted by her statement, the thief expressed his having already avowed to resolutely *abstain from carnal misconduct*. Unknown to either of the two, the householder had been giving ear to their conversation. He pounced upon them and summoned his servants to restrain both. Nonetheless, being greatly impressed by the said singular virtue of the thief, he addressed him as 'friend' and declared that he would henceforth consider him his 'brother,' and thus a 'co-householder' entitled to any possession held therein. As for the householder's wife, she was promptly banished. The thief, now reflecting on the merits gained by upholding just *one* of the *five precepts*, and perceiving the greater gains in abiding by them *all*, made haste to the temple wherein his mentor, the said erudite bhikkhu, resided, imploring his 'master' to invoke the remaining *precepts* on him and vowing to abide by them all until his death. The bhikkhu most willingly obliged, declaring that by so keeping to the *precepts*, he, the former thief, would gain not only exemption from the woeful abodes but also heaven and eventually his final release from all suffering. (Dhammanandi n.d., Buddhadaththa translation, 55-57, translated into English.)

Accordingly, it is seen how the reformation of a thief was brought about in days gone by *via* the salient precepts of the 'Dhamma.'

Forgiving one's enemies, a firm tenet of the 'Dhamma,' is also recorded as having been espoused by the laity:

(c) The enemy of a very pious and skilled farmer sought to embarrass the latter by inviting bhikkhus to attend the farmer's home on the very day that he had intended to sow his fields with some painstakingly gathered seed paddy. This forced him to shell this seed paddy into rice, to be cooked and given in alms to the bhikkhus, leaving nothing to sow his fields with. Even so, perceiving the immense merit gained from his gift of alms, the noble farmer is said to have uttered: 'If there be an enemy of mine who, with intent to cause me 'loss,' feignedly invited bhikkhus to my house, may he be blessed with happiness'! (Dhammanandi n.d., Buddhadaththa translation, 92-93, translated into English.)

Instances wherein the impoverished gave freely to the clergy were many:

(d) An indigent mother and daughter lived in close proximity to a shelter for the destitute. Once, the said daughter, Sumana, upon seeing seven bhikkhus entreating alms from the nearby village but exiting empty-handed, resolved to provide them with a meal. Having approached her mother, she requested permission to so indulge the bhikkhus; her mother unreservedly encouraged the same, adding that it would not amount to forsaking her. She exhorted her daughter never to fear or desist from performing acts of kindness, stating that to do otherwise would be tantamount to securing a path to hell. So encouraged by her mother's wise words, Sumana promptly proceeded to the traders' stalls nearby, cut her hair and sold it. From the proceeds of this sale, she purchased the required amount of rice, cooked a meal and served it to the said seven bhikkhus, who, having so procured their required alms for the day, repaired to the jungles for their abidance. Toward profiting Sumana with the greatest possible quantum of merit, the bhikkhus resolved not to consume their respective meals until they had each attained noble *Arahathship*, which they all did then and there. Thus, the meal of rice so gifted by Sumana to the bhikkhus with much sacrifice ultimately became the first nutriment received by seven noble *Arahaths*, an outstanding feat of merit indeed. (Dhammanandi n.d., Buddhadaththa translation, 83-84, translated into English.)

(e) Again, there is the story of the wife of a very poor man who, along with her husband, had for three years survived solely on the produce of the forest – fruits, roots, leaves and the like – in pursuance of saving enough seed paddy to cultivate a small field of their own. Finally, on the day on which her husband had intended to sow the same, the wife, who had been entrusted with bringing the seed paddy to the field, on seeing four pious bhikkhus, instead thought it wise to make an offering of the same to them. She reflected on the fact that it was due to not having given to nobles in the past that they had now become so indigent. Accordingly, she shelled the seed paddy, cooked the same and offered a meal of rice to the bhikkhus, apprising them of all the circumstances that had led thereto. The bhikkhus, having accepted this pious offering, proceeded into the forest to partake of the same, all resolving to rise as noble *Arahaths* soon thereafter. Thus, the meal gifted by the said indigent wife became the crucial nutriment by which the bhikkhus gained their respective exits from perpetual suffering. The husband, on returning home and being made aware of his wife's said gift of alms, rejoiced in the same and praised his wife for her longsighted wisdom. Having consumed the scant remnants of the said offering, he went back to

his field and sowed a few ash-gourd seeds. To his amazement, the seeds instantaneously took root and brought forth a miraculous yield, which he presented to king Saddhatissa who, in appreciation thereof, bestowed upon the farmer and his wife many properties, gifts and entitlements. (Dhammanandi n.d., Buddhadaththa translation, 85-87, translated into English.)

(f) There is also the story of a pious young woman who belonged to a family driven to poverty by a famine. Her brothers had once gifted her a new gown, which they had chanced upon, in place of the rag dress she usually wore. However, upon seeing a bhikkhu presenting himself for alms and thinking him more deserving of the same, she clothed herself in the discarded rag dress and gifted her new gown to the bhikkhu, who promptly made it into an outer robe to drape himself with. Resolving to secure for the young woman the greatest possible merit in deference to her great sacrifice, the bhikkhu, by strenuously focusing on his unblemished virtue, then and there gained the state of noble *Arahathship*. The brothers, whose permission their sister had not obtained for this gift, upon hearing of her said selfless deed, rejoiced in the same. Whilst so rejoicing, they stumbled upon a hamper full of luxurious clothes meant for all of them (miraculously gifted by Lord *Sakra* – the noble ruler of the realm of thirty-two deities – in just recognition of the young woman’s benevolence). She was subsequently blessed with an equally virtuous husband and much wealth and happiness. Upon her death, she entered the heavenly abodes in accordance with the great merit she had so acquired. (Dhammanandi n.d., Buddhadaththa translation, 101-104, translated into English.)

(g) And, finally, there is the tale of a servant girl named Chandra who for three whole months confined herself to only one meal a day, saving the cost of her other meals. Toward accumulating a further sum, she additionally worked at night. Amassing her said gains, she expended the entirety on an almsgiving replete with sumptuous food and robes to eight noble *Arahaths*, thereby gaining for herself an abundance of merit, king Saddhatissa’s patronage, a good marriage, much wealth and, above all, a secured place in the heavens. (Dhammanandi n.d., Buddhadaththa translation, 129-130, translated into English.)

Although the *Sihala Vatthu* relates particularly to the island’s *status quo* as at approximately 119BC, there exists no authority to defeat the presumption that its anecdotes remain true of the subsequent generations of citizenry governed in accordance with the ‘Dhamma’ by the

‘wise’ rulers of yesteryear (the majority of whom have already received mention under ‘4.6’ above).

4.15 No break in continuity

Thus, contrary to the view advanced by some modern Sri Lankan constitutional lawyers, there occurred no ‘break’ in continuity of the island’s fundamental norm of ‘Dhamma,’ resulting from foreign occupation or otherwise, as far as the consciousness of its people was concerned. Though both the island’s territory and workforce did eventually come to be ceded to the British, the hearts and minds of its majority populace appear not to have so succumbed: ‘The Ceylonese seem never to have attained that depth of debasement or that servility of soul ...’ (Knighton 1845, 192). So long as the ministry of the *Sangha* prevailed as it obviously did throughout the island, especially in the rural villages and townships that housed the majority of its native people, there occurred no decline in perennial traditions, values and virtues.

Indeed, the strategy of the British was not to win over the common man but to secure a future strain of submissive local administrators, complemented by a select band of enfranchised electors, all comprehensively indoctrinated in the traditions of the West and willing to ‘tow the line’ of imperial servitude whenever called upon. Key urban communities were their principal targets, on which they unleashed every conceivable type of infrastructural advancement as a form of environmental conditioning toward gaining both acclaim and favor:

4.3 With the proclamation of freedom of worship for all sects of the Christian faith, the island was flooded with various Christian missions. ... They received encouragement both by the Local Colonial Government as well as the British Government. (Walpita, Tennakoon, de Silva, Uduwela and de Silva 2001, 35.)

4.4 The missionaries soon realized that baptizing Sinhala Buddhists by throwing a little water on them was not going to make them believing Christians. **Sinhala Buddhists did not easily accept Christian dogmas, which they were not allowed to question, and give up their own traditions. So**

the missionaries decided to go for the younger generation and use education as a tool of conversion. They established schools in various parts of the island in the principal towns. In these schools, the children were taught the principles of Christianity. Before the coming of the missionaries, the temples were the [only] schools, and the monks were the instructors. Secular learning and spiritual wisdom were imparted in these schools. The Colonial Government suppressed these temple schools or neglected them. (Walpita, Tennakoon, de Silva, Uduwela and de Silva 2001, 35, emphasis and parenthesis added.)

Although British administrators never sought to overtly assail the prevalence of Buddhism within the island (even proclaiming its continuance *via* the Kandyan Convention of 2nd March 1815¹³⁰), they did apparently seek to countermand its influence by patronizing Christian indoctrination with the ultimate objective of dissipating Buddhism's hold on the native population.

However, what the British did not account for was the greater influence exerted by informal education in the *precepts* of 'Dhamma,' which native children were often exposed to during their formative years (on the initiative of parents, elders and the clergy) much prior to formal schooling. This in turn did much to ingrain an inviolable indigenous identity in almost every child (which unavoidably was to come into conflict with British designs of 'cultural indoctrination'). Thus, the elite strain of future rulers in whom British administrators had so abundantly invested became the very agitators for the country's self-governance and to whom the British did finally yield. It is pertinent to note the yeoman services rendered not only by the *Sangha* but also by minority communities such as the Muslims and Tamils in this struggle for the island's territorial independence, which was finally regained on 4th February 1948.

It must be stressed that the right to govern the territory of Sri Lanka autonomously is what was so returned to the island's natives, for this was all that the British ever did take away from them. Their right to think freely was never ceded; its continuity remained intact and indeed was the basis of the said struggle for final release from the clutches of the British. It is of

pivotal significance to note that this foreign foe of Lanka was won over not by threat, force or protest but by way of amicable discourse, reminiscent of the policy of king Parakramabahu III (*Cūlavangsha continuation* n.d., Geiger translation, 205, para.52) in keeping with the salient *Cakkavatti* norm of non-belligerence (see Chapter '3.14 Aśoka's conquest through 'Dhamma').

The islanders were indeed subjected to a uniform body of external compulsions under colonial laws, but never did they relinquish their sacred traditions and customs, which were practiced and perpetuated as their internalized 'living law.' Thus, even though the British did rule the island from 1812 to 1948, the majority populace never surrendered their immemorial allegiance to the fundamental norm of the 'Dhamma.' Now, more than two centuries later, the proposition that 'the 'Dhamma's' efficacy in Sri Lanka could be eclipsed' remains a naïve fallacy, just as it did then.

4.16 '*Rājā bhavatu dhammiko*'

Sri Lanka's 'Constituent Assembly' (a meeting of the people's elected representatives at a venue disassociated from mundane law making for purposes of supramundane constitutional making (see Cooray 1973, 72-79)), which commenced its sittings in 1970, did truly accomplish a pioneering feat: **not** by way of enforcing the country's 'first' ever 'legal revolution' (such transformation having already taken place during the reign of king *devānampiya*-Tissa (see '4.2' above)), but **enshrining the 'Dhamma' as the fundamental norm of the island's first ever homegrown written constitution.**¹³¹ This was undoubtedly a high point in the unbroken tradition of the island's 'living law.'

The vesting of 'inalienable sovereignty' in the people of Sri Lanka (Constitution of Sri Lanka (1972), Article 3) was an equally commendable step as it gave recognition to the hitherto overlooked fact that from the self-determination of its people emanated the island's

independence and viability of government. Since the majority populace never did willingly accept foreign rule, the legal continuity of the island's 'living law' was never impeded.

Under Sri Lanka's extant Constitution (1978), too, 'inalienable sovereignty' is seen vested in the people (Constitution of Sri Lanka (1978), Article 3), and the 'Dhamma' receives its unreserved recognition as the island's inviolable fundamental norm as follows:

- The last line of the Pāli stanza appended to the formal ending of the Constitution (*i.e.*, immediately after the end of Article 172(2)) reads: '**rājā bhavatu dhammiko,**' which means 'may the king rule righteously' or 'may the government be righteous.'
- Article 9 provides that 'the Republic of Sri Lanka shall **give to Buddhism the foremost place**, and accordingly it shall be the duty of the state to protect and foster the Buddha *Sāsana* whilst **assuring to all religions the rights granted** by Articles 10 and 14(1)(e)' (emphasis added):

Now what does giving the foremost place to Buddhism mean? It is to see the Buddhist way of life preserved and to prevent its subversion by whatever means and **not to allow the introduction of an alien way of life**, which would give rise to conflicts and confrontation between the followers of different religions. **Buddhism ... has always accepted and respected the rights of minorities to have their own beliefs and religious practices.** (Walpita, Tennakoon, de Silva, Uduwela and de Silva 2001, 137, emphasis added.)

To foster and protect the *Buddhasāsana* is ... seeing to the education of the *Mahā Sangha* and that the general system of education, morals and values of the people are consistent with a Buddhist way of life (Walpita, Tennakoon, de Silva, Uduwela and de Silva 2001, 137-138.)

- 'The Preamble' dates the Constitution's inception in terms of the Buddhist era and specifies the expectations that 'Cultural Order [be] attained, the Unity of the Country [be]

restored and **Concord [be] established with other Nations'** (parentheses and emphasis added).

It has already been observed that Article 9 of the present Constitution of Sri Lanka assures 'to all religions the rights granted by Articles 10 and 14(1)(e).' These latter Articles expressly provide as follows:

10. **Every person** is entitled to freedom of thought, conscience and religion, including the freedom to have or to adopt a religion or belief of his choice. (Emphasis added.)

14. (1) Every citizen is entitled to -

(e) the freedom, either by himself or in association with others, and either in public or in private, to manifest his religion or belief in worship, observance, practice or teaching.

Furthermore, the above provisions are seen complemented by the following sub-Articles:

14. (1) Every citizen is entitled to -

(a) the freedom of speech and expression, including publication;

(b) the freedom of peaceful assembly;

(c) the freedom of association;

...

...

(f) the freedom by himself or in association with others to enjoy and promote his own culture and to use his own language;

...

(h) the freedom of movement and of choosing his residence within Sri Lanka; and

(i) the freedom to return to Sri Lanka.

It becomes apparent that Sri Lanka's present Constitution does potentially provide for the requisite 'stability' to facilitate a rational 'overlapping consensus' within a 'hierarchical' society as contemplated by John Rawls (see Chapter '3.16 John Rawls *vis-à-vis* Aśoka').

4.17 Overlapping morality

Furthermore, in practice, the core constituents of the 'Dhamma' (the *five precepts* and the *sixfold reciprocal duties of support*) do serve to impose moral duties and obligations in pursuance of the fundamental interests of all (Rawls 1993b, 51) without any ensuing prejudice whatsoever to the other principal religions of Sri Lanka: Christianity (including Catholicism), Hinduism and Islam.

Killing, adultery, theft, perjury and covetousness are all specifically prohibited by The Holy Bible (n.d.):

You shall not kill. (EXODUS 20:13, DEUTERONOMY 5:17, MATTHEW 5:21, ROMANS 13:9.)

Neither shall you commit adultery. (EXODUS 20:14, DEUTERONOMY 5:18, MATTHEW 5:27 AND 19:18, MARK 10:19, LUKE 18:20, ROMANS 13:9, JAMES 2:11.)

Neither shall you steal. (EXODUS 20:15, LEVITICUS 19:11, DEUTERONOMY 5:19, MATTHEW 19:18, MARK 10:19, LUKE 18:20, ROMANS 13:9.)

Neither shall you bear false witness against your neighbor. (EXODUS 20:16, DEUTERONOMY 5:20, MATTHEW 19:18, MARK 10:19, LUKE 18:20, ROMANS 13:9.)

Neither shall you covet your neighbor's wife. (EXODUS 20:17, DEUTERONOMY 5:21.)

Neither shall you desire your neighbor's house, or field, or male or female slave, or ox, or donkey, or anything that belongs to your neighbor. (EXODUS 20:17, DEUTERONOMY 5:21.)

Almost the same prohibitions are seen reiterated among the sacred verses of The Holy Koran (n.d.):

You shall not kill any person – for GOD has made life sacred – except in the course of justice. If one is killed unjustly, then we give his heir authority to enforce justice. Thus, he shall not exceed the limits in avenging the murder; he will be helped. (QURAN 17:33.)

... Anyone who murders any person who had not committed murder or horrendous crimes, it shall be as if he murdered all the people. And anyone who spares a life, it shall be as if he spared the lives of all the people. (QURAN 5:32.)

You shall not commit adultery; it is a gross sin, and an evil behavior. (QURAN 17:32.)

The thief, male or female, you shall mark their hands as a punishment for their crime, and to serve as an example from God. God is Almighty, Most Wise. (QURAN 5:38.)

Do not withhold any testimony by concealing what you had witnessed. Anyone who withholds a testimony is sinful at heart. (QURAN 2:283.)

And do not covet what we bestowed upon any other people. Such are temporary ornaments of this life, whereby we put them to the test. What your Lord provides for you is far better, and everlasting. (QURAN 20:131.)

They ask you about intoxicants and gambling: say, 'In them there is a gross sin, and some benefits for the people. But their sinfulness far outweighs their benefit.' (QURAN 2:219.)

Honoring one's parents is a mandatory duty common to both Christianity¹³² and Islam¹³³; both imply broader duties toward society in general.

Among the four accepted 'objectives in life' prescribed by conventional Hinduism, '*dharma*' provides for the universal notions of honesty, decency, respect, responsibility, duty and concern for others, deemed vested in all individuals regardless of their relative positions in society (Biswas 2006). '*Artha*' mandates that material possessions be acquired morally (Biswas 2006). '*Kāma*' or the pursuit of love and pleasure too is required at all times to be

within the bounds of both law and morality (Biswas 2006). Finally, '*moksha*' or salvation is considered expedited by recourse to both strict virtue and dedicated service to society (Biswas 2006).

4.18 Why the 'Sri Lankan example'?

One could possibly raise issue regarding why such a protracted discussion, particularly pertaining to Sri Lanka, was taken up within the foregoing pages. The short answer would be: to corroborate Aśoka's inscribed declaration that the conquest through 'Dhamma' had been 'won' as far south as 'Tamraparni' ('RE XIII,' Dhammika 1993, 27).

The Sri Lankan example also qualifies as 'the best evidence' on: **(a)** the viability of 'Dhamma' as the 'basic norm' (Kelsen) of a nation's legal system; and **(b)** the tenability of perpetuating a 'living law' (Ehrlich) of the people as founded on a system of 'primary rules' (Hart).

However, whether the history of Sri Lanka admits of an 'evolution' of its customary 'living law' into a more sophisticated system of enforced norms remains unclear. A few writers have in fact presented collections of customary 'laws' (see Bertolacci 1817, 451-477 and D'Oyly 1829) and even a comprehensive 'code' (see *Nīti-nighaṇḍuva* n.d., LeMesurier and Pa'nabokke translation) apparently toward evincing such an 'evolution.' All these constructs, however, are found wanting in the crucial requirement of perennial authority owing to their relative recentness and majority dependence on secondary sources.

Indeed, the disappearance of *Arahaths*¹³⁴ after the Magha¹³⁵ invasion and the virtual decimation of the *Sangha* by Rajasingha I¹³⁶ would inevitably have left the immemorial customs of 'Dhamma'-based polity open to all forms of corruption. Accordingly, it might be virtually impossible to discover any authentic presentation of the island's indigenous 'laws.'

The Sri Lankan example does ‘fall short of’ manifesting a wholly ‘Dhamma’-based system of substantive laws or external compulsions, reasonably so as not even Aśoka sought to fortify his conventional system of internal convictions with complementary state sponsored coercive mechanisms that would definitively bring about, keep-in-check and perpetuate a ‘Dhamma’-based system of *common law*. This, however, does not mean that the last said initiative is impracticable. It merely shows that the people of the past were more amenable to self-restraint than those of the present.

4.19 A ‘Dhamma’ based legal system

It has already been observed that ‘Dhamma,’ according to Aśoka, meant nothing more than ‘so much of that body of rational duties revealed by the Buddha immanently relevant toward establishing a righteous rule’ (see Chapter ‘3.3 Aśoka’s ‘Dhamma’’). The constituent elements of the ‘Dhamma’ being universal truths, a legal system based thereon would be deemed vested with some form of universality. It now appears opportune to present the tentative framework of such a ‘Dhamma’-based legal system.

4.20 Core postulates

‘Dhamma’-based polity has already been shown to encompass the *Buddhist social contract* (see Chapter ‘2.5 Buddhist social contract’); the *Cakkavatti duties* (see 3.2 ‘The Cakkavatti ideal and Aśoka’); the *seven factors of non-decline* (see Chapter ‘2.3 Conformity to Hart’s ‘primary rules’’); the *five precepts* (see Chapter ‘3.15 Five precepts – the *sine qua non* of ‘Dhamma’’); and the *sixfold reciprocal duties of support* (see Chapter ‘3.3 Aśoka’s ‘Dhamma’’). Hence, the *active* postulates that all of these constituents could give rise to minimally would include the following:

- That the representative government of the day be wholly elected upon the majority consensus of its people for the principal purposes of securing social welfare and

maintaining law and order; that recourse be had only to light forms of punishment in the nature of rebuking, upbraiding, expelling and the like; and that only moderate taxation be imposed on the people.

- That the said representative government of the people be firmly established in a body of righteous duties or 'Dhamma' and rule resolutely by the same.
- That a regime of reciprocal support for the care and protection of all principal segments of society be established and birds and beasts conserved.
- That all forms of socially harmful conduct be criminalized and financial assistance extended to the indigent toward eradicating poverty: the root of all crime.
- That teachers of morality belonging to all extant faiths be directed to consolidate and disseminate the most socially beneficial elements of their respective doctrines as based on the noble virtues of selflessness, goodwill and compassion toward securing the widespread spiritual advancement of society.
- **That abstinences from killing, stealing, carnal misconduct, lying and intoxication be firmly advocated as rational ethics worthy of espousal by all.**
- That both the rulers and those ruled indulge one another in generosity, affability, beneficence and indiscrimination.
- That the 'Dhamma' (righteous duties) be peaceably propagated amongst the peoples of the world in pursuance of eradicating recourse to belligerence and securing the greater weal of mankind, at all times respecting their individual and equal territorial sovereignties.

Taken cumulatively, these *active* postulates represent the righteous rule (or rule by ‘Dhamma’) that the people of Sri Lanka might be deemed to have habitually endorsed over many a generation (at least in respect of the greater number of its constituent norms). Since each *active* postulate inevitably complements every other, the loss of even one would account for a compound loss in the cumulative efficacy of the remaining whole. The bulleted enumeration above is not meant to be exhaustive, for the ‘Aśokas’ of the future might possibly see fit to supplement the same with new *active* postulates (by recourse to the greater mass of the Buddha’s *teachings* or *Dhamma*). However, that which mandates adherence to the *five precepts* is undeniably indispensable; without it, the identity of the ‘Dhamma’ could never be established (see Chapter ‘3.15 *Five precepts* – the *sine qua non* of ‘Dhamma’). Thus, *active* postulates might be even reduced to only this distinctive (prime) postulate that advocates adhering to the *five precepts*. Any form of governance based thereon would be deemed *ipso facto* one of ‘Dhamma,’ albeit in its minimal sense (see *Kuru-dhamma jāataka* n.d., Rouse translation).

Barring this ‘prime postulate,’ if and when any *active* postulate comes to lose its efficacy, it might be relegated to the status of an *inactive* postulate (ideally *via* judicial pronouncement at the highest level as moved for by a council of clerics charged with ascertaining the *pro tempore* mores of the day). However, its repeal from any constitutionally expressed list of ‘directive norms of state policy’ (or the like) should not necessarily follow, as there should exist the possibility of reactivating such an *inactive* postulate *via* the same said process. Needless to say that the ‘prime postulate’ could be repealed only by way of ‘legal revolution,’ whereupon every nuance of ‘Dhamma’ would come to be expunged from the succeeding system of polity.

It is pertinent to note that, save for the use of the word ‘Dhamma,’ there exists nothing among the aforementioned postulates to limit their efficacy exclusively to a Buddhist nation. The

attribute of 'generality' being abundantly manifest in them, they could be easily representative of any world order that bases itself on rational pragmatism.

4.21 Constitutional norms

Since progressive societies are generally assumed to move from customary to codified rules, what would be addressed next under the present scheme of concretization is that of reducing the said *active* postulates to a tangible form of fundamental law. A written constitution enshrining the 'Dhamma' would be the logical choice whose salient provisions should include the following:

- Vesting inalienable rights to sovereignty, self-determination and autonomy in the citizenry.
- Declaring the fundamental negative entitlements to not being deprived of (1) life, (2) equality, (3) fair trial, (4) freedom of thought, conscience and religion, (5) freedom from torture, cruel, inhuman or degrading treatment, (6) freedom from arbitrary arrest, arbitrary detention, arbitrary punishment, arbitrary taxation and retroactive penal legislation and (7) freedom from forced servitude, all inviolable and unrestricted. Mandating that infringements of these fundamental negative entitlements by any person be met with civil, criminal and/or civic sanctions imposed at the behest of the highest judicial forum of the land *via* an expeditious redress mechanism funded by the state.
- Requiring that both the head of the executive and members of the legislature be elected simultaneously at a free and fair poll held once every four years, the speaker and members of the cabinet in turn being elected by the members of the newly constituted legislature. Both the head of the executive and other members of the

executive be entitled to enjoy only those privileges commonly accorded to legislators and remain accountable to the legislature at all times.

- Mandating the creation of an *ethics council* whose membership shall be drawn from clerics of all extant religious denominations on the basis of proportional representation and vested with the function of issuing advisements to all three branches of the government on all matters having a crucial bearing on the people, including the appointing of suitable and qualified citizens to the highest positions in government, be they judges, commissioners, civil servants, plenipotentiaries or otherwise.
- Requiring that judges of the highest judicial forum be nominated by the *ethics council*, affirmed by the legislature, appointed by the head of the executive, and be vested with especial jurisdiction to issue declarations of incompatibility in respect of laws that contravene any constitutionally declared *active* postulate of the 'Dhamma.'
- Legislating the *active* postulates of the 'Dhamma' under a separate chapter of the constitution entitled 'directive norms of state policy' (or the like) at all times being unrepealable though amenable to *inactivation* and/or *supplementation* by way of a legislated constitutional amendment affirming the determination of a petition filed in this regard by the *ethics council* before the highest judicial forum.

4.22 'Dhamma' law

The legislature would next be vested with the task of transforming the above constitutional norms into pragmatic laws such as those which:

- Prohibit (i) killing (including aiding, abetting, counseling or procuring the killing of) any sentient being *save in circumstances of self-defense, prevention of spread of disease or*

*the like*¹³⁷; (ii) stealing (including appropriating, devaluing or destroying) unentitled property; (iii) rape, incest, pedophilia, adultery, bestiality, necrophilia, public indecency, public intoxication, gambling and other like forms of carnal excesses; (iv) expressing falsehoods (by words or actions); and (v) consuming any form of addictive intoxicant save on medical prescription.

- Enable comprehensive provisions for the due maintenance of indigent spouses, children and parents.
- Establish adequate retirement benefits for teachers and the clergy.
- Prescribe the reciprocal duties of support pertaining to parent-child and teacher-student relationships.
- Found a comprehensive and simplified regime of employer-employee protection.
- Institute a comprehensive public healthcare service and provide special state patronage for the differently abled.
- Abolish capital punishment.
- Mandate reformative incarceration in spiritual institutions for first offenders convicted of serious crimes.
- Substitute the adversarial system¹³⁸ with the inquisitorial system of adjudication.
- Bar the deployment of armed forces in any act of unprovoked aggression.

4.23 *Alien norms*

Admittedly, the international obligations of a 'Dhamma'-based state might well require that particular forms of enabling legislation be enacted nationally to give effect to norms that have been conceived internationally. In this event, it is clear that the substantive provisions given effect to by such special enabling legislation do not emanate from the said state's constitution and are hence wholly *alien*. Even so, if such provisions are considered non-prejudicial to the said state's constitutionally declared *active* postulates (of the 'Dhamma'), the highest judicial forum, upon being petitioned by the *ethics council*, might well issue a declaration endorsing their compatibility.

Conversely, an iniquitous provision like that justifying a 'prescriptive claim' to landed property on mere proof of 'undisturbed adverse possession' for an 'uninterrupted period of ten years' (see Prescription Ordinance No.22 of 1871, section 3), being in patent disavowal of the deed owner's documentary title thereto, would plainly violate the prohibition on stealing (prescribed by the 'Dhamma') and *ipso facto* necessitate a declaration of incompatibility being issued to confine the utility of this provision to only compensatory claims for 'useful'/'valuable' improvements executed if any.¹³⁹

It goes without saying that whenever the highest court declares a legislative provision 'incompatible,' the expectation would be that the legislature complies by repealing the same. Likewise, in the event of the highest court's advocating any supplementation to the law, the legislature would be expected to positively enact the same.

Might Buddhist Tenets Be Shown To Have Founded Or Substantially Influenced Any Doctrine Of Western Jurisprudence?

5.1 Affinity to *natural law*

The history of jurisprudence appears to have been primarily occupied with two types of inquiry: one toward determining the answer to ‘what the law is’ and the other in discovering ‘why people abide by the law.’

‘Law’ has today come to be understood broadly as encompassing: **(a)** customary morality or *natural law*; **(b)** positive or enacted law; and **(c)** combinations of both said **(a)** and **(b)**. ‘Law abidance’ on the other hand has from time to time been attributed to the efficacy of: **(a)** societal pressures; **(b)** historical biases; **(c)** *social contract*; **(d)** sanctioned norms; and even **(e)** economic security.

Natural law being the oldest school of jurisprudence – boasting a history of approximately 2500 years (Ed. Freeman 1959, 92) – warrants special consideration owing to its being the most proximate in time to the completion of the Buddha’s ministry.

Although the term *natural law* has never secured for itself an all-encompassing definition, its essence is that:

... There exist **objective moral principles** which depend on the essential nature of the universe and **which can be discovered by natural reason**, and that ordinary human law is only truly law in so far as it conforms to these principles [of *natural law*]. (Ed. Fitzgerald 1902, 15, reproduced with permission from ©Thomson Reuters (Professional) UK Limited *via* PLSclear, emphasis and parenthesis added.)

The reference to ‘principles’ of *natural law* as capable of being ‘discovered’ by innate ‘reason’ appears at first sight to parallel the appeal to rationalism as hitherto identified with the Buddha’s *Dhamma* (or *teaching*). However, a subtle but drastically divergent distinction remains to be appreciated regarding the manner in which *natural law* and the *Dhamma* employ their respective appeals to rationalism. Under *natural law*, rationalism constitutes the criterion by which the founding principles of that particular school of thought are to be both discovered and verified. Under the *Dhamma*, rationalism’s utility is confined to verification only, discovery being the exclusive prerogative of a *rightly self-awoken* Buddha (*Sammāsambuddha*). Thus, whilst *natural law* is dependent on man’s innate sense of rationality, the *Dhamma* is not; it exists quite independently of man.

Buddhism necessarily attributes the discovery of the *Dhamma* to none other than the *rightly self-awoken* Buddha. Neither being a deity nor a martyr, he is nonetheless born with the requisite supramundane *Virtue* and *Focus* to realize (through strong strife and mindful insight) the truisms of the *Dhamma* and thereby transcend the trappings of all forms of mundane causal origination toward redeeming himself from perpetual suffering (see Chapter ‘1.1 The Buddha’s *Dhamma*’). In achieving this end, he is truly self-taught, and being so remains unequalled by any other. Having attained supreme enlightenment, he discerns (from the *Dhamma*) a *Path* that lesser mortals could follow to free themselves from perpetual suffering. Thus, it is with the discovery of this *Noble Path* that the Buddha is duly credited (see *Sambuddha sutta* n.d., Thanissaro translation).

Moved by incomparable compassion for the whole of humanity, he then embarks on a noble quest of instruction, foremostly regarding the hitherto unknown *Path* of emancipation. Since many in this world are constrained by obligations, the Buddha simplifies the *Path* to one of graduated progression, thereby facilitating greater societal participation in the commonweal of all. Inasmuch as the *Noble Path* is derived from the *Dhamma* (the *teaching*), it remains dependent on the pragmatic norms of the latter, which universal truths the Buddha invites all

and sundry to accept only upon personal empirical-rational verification. Accordingly, no mortal of mere mundane intellect could (literally) ‘discover’ either the *Path* or the universal truths upon which it is founded, though s/he might, with her/his innate sense of ‘right understanding,’ appreciate the authenticity of both (*Path* and truths) and thereby strive toward her/his own salvation in accordance with the same. Thus, the Buddha’s revelations as to *Path* and truths impliedly provide for: (1) a criterion of validity or recognition (the sanction of the Buddha); and (2) a distinct pragmatic method of (personal empirical-rational) verification.

The traditional school of *natural law*, however, by founding itself on the average man’s presumed ability to discover principles of morality (based on his empirical understanding of natural causal relations) and verify the same (*via* his innate sense of rationality), suffers from a two-part deficiency: (1) the lack of uniformity in the common man’s ability to so discover principles of morality; and (2) the lack of objective descriptions regarding ‘natural causal relations’ and ‘morality.’

Nonetheless, verifiability *via* man’s innate rationality being a feature common to both Buddhism and *natural law*, it remains pertinent to ascertain how this salient trait of the former came to be eventually identified with the latter.

5.2 Origins of *natural law*

Stoic philosophers were particularly responsible for bringing *natural law* to the fore as a universal system:

They stressed the ideas of individual worth, moral duty and universal brotherhood, and though in the early days theirs was a philosophy of withdrawal, enjoining conformity to the universal law upon the select few of wise men alone, in its later development ... stress was placed on its

universal aspects as laying down a law not only for the wise but for all men. (Lloyd 1959, 56, reproduced with permission from ©Thomson Reuters (Professional) UK Limited *via* PLSclear.)

Royal patronage (particularly of Antigonus Gonatas and Ptolemy II (see Baltzly 2008, '6. Influence'; Laërtius n.d., Yonge translation, 263-264, paras.XIV and XVI; and Laërtius n.d., Yonge translation, 322, para.II and 330, para.VIII)) had much to do with the proliferation and perpetuation of Stoic thought. (However, the attributes of *recourse to rational verification* and *regulation of conduct in accordance with nature* appeared in Stoicism only during its later stages of development.) The salient characteristics of Stoic *natural law* have received expression as follows:

And as reason is given to rational animals according to a more perfect principle, it follows that to live correctly according to reason is properly predicated of those who live according to nature. For nature is, as it were, the artist who produces the inclination. (Laërtius n.d., Yonge translation, 291, para.LII.)

Again, they say that justice exists by nature ... not because of any definition or principle; just as law does, or right reason (Laërtius n.d., Yonge translation, 306, para.LXVI.)

If our intellectual part is common, the reason also, in respect of which we are rational beings, is common: if this is so, common also is the reason which commands us what to do and what not to do; if this is so, there is a common law also; if this is so, we are fellow citizens; if this is so, we are members of some political community; if this is so, the world is in a manner a state. For of what other common political community will anyone say that the whole human race are members? And from thence, from this common political community comes also our very intellectual faculty and reasoning faculty and our capacity for law; or whence do they come? (Antoninus n.d., Long translation, 124, para.4.)

But he who values a rational soul, a soul universal and fitted for political life, regards nothing else except this; and above all things, he keeps his soul in a condition and in an activity conformable to

reason and social life, and he cooperates to this end with those who are of the same kind as himself. (Antoninus n.d., Long translation, 165-166, para.14.)

Every instrument, tool, vessel, if it does that for which it has been made, is well, and yet he who made it is not there. But in the things which are held together by nature there is within and there abides in them the power which made them; wherefore, the more is it fit to reverence this power and to think that if thou dost live and act according to its will, everything in thee is in conformity to intelligence. And thus also in the universe, the things which belong to it are in conformity to intelligence. (Antoninus n.d., Long translation, 175, para.40.)

One thing here is worth a great deal: to pass thy life in truth and justice, with a benevolent disposition even to liars and unjust men. (Antoninus n.d., Long translation, 179, para.47.)

To the rational animal, the same act is according to nature and according to reason. (Antoninus n.d., Long translation, 186, para.11.)

The poet says that Law rules all – And it is enough to remember that Law rules all (Antoninus n.d., Long translation, 191, para.31.)

Do not look around thee to discover other men's ruling principles, but look straight ... to what nature leads thee: both the universal nature through the things which happen to thee and thy own nature through the acts which must be done by thee. (Antoninus n.d., Long translation, 196, para.55.)

But intelligence and reason are able to go through everything that opposes them, and in such manner as they are formed by nature and as they choose. (Antoninus n.d., Long translation, 265, para.33.)

Thus, then, right reason differs not at all from the reason of justice. (Antoninus n.d., Long translation, 271, para.1.)

Admittedly, comparing the ethical principles of Stoicism with those of Buddhism appears relevant toward eliciting a probable nexus between the *Dhamma* (teaching) and *natural law*.

5.3 The Stoic philosophers¹⁴⁰

Regarding the attributes of a Stoic ‘sage,’ it has been provided *inter alia* as follows:

Feelings, of course, as psychical states, the sage, like every other human being, experiences – feelings of pleasure and pain, but they do not in any way disturb or unhinge him – under them he remains self-poised. ... In this way, the wise man, being self-sufficient, alone is free, and alone is a king; he is rich in the midst of poverty and happy though in physical torment. He never yields to anger, or resentment, or envy, or fear, or grief, or even to joy or to lust; nor does he experience pity or compassion, or show forgiveness, for he cannot compassionate or pardon another, whom he conceives is simply suffering from what he himself, if such suffering were his, would regard as no evil. Hence, further, the ideal sage has no desire for fame and scorns the pursuit of it, and is relieved from all anxiety above both the future and the past. (Davidson 1907, 149-150.)

Remarkably, the above appears to mirror the standpoint long since identified with the *Theravāda* Buddhist ‘sage’:

Having left home to roam without abode, in the village the **sage** is intimate with none; rid of sensual pleasures, without expectations, he would not engage people in dispute. (*Hāliddikāni sutta* n.d., Bodhi translation, 859-860, emphasis added.)

Freed of greed, not stingy, a **sage** doesn’t speak of themselves as being among superiors, inferiors or equals. One not prone to creation does not return to creation. They who have nothing in the world of their own do not grieve for that which is not, or drift among the *teachings*; that’s who is said to be at peace. (*Purābheda sutta* n.d., Sujato translation, emphasis added.)

People are tied to their acquisitions, to what is seen, heard, sensed and felt; dispel desire for this, be unstirred; they call him a **sage** who clings to nothing here. ... Proficient, long-trained in concentration, honest, discreet, without longing, the **sage** has attained the peaceful state,

depending on which he bides his time fully quenched within himself. (*Aratī sutta* n.d., Bodhi translation, 282, emphasis added.)

Thus, further analysis into the position borne by the Stoics is clearly warranted.

As philosophy was to them a substitute for religion, it was, above all things, their aim to make it a **rule of life, 'a way of living'** – not merely, as now, a necessary part of a university curriculum, but a power operative for good in daily action. (Davidson 1907, 48, emphasis added.)

Interestingly enough, Buddhism has much prior to Stoicism disclosed its practice as a 'way of life':

[Nanda:] People say that in the world there are **sages** – how is this? Do they say '**sage**' for knowledge won or for a certain **way of life**¹⁴¹? [The Buddha:] The intelligent ones say not a '**sage**,' for view, tradition or knowledge won; those foeless, desireless and free from distress who **so fare along** are **sages**, I say. (*Nanda-māṇava-pucchā* n.d., Mills translation, emphasis added.)

Stoics are said to have:

... Clearly laid down the nature of false or unfounded sense impressions and, in doing so, implicitly defined the foolish man as the hasty, the careless, the prejudiced percipient, or as a man suffering from mental disorder, while the wise man is he of unclouded mind, calm, careful, deliberate, unprejudiced. Impressions equally affect the wise and the unwise, but while the latter may give an occasional or accidental assent to them, the former has the characteristic of yielding a free, consistent and **unerring** assent and of stamping them with his approval. (Davidson 1907, 77, emphasis added.)

Again, Buddhism preconceives the said 'Stoic' notions as follows:

... **Guard the doors of your sense faculties.** On seeing a form with the eye ... on hearing a sound with the ear ... on smelling an odor with the nose ... on tasting a flavor with the tongue ... on

touching a tangible with the body ... on cognizing a mind-object with the mind, do not grasp at its signs and features. Since if you were to leave the eye faculty ... the ear faculty ... the nose faculty ... the tongue faculty ... the body faculty ... the mind faculty unguarded, evil, unwholesome states might invade you, practice the way of ... restraint, guard the eye faculty ... the ear faculty ... the nose faculty ... the tongue faculty ... the body faculty ... the mind faculty, undertake the restraint of the eye faculty ... the ear faculty ... the nose faculty ... the tongue faculty ... the body faculty ... mind faculty. (*Gaṇakamoggallāna sutta* n.d., Nanamoli and Bodhi translation, 875, abridged and emphasis added.)

According to Stoics:

Happiness consists ... not in the possession of anything external but in control of a man's own self, in strength of will illuminated by reason. In our power, in particular, is virtue and the choice of what is right and good; in the pursuit of which lie man's distinction and his bliss. (Davidson 1907, 145.)

Such free will has long since been identified with the Buddhist 'way of life':

By oneself, indeed, is evil done; by oneself is one defiled. By oneself is evil left undone; by oneself, indeed, is one purified. Purity and impurity depend on oneself. No one purifies another. (*Dhammapada* n.d., Narada translation, 149, verse 165.)

... These three sectarian tenets ... when taken to their conclusion, end with inaction. What three? '... [1] Everything an individual experiences – pleasurable/painful/neutral – is because of past deeds.' '... [2] Everything an individual experiences – pleasurable/painful/neutral – is because of an Almighty's creation.' '... [3] Everything an individual experiences – pleasurable/painful/neutral – has no cause or reason.' ... Those who believe that past deeds are the cause; an Almighty's creative power is the cause; or there is no cause or reason; have no enthusiasm or effort; no idea that there are things that should and should not be done. Since they don't acknowledge as a genuine fact that there are things that should and should not be done, they're unmindful and careless (*Titthāyatanādi sutta* n.d., Sujato translation, abridged with parentheses added.)

Stoics hold that:

... The wise man in ethics ... can **penetrate** appearances ... and refuse to give assent to those that are false, while no one can prevent his assenting to such as are true: he affirms the good and denies the evil. (Davidson 1907, 78-79, emphasis added.)

Buddhism predeclares that:

Not penetrating certain things, one deviates from *right view*,

The sleeping do not penetrate; it is time to be wakeful.

Thoroughly **penetrating** certain things, one does not deviate from *right view*,

Penetratingly and thoroughly, knowing they tread the *right path*. (*Appaṭividita sutta* n.d., Uppalavanna translation, emphasis added.)

The Stoics' understanding of 'happiness' is outlined as follows:

... Happiness, to the Stoic, means **virtue** – not something added on to it from without as its reward, but virtue itself as a realized state in the individual. Virtue, therefore, is the sole ultimate source of happiness, issuing naturally and inevitably in it In that case, virtue is not merely the chief but the only good, and vice, issuing in misery, is the only evil. Now, what is virtue? It is wisdom ... it is moral insight, or the clear and consistent perception of what is good and what is evil, and the eager intentional accepting of the one and rejecting of the other. (Davidson 1907, 152, emphasis added.)

Buddhism preconceives the culmination of ('clever') 'virtues' as follows:

Thus ... clever **virtues** are for the reason and benefit of non-remorse. Non-remorse is for the reason and benefit of **delight**. Delight is for the reason and benefit of **joy**. Joy is for the reason and benefit of tranquility. Tranquility is for the reason and benefit of pleasantness. Pleasantness is for the reason and benefit of concentration. Concentration is for the reason and benefit of knowledge and vision of seeing things as they really are. Knowledge and vision of seeing things as

they really are, is for the reason and benefit of turning away and disenchantment. Turning away and disenchantment is for knowledge and vision of release. Thus ... **clever virtues lead to the highest.** (*Kimatthiya sutta* n.d., Uppalavanna translation, emphasis added.)

When a bhikkhu whose taints are destroyed reviews his mind liberated from lust, liberated from hatred, liberated from delusion, there arises rapture ... **happiness** ... equanimity ... deliverance. (*Nirāmisā sutta* n.d., Bodhi translation, 1284-1285, emphasis added.)

‘They do it even though it’s hard,’ said the Buddha ... ‘the stable trainees with ethics and immersion.’ ‘For one who has entered the homeless life, contentment brings **happiness.**’ (*Kāmadā sutta* n.d., Sujato translation, parenthesis and emphasis added.)

Seeing that the hindrances have been given up in them, **joy** springs up. Being joyful, **rapture** springs up. When the mind is full of rapture, the body becomes **tranquil**. When the body is tranquil, they feel **bliss**. And when blissful, the mind becomes immersed.¹⁴² (*Poṭṭhapāda sutta* n.d., Sujato translation, emphasis added.)

Stoics are said to have subscribed to:

... Sitting loose to the pleasures of the world, of **moderating**¹⁴³ and suppressing one’s desires, of finding the source of happiness and peace in the mind and inward being, not in external circumstances or the so-called good things of life, which are variable and uncertain and which perish in the using, leaving one unsatisfied. It is the characteristic of the wise man that he is self-sufficient – independent of fortune’s favor and of everything outside himself: he is master of the world by being master of his own desires. Hence, he can endure hardness without repining and can even rejoice in it, and asceticism is his natural element. (Davidson 1907, 131-132, emphasis added.)

Buddhism preconceives ‘moderation’ as follows:

And how is a mendicant one who knows **moderation**? It’s when a mendicant knows moderation when receiving robes, alms-food, lodgings and medicines and supplies for illness. If a mendicant

did not know moderation, s/he would not be called ‘one who knows moderation.’ But because s/he does know moderation, is called ‘one who knows moderation.’ Such is the one who knows the *teaching*, the one who knows the meaning, the one who has self-knowledge, and the one who knows moderation. (*Dhammaññū sutta* n.d., Sujato translation, amended and emphasis added.)

Here, when faithful householders invite a bhikkhu to take as much as he likes of robes, almsfood, resting places and medicinal requisites, the bhikkhu knows **moderation** in accepting. (*Mahā Gopālaka sutta*, Nanamoli and Bodhi translation, emphasis added.)

The Stoics’ position on ‘emancipation from desires’ has been summarized as follows:

... True freedom consists in emancipation from the thralldom of irrational desires (wealth, lust, domination, the passions), in the eradication of our desires and the reduction of our **wants** to the smallest possible number, and in subjection to the will under the supremacy of reason. (Davidson 1907, 143, emphasis added.)

‘Non-attachment’ has always been the keystone of Buddhism:

... An ignorant person [who] builds up **attachments** ... returns to suffering again and again. So let one who understands not build up **attachments** ... the origin of [all] suffering and rebirth. (*Mettaḡū-māṇava-pucchā sutta* n.d., Sujato translation, parentheses and emphasis added.)

From **attachment** springs grief; from **attachment** springs fear. For one who is wholly free from **attachment**, there is no grief; whence then fear? (*Dhammapada* n.d., Buddhārakkhitha translation, verse 214.)

Most modern historians prefer to avoid any discussion on the extent to which the Stoics practiced their professed austerities in reality. Existing accounts at times fail to manifest an ideal compliance with the code of Stoic virtue by even its chief exponents:

When he [Zeno] was asked why he, who was generally austere, relaxed at a dinner party, he said, 'Lupins too are bitter, but when they are soaked, they become sweet.' And ... **in entertainments of that kind, he used to indulge himself freely.** And he used to say that it was better to trip with the feet than with the tongue. (Laërtius n.d., Yonge translation, 269, para.XXII, parenthesis and emphasis added.)

And he [Zeno] died in the following manner. When he was going out of his school, he tripped and broke one of his toes, and striking the ground with his hand, he repeated the line out of the Niobe:—

I come: why call me so?

And immediately **he strangled himself**, and so he died. (Laërtius n.d., Yonge translation, 270, para.XXVI, parenthesis and emphasis added.)

And they also teach that **women ought to be in common among the wise**, so that whoever meets with any one may enjoy her, and this doctrine is maintained by Zeno in his Republic and by Chrysippus in his treatise on Polity (Laërtius n.d., Yonge translation, 307, para.LXVI, emphasis added.)

However, in fairness to the trinity of founding Stoic philosophers, it must be stressed that no direct evidence pertaining to their works or lives has survived (see Baltzly 2008, '1. Sources of our information on the Stoics'). Hence, the veracity of doxographical excerpts (such as those above) might be called into question. More apt, however, would be the defense that no record whatsoever exists of any Stoic's claiming to have been a 'sage' or in the least under the tutelage of any such 'sage.' 'Trainee-trainers of an apparently yet to be perfected discipline' would best describe the status of all first-generation Stoics. Thus, in the absence of any foremost Stoic 'sage,' a serious issue is raised regarding the plausibility of attributing the authorship of 'Stoic philosophy' to the Stoics themselves. In fact, regarding the school's 'founder' Zeno of Citium, it has been averred as follows:

And when he [Zeno] had made a good deal of progress, he attached himself to **Polemo** because of his freedom from arrogance, so that it is reported that he said to him, '**I am not ignorant, O' Zeno,**

that you slip into the garden door and **steal my doctrines, and then clothe them in a Phoenician dress.**' (Laërtius n.d., Yonge translation, 268, para.XX, parenthesis and emphasis added.)

Polemo was an ardent student of Xenocrates (Laërtius n.d., Yonge translation, 159, para.VI), under whom Zeno himself is said to have obtained instruction (Laërtius n.d., Yonge translation, 259, para.III). Hence Plutarch's following 'asked and answered' question:

What beginnings do **Xenocrates** and **Polemo** take? Does not also **Zeno** follow these, who suppose nature and **that which is according to nature to be** the elements of **happiness**? But they indeed persisted in these things, as desirable, good and profitable; and joining to them virtue, which employs them and uses every one of them according to its property, thought to complete and consummate a perfect life and one every way absolute, producing that concord which is truly suitable and consonant to nature. (Plutarch n.d., 394, emphasis added.)

5.4 Xenocrates¹⁴⁴

As has been noted *per* Plutarch above, Xenocrates' 'beginnings' laid in striving to realize happiness by 'living according to nature.' The following serve to disclose his further espousals:

... Xenocrates may actually have followed some version of the Pythagorean way of life
(Huffman 2008, '4.1 Origins in the Early Academy: Speusippus, Xenocrates and Heraclides,' reproduced with permission from ©Carl Huffman.)

Being exceedingly devoid of every kind of pride, he often used to meditate with himself several times a day; and always allotted one hour of each day, it is said, to silence. (Laërtius n.d., Yonge translation, 156, para.VIII.)

The negative emphasis in Xenocrates' evaluation of philosophical activity as '**stopping the disturbance of the affairs of life**' (Diels 1879, 605, citing Galen) sounds like a step in the direction of the Hellenistic goal of 'undisturbedness.' (Dancy 2008, '3. Ethics,' reproduced with permission from ©Russell Dancy, emphasis added.)

Admittedly, the above hardly suffices as a viable reconstruction of Xenocrates' ethics. Nonetheless, it does present the two fundamental notions (constituents) of his thinking. **(a)** The first, 'living according to nature,' though almost exclusively ascribed to the Stoics, is thus seen attributed to Xenocrates as well, not surprisingly so in view of the influence that the latter might have exerted on his pupil Zeno of Citium (the 'founder' of the Stoic school), thereby plausibly accounting for the said principle's conveyance into Stoic thought. **(b)** The second, 'stopping the disturbance of the affairs of life,' is indeed an Epicurean epithet whose reattribution too comes as no surprise since 'Demetrius the Magnesians affirms that Epicurus¹⁴⁵ (the 'founder' of Epicureanism) *also* attended the lectures of Xenocrates (Laërtius n.d., Yonge translation, 428, para.VII, parenthesis and emphasis added). Thus, what in the teaching of Xenocrates constituted two aspects of an integrated ideal – **living in accordance with nature toward stopping the disturbance of the affairs of life** – was found divided and espoused (seemingly independently of each other) respectively by his two students, Zeno of Citium and Epicurus of Samos.

However, it appears that maintaining a strict divide between these 'two' schools of thought was not easy and often found conceptually counterproductive as both were subject to constant misunderstanding; *e.g.*, Epicureans were considered 'hedonists' and Stoics 'ascetics,' but in reality neither endorsed either extreme.

'Stoic virtue' finds expression in Epicurean thought and 'Epicurean wisdom' in the works of later Stoics. For example, Marcus Aurelius in his 'Meditations' prescribes a contemplative method, which though based in Stoicism is nonetheless tempered with Epicureanism. The following are explicit references made therein to Epicurus:

Indeed, in the case of most pains, let this remark of **Epicurus** aid thee: that pain is neither intolerable nor everlasting, if thou bearest in mind that it has its limits, and if thou addest nothing to it in imagination (Antoninus n.d., Long translation, 199, para.64, emphasis added.)

Epicurus says, In my sickness my conversation was not about my bodily sufferings, nor, says **he**, did I talk on such subjects to those who visited me; but I continued to discourse on the nature of things as before, keeping to this main point, how the mind, while participating in such movements as go on in the poor flesh, shall be free from perturbations and maintain its proper good. Nor did I, **he** says, give the physicians an opportunity of putting on solemn looks, as if they were doing something great, but my life went on well and happily. Do, then, the same that **he** did both in sickness, if thou art sick, and in any other circumstances (Antoninus n.d., Long translation, 244, para.41, emphasis added.)

5.5 Socrates¹⁴⁶

The following extracts attributed to Socrates¹⁴⁷ (both severally and concertedly) evince key similarities to ‘Stoic doctrine.’ The further indented and italicized excerpts within square brackets that follow these ‘extracts’ provide for corresponding Buddhist precedents, which have obviously fostered ‘Socratic thought’:

... A man who is good for anything ought not to calculate the chance of living or dying; he ought only to consider whether in doing anything he is doing right or wrong – acting the part of a good man or of a bad. (Plato n.d.a, Jowett translation, 15.) ... Zeal is invaluable, if a right one; but if wrong, the greater the zeal, the greater the evil; and therefore we ought to consider whether these things shall be done or not. For I am and always have been one of those natures who must be guided by reason, whatever the reason may be, which upon reflection appears to me to be the best (Plato n.d.c, Jowett translation, 34.)

[... When a desire arises to do some bodily action, you should reflect: doing this bodily action, will I be troubled, will others be troubled, will both be troubled. Is this bodily action demerit? Is it unpleasant? When reflecting, if you know: this bodily action will bring trouble to me, to others and to both. It is demerit. It is unpleasant. ... You should not do it. ... When reflecting, if you know: this bodily action I desire to do will not bring me trouble, others trouble, nor trouble to either. It's merit and brings pleasantness. ... You should do such bodily actions. (Ambalaṭṭhika-Rāhulovāda sutta n.d., Uppalavanna translation.)]

... We ought not to retaliate or render evil for evil to anyone, whatever evil we may have suffered from him. ... Neither injury nor retaliation nor warding off evil by evil is ever right. (Plato n.d.c, Jowett translation, 38.)

['Venerable sir ... I will abide in the Sunaparanta state.'

'Punna, the people of Sunaparanta are rough; if they scold and abuse you, what will you do?'

'Venerable sir ... it will occur to me ... they do not hurt me with their hands.'

'Punna, if the people ... hurt you with their hands ...?'

'Venerable sir ... it will occur to me ... they do not hurt me with clods.'

'Punna, if the people ... hurt you with clods ...?'

'Venerable sir ... it will occur to me ... they do not hurt me with a stick.'

'Punna, if the people ... hurt you with a stick ...?'

'Venerable sir ... it will occur to me ... they do not hurt me with a weapon.'

'Punna, if the people ... hurt you with a weapon ...?'

'Venerable sir ... it will occur to me ... they do not end my life with a sharp weapon.'

'Punna, if the people ... put an end to your life with a sharp weapon ...?'

'Venerable sir ... it will occur to me thus: There are disciples of the Blessed One who, loathing the body and life, search for an assassin. Here I have got an assassin, even without a search.'

'Good! Punna, it is possible for you to abide in Sunaparanta endowed with that appeasement in the Teaching.' (*Puṇṇovāda sutta* n.d., Uppalavanna translation.)

... Even if bandits were to carve you up savagely, limb by limb, with a two-handled saw, he among you who let his heart get angered ... at that would not be doing my bidding. Even then, you should train yourselves: 'Our minds will be unaffected and we will say no evil words. We will remain sympathetic, with a mind of good will and with no inner hate. We will keep pervading these people with an awareness imbued with good will and, beginning with them, we will keep pervading the all-encompassing world with an awareness imbued with good will – abundant, expansive, immeasurable, free from hostility, free from ill will.' That's how you should train yourselves. (*Kakacūpama sutta* n.d., Buddharakkhitha translation.)]

... The many care about – wealth, and family interests, and military offices, and speaking in the assembly, and magistracies, and plots, and parties. (Plato n.d.a, Jowett translation, 23.) ... Why ... care so much about laying up the greatest amount of money and honor and reputation and so little

about wisdom and truth and the greatest improvement of the soul ...? (Plato n.d.a, Jowett translation, 16.) ... Every man ... must look to himself and seek virtue and wisdom before he looks to his private interests ... in all his actions. (Plato n.d.a, Jowett translation, 23.) If you ask me what kind of wisdom, I reply, such wisdom as is attainable by man, for to that extent I am inclined to believe that I am wise (Plato n.d.a, Jowett translation, 6.) ... Do nothing but go about persuading ... old and young alike, not to take thought for your persons or your properties, but first and chiefly to care about the greatest improvement of the soul. ... Virtue is not given by money, but ... from virtue come ... every other good of man, public as well as private. (Plato n.d.a, Jowett translation, 17.)

[Ever grows the glory of him who is energetic, mindful and pure in conduct, discerning and self-controlled, righteous and heedful. (Dhammapada n.d., Buddharakkhitha translation, 11, verse 24.) Do not give way to heedlessness. Do not indulge in sensual pleasures. Only the heedful and meditative attain great happiness. (Dhammapada n.d., Buddharakkhitha translation, 13, verse 27.) Just as one upon the summit of a mountain beholds the groundlings, even so when the wise man casts away heedlessness by heedfulness and ascends the high tower of wisdom, this sorrowless sage beholds the sorrowing and foolish multitude. (Dhammapada n.d., Buddharakkhitha translation, 13, verse 28.) By craving for riches, the witless man ruins himself as well as others. (Dhammapada n.d., Buddharakkhitha translation, 141, verse 355.)]

... It is from defect of knowledge that men err, when they do err, in their choice of pleasures and pains – that is, in the choice of good and evil And surely ... the erring act committed without knowledge is done through ignorance. Accordingly, ‘to be overcome by pleasure’ means just this – ignorance in the highest degree (Plato n.d.d, Lamb translation, 243.)

[And what is the yoke of ignorance? It's when you don't truly understand the six [sense] fields of contact's origin, ending, gratification, drawback and escape, so ignorance and unknowing of the six [sense] fields of contact linger on inside. This is called the yoke of ignorance. (Yoga sutta n.d., Sujato translation, parentheses added.)]

The world is enveloped by ignorance Because of wrongly directed desire and heedlessness, it is not known (as it really is). It is soiled by longings and its great fear is

suffering. (*Ajita-māṇava-pucchā* n.d., Ireland translation, 38, reproduced with permission from the ©Buddhist Publication Society.)]

... There is more mischief when a man uses anything wrongly than when he lets it alone. (Plato n.d.d, Lamb translation, 411.) ... In the use of the goods ... wealth and health and beauty can we ... get any benefit ... without understanding and wisdom? (Plato n.d.d, Lamb translation, 413.) ... As regards the whole lot of things ... termed goods, the discussion they demand is not on the question of how they are **in themselves** ... goods, but rather ... as follows: if they are guided by ignorance, they are greater evils ... as they are more capable of ministering to their evil guide; whereas if understanding and wisdom guide them, they are greater goods; but **in themselves** neither sort is of any worth. (Plato n.d.d, Lamb translation, 415, emphasis added.)

[And how is a person 'light and bound for darkness'? It's when some person is ...born in an eminent family – a well-to-do family of aristocrats, Brahmins or householders – rich, affluent and wealthy, with lots of gold and silver, lots of property and assets, and lots of money and grain. And they're attractive, good-looking, lovely, of unsurpassed beauty. They get to have food, drink, clothes and vehicles; garlands, fragrance and makeup; and bed, house and lighting. But they do bad things by way of body, speech and mind. When their bodies breakup, after death, they're reborn in a place of loss, a bad place, the underworld, hell. That's how a person is 'light and bound for darkness.'

And how is a person 'light and bound for light'? It's when some person is reborn in an eminent family ... And they do good things by way of body, speech and mind. When their bodies breakup, after death, they're reborn in a good place, a heavenly realm. That's how a person is 'light and bound for light.' (*Tamotamaparāyana sutta* n.d., Sujato translation.)]

Whilst many a salient principle of 'Stoic doctrine' (see '5.2' and '5.3' above) is thus found to echo in 'Socratic thinking,' much of the latter is equally found to emanate from the Buddha's teachings (*Dhamma*).

Incidentally, though Zeno of Citium is widely regarded as ‘the first exponent’ of Stoicism, it appears that Antisthenes,¹⁴⁸ an avid follower of the teachings of Socrates, did in all probability found the Stoic school of thought:

... The Cynics and Stoics ... derived their **origin from Antisthenes**. (Laërtius n.d., Yonge translation, 223, para.X, emphasis added.)

He appears to have been the founder of the more manly Stoic school He was the original cause of the apathy of Diogenes, and the temperance of Crates, and the patience of Zeno, **having himself, as it were, laid the foundations of the city which they afterward built**. (Laërtius n.d., Yonge translation, 221-222, para.VIII, emphasis added.)

This is in no sense extraordinary, especially in view of the fact that both Antisthenes and Xenocrates belong to the Socratic lineage:

But of Philosophy, there arose **two schools**. One derived from **Anaximander**, the other from **Pythagoras**. ... For Anaximander succeeded Thales, and he was succeeded again by Anaximenes, and he by Anaxagoras, and he by Archelaus, who was the master of **Socrates, who was the originator of moral philosophy**. And he was the master of the sect of the Socratic philosophers, and of Plato, who was the founder of the old Academy; and Plato’s pupils were Speusippus and **Xenocrates**; and **Polemo** was the pupil of Xenocrates, and Crantor and Crates of Polemo. ... **Antisthenes** was the pupil of **Socrates** and the master of Diogenes the Cynic; and the pupil of Diogenes was Crates the Theban; **Zeno the Cittiaean** was his; Cleanthes was his; Chrysippus was his. (Laërtius n.d., Yonge translation, 10, para.X, emphasis added.)

Given the Socratic influence in Stoicism, it would be fitting to ascertain the teachings of those who contributed to the learning of Socrates toward possibly eliciting a source from which he derived his thought. The following averment attributed to Socrates serves this very end:

And I rejoiced to think that I had found in **Anaxagoras** a teacher of the causes of existence such as I desired I seized the books [of Anaxagoras] and read them as fast as I could in my

eagerness to know the better and the worse.¹⁴⁹ (Plato n.d.b, Jowett translation, 92, parenthesis and emphasis added.)

Thus, it appears that Socrates acquired knowledge of the teachings of Anaxagoras at the very inception of his learning. However, in terms of the succession of philosophers outlined earlier, Archelaus¹⁵⁰ is said to have been the ‘master’ of Socrates (Laërtius n.d., Yonge translation, 10, para.X). Nevertheless, the same source in its separate treatment of the life of Socrates twice avers to his having been a ‘pupil’ of Anaxagoras (and later a ‘disciple’ of Archelaus):

But, having been a **pupil of Anaxagoras** ... he became a disciple of Archelaus, the natural philosopher. (Laërtius n.d., Yonge translation, 64, para.III, emphasis added.)

Both **he** and Euripides were **pupils of Anaxagoras** ... (Laërtius n.d., Yonge translation, 74, para.XXIV, emphasis added.)

Thus, Socrates appears to have undergone instruction under both Anaxagoras and Archelaus, which is not surprising in view of the fact that the former was also the latter’s teacher (‘Archelaus ... was a pupil of Anaxagoras and the master of Socrates’ (Laërtius n.d., Yonge translation, 62, para.I)).

5.6 Anaxagoras¹⁵¹

The account of Archelaus in ‘The Lives and Opinions of Eminent Philosophers’ by Diogenes Laërtius (as translated by C.D. Yonge) is brief. Furthermore, even the more popular sources do not freely detail Archelaus’ particular thought, making it virtually impossible to demarcate the same. However, as regards Archelaus’ teacher Anaxagoras,¹⁵² although no trace of the latter’s professed ethical views survives, the extant fragments of his single volume of work provide for an intriguing presentation regarding both the composition and continuum of life:

The Greeks have an incorrect belief on Coming into Being and Passing Away. No Thing comes into being or passes away, but it is mixed together or separated from existing Things. Thus they would be correct if they called coming into being ‘mixing,’ and passing away ‘separation-off.’ (Freeman 1948, 85, para.17.)

Conditions being thus, one must believe that there are many things of all sorts in all composite products [:] ... (Freeman 1948, 83, para.4, parenthesis added) ... Air and Aether ... (Freeman 1948, 83, para.1-2) ... Moist and dry and hot and cold and bright and dark, and there was a great quantity of earth in the mixture ... (Freeman 1948, 83, para.4). It is not possible (for them) to exist apart, but all things contain a portion of everything (Freeman 1948, 84, para.6) ... not separated off from one another with an axe, neither the Hot from the Cold, nor the Cold from the Hot (Freeman 1948, 84, para.8). ... Each individual thing is and was most obviously that of which it contains the most (Freeman 1948, 85, para.12).

In everything, there is a portion of everything except Mind ... (Freeman 1948, 84, para.11). ... Mind is infinite and self-ruling, and is mixed with no Thing, but is alone by itself (Freeman 1948, 84, para.12). All things which have life, both the greater and the less, are ruled by Mind. Mind took command of the universal revolution so as to make (things) revolve ... (Freeman 1948, 84, para.12). And whatever they were going to be, and whatever things were then in existence that are not now, and all things that now exist and whatever shall exist – all were arranged by Mind ... (Freeman 1948, 84-85, para.12).

Through the weakness of the sense perceptions, we cannot judge truth (Freeman 1948, 86, para.21).

It is pertinent to note that Buddhism had preceded Anaxagoras in providing for **(a)** a more detailed investigation into the fundamental components of ‘matter’ and **(b)** a more systematic analysis of the correlation between ‘mind’ and ‘matter’ (under the Abhidhamma *pitaka* of the Pāli canon), which exposition finds brief summarization within the following collated excerpts from both commentary and canon:

According to Buddhism, **life** is a combination of mind (*nāma*) and matter (*rūpa*). Mind consists of the combination of sensations, perceptions, volitional activities and consciousness. **Matter consists of the combination of the four elements ...** (Dhammananda 1964, 89, emphasis added.)

... This body consisting of **the four great elements** the **earth** element, the **water** element, the **heat** [or **fire**] element, the **air** element. (*Kimsukopama sutta* n.d., Bodhi translation, 1252-1253, emphasis and parenthesis added.)

These four elements coexist and are inseparable, **but one may preponderate over another** as, for instance, *pathavi* in earth, *āpo* in water, *tejo* in fire and *vāyo* in air. They are also called *Mahābhūtas* or Great Essentials because they are invariably found in all material substances, ranging from the infinitesimally small cell to the most massive object. (Narada 1956, 320, emphasis added.)

Life is the co-existence of mind and matter. Decay is the lack of coordination of mind and matter. Death is the separation of mind and matter. Rebirth is the **recombination** of mind and matter. After the passing away of the physical body (matter), the mental forces (mind) recombine and assume a new combination in a different material form and condition another existence. (Dhammananda 1964, 89, emphasis added.)

It has been held regarding Anaxagoras that:

... We **do not know** how he acquired his philosophical learning. (Curd 2007a, '1. Life and Work,' reproduced with permission from ©Patricia Curd, emphasis added.)

Accordingly, further inquiry into the vertical descent of teaching as pursued thus far unavoidably comes to a halt (at least regarding 'handed down knowledge').

Nonetheless, it has been opined that:

Both Anaxagoras and Empedocles worked within the Parmenidean pattern (Curd 2007b, '7. The Pluralists: Anaxagoras of Clazomenae and Empedocles of Acragas,' reproduced with permission from ©Patricia Curd, emphasis added.)

Despite stories that they did not get along, there are signs of influence of Anaxagoras on Democritus (Curd 2007a, '6. Anaxagoras' Influence,' reproduced with permission from ©Patricia Curd.)

Since the above mentions Anaxagoras to have 'worked within the Parmenidean pattern' (*i.e.*, within the ideology of Parmenides¹⁵³) and further deems Empedocles to have equally done so, an inquiry into the respective teachings of these individuals is indeed worth undertaking.

5.7 Parmenides¹⁵⁴

He authored an elaborate poem *inter alia* on the cruciality of choosing the correct path toward realizing 'truth.' However, only fragments of the same have survived, among which the most salient shall be considered now (piecemeal):

Thou shalt inquire into everything: both the motionless heart of well-rounded Truth, and also **the opinions of mortals, in which there is no true reliability**. But nevertheless thou shalt learn these things (opinions) also – how one should go through all the things-that-seem, without exception, and **test them**. (Freeman 1948, 42, para.1, emphasis added.)

Hence, at the very outset, the concept of an ideal and unwavering 'truth' is contrasted with the 'unreliable' opinions of men thereon, entreating an inquirer to test all phenomena that appear to be true regarding their authenticity.

Come, I will tell you ... the ways of inquiry ... : the one that **IT IS**, and it is **NOT POSSIBLE FOR IT NOT TO BE**, is the way of credibility, for it follows Truth; the other, that **it is not**, and that it is **bound not to be**: this, I tell you, is a path that cannot be explored; for you could neither recognize that which **is not** nor express it. (Freeman 1948, 42, para.2, emphasis added.) One should both say and think

that ... **TO BE IS POSSIBLE**, and **NOTHINGNESS IS NOT POSSIBLE**. (Freeman 1948, 43, para.6, emphasis added.) For this (view) can never predominate, that that which *is not* 'exists.' You must debar your thought from this way of search, nor let ordinary experience in its variety force you along this way, (namely, that of allowing) the eye, sightless as it is, and the ear, full of sound, and the tongue, to rule; but **(YOU MUST) JUDGE BY MEANS OF THE REASON** (*Logos*) the much contested proof which is expounded by me. (Freeman 1948, 43, para.7-8, emphasis added.) ... **All things that mortals have established, believing in their truth, are just a name: becoming [, changing] and perishing** (Freeman 1948, 44, para.7-8, emphasis and parenthesis added.)

The prime distinction between the two prescribed modes of 'inquiry' pivots on the acceptance or rejection of the existence of a particular unnamed phenomenon. Rejecting the existence of this phenomenon and/or deeming it mere nothingness is vehemently denounced. This 'path' of rejection is identified as that pursued in furtherance of impermanent and duplicitous sense perceptions and their impressions, whilst the 'path' of acceptance is deemed that espoused on the basis of reasoned judgments.

There is only one other description of the way remaining, (namely), that (what **IS**) is. To this way there are very many signposts: that **BEING** has **no coming-into-being** and **no destruction**, for it is whole of limb, without motion, and **without end**. And it never *was*, nor *will be*, because it is **now** a whole all-together, one, **continuous**; for what *creation* of it will you look for? How, whence (could it have) *sprung*? Nor shall I allow you to speak or think of it as *springing from* *nothing* (Freeman 1948, 43, para.7-8, emphasis added.)

But it is **motionless** in the limits of mighty bonds, without beginning, without cease, since Becoming and Destruction have been driven very far away, and **true conviction has rejected them**. And remaining the same in the same place, it rests by itself and thus remains there fixed (Freeman 1948, 44, para.7-8, emphasis added.)

... It is an **involute whole**. (Freeman 1948, 44, para.7-8, emphasis added.)

Several stipulations regarding the chief characteristics ('signposts') of the said unnamed phenomenon are made in furtherance of beseeching the inquirer to accept the same (as 'BEING') a reality ('IT IS'):

- 'no coming-into-being and no destruction';
- 'without end';
- 'now';
- 'continuous';
- 'motionless'; and
- 'inviolable.'

Hence, the question 'goes a begging' as to what this perfect phenomenon (which remains unnamed within the Parmenidean fragments) was (perhaps, gnosis/enlightenment or *Nibbāna*).

The first, foremost and fullest teaching on earthly perfectionism is Buddhism. Hence, it comes as no surprise to see the following canonical excerpts and commentaries manifesting the distinctions between 'IT IS' and '*it is not*' as echoed by Parmenides (in his 'poetic' expressions) above:

... Surely, **the path** that leads to worldly gain is **one** and **the path** that leads to *Nibbāna* is **another**; understanding this ... the disciple ... should not rejoice in worldly favors but cultivate detachment. (*Dhammapada* n.d., Narada translation, 72, verse 75, emphasis added.)

... There are these **two** kinds of searches: the **noble** search and the **ignoble** search. And what is the **ignoble** search? Here someone, being himself subject to birth ... aging ... sickness ... death ... sorrow ... defilement ... seeks [happiness in] what is also subject to birth ... aging ... sickness ... death ... sorrow ... defilement. ... This is the **ignoble** search. And what is the **noble** search? Here someone, being himself subject to and having understood the danger in what is subject to birth ... aging ... sickness ... death ... sorrow ... defilement ... seeks [happiness in] the **unborn ... unaging ... unailing ... deathless ... sorrowless ... undefiled** supreme security from bondage, *Nibbāna*. This is

the **noble** search. (*Ariyapariyesana sutta* n.d., Nanamoli and Bodhi translation, 254-256, abridged with emphasis and parentheses added.)

There is ... a state where there is neither earth, nor water, nor heat, nor air, neither infinity of space, nor infinity of consciousness, nor nothingness, nor perception, nor non-perception, neither this world nor that world It is ... the end of sorrow. (*Paṭhamanibbāna sutta* n.d., Strong translation, 111.)

There is ... **a not-born, a not-brought-to-being**, a not-made, a not-conditioned. **If ... there were no not-born, not-brought-to-being**, not-made, not-conditioned, no escape would be discerned from what is born, brought-to-being, made, conditioned. But since there is a **not-born, a not-brought-to-being**, a not-made, a not-conditioned, therefore an escape is discerned from what is born, brought-to-being, made, conditioned. (*Tatiyanibbāna sutta* n.d., Ireland translation, 97, reproduced with permission from the ©Buddhist Publication Society, emphasis added.)

Even as, although there Evil is,

That which is Good is also found;

So, though 'tis true that birth exists,

That which is **not birth** should be sought. (*Sumedhapatthanā kathā* n.d., Warren translation, 6, v.23, emphasis added.)

If *Nibbāna* IS **NOTHINGNESS**, then it necessarily must coincide with space (*Akāsa*) (Narada 1956, 495, emphasis added). With regard to the difference between space and *Nibbāna*, it may briefly be said that space **is not**, but *Nibbāna* IS (Narada 1956, 495, emphasis added). *Nibbāna* is there where the four elements of cohesion (*āpo*), extension (*pathavi*), heat (*tejo*) and motion (*vāyo*) find no footing (Narada 1956, 508).

The fact that *Nibbāna* is **realized** as one of the mental objects (*vatthu-dhamma*), decidedly proves that it is **NOT A STATE OF NOTHINGNESS**. If it were so, the Buddha would not have described its state in such terms as 'Infinite' (*Ananta*), 'Non-conditioned' (*Asamkhata*), 'Incomparable' (*Anāpameya*), 'Supreme' (*Anuttara*), 'Highest' (*Para*), 'Beyond' (*Pāra*), 'Highest Refuge' (*Parāyana*), 'Safety' (*Tāna*), 'Security' (*Khema*), 'Happiness' (*Siva*), 'Unique' (*Kevala*), 'Abodeless' (*Anālaya*), 'Imperishable' (*Akkhara*), '**Absolute Purity**' (*Visuddha*), 'Supramundane' (*Lokuttara*), 'Immortality'

(*Amata*), ‘Emancipation’ (*Mutti*), ‘Peace’ (*Śanti*) ... (Narada 1956, 495, emphasis added). ... **Eternal** (*Dhruva*), Desirable (*Subha*) ... Happy (*Sukha*) ... (Narada 1956, 499, emphasis added). ... Birthless (*Ajāta*), Decayless (*Ajara*) and **Deathless** (*Amara*) ... (Narada 1956, 500, emphasis added).

The *Nibbāna* of Buddhists is, therefore, neither a state of nothingness nor mere cessation. What it is not, one can definitely say. What precisely **IT IS**, one cannot adequately express in conventional terms as it is **unique**. **IT IS** for **self-realization** (*paccattam veditabbo*). (Narada 1956, 496-497, emphasis added.)

Desiring future security from bondage, **one should abandon sensual desire** however painful this may be. **Rightly comprehending with wisdom**, possessing a mind that is well released, one may reach freedom step by step. (*Nadīsota sutta* n.d., Ireland translation 188, reproduced with permission from the ©Buddhist Publication Society, emphasis added.)

That long-established Buddhist tenets were what Parmenides had apparently chosen to give voice to *via* his aforecited poetic verses is thus made clear.

5.8 Empedocles¹⁵⁵

Empedocles,¹⁵⁶ a younger contemporary of Anaxagoras, was apparently acquainted with the verses of Parmenides (above) as evinced by allusions to the same found within surviving fragments of his writings entitled ‘On Nature’:

There is a double creation of mortals and a double decline: the union of all things causes the birth and destruction of the one (race of mortals); the other is reared as the elements grow apart And these (**elements** [*fire and water and earth and the boundless height of air*]) never cease their continuous exchange, sometimes uniting [under the **pull of attraction**] ... so that all become One, at other times ... moving apart [under the **push of repulsion**] In this sense, they come into being and have no stable life ... as they follow the **cyclic process**. (Freeman 1948, 53, para.17, parentheses and emphasis added.)

In turn, they get the upper hand in the **revolving cycle** and perish into one another and increase in the turn appointed by Fate. For they alone exist, but running through one another **they become men and** the tribes of **other animals**, sometimes uniting ... into One ordered Whole, at other times ... moving apart ... until growing together into the Whole which is One (Freeman 1948, 55-56, para.26, emphasis added.)

For from these (**elements**) come all things that were, and are, and will be; and trees spring up, and men and women, and beasts and birds, and water-nurtured fish, and even the long-lived gods who are highest in honor. For these (**elements**) alone exist, but by running through one another they become different; to such a degree does mixing change them. (Freeman 1948, 54-55, para.21, emphasis added.)

As when painters decorate temple offerings with colors – men who, following their intelligence, are well skilled in their craft – these, when they take many colored pigments in their hands and have mixed them in a harmony, taking more of some, less of another, create from them forms like to all things, making trees, and men, and women, and animals, and birds, and fish nurtured in water, and even long-lived gods, who are highest in honor; so let not Deception compel your mind (to believe) that there is any other source for mortals, as many as are to be seen existing in countless numbers. (Freeman 1948, 55, para.23.)

The same element-based compounding as advanced by Anaxagoras (see '5.6' above) is herein seen acknowledged by Empedocles, not surprisingly so given the fact that they both founded their thinking on the Parmenidean construct (Curd 2007b, '7. The Pluralists ...'). However, Buddhism's preceding claim to the revelation of an element-based composition of 'matter' has already been noted (*Kimsukopama sutta* n.d., Bodhi translation, 1252-1253). Unsurprisingly, Empedocles' parable of the 'painters' (above) too finds its predecessor within the Buddhist canon:

Suppose ... an artist or a painter, using dye or lac or turmeric or indigo or crimson, would create the figure of a man or a woman complete in all its features on a well-polished plank, or wall, or canvas. So too, if there is lust for the nutriment edible food, or for the nutriment contact, or for

the nutriment mental volition, or for the nutriment consciousness, if there is delight, if there is craving, consciousness becomes established there and comes to growth. Wherever consciousness becomes established and comes to growth, there is a descent of name-and-form. Where there is a descent of name-and-form, there is the growth of volitional formations. Where there is the growth of volitional formations, there is the production of future renewed existence. Where there is the production of future renewed existence, there is future birth, aging and death. Where there is future birth, aging and death, I say that is accompanied by sorrow, anguish and despair. (*Atthirāga sutta* n.d., Bodhi translation, 600.)

Likewise, the notion of a cyclic continuum of life as adverted to by Empedocles is first seen expounded in Buddhism as a law of dependent co-arising/origination (below), which however adopts the terms ‘craving’ and ‘suffering’ respectively in place of ‘pull of attraction’ and ‘push of repulsion’¹⁵⁷:

And what ... is ‘**dependent origination**’? With ignorance as condition, volitional formations [come to be]; with volitional formations as condition, consciousness; with consciousness as condition, name-and-form; with name-and-form as condition, the six sense bases; with the six sense bases as condition, contact; with contact as condition, feeling; with feeling as condition, craving; with **craving** as condition, clinging; with clinging as condition, existence; with existence as condition, birth; with birth as condition, aging-and-death, sorrow, lamentation, pain, displeasure and despair come to be. Such is the origin of this whole mass of **suffering**. This ... is called ‘dependent origination.’ (*Paṭiccasamuppāda sutta* n.d., Bodhi translation, 533, emphasis added.)

Rebirth is suffering; old age is suffering; illness is suffering; death is suffering; sorrow, lamentation, pain, sadness and distress are suffering; not getting what you wish for is suffering. ... And what is the source of suffering? **Craving is the source of suffering.** (*Nibbedhika sutta* n.d., Sujato translation, emphasis added.)

The surviving fragments of Empedocles’ writings on ‘Purifications’ *inter alia* provide as follows:

... When one of the divine spirits whose portion is long life sinfully stains his own limbs with bloodshed ... [s/he] must wander for thrice ten thousand seasons far from the company of the blessed, being born throughout the period into all kinds of mortal shapes, which exchange one hard way of life for another. ... Of this number am I too now, a fugitive from heaven and a wanderer (Freeman 1948, 65, para.115, parenthesis added.) ... For by now I have been born as boy, girl, plant, bird and dumb sea-fish (Freeman 1948, 65, para.117). ... Growth and Decay, Rest and Waking, Movement and Immobility, much-crowned Majesty and Defilement, Silence and Voice (Freeman 1948, 66, para.123). Alas, oh wretched race of mortals, direly unblessed... Such are the conflicts and groanings from which you have been born... (Freeman 1948, 66, para.124.) ... But this was the greatest pollution among men, to devour the goodly limbs (of animals) whose life they had reft from them (Freeman 1948, 66, para.128). ... Will ye not cease from this harsh-sounding slaughter... Do you not see that you are devouring one another in the thoughtlessness of your minds... (Freeman 1948, 67, para.136.) The father, having lifted up the son, slaughters him with a prayer, in his great folly. But they are troubled at sacrificing one who begs for mercy. But he, on the other hand, deaf to (the victim's) cries, slaughters him in his halls and prepares the evil feast. Likewise, son takes father, and children their mother, and tearing out the life, eat the flesh of their own kin. (Freeman 1948, 67, para.137.)

Compassion toward all living beings is a virtue required to be perfected by all Buddhists *via* sincere commitment to the first and foremost of all ethical precepts, that of abstaining from killing. Thus, Empedocles' said reproaches regarding the slaughter of animals receive a more coherent and concise emphasis within the ancient Pāli canon:

... The killing of living creatures, when cultivated, developed and practiced, leads to hell, the animal realm, or the ghost realm. The minimum result it leads to for a human being is a short life span. (*Apāyasaṃvattanika sutta* n.d., Sujato translation.)

Kill not any beings **nor cause them to be killed** [for consumption or otherwise], and do not approve of them having been killed; put by [lay aside] the rod for all that lives – whether they are weak or strong in the world. (*Dhammika sutta* n.d., Mills translation, emphasis and parentheses added.)

Furthermore, regarding sentient rebirth, scriptures of the same ancient canon declare as follows:

... [Even if] reborn in a good destination, in a heavenly world ... accompanied by a retinue of celestial nymphs ... supplied and endowed with the five cords of celestial sensual pleasure, still ... **he is not freed from hell, the animal realm** and the domain of ghosts, not freed from the plane of misery, the bad destinations, the nether world. (*Rāja sutta* n.d., Bodhi translation, 1788, parenthesis and emphasis added.)

In this long journey through existence, there is **no existence that I have missed** [except the pure abodes] In this long journey through existence, **there is no birth that I have missed** [except the pure abodes] (*Mahā Sīhanāda sutta* n.d., Uppalavanna translation, emphasis and parentheses added.)

Indeed, monks, the blood you have shed on account of the neck being severed from the body in this long journey in existences running from one existence to another [when you were born as cattle ... buffaloes ... sheep ... goats ... deer ... fowl ... pigs ... when you were taken as robbers who destroy villages ... who wait in ambush ... who went to other wives] is more than the water in the four great oceans. ... Without an end is the train of existence; a beginning cannot be pointed out, of beings enveloped in ignorance and bound by craving, running from one existence to another. (*Timsamatta sutta* n.d., Uppalavanna translation, abridged and parenthesis added.)

Controversy surrounds the death of Empedocles, and many a 'legend' has grown around it:

For Heraclides Empedocles himself remained in the place where he had been sitting. But when day broke ... he alone was not found. And when he was sought for, and the servants were examined and said that they did not know, one of them said that at midnight he had heard a loud voice calling Empedocles, and that then he himself rose up and saw a great light from heaven, but nothing else. ... But Hippobotus says that he rose up and went away as if he were going to mount Aetna, and that when he arrived at the crater of fire, he leaped in and disappeared, wishing to establish a belief that he had become a God. (Laërtius n.d., Yonge translation, 365, para.XI.)

But Diodorus, of Ephesus, writing about Anaximander, says Empedocles appeared among them, and they, rising up, offered him adoration and prayed to him as to a God. And he, wishing to confirm this idea, which they had adopted of him, leaped into the fire. (Laërtius n.d., Yonge translation, 366, para.XI.)

It is interesting to note that the Pāli canon had by this time already provided for at least one¹⁵⁸ instance¹⁵⁹ of volitional ‘spontaneous self-combustion’ (in furtherance of final unbinding):

Then [Venerable] Dabba [the Mallian] rose from his seat, bowed and respectfully circled the Buddha, keeping him on his right. Then he [Dabba] rose into the air and, sitting cross-legged in the sky, entered and withdrew from the fire element before becoming fully extinguished [attaining *pari Nibbāna* or *anupādisesa Nibbāna*]. Then, when he became fully extinguished while sitting in the sky, his body burning and combusting left neither ashes nor soot to be found. It’s like when ghee or oil blaze and burn, and neither ashes nor soot are found. (*Paṭhamadabba sutta* n.d., Sujato translation, parentheses added.)

The obvious question that arises in this regard is whether Empedocles – following *Arahath* Dabba Mallaputta – did likewise transcend to a state of final unbinding? If not, did he willfully commit suicide in furtherance of being commemorated as a ‘sage’ by his followers? Unfortunately, evidence is lacking to conclude either way.

5.9 Democritus¹⁶⁰

As noted above, Democritus¹⁶¹ is thought to have been influenced by Anaxagoras in his accounts on ‘perception and knowledge’ (Curd 2007a, ‘6. Anaxagoras’ Influence’). Unfortunately, Democritus’ works exist only in secondary accounts thereof (Berryman 2004, ‘1. Life and Works’) as those reproduced below, which for the most part remain unsubstantiated:

(a) We know nothing about anything really, but **opinion** is for all individuals an inflowing ... (Freeman 1948, 93, para.7, emphasis added). There are two sorts of knowledge, one genuine, one

bastard To the latter belong all the following: sight, hearing, smell, taste, touch. The real is separated from this. When the bastard can do no more – neither see more minutely, nor hear, nor smell, nor taste, nor perceive by touch – and a finer investigation is needed, then the genuine comes in as having a tool for distinguishing more finely. (Freeman 1948, 93, para.11.) It has often been demonstrated that we do not grasp how each thing **is** or **is not** (Freeman 1948, 93, para.10, emphasis added).

(b) All who ... overstepping due season in eating or drinking or sexual pleasure have pleasures that are but **brief** and **short-lived** ... but pains that are many. For this desire is always present for the same things, and when people get what they desire, the pleasure passes quickly, and they have nothing good for themselves except a **brief** enjoyment, and then again the need for the same things returns. (Freeman 1948, 112-113, para.235, emphasis added.)

(c) When the powerful prevail upon themselves to **lend to the indigent** and help them and benefit them, herein at last is pity and an end to isolation, and friendship, and mutual aid, and **harmony among the citizens**; and other blessings such as no man could enumerate (Freeman 1948, 114, para.255, emphasis added).

Although the above fragments constitute a mere sample of the myriad of writings purportedly attributed to Democritus, to the reader who is conversant with Buddhist canonical literature, a chord is almost immediately struck between the two. The provisions of the Pāli canon corresponding to the above Democritian dicta *inter alia* include the following:

(a) Yoked to both sensual pleasures and the desire to be reborn in a future life; yoked also to views ('**false opinions**': Dhammika translation, verse 16) and governed by ignorance, sentient beings continue to transmigrate, with ongoing birth and death. But those who fully understand sensual pleasures and the yoke to all future lives, with the yoke of views ('**false opinions**': Dhammika translation, verse 16) eradicated and ignorance dispelled, unyoked from all yokes, truly those sages have slipped their yoke. (*Yoga sutta* n.d., Sujato translation.)

(b) ... Beings who are not free from lust for sensual pleasures, who are devoured by craving for sensual pleasures, who burn with fever for sensual pleasures, still indulge in sensual pleasures.

The more such beings indulge in sensual pleasures, the more their craving for sensual pleasures ... and the more they are burned by their fever for sensual pleasures. Yet they find a certain measure of satisfaction and enjoyment in dependence on ... sensual pleasure. (*Māgaṇḍiya sutta* n.d., Nanamoli and Bodhi translation, 612-613.)

(c) Whosoever there be in the king's realm who devote themselves to keeping cattle and the farm, to them let his majesty the king **give food and seedcorn**. ... Who devote themselves to trade, to them let his majesty the king **give capital**. ... Who devote themselves to government service, to them let his majesty the king **give wages and food**. Then those men, following each his own business, will no longer harass the realm; the king's revenue will go up; **the country will be quiet and at peace**; and the populace, pleased one with another and happy, dancing their children in their arms, will dwell with open doors. (*Kūṭadanta sutta* n.d., Rhys Davids translation, 176, emphasis added.)

Furthermore, upon a reading of the entirety of Democritus' ethical sayings, it becomes clear that many a comparable construct (though not necessarily verbatim) might be elicited from the Pāli *Dhammapada* (n.d.). The following are just two examples of such like provisions:

Democritus' ethical sayings	Pāli <i>Dhammapada</i>
The cheerful man, who is impelled toward works that are just and lawful, rejoices by day and by night and is strong and free from care. But the man who neglects justice and does not do what he ought finds all such things disagreeable when he remembers any of them, and he is afraid and torments himself. (Freeman 1948, 108, para.174.)	Here he is happy; hereafter he is happy. In both states, the welldoer is happy. 'Good have I done' (thinking thus), he is happy. Furthermore, is he happy, having gone to a blissful state. (<i>Dhammapada</i> n.d., Narada translation, 19, verse 18, emphasis added.) Here he suffers; hereafter he suffers. In both states, the evildoer suffers. 'Evil have I done' (thinking thus), he suffers. Furthermore, he suffers, having gone to a woeful state. (<i>Dhammapada</i> n.d., Narada translation, 18-19, verse 17.)
(Inside, we are) a complex storehouse and treasury of ills, with many possibilities of suffering. (Freeman 1948, 105, para.149.)	Behold this beautiful body, a mass of sores, a heaped up (lump), diseased, much thought of, in which nothing lasts, nothing persists. (<i>Dhammapada</i> n.d., Narada translation, 136, verse 147.)

Democritus' ethical sayings also appear to share similar rudimentary characteristics with the much later norms of both Stoic and Epicurean teachings. Stoic doctrine having already been subjected to a comparative analysis with Buddhism (under '5.3 The Stoic Philosophers,' above), it appears opportune now to consider Epicureanism likewise comparatively.

Prior to doing so, however, a brief note must be made on the scholarship that has accumulated regarding Pyrrho's¹⁶² advocacy of 'renouncing all determinations based on perceptions' as learnt from India:

... He [Pyrrho] attached himself to Anaxarchus and attended him everywhere, so that he even went as far as the Gymnosophists in India and the Magi. (Laërtius n.d., Yonge translation, 402, para.II, parenthesis added.)

Owing to which circumstance, he seems to have taken a noble line in philosophy, introducing the doctrine of incomprehensibility and of the necessity of suspending one's judgment, as we learn from Ascanius of Abdera. For he used to say that nothing was honorable or disgraceful, or just or unjust. And on the same principle, he asserted that there was no such thing as downright truth, but that men did everything in consequence of custom and law. (Laërtius n.d., Yonge translation, 402, para.III.)

'Renouncing all determinations based on perceptions in furtherance of attaining suprasensory awareness' is indeed a Buddhist tenet. No fragments directly ascribable to Pyrrho, however, exist. Not even within third-party accounts does Pyrrho receive acknowledgement of having pursued his renunciation of sense-based opinions for the specific purpose of 'attaining suprasensory awareness' or *Nibbāna* (enlightenment/gnosis). For Pyrrho, 'suspending one's judgment' (on sense perceptions) appears to have been 'an end in itself' (having no further utility). Therefore, though 'the necessity of suspending one's judgment' is evidentially attributable to Pyrrho, 'attaining suprasensory awareness' is not. Hence, no affinity between Pyrrhonism and Buddhism could be evidentially maintained.

5.10 Epicurus¹⁶³

To Epicurus,¹⁶⁴ the singular objective in life for human beings was to secure that elusive ‘freedom of the body from pain and of the soul from confusion’ (Laërtius n.d., Yonge translation, 471, para.XXVII):

... For a correct theory, with regard to these things, can refer all choice and avoidance to the health of the body and the freedom from disquietude of the soul. Since this is the end of living happily; for it is for the sake of this that we do everything, wishing to avoid grief and fear; and when once this is the case, with respect to us, then the storm of the soul is, as I may say, put an end to (Laërtius n.d., Yonge translation, 470, para.XXVII.)

... Living happily ... we have recognized ... as the first good, being connate with us ... On this account, we do not choose every pleasure, but at times we pass over many pleasures when any difficulty is likely to ensue from them, and we think many pains better than pleasures when a greater pleasure follows them if we endure the pain for a time. It is right to estimate all these things by the measurement and view of what is suitable and unsuitable And, we think, contentment a great good To accustom one’s self, therefore, to simple and inexpensive habits is a great ingredient in the perfecting of health and makes a man free from hesitation with respect to the necessary uses of life. For it is not continued drinkings and revels, or the enjoyment of female society, or feasts of fish and other such things as a costly table supplies that make life pleasant, but sober contemplation, which examines into the reasons for all choice and avoidance, and which puts to flight the **vain opinions** from which the greater part of the confusion arises which troubles the soul. (Laërtius n.d., Yonge translation, 470-471, para.XXVII, emphasis added.)

Now the beginning and the greatest good of all these things is **prudence [wisdom]**, on which account prudence is something more valuable than even philosophy, inasmuch as all the other virtues spring from it, teaching us that it is not possible to live pleasantly unless one also lives prudently and honorably and justly; and that one cannot live prudently and honestly and justly without living pleasantly; for the virtues are connate with living agreeably, and living agreeably is

inseparable from the virtues. (Laërtius n.d., Yonge translation, 471-472, para.XXVII, emphasis and parenthesis added.)

The paramountcy accorded to ending suffering is a well-known tenet of Buddhism predating any parallel exposition on the same. The Pāli canon elaborates as follows:

Now this is the noble truth of **suffering** ... rebirth is suffering; old age is suffering; illness is suffering; death is suffering; association with the disliked is suffering; separation from the liked is suffering; not getting what you wish for is suffering. In brief, the five grasping aggregates are suffering. Now this is the noble truth of the **origin of suffering** ... it's the craving that leads to future lives, mixed up with relishing and greed, chasing pleasure in various realms. That is, craving for sensual pleasures, craving to continue existence, and craving to end existence. Now this is the noble truth of the **cessation of suffering** ... it's the fading away and cessation of that very same craving with nothing left over: giving it away, letting it go, releasing it and not clinging to it. Now this is the noble truth of **the practice that leads to the cessation of suffering** ... it is simply this *Noble Eightfold Path* that is *right* view, *right* thought, *right* speech, *right* action, *right* livelihood, *right* effort, *right* mindfulness and *right* immersion. (*Dhammacakkappavattana sutta* n.d., Sujato translation, emphasis added.)

'Furthermore, I laid down for my disciples the training that deals with the fundamentals of the spiritual life in order to **rightly end suffering in every way.**' (*Sikkhānisaṃsa sutta* n.d., Sujato translation, emphasis added.)

Regarding those 'pleasures' ('Catastematic pleasures' (Konstan 2005, '4. Psychology and Ethics' and '6. The Epicurean Life,' reproduced with permission from ©David Konstan)) contemplated by Epicurus above (Laërtius n.d., Yonge translation, 470-472, para.XXVII) the Pāli canon yet again takes precedence:

... Someone who has clever virtues need not intend: 'May non-remorse come to me.' It is the general rule for non-remorse to arise in a virtuous person. Someone who has no remorse need not intend: 'May delight come to me.' It is the general rule for delight to arise in one without remorse.

Someone who is delighted need not intend: ‘May joy come to me.’ It is the general rule for joy to arise in a delighted one. Someone who is joyful need not intend: ‘May my body be appeased.’ It is the general rule for the joyful to experience appeasement of the body. **Someone with an appeased body need not intend: ‘May I feel pleasant.’ It is the general rule for one with an appeased body to feel pleasant. A pleasant one need not intend: ‘May my mind be concentrated.’ It is the general rule for the pleasant one to be concentrated. ... Someone with a concentrated mind need not intend: ‘May I know and see it, as it really is.’ It is the general rule for the concentrated to know and see, as it really is. ...** Someone who knows and sees as it really is need not intend: ‘May I turn away.’ It is the general rule for one who knows and sees, as it really is, to turn away. ... The one who has turned away need not intend: ‘May I be disenchanted.’ It is the general rule for one who has turned away to be disenchanted. ... The one who is disenchanted need not intend: ‘May I realize knowledge and vision of release.’ It is the general rule for one disenchanted to realize the knowledge and vision of release. (*Cetanākaraṇīya sutta* n.d., Uppalavanna translation, emphasis added.)

Accordingly, a learned commentator has summed up the Buddhist position on suffering and its relation to sensory pleasures as follows:

Normally, the enjoyment of sensual pleasures is the highest and only happiness of the average person. There is no doubt some momentary happiness in the anticipation, gratification and retrospection of such fleeting material pleasures, but they are illusory and temporary. (Narada 1964, 83-84.) All are subject to ... decay (*jarā*), disease (*vyādhi*) and finally death (*marana*). No one is exempt from these ... suffering[s]. Wish unfulfilled is also suffering. As a rule, one does not wish to be associated with things or persons one detests, nor does one wish to be separated from things or persons one likes. One’s cherished desires are not, however, always gratified. At times, what one least expects or what one least desires is thrust on oneself. ... Real happiness is found within and is not to be defined in terms of wealth, power, honors or conquests. If such worldly possessions are forcibly or unjustly obtained, or are misdirected or even viewed with attachment, they become a source of pain and sorrow for the possessors. (Narada 1964, 83, parenthesis added.) According to the Buddha, non-attachment (*virāgattā*) or the transcending of material pleasures is a greater bliss¹⁶⁵ (Narada 1964, 84).

According to Epicurus:

Of all the things which wisdom provides for the happiness of the whole life, by far the most important is the acquisition of **friendship**. (Laërtius n.d., Yonge translation, 477, para.XXXI, 28, emphasis and parenthesis added.)

The same opinion encourages man to trust that no evil will be everlasting, or even of long duration, as it sees that, in the space of life allotted to us, the protection of **friendship** is most sure and trustworthy. (Laërtius n.d., Yonge translation, 477, para.XXXI, 29, emphasis and parenthesis added.)

The happiest men are they who have arrived at the point of having nothing to fear from those who surround them. Such men live with one another most agreeably, having the firmest grounds of confidence in one another, enjoying the advantages of **friendship** in all their fullness, and not lamenting, as a pitiable circumstance, the premature death of their friends. (Laërtius n.d., Yonge translation, 479, para.XXXI, 43, emphasis and parenthesis added.)

The fraternity of Buddhist monks, or *Sangha*, is widely accepted as constituting the world's oldest monastic order. Most germane to the present comparison with Epicureanism is the Buddha's own position regarding mutual friendship amongst the noble *Sangha*:

Then venerable Ananda approached the blessed one [the Buddha], worshipped and sat on a side. Sitting, he said to the blessed one, 'Venerable sir, blessed one, **half** the holy life is associating a virtuous friend and developing a good virtuous companionship.' 'Ananda, do not say so; **the complete** holy life is associating a virtuous friend and developing a good virtuous companionship. Ananda, the monk's expectation should be the development and making much of the *Noble Eightfold Path* of the virtuous friend and developing a good virtuous companionship.' (*Upaḍḍha sutta* n.d., Uppalavanna translation, emphasis added.)

The foregoing comparisons serve to manifest core thought similarities between Epicureanism and Buddhism. Inasmuch as like similarities have been already discerned between Stoicism

and Buddhism (under '5.3' above), it would be opportune to ascertain how further forward in history this Stoic-Epicurean-Buddhist core thought affinity was seen perpetuated.

5.11 Third generation Stoics

Buddhistic overtones are manifest in the writings of 'third generation' Stoics, particularly in those of Lucius Annaeus Seneca¹⁶⁶ and (Caesar) Marcus Aurelius Antoninus Augustus.¹⁶⁷ The following extracts (both singular and combined) from a work of the latter, when read with corresponding precedents from the Pāli canon (appearing below as further indented and italicized excerpts within square brackets), serve to evince this:

Of human life, the time is a point, and the substance is in a **flux**, and the perception dull, and the composition of the whole body subject to putrefaction (Antoninus n.d., Long translation, 106, para.17, emphasis added.)

*[This body ... which has visible shape, which is made up of the four primary elements, starts from parents, is sustained by victuals, is transitory and subject to attrition, abrasion, dissolution and dispersal ... is to be regarded as transitory, as ill, as a disease, as a pestilence, as a pang, as anguish, as a malady, as alien, as a **flux**,¹⁶⁸ as void, as non-self; and he who so regards the body loses thereby all liking and affection for a body, all subordination to a body. (Dīghanakha sutta n.d., Chalmers translation, 352, para.500, emphasis added.)]*

Some things are hurrying into existence, and others are hurrying out of it; and of that which is coming into existence, part is already extinguished. Motions and changes are continually renewing the world, just as the uninterrupted course of time is always renewing the infinite duration of ages. In this **flowing stream** then, on which there is no abiding, what is there of the things which hurry by on which a man would set a high price? It would be just as if a man should fall in love with one of the sparrows which fly by, but it has already passed out of sight. (Antoninus n.d., Long translation, 166, para.15, emphasis added.) All things are changing, and thou thyself art in continuous mutation and in a manner in continuous destruction, and the whole universe too (Antoninus n.d., Long translation, 236, para.19). For if a man reflects on the changes and

transformations which follow one another **like wave after wave** and their rapidity, he will despise everything which is perishable (Antoninus n.d., Long translation, 239, para.28, emphasis added).

[It's like a mountain river traveling far, flowing fast, carrying all before it. It doesn't turn back – not for a moment, a second, an instant – but runs, rolls and flows on. In the same way, life as a human is like a mountain river. It's brief and fleeting, full of suffering and distress. Be thoughtful and wake up! Do what's good and lead the spiritual life, for no one born can escape death. (Araka sutta n.d., Sujato translation, emphasis added.)]

... Our **perturbations** come only from the opinion, which is within. The other is that all these things, which thou seest, change immediately and will no longer be; and constantly bear in mind how many of these changes thou hast already witnessed. The universe is transformation; life is opinion. (Antoninus n.d., Long translation, 124, para.3, emphasis added.) Take away **thy** opinion, and then there is taken away the complaint, 'I have been harmed.' Take away the complaint, 'I have been harmed,' and the harm is taken away. (Antoninus n.d., Long translation, 125, para.7, emphasis added.) If thou takest away **thy** opinion about that which appears to give thee pain, thou thyself standest in perfect security. – **Who is this self?** – The reason. – But I am not reason. – Be it so. Let then the reason itself not trouble itself. But if any other part of thee suffers, let it have its own opinion about itself. (Antoninus n.d., Long translation, 219, para.40, emphasis added.)

[... 'I am' is a perturbation; 'I am this' is a perturbation; 'I shall be' is a perturbation; 'I shall not be' is a perturbation; 'I shall consist of form' is a perturbation; 'I shall be formless' is a perturbation; 'I shall be percipient' is a perturbation; 'I shall be non-percipient' is a perturbation; 'I shall be neither percipient nor non-percipient' is a perturbation. Perturbation is a disease; perturbation is a tumor; perturbation is a dart. Therefore ... you should train yourselves thus: 'We will dwell with an imperturbable mind.' (Yavakalāpi sutta, Bodhi translation, 1259, emphasis added.)]

Suppose that men kill thee, **cut** thee in pieces, curse thee. What then can these things do to prevent thy mind from remaining pure, wise, sober, just? (Antoninus n.d., Long translation, 224, para.51, emphasis added.)

[... Even if robbers cut your limbs one after another with a two-handed saw, if your mind be defiled on account of that, you have not done the duty in my dispensation. ... You should train thus. Our minds will not change; we will not utter evil words. We will abide compassionate with thoughts of loving kindness, not anger. (Kakacūpama sutta n.d., Uppalavanna translation, emphasis added.)]

For instance, if a man should stand by a limpid pure spring and curse it, the spring never ceases sending up potable water, and if he should cast clay into it or filth, it will speedily disperse them and wash them out and will not be at all polluted. How then shalt thou possess a perpetual fountain (and not a mere well)? By forming thyself hourly to freedom conjoined with contentment, simplicity and modesty. (Antoninus n.d., Long translation, 224, para.51.)

[Suppose ... a man submerges a pot of ghee or a pot of oil in a deep pool of water and breaks it. All of its shards and fragments would sink downward, but the ghee or oil there would rise upward. So too ... when a person's mind has been fortified over a long time by faith, virtue, learning, generosity and wisdom ... his body, consisting of form, composed of the four great elements, originating from mother and father, built up out of rice and gruel, [shall be] subject to impermanence, to being worn and rubbed away, to breaking apart and dispersal. But his mind, which has been fortified over a long time by faith, virtue, learning, generosity and wisdom – that goes upward, goes to distinction. (Mahānāma sutta n.d., Bodhi translation, 1809, parenthesis added.)]

In the series of things, those which follow are always aptly fitted to those which have gone before; for this series is not like a mere enumeration of disjointed things, which has only a necessary sequence, but it is a rational connection, and as all existing things are arranged together harmoniously, so the things which come into existence exhibit no mere succession but a certain wonderful relationship. (Antoninus n.d., Long translation, 137, para.45.)

[... What is 'dependent arising'? On account of ignorance arise determinations. On account of determinations arise consciousness. On account of consciousness arise name and matter. On account of name and matter arise the six spheres. On account of the six spheres arises contact. On account of contact arise feelings. On account of feelings arises craving. On account of craving arises seizing. On account of seizing arises being. On account of being

arises birth. On account of birth arise decay, death, grief, lament, unpleasantness, displeasure and distress. And there's the 'arising' of the complete mass of unpleasantness. (Paṭiccasamuppāda sutta n.d., Uppalavanna translation.)]

5.12 Migration of Indian thought

After an elaborate consideration of the many ethical ideals associated with the schools of philosophy emanating from the Greek domain, a pivotal point of understanding has now been reached: for almost every moral concept professed as founded by the Greeks, a comparative and even more comprehensive parallel has long since been identified and associated with Buddhism. Thus, the 'streams' of universal moral thought are hereby deduced as having truly 'flowed' from the 'founts' of the Indian subcontinent to the 'reservoirs' of the Mediterranean, not *vice versa*. In fact, several historical accounts bear out the plausibility of this archaic transmission of wisdom from East to West.

In 2nd century AD, Christian dogmatist Titus Flavius Clemens, also known as 'Clement of Alexandria,' made the following observations on the historical progression of philosophy:

Thus philosophy, a thing of the highest utility, flourished in antiquity among the barbarians,¹⁶⁹ shedding its light over the nations. And afterward, it came to Greece. First in its ranks were the prophets of the Egyptians; and the Chaldeans among the Assyrians; and the Druids among the Gauls; and the Samanaeans among the Bactrians; and the philosophers of the Celts; and the Magi of the Persians, who foretold the Savior's birth and came into the land of Judaea guided by a star. The Indian gymnosophists are also in the number, and the other barbarian philosophers. And of these there are two classes, some of them called Sarmanae and others Brahmins. And those of the Sarmanae who are called Hylobii neither inhabit cities nor have roofs over them, but are clothed in the bark of trees, feed on nuts and drink water in their hands. Like those called Encratites in the present day, they know not marriage nor begetting of children. **Some, too, of the Indians obey the precepts of Buddha, whom, on account of his extraordinary sanctity, they have raised to divine honors.** (Clemens c.198, Wilson translation, 398-399, emphasis added.)

G. R. S. Mead, in his 'critical study' on the life of philosopher Apollonius of Tyana,¹⁷⁰ has added to the above revelation as follows:

Not only so, but some would have it that two centuries before the direct general contact of Greece with India, brought about by the conquests of Alexander, **India through Pythagoras strongly and lastingly influenced all subsequent Greek thought** (Mead 1901, 17-18, emphasis added). The close resemblance, however, between many of the features of Pythagorean discipline and doctrine and Indo-Aryan thought and practice makes us hesitate entirely to reject the possibility of Pythagoras having visited ancient Aryavarta (Mead 1901, 18-19). From the time of Alexander onward, there was direct and constant contact between Aryavarta and the kingdoms of the successors of the world-conqueror, and many Greeks wrote about this land of mystery; but in all that has come down to us, we look in vain for anything but the vaguest indications of what the 'philosophers' of India systematically thought. That the Brahmins would at this time have permitted their sacred books to be read by the Yavanas (... the general name for Greeks in Indian records) is contrary to all we know of their history. The Yavanas were Mlechchhas, outside the pale of the Aryas, and all they could glean of the jealously guarded Brahma-vidya or theosophy must have depended solely upon outside observation. **But the dominant religious activity at this time in India was Buddhist, and it is to this** protest against the rigid distinctions of caste and race made by Brahmanical pride and to the startling novelty of an enthusiastic religious propaganda among all classes and races in India and outside India to all nations **that we must look for the most direct contact of thought between India and Greece.** (Mead 1901, 19-20, emphasis added.) ... Both by the seaway and by the great caravan route there was an ever-open line of communication between India and the Empire of the successors of Alexander, and it is even permissible to speculate that if we could recover a catalog of the great Alexandrian library, for instance, we should perchance find that in it Indian MSS. were to be found among the other rolls and parchments of the scriptures of the nations (Mead 1901, 22). However difficult, therefore, it may be to prove, from unquestionably historical statements, any direct influence of Indian thought on the conceptions and practices of some of these religious communities and philosophic schools of the Graeco-Roman Empire, and although in any particular case similarity of ideas need not necessarily be assigned to direct physical transmission, nevertheless the highest probability, if not the greatest assurance, remains that even prior to the days of Apollonius there was some private knowledge in Greece of the general ideas of the Vedanta and Dharma ... (Mead 1901, 24).

Arthur A. Macdonell too has opined thus:

... **The dependence of Pythagoras on Indian philosophy and science certainly seems to have a high degree of probability.** Almost all the doctrines ascribed to him – religious, philosophical, mathematical – were known in India in the sixth century BC. The coincidences are so numerous that their cumulative force becomes considerable. ... The doctrine of metempsychosis in the case of Pythagoras appears without any connection or explanatory background and was regarded by the Greeks as of foreign origin. He could not have derived it from Egypt, as it was not known to the ancient Egyptians. (Macdonell 1900, 422, emphasis added.)

The references made to Pythagoras¹⁷¹ above as the founding link between Indian and Greek thought are indeed pivotal and certainly warrant further elaboration. However, since both his life and teachings have been subjected to an almost incomparable level of aggrandizement and obfuscation, very little might be said on the same with any amount of confidence. Nonetheless, the following extant accounts do categorically advert to his associations, respectively, with India and Buddhism:

A wealth of facts and coincidences of the most remarkable kind give us the undeniable conviction that Pythagoras got the essential content of his world and life views from the Indians (Schroeder 1884, Google machine translation, 88). The Indians developed the strange doctrine of transmigration of souls, which no other people can be sure of, with great consistency, and Pythagoras' conception on this point agrees with that of India down to the most remarkable details (Schroeder 1884, Google machine translation, 88). We shall not presume to determine how the Greek thinker came to India. However, it is well known that trade connections between India and the West were established early on. (Schroeder 1884, Google machine translation, 90.) Richly loaded with Indian wisdom, deeply and thoroughly initiated into their train of thought, powerfully seized by the whole peculiarity, the great importance of that distant, foreign cultural world, he returned home to the Greek-Italian world and transplanted [t]here the seeds of education, whose far-reaching importance for the Greek culture and thus for the entire culture of the West only much later centuries were able to fully appreciate (Schroeder 1884, Google machine translation, 92). We believe that at a fixed point, which has become more and more clear, we have

demonstrated the influence of India on Greek philosophy ... Wide perspectives open up here, and questions may be raised Is it not natural to ask oneself whether that strange teaching of Parmenides, that the whole world is a delusion, does not have its origin in India? This teaching, which appears extremely strange in the Greek world ... can hardly have grown up independently there (Schroeder 1884, Google machine translation, 90.)

One of the master-builders of old was Pythagoras; **he brought from Ind the wisdom of the Buddha and translated it into Greek thought, adding to its austere grandeur the beauty characteristic of Greece, as Grecian art made tenderer the stern outlines of Indian sculpture.** (Bessant 1904, ix, *sic*, emphasis added.)

William Knighton, in his essay entitled 'Buddhism and the Philosophy of Greece' (first published in the *Ceylon Miscellany*, May 1844), has observed as follows:

In these three fundamental doctrines then: the metempsychosis, the eternity of matter, and the abstaining from the destruction of animal life, there was what every one will at least allow to be a very **extraordinary coincidence between the Buddhistical and Pythagorean tenets.** The accordance of the systems, however, by no means ends here. (Knighton, 1845, 342, emphasis added.) I have dwelt thus minutely upon the system of Pythagoras, because it was evidently the most influenced by the tenets of Buddhism, and I may surely be allowed to ask, whence this extraordinary coincidence between the two if there were no connection between them? **An agreement in so many tenets cannot be considered as a merely fortuitous event.** If we suppose, with many who have written on the subject, that Pythagoras visited India, the difficulty is solved at once, for we cannot surely conceive it possible that he could visit that country without hearing of the celebrated teacher and sage so lately dead, a teacher whose tenets so soon spread over the whole of the East. If, however, we maintain with others that such was not the case but that his doctrines were solely derived from Egypt, we must allow that **some communication had taken place with regard to philosophy between the two countries** (Knighton, 1845, 346-347, emphasis added.)

Besides Pythagoras, Democritus too appears to have traveled to India in search of philosophical instruction:

And Demetrius in his treatise on People of the Same Name, and Antisthenes in his Successions, both affirm that he traveled to Egypt to see the priests there and to learn mathematics of them; and that he proceeded further to the Chaldeans and penetrated into Persia, and went as far as the Persian Gulf. Some also say that he made acquaintance with the Gymnosophists in **India** and that he went to Aethiopia. (Laërtius n.d., Yonge translation, 390-391, para.II, emphasis added.)

About himself, too, where, pluming himself on his erudition, he says, '**I have roamed over the most ground of any man of my time, investigating the most remote parts. I have seen the most skies and lands, and I have heard of learned men in very great numbers.** And in composition no one has surpassed me; in demonstration, not even those among the Egyptians who are called Arpenodaptae, with all of whom I lived in exile up to eighty years.' (Clemens c.198, Wilson translation, 397, emphasis added.)

Of more importance is an alleged Graeco-Syrian maxim, which, though first thought spurious (but regarded as 'genuine' by Theodor Gomperz (Freeman 1948, 120, note¹)), appears capable of being attributed to Democritus himself:

Wise men when visiting a foreign land must silently and quietly *reconnoitre* while they look and listen to find out the reputation of the wise men there: what they are like and if they can hold their own before them while they secretly weigh their words against their own in their minds. When they have weighed and seen which group is better than the other, then they should make known the riches of their own wisdom so that they may be prized for the sake of the treasure, which is their property, while they enrich others from it. **But if their knowledge is too small to allow them to dispense from it, they should take from the others and go their way.** (Freeman 1948, 119-120, para.303, emphasis added.)

This surely might be construed as the *modus operandi* of Greek philosophers during the time of Democritus (and even Pythagoras), which in turn sheds much light on the anomalous absence of expressed references to Indian thought within Greek philosophy. Accordingly, it would be plausible to hypothesize that both Pythagoras and Democritus did stumble upon a treasure trove of knowledge (within/from India), which they found so overwhelming that they

elected to: appropriate the intellectual wealth therein; enrich others from it; and even present such borrowed learning as ‘theirs,’ without ever acknowledging the source from which the same was derived. Perhaps this was how all forms of Indian thought eventually came to be incorporated into ‘Greek philosophy.’

Incidentally, the following fragment attributed to Empedocles is of interest (regarding the ‘fount’ of all philosophy):

And there was among them **a man of unusual knowledge, and master especially of all sorts of wise deeds, who in truth possessed greatest wealth of mind** for whenever he reached out with all his mind, easily he beheld each one of all the things that are, even for ten and twenty generations of men. (Fairbanks 1898, 211, para.415, *sic*, emphasis added.)

Could this have been a reference to Buddha Gotama (or, in the least, an *Arahath* (a fully enlightened sage))? Ven. Dr. Basnagoda Rahula, in his dissertation entitled ‘The Untold Story About Greek Rational Thought’ (2000, 323-325), deems the above plausibly to have been a description of the former.

5.13 Revisiting Aśoka’s conquest through ‘Dhamma’

Surpassing all the aforesaid sources and providing for a more authentic mode of corroborating the conveyance of Buddhist thought to the West, exist the sentiments expressed by king Aśoka in his renowned ‘Rock Edict XIII,’ which unequivocally convey the practice of ‘Dhamma’ as having been the norm in all ‘conquered’ territories:

ROCK EDICT XIII[:] ... But this conquest is considered to be the chiefest by the beloved of the gods [Aśoka], which is conquest through Dhamma. **And that again has been achieved ... here and in the bordering dominions, even as far as six hundred *yojanas*,**¹⁷² where dwells the Yavana king called Amtiyoka,¹⁷³ and beyond this Amtiyoka to where dwell the four kings called Turamaya,¹⁷⁴ Amtekina,¹⁷⁵ Maga¹⁷⁶ and Alikasu(m)dara¹⁷⁷ – likewise down below, where are the Cholas, the

Pandyas, as far as the Tamraparniyas¹⁷⁸ – likewise here in the king’s dominions among the Yavanas and Kambojas, the Nabhapamtis in Nabhaka, the hereditary Bhojas, Andhras and Pulindas – everywhere they follow the teaching of the Dhamma. Even where the envoys of the beloved of the gods [Aśoka] do not go, they, hearing the ordinances uttered according to Dhamma and the teaching of Dhamma ... practice Dhamma and will so practice. (Bhandarkar 1925, 302, parentheses and emphasis added.)

The true connotation of this conquest through ‘Dhamma’ has been already detailed under chapters ‘3.14 Aśoka’s conquest through ‘Dhamma’’ and ‘3.15 *Five Precepts* - the *sine qua non* of ‘Dhamma’’ above. Suffice it here to recall the same succinctly as follows:

The subordinate kings in the east ... the south, the west and the north ... approach the universal monarch and tell him, ‘Welcome, great king; you have come at the right time; advise us.’ The universal monarch says, ‘**Life should not be destroyed, the not given should not be taken, sexual misconduct should not be, lies should not be told, and intoxicating drinks should not be taken. Enjoy your kingships as you have done.**’ Thus, they become the subordinate kings of the universal monarch. (*Bāla-Paṇḍita sutta* n.d., Uppalavanna translation, parenthesis and emphasis added.)

That such ‘conquests’ were effectuated over territories ruled by five named Hellenistic kings (in the least) might be said to evince the purported fostering of a multinational consensus on a minimum content of fundamental filial forbearances in furtherance of founding a regime of universal righteousness amenable to all. That such ‘conquests’ were ‘achieved’ in those regions should be construed more in favor of accession by their respective rulers to the proposed *corpus* of norms than docile submission to Buddhist indoctrination.¹⁷⁹ This is not to negate the possibility of any form of contemporaneous Buddhist missionary activity having been carried out by the *Sangha* during such time,¹⁸⁰ but to stress the unrivaled impetus afforded by the ‘Dhamma’ toward devising a nascent form of international diplomacy, the propagation of which is triumphantly testified to in ‘Rock Edict XIII.’ Notwithstanding its distinctiveness in recording such an enterprising and innovative feat, this indelible piece of

evidence has today come to be tacitly overlooked (apparently for no better reason than want of 'Western corroboration').¹⁸¹

In fact, on the issue of Indian (largely Buddhist) influence on Greek thought, it has been suggested that:

The question can certainly not be settled by hasty affirmation or denial; it requires [1] not only a wide knowledge of general history and [2] a minute study of scattered and imperfect indications of thought and practice, but also a [3] fine appreciation of the correct value of indirect evidence; [4] for of direct testimony there is none of a really decisive nature. (Mead 1901, 18, parentheses added.)

It is submitted that the preceding contents of this book have served to amply facilitate requirements '[1]' through '[3]' above. Therefore, at this juncture, it is considered opportune to reflect only on the supposition that 'no direct testimony of a 'decisive nature' exists regarding a Western adoption of any from of Eastern thought' (*per* '[4]' above).

As has already been observed, the respective doctrines of Stoics, Xenocrates, Socrates, Anaxagoras, Parmenides, Empedocles, Democritus and Epicurus reflect rudiments of more elaborate concepts identified exclusively with the antecedent *teachings* of the Buddha. Thus, they all manifest a form of abstract Buddhism.

During the Buddha's time (and immediately thereafter), a Buddhist was typified more by her/his *Dhammic* acumen than any revered refuge in the noble *Triple Gem*.¹⁸² In fact, during many an audience granted to a 'wandering ascetic'¹⁸³ the Buddha would often focus his expounding on whatever question/s raised in furtherance of bestowing upon the enquirer so much of the *Dhamma* as was thought necessary to deliver him from his voiced perplexity. Thus, many a fragment of the *Dhamma* gained firsthand from no less an authority than the Buddha would undoubtedly have secured its transmission to whatever territories visited by

these ‘wandering ascetics.’ Plausibly, much more would have been the fragments likewise disseminated by wanderers who were similarly enlightened *via* deliberations had with the fraternity of noble *Mahā Arahaths* both during and after the Buddha’s time.

That the *Dhamma* was free to be acquired, adopted or otherwise appropriated by all irrespective of caste, creed or race in the context of a free philosophy (so to speak) would undoubtedly have done much toward securing for itself a ‘most favored’ status. Accordingly, that ‘fragments’ of the *Dhamma* came to be celebrated by the Greek philosophers within their respective ideologies, bereft of all nuances as to source or exclusivity, constitutes neither an anomaly nor absurdity. In fact, the Buddha did categorically instruct his disciples to teach the *Dhamma* without self-exaltation (see *Udāyī sutta* n.d., Thanissaro translation). Thus, direct testimony of the kind sought under ‘[4]’ above would be unforthcoming by default.

A significant departure from Buddhist thought on the part of the said Greeks is seen in the myriad of cosmological theories advanced, especially by the pre-Socratic philosophers. However, it appears that this too was a waning trend in the face of a gaining preference for ethical expositions (perhaps following Buddhism, which concerns itself with cosmology only in passing). In fact, the Buddha regarded debates on the cosmos as falling within those paths of frivolous and vexatious *subjectification* (Pāli: *papañca*) that humans unfortunately pursue toward their detriment (see *Cūḷa Mālunkiyovāda sutta* n.d., Thanissaro translation). Thus, the inclusion of accounts on cosmic genesis within early Greek ideology might be possibly attributed to: **(a)** a need to present ‘the whole picture’ to avoid any form of public speculation regarding tenability; and/or **(b)** a need to accommodate divine influences as demanded by the mores of the day; or, in the absence of either of the above, **(c)** simple fabrication by way of *addenda* authored and articulated by secondary transcribers and expounders to reflect their own private perspectives.

Despite the ostensible nexus between Greek ideology and Buddhism (the latter having obviously influenced the former), it is disconcerting to note the existence of an initiative to assail the traditional timelines ascribed to both schools of thought in pursuit of relegating Buddhism to a mere parallel, if not later, teaching (to avert any contribution on its part to Western philosophy).

The world has so far accorded only sparse attention to the Aśokan inscriptions, though being no less than etched writings in stone. Here too, efforts have been made to date Aśoka's reign to a much later time than that disclosed by conventional sources, the apparent objective (again) being to relegate his 'Dhamma' to a para-Hellenistic or even post-Hellenistic era (particularly to oust its professed influence on the domains of the five Hellenistic kings: Antiochus II Theos; Ptolemy II Philadelphus; Antigonus Gonatas; Magas of Cyrene; and Alexander of Epirus (see Bhandarkar 1925, 302, above)).

Carbon dating of discovered papyri, especially those recently unearthed from Strasbourg and Derveni, has served to concur more with the conventional rather than contemporary timelines fixed for Greek philosophy, even advancing a few of its contributions to a more recent past. This in turn has somewhat arrested covert attempts to predate Greek philosophy *vis-à-vis* Buddhism.¹⁸⁴

Moreover, the exertions of a team of archeologists¹⁸⁵ (pioneering excavations within the sacred Maya Devi Temple at Lumbini, Nepal: a UNESCO World Heritage site long identified as the birthplace of the Buddha) led by Robin A. E. Coningham of Durham University have revealed the remains of a previously unknown 6th century BC timber structure that links to the birth story of the Buddha himself (Durham University 2013). Archaeological dating of this structure (*via* a combination of radiocarbon dating and optically stimulated luminescence techniques) has now come to corroborate the traditional *Theravāda* fixing of the Buddha's life, *i.e.*, from 623BC to 543BC.

The preceding inquiry was carried out primarily toward eliciting the true origins of *natural law* thinking as popularly attributed to the Stoics. Accordingly, it has now become apparent that the Stoic doctrine of *naturalism* was not only a derivative of Socratean ethics but also a promoter of Epicurean ideals. Moreover, proven synonymy with Buddhist *teachings ipso facto* bars these Greek schools from claiming any novelty in their *naturalistic* thinking. The adoption of Buddhist constructs (either knowingly or unknowingly) by both Stoics and Epicureans did ultimately provide for an abstracted doctrine of rational virtue.

In addition to this doctrinal affinity between Buddhism and Stoic-*naturalism*, it appears that (a) virtue inculcation, (b) natural causal relations and (c) rational verification constitute specific common bases (to a greater or lesser degree) between the two. However, it must be pointed out that the *Dhamma* was so adopted by the said patrons of *natural law* with near absolute preference for its truisms on morality (as opposed to its conduct regulation (see 'Chapter 1.1 The Buddha's *Dhamma*' and 'Chapter 2.2 A salient body of negative and positive duties')) evinced by the Stoics' preference for preaching virtue instead of a systematic code of ethics. The Stoics either took for granted or deemed insignificant the genesis of a stratum of derived 'ought' norms.

5.14 The 'is-ought' dilemma

It has been stressed that the chief setback of *natural law* is its professed 'plausibility' of deriving a moral proposition from one of fact; an 'ought' from an 'is' (Ed. Freeman 1959, 93). As has already been observed above, the Stoics did in all probability emulate the moral ('is') truisms of the *Dhamma*. However, they apparently 'thought twice' before incorporating its regime of moral ('ought') regulations, perhaps out of reluctance for having to attribute the latter's authority to the dictates of the Buddha (a feature that they would have preferred purged from their professed 'independent' construct). Above all, they failed to appreciate the

Dhamma's method of prescribing ethical rules toward gradationally inculcating virtues (preferring to profess strict virtue ethics instead).

By borrowing only the 'is' propositions of the *Dhamma*, they were indeed able to advance a species of *naturalism* based on universal causal relations perceptible to man's innate rationality. However, they foolhardily elevated the verifying authority (the rational mind) above the source authority (the Buddha's *teachings*), which in turn provided for inconsistencies in determining the legitimate content of their *natural law*. By not borrowing the moral 'oughts' of the *Dhamma*, they were left without a regulatory structure to complement their adopted truisms, resulting in an essentially passive moral ideology.

The folly of the Stoics was their obsession with generalization, which they obviously 'took too far': up to the point of obscurity. Although it has since been the hallmark of *natural law* theorists to propound mini-catalogues of 'fundamental good,' the following critique still holds true:

All that we would have so far is the *natural law* theorist's account of what we might call minimally rational action – action that seeks to realize some good. What **we would not have yet is a full account of right action.** (Murphy 2008, '2.4 From the good to the right,' reproduced with permission from ©Mark Murphy, punctuation and emphasis added.)

5.15 'Right action'

Unlike *natural law*, the Buddha's *Dhamma* does encompass 'a full account of right action' and even provides comprehensive guidelines by which to displace all speculation regarding what truly constitutes 'right action.' A trinity of criteria (prescribed by Mark C. Murphy (2008, '2.4 From the good to the right')) is seen amply met in this regard: **(a)** a 'master rule' founding a regime of moral rules; **(b)** a 'method' by which to judge all action; and **(c)** authoritative 'virtue' verification *via* the 'insight of a person of practical wisdom.'

(a) The ‘master rule’ of Buddhism

‘**Volition is *kamma***’ (Narada 1964, 348 citing *Nibbedhika sutta* n.d.).¹⁸⁶ ‘For after making a **choice**, one acts by way of **body, speech and mind**’ (*Nibbedhika sutta* n.d., Sujato translation, emphasis added).

Kamma perpetuates the life-flux¹⁸⁷ and thereby all its attendant sufferings, such as sickness, old age, death and rebirth, from which even the most virtuous of individuals can find no permanent escape. Hence, Buddhism’s prime directive or ‘master rule’ (of sorts) necessarily concerns itself with **securing deliverance from perpetual suffering for the greatest possible number**, as particularly reflected in the Buddha’s sermon to his first batch of missionaries:

‘Go ye now, O bhikkhus, and wander **for the gain of the many, for the welfare of the many, out of compassion for the world, for the good, for the gain and for the welfare of gods and men. Let not two of you go the same way.** Preach, O bhikkhus, the doctrine which is glorious in the beginning, glorious in the middle, glorious at the end, in the spirit and in the letter; proclaim a consummate, perfect and pure life of holiness. There are beings whose mental eyes are covered by scarcely any dust, but if the doctrine is not preached to them, they cannot attain salvation. They will understand the doctrine. And I will go also, O bhikkhus, to Uruvela, to Senani-nigama, in order to preach the doctrine.’ (*Mārakathā* n.d., Rhys Davids and Oldenberg translation, 112-113, para.11.1, emphasis added.)

(b) The Buddhist ‘method’ of judging action

Buddhism provides for a clear procedural basis by which to judge the morality of ‘actions’:

[The Buddha:] What do you think ...? What is the purpose of a mirror?

[Ven. Rahula:] For the purpose of reflection

[The Buddha:] So too ... **an action with the body** should be done after repeated reflection; **an action by speech** should be done after repeated reflection; **an action by mind should be done after repeated reflection.**

[The Buddha:] ... When you wish to do [*or while or after doing*] an action with the body [*or by speech or mind*], you should reflect upon that same bodily [*or spoken or mental*] action, thus: **'Would this action that I wish to do [*or am doing or have done*] with the body [*or by speech or mind*] lead to my own affliction, or to the affliction of others, or to the affliction of both?** Is [*or was*] it an unwholesome bodily [*or spoken or mental*] action with painful consequences, with painful results?' When you reflect, if you know: 'This action that I wish to do [*or am doing or have done*] with the body [*or by speech or mind*] would lead to my own affliction, or to the affliction of others, or to the affliction of both; it is an unwholesome bodily [*or spoken or mental*] action with painful consequences, with painful results,' then you definitely should not do [*or not have done*] such an action with the body [*or by speech or mind*]. But when you reflect, if you know: 'This action that I wish to do [*or am doing or have done*] with the body [*or by speech or mind*] would not lead to my own affliction, or to the affliction of others, or to the affliction of both; it is a wholesome bodily [*or spoken or mental*] action with pleasant consequences, with pleasant results,' then you may do [*or continue to do and abide happy and glad in*] such an action with the body [*or by speech or mind*]. (*Ambalaṭṭhika-Rāhulovāda sutta* n.d., Nanamoli and Bodhi translation, 524-525, paras.8-9, parentheses and emphasis added.)

Notwithstanding the above, a further substantive basis for evaluating actions has also been provided:

Greed is an origin for the arising of action; **hate** is an origin for the arising of action; and **delusion** is an origin for the arising of action. ... Non-greed does not arise from greed; greed itself arises from greed. ... Non-hate does not arise from hate; hate itself arises from hate. ... Non-delusion does not arise from delusion; delusion itself arises from delusion. ... A god, a human or any other good state would not be evident from actions born of greed, hate and delusion. Yet ... from actions born of greed, hate and delusion a hellish being, an animal birth, a ghostly birth or some other bad state would be evident.

...

Non-greed is an origin for the arising of action; **non-hate** is an origin for the arising of action; and **non-delusion** is an origin for the arising of action. ... Greed does not arise from non-greed; non-greed itself arises from non-greed. ... Hate does not arise from non-hate; non-hate itself arises from non-hate. ... Delusion does not arise from non-delusion; non-delusion itself arises from non-delusion. ... A hellish being, an animal birth, a ghostly birth or some other bad state, would not be evident from actions born of non-greed, non-hate and non-delusion. Yet ... from actions born of non-greed, non-hate and non-delusion a god, a human or any other good state would be evident. ... These ... are the origins for the arising of actions. ((*Kamma Nidāna sutta* n.d., Uppalavanna translation, emphasis added.¹⁸⁸)

Buddhism, accordingly, provides for both procedural and substantive distinguishing of moral and immoral actions and thereby comprehensively fulfills the requisites of the ‘method’ criterion referred to above.

(c) Verification of Buddhist ‘virtue’

As regards the ‘virtue’ criterion, no elaboration is required; the entirety of Buddhism is sourced from the deeds, words and thoughts of that incomparable being – the *Sammāsambuddha*, or ‘rightly self-awoken one’ – who is sublimely perfected *inter alia* in wisdom and virtue:

... The Realized One [the Buddha/*Sammāsambuddha*/*Tathāgatha*] ... **lives unattached, liberated, his mind free of ... defilements** Suppose there was a blue water lily or a pink or white lotus. Though it sprouted and grew in the water, it would rise up above the water and stand with no water clinging to it. In the same way, the Realized One has escaped ... so that he lives unattached, liberated, **his mind free of limits**. (*Vāhana sutta* n.d., Sujato translation, parenthesis and emphasis added.)

‘That Blessed One [the Buddha/*Sammāsambuddha*/*Tathāgatha*] **is perfected**, a fully awakened Buddha, **accomplished in knowledge and conduct**, holy, **knower of the world**, supreme guide for

those who wish to train, teacher of gods and humans, awakened, blessed.’ (*Dhajagga sutta* n.d. and *Dīghajāṇu sutta* n.d., Sujato translations, parenthesis and emphasis added.)

The summary of the *teachings* of all such *Sammāsambuddhas*, or ‘Realized Ones,’ is expressed thus:

To avoid all evil, to cultivate good and to cleanse one’s mind – this is the teaching of the Buddhas. (*Dhammapada* n.d., Buddharakkhitha translation, 71, verse 183, emphasis added.)

Two relatively modern jurists appear to have reflected upon this very *teaching* as follows:

Nature has placed mankind under the governance of two masters: **pain** and **pleasure**. It is for them alone to point out what we ought to do as well as to determine what we shall do. On the one hand, the standard of right and wrong, on the other hand, the chain of causes and effects are fastened to their throne. They govern us in all we do, in all we say, in all we think: every effort we can make to throw off our subjection will serve but to demonstrate and confirm it. In words, a man may pretend to abjure their empire, but in reality he will remain subject to it all the while. (Bentham 1780, 1, emphasis added.)

The only practical knowledge all men have naturally and infallibly in common as a self-evident principle, intellectually perceived by virtue of the concepts involved, is that **we must do good and avoid evil**. (Maritain 1951, 90, reproduced with permission from ©University of Chicago Press, emphasis added.)

It has become evident that Buddhism constitutes the founding bedrock of *natural law* (one of the foremost schools of jurisprudential thought). It both precedes and exceeds all other like constructs by precluding the incidence of any ‘is-ought dilemma’ (*via* its unique doctrine of causal morality as complemented by graded regulations).

The devising of *natural law* by the Stoics was done in furtherance of promoting conformity to a *corpus* of autonomous universal morality, neither dependent on nor owing allegiance to any particular deity or authority. Nonetheless, since Stoic *natural law* was derived from *Dhamma*, the utility of *Dhammic* epistemology as a legal method has now come to be virtually undeniable.

Buddhist ethics finds its foundation not on changing social customs but rather on the unchanging laws of nature. Buddhist ethical values are intrinsically a part of nature and the unchanging law of cause and effect (*kamma*). The simple fact that Buddhist ethics are rooted in *natural law* makes its principles both useful and acceptable to the modern world. The fact that the Buddhist ethical code was formulated over 2,500 years ago does not detract from its timeless character. (Dhammananda 1964, 171, emphasis added.)

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'He is honest, hardworking and has the ability to grapple with complex issues of Law.'

(Retired Attorney-General of Sri Lanka, the late K.C. Kamalabayson P.C.)

¹Rational thinking is a means ‘... to discover by reflection or mental experiment the plan of thought according to which our life, as men endowed with reason, must be regulated’ (Fraser 1858, 1). ‘Rational philosophy ... is a search for ultimate truth, or that unity of reason which is conceived to be the final reward of the philosophical impulse’ (Fraser 1858, 3).

²‘... In seeking refuge in the ‘triple gem’ ... Buddhists only regard the Buddha ... an instructor who merely shows the *Path* of deliverance; the *Dhamma* ... the only way or means; the *Sangha* ... the living examples of the way of life to be lived. By merely seeking refuge in them, Buddhists do not consider that they would gain their deliverance.’ (Narada 1964, 245, emphasis added.)

³‘... Whether the Buddha arises or not, these truths exist, and it is a Buddha that reveals them to the deluded world. They do not and cannot change with time because they are eternal truths. The Buddha was not indebted to anyone for his realization of them, as he himself remarked ... thus: ‘With regard to things unheard before, there arose in me the eye, the knowledge, the wisdom, the insight and the light.’ These words are very significant because they testify to the originality of his new teaching.’ (Narada 1964, 81-82, emphasis added.)

⁴‘What if I live attending to and revering that same *teaching* [*Dhamma*] I have realized?’ Then Brahma Sahampathy, knowing the thought and thought process in the Blessed One’s mind, as quickly as a strong man would stretch his bent arm, or bend his stretched arm, vanished from the world of Brahma and appeared before the Blessed One. Then Brahma Sahampathy, arranging his robe on one shoulder ... the right knee on the ground and clasping his hands toward the Blessed One, said, ‘That is right, Blessed One! That is right, Well-Gone One! The worthy, rightfully enlightened ones in the past lived attending to and revering the *teaching*. The worthy, rightfully enlightened ones in the future will live attending to and revering the *teaching*. The worthy, rightfully enlightened one at present lives attending to and revering the *teaching*.’ (Gāraṇa sutta n.d., Uppalavanna translation; Paṭhama Uruvela sutta n.d., Uppalavanna translation.)

⁵The focus is not on the proof relating to a premise but on **resultant behavior** that could be expected from a person who either accepts or rejects it.

⁶The *teaching* is well explained by the Buddha – apparent in the present life, immediately effective, inviting inspection, relevant, so that sensible people can know it for themselves’ (*Dhajagga sutta* n.d., Sujato translation, emphasis added).

⁷On one occasion, Upali the millionaire, a follower of Nigantha Nataputta, approached the Buddha and was so pleased with the Buddha’s exposition of the *Dhamma* that he instantly expressed his desire to become a follower of the Buddha. But the Buddha advised him, saying, ‘Of a verity, O householder, **make a thorough**

investigation. It is well for a distinguished man like you to make a thorough investigation.’ Upali, who was overwhelmed with joy at this unexpected utterance of the Buddha, said, ‘Lord, if I had become a follower of another teacher, his followers would have taken me round the streets in procession proclaiming that such and such a millionaire had renounced his former religion and had embraced theirs. But, Lord, you advise me to investigate further. The more pleased am I with this salutary advice of yours.’ ... Though he became a Buddhist by conviction, the Buddha, quite in keeping with his boundless compassion and **perfect tolerance, advised him** [Upali] **to support his former religious teacher** [Nigantha Nataputta] **in accordance with his** [former] **practice.**’ (Narada 1964, 306-307, citing *Upāli sutta* n.d., emphasis and parentheses added.)

⁸When a warrior strives and struggles in battle, his mind is already low, degraded and misdirected as he thinks, ‘May these sentient beings be killed, slaughtered, slain, destroyed or annihilated!’ His foes kill him and finish him off, and when his body breaks up after death, he is reborn in the hell called ‘The Fallen.’ **But if you have such a view:** ‘Suppose a warrior, while striving and struggling in battle, is killed and finished off by his foes. When his body breaks up after death, he is reborn in the company of the gods of ‘The Fallen.’’ **This is your wrong view.** An individual with wrong view is reborn in one of two places, I say: hell or the animal realm.’ (*Yodhājīva sutta* n.d., Sujato translation, emphasis added.)

⁹A casual visitor to a Buddhist country who enters a Buddhist temple for the first time might get the wrong impression that Buddhism is confined to rites and ceremonies and is a superstitious religion which countenances worship of images and trees. ... What the Buddha expects from his adherents are not these forms of obeisance but the actual observance of his teachings. ‘He who practices my teachings best reveres me most’ is the advice of the Buddha. An understanding Buddhist can practice the *Dhamma* without external forms of homage. To follow the *Noble Eightfold Path*, neither temples nor images are absolutely necessary.’ (Narada 1964, xi, ‘Introduction,’ emphasis added.)

¹⁰See *Dhammacakkappavattana sutta* n.d., Piyadassi translation.

¹¹For example: “With birth as condition, aging-and-death comes to be’: whether there is an arising of *Tathāgatas* or no arising of *Tathāgatas*, that element still persists, the stableness of the *Dhamma*, the fixed course of the *Dhamma*, specific conditionality’ (*Paccaya sutta* n.d., Bodhi translation, 551).

¹²[22] The third Truth of the destruction of suffering, though dependent on oneself, is beyond logical reasoning and supramundane (*lokuttara*), unlike the first two, which are mundane (*lokīya*); [23] ... Is purely a self-realization – a *dhamma* to be comprehended by the mental eye (*sacchikātabba*); [26] ... Is not produced (*uppādetabba*) but is attained (*pāttabba*); [27] ... Has to be realized by developing the fourth Truth.’ (Narada 1964, 98.)

¹³Nowhere has such sincere repentance been manifested more than in the *Kuru-dhamma jātakaya* (n.d., Rouse translation), where king Dhananjaya and eleven members of his retinue candidly confess their minor to trivial transgressions of ‘killing,’ ‘stealing,’ ‘adultery’ and ‘lying’ (abstinences numbered ‘1.’ to ‘4.’ in the main

text, above), with equally sincere remorse. Each of the said eleven is well aware of his/her having to atone for the same according to the law of moral causation (*kamma*), despite the naive assurances provided by the non-*dhamma*-adhering Brahmins. For every inculpation averred by a *Kuru* native, the Brahmins summarily proffer exculpation. However, rightly construing these assurances as mere secular trivializations, they each remain unappeased. The stark distinction between *dhamma*-based culpability and that professed by the Brahmins is hence brought to the fore. The stringency of *dhamma*-based ethicality is what this *Jātakaya* champions, not the vindications proffered by the Brahmins. Unfortunately, many a Western scholar has been unable to appreciate this salient doctrinal distinction; see, for example, Huxley (1995, 191-203). For a comprehensive understanding of Buddhist ethics, see de Cea (2004, 123-142).

¹⁴This might secure no absolution for the transgression committed, the same having to be atoned for according to the law of moral causation (*kamma*).

¹⁵A thematic-coding-based grounded theory approach was adopted to cyclically interrelate the aforesaid primary and secondary data as well as correlate the same to contemporary jurisprudence.

¹⁶‘One should first establish oneself in what is proper; then only should one instruct others. Thus the wise man will not be reproached.’ (*Dhammapada* n.d., Buddharakkhitha translation, 63, verse 158.) ‘... That one who is himself sinking in the mud should pull out another who is sinking in the mud is impossible; that one who is not himself sinking in the mud should pull out another who is sinking in the mud is possible.’ (*Sallekha sutta* n.d., Nanamoli and Bodhi translation, 130.)

¹⁷It is perhaps this very Buddhist tenet that was endorsed by the community of nations who expressed themselves in the Preamble to the United Nations Educational, Scientific and Cultural Organization’s (*i.e.*, UNESCO’s) Constitution [1945] as follows: ‘... That since wars begin in the minds of men, **it is in the minds of men that the defenses of peace must be constructed**; ... That the wide diffusion of culture, and the education of humanity for justice and liberty and peace are indispensable to the dignity of man and constitute a sacred duty which all the nations must fulfill in a spirit of mutual assistance and concern; That a peace based exclusively upon the political and economic arrangements of governments would not be a peace which could secure the unanimous, lasting and sincere support of the peoples of the world, and that the peace must therefore be founded, if it is not to fail, upon the intellectual and moral solidarity of mankind.’ (Emphasis added.)

¹⁸‘1. Mind is the forerunner of (all evil) states. Mind is chief; mind-made are they. If one speaks or acts with wicked mind, because of that, suffering follows one, even as the wheel follows the hoof of the draught ox.’ (*Dhammapada* n.d., Narada translation, 1, verse 1.) ‘2. Mind is the forerunner of (all good) states. Mind is chief; mind-made are they. If one speaks or acts with pure mind, because of that, happiness follows one, even as one’s shadow that never leaves.’ (*Dhammapada* n.d., Narada translation, 5, verse 2.)

¹⁹‘When your dog does anything you want to break him of, you wait till he does it and then beat him for it. This is the way you make laws for your dog, and this is the way the judges make law for you and me. They won’t tell a man beforehand what it is he *should not do*; they won’t so much as allow of his being told; they lie by till he has done something which they say he *should not have done*, and then they hang him for it.’ (Bentham 1823, 235.)

²⁰‘... I will tell you about the Not Great Man, the Worst of Not Great Men, the Great Man and the Best of Great Men. Listen and attend carefully, I will tell. ... Who is the Not Great Man? Here ... a certain person destroys living things, takes the not-given, misbehaves in sexual conduct, tells lies, takes intoxicating and brewed drinks ... this is the Not Great Man. ... Who is the Worst of Not Great Men? Here ... a certain person destroys living things and incites others to destroy living things, takes of the not-given and incites others to take the not-given, misbehaves in sexual conduct and incites others to misbehave in sexual conduct, tells lies and incites others to tell lies, takes intoxicating and brewed drinks and incites others to take intoxicating and brewed drinks ... this is the Worst of Not Great Men. ... Who is the Great Man? Here ... a certain person does not destroy the life of living things, does not take the not-given, does not misbehave in sexual conduct, does not tell lies and does not take intoxicating and brewed drinks ... this is the Great Man. ... Who is the Best of Great Men? Here ... a certain person does not destroy the life of living things and does not incite others to destroy the life of living things, does not take the not-given and does not incite others to take the not-given, does not misbehave in sexual conduct and does not incite others to misbehave in sexual conduct, does not tell lies and does not incite others to tell lies, does not take intoxicating and brewed drinks and does not incite others to take intoxicating and brewed drinks ... this is the Best of Great Men.’ (*Sikkhāpada sutta* n.d., Uppalavanna translation.) ‘... Without dispelling five fears and animosities, it is said he is non-virtuous and is born in hell. What five? Destroying living things, taking the not-given, misbehaving in sexual desires, telling lies and taking intoxicated and brewed drinks. ... Without dispelling these five fears and animosities, it is said he is non-virtuous and is born in hell. ... Dispelling five fears and animosities, it is said he is virtuous and is born in heaven. What five? Abstaining from destroying living things, taking the not-given, misbehaving in sexual desires, telling lies and taking intoxicated and brewed drinks. ... Dispelling these five fears and animosities, it is said he is virtuous and is born in heaven.’ (*Vera sutta* n.d., Uppalavanna translation.)

²¹‘... These four are the objects of sympathy. What four? Giving gifts, kind language, beneficial behavior and equality of mind. ... Do not destroy them in favor of mother or son or father ... or to gain esteem and reverence. As long as the wise observe these objects of sympathy, so long will they come to greatness and praise.’ (*Saṅgaha sutta* n.d., Uppalavanna translation.)

²²‘... The disciple ... should **not** trade in these five. What five? Trading in swords, humans, flesh, intoxicants and poison.’ (*Vañijjā sutta* n.d., Uppalavanna translation, emphasis added.)

²³The following lesser-known discourse views the majority of the said **reciprocal relationships** from a somewhat different perspective: ‘... If these five things are evident in whichever clansman’s son ... it is

increase, not decrease that is expected. What five? ‘Here ... with the wealth he has earned rightfully, with aroused effort toiling with his hands while sweat was dripping, he attends to his mother and father with reverence. The mother and father, when attended and revered, compassionately wish him long life. The mother and father’s compassion for that clansman’s son is for his increase. ‘Again ... with the wealth he has earned rightfully, with aroused effort toiling with his hands while sweat was dripping, he attends with reverence to his wife and children, slaves and workmen. Wife and children, slaves and workmen, when attended and revered, compassionately wish him long life. Their compassion for that clansman’s son is for his increase. ‘Again ... with the wealth he has earned rightfully, with aroused effort toiling with his hands while sweat was dripping, he attends with reverence to the people in the neighborhood of the fields. Those people, when attended and revered, compassionately wish him long life. Their compassion for that clansman’s son is for his increase. ‘Again ... with the wealth he has earned rightfully, with aroused effort toiling with his hands while sweat was dripping, he makes offerings with reverence to the gods waiting to accept offerings. Those gods, when attended and revered with offerings, compassionately wish him long life. Their compassion for that clansman’s son is for his increase. ‘Again ... with the wealth he has earned rightfully, with aroused effort toiling with his hands while sweat was dripping, he attends reverently on recluses and *brāhmaṇas*. Those recluses and *brāhmaṇas*, when attended and revered, compassionately wish him long life. Their compassion for that clansman’s son is for his increase. ‘... If these five things are evident in which ever clansman’s son ... it is increase, not decrease that is expected.’ *‘Doing the duties of mother and father, he is always considerate to wife and children, is virtuous and liberal for the good of his household, co-associates and those dead. Recluses, Brahmins, gods and the wise desire his prosperity ... Living a household life, according to the teaching, he is praised here and now ... and afterward, he delights in heaven.’* (Licchavikumāra sutta n.d., Uppalavanna translation, emphasis added.)

²⁴... Rights and duties, privileges and no-rights, powers and liabilities, immunities and disabilities – seem to be what may be called ‘the lowest common denominators of the law.’ (Hohfeld 1919, 63-64.)

²⁵[1] ‘... In civilized society, men must be able to assume that others will do them no intended injury – that others will commit no intentional aggressions upon them.’ [2] ‘... In civilized society, men must be able to assume that their fellow men, when they act affirmatively, will do so with due care, that is, with the care which the ordinary understanding and moral sense of the community exacts with respect to consequences that may reasonably be anticipated’ [3] ‘... Men must be able to assume that others who keep things or maintain conditions or employ agencies that are likely to get out of hand or escape and do damage will restrain them or keep them within proper bounds’ [4] ‘... In civilized society, men must be able to assume that those with whom they deal in the general intercourse of society will act in good faith that they must be able to assume (a) that their fellow men will make good reasonable expectations created by their promises or other conduct, (b) that they will carry out their undertakings according to the expectation which the moral sentiment of the community attaches thereto, (c) that they will conduct themselves with zeal and fidelity in relations, offices and callings, and (d) that they will restore in specie or by equivalent what comes to

them by mistake or unanticipated situation whereby they receive what they could not have expected reasonably to receive under such circumstances.’ [5] ‘In civilized society, men must be able to assume that they may control, for purposes beneficial to themselves, what they have discovered and appropriated to their own use, what they have created by their own labor, and what they have acquired under the existing social and economic order.’ (Pound 1922, 169[1]; 170[2]; 175-6[3]; 188-9[4]; and 192-3[5]; parentheses added.)

²⁶[The Buddha:] Suppose ... a man wandering through a forest would see an ancient path ... traveled upon by people in the past. He would follow it and would see an ancient city, an ancient capital that had been inhabited by people in the past, with parks, groves, ponds and ramparts – a delightful place. Then the man would inform the king or a royal minister Then the king or the royal minister would renovate the [that] city, and some time later that city would become successful and prosperous, well populated, filled with people, attained to growth and expansion. So too ... I saw the ancient path ... traveled by the Perfectly Enlightened Ones of the past. And what is that ancient path ...? It is just this *Noble Eightfold Path*; that is, *right* view, *right* intention, *right* speech, *right* action, *right* livelihood, *right* effort, *right* mindfulness, *right* concentration. I followed that path, and by doing, so I have directly known aging and death, its origin, its cessation and the way leading to its cessation. I have directly known birth ... existence ... clinging ... craving ... feeling ... contact ... the six sense bases ... name and form ... consciousness ... volitional formations, their origin, their cessation and the way leading to their cessation. Having directly known them, I have explained them [Thus,] this holy life ... has become successful and prosperous, extended, popular, widespread, well proclaimed among *devas* and humans.’ (*Nagara sutta* n.d., Bodhi translation, 603-604, parenthesis added.)

²⁷‘Conquer anger by love. Conquer evil by good. Conquer the stingy by giving. Conquer the liar by truth.’ (*Dhammapada* n.d., Narada translation, 190, verse 223.)

²⁸Apparently, king Bimbisara chose the path of the ‘passive lay follower’ (‘(4)’ above), attaining thereby the status of ‘stream winner’ (*sotāpanna*), the first stage of sainthood.

²⁹The preambles to both the *Janasandha* (n.d., Rouse translation) and *Tesakuṇa* (n.d., Francis translation) *jātakas* expressly provide that the Buddha cited the same in furtherance of expounding the virtues of a righteous rule to king Pasenadi of Kosala. However, neither instance might reasonably be deemed a categorical advisement to the king made in pursuance of securing a radical change in the extant system of polity.

³⁰... The punishments mentioned are humane and confined to reproving, warning and banishment, with no mention of corporal or capital punishment on the part of the king, despite the fact that mutilation, torture and capital punishment were rife at the time’ (Jayatilleke 1967, 70, reproduced with permission from ©Anjani Karunaratne).

³¹‘What is emphasized in this theory is a democratic conception of the state and the law. ... The king is of the people, is to act in the interests of and for the people, and for this task has been elected by the people.’ (Jayatilleke 1967, 68, reproduced with permission from ©Anjani Karunaratne.)

³²‘Universal’ relating strictly to conformity, not territory.

³³The conventional Sinhala translation of this part of the same discourse provides for a tenfold enumeration of the said duties as follows: **(1)** To establish one’s self in the *Dhamma* and to lead a disciplined life along with one’s family in accordance with the *Dhamma*; **(2)** To engage one’s warriors in the *Dhamma*; **(3)** To establish one’s administrators in the *Dhamma*; **(4)** To establish one’s clerics in the *Dhamma*; **(5)** To establish one’s citizens in the *Dhamma*; **(6)** To provide ward and protection for ascetics and recluses of all descriptions; **(7)** To provide ward and protection for mammals, birds and all types of fauna; **(8)** To prevent all forms of crime from taking place within the kingdom; **(9)** To give wealth to the needy of the realm; **(10)** To accost virtuous clerics and receive their instruction.

³⁴273-232BC (?).

³⁵The *Arthaśāstra* ends with the averment, ‘Having seen discrepancies in many ways on the part of the writers of commentaries on the *Śāstras*, **Vishnu Gupta himself** has made (this) *Sūtra* and commentary’ (*Arthaśāstra* n.d., Shamasastri translation, 473, emphasis added). Thus, its authorship literally must be ascribed to one ‘Vishnu Gupta,’ although the popular practice has been to construe ‘Vishnu Gupta’ as being none other than Kautilya (sometimes Chanakya-Kautilya or simply Chanakya). However, within the *Arthaśāstra* itself, ‘Kautilya’ is quoted from no less than 80 times over and is thereby depicted as the authority preferred by the third-party compiler (above other commentators on the ‘*śāstras*’), deeming them two distinct individuals in stark contradiction to the authorship averment: ‘This *Śāstra*, bereft of undue enlargement and easy to grasp and understand, has been composed by **Kautilya** in words the meaning of which has been definitely settled’ (*Arthaśāstra* n.d., Shamasastri translation, 5, emphasis added). If so, the only plausible contention is that ‘Vishnu Gupta’ and ‘Kautilya’ are not one, but *two*: the former being the compiler of a work featuring the latter’s account on the ‘*śāstras*.’ Again, the question arises as to whom portions of the *Arthaśāstra* not directly stemming from quoted commentators should rightly be attributed: ‘Kautilya’ or ‘Vishnu Gupta’? Reason would prefer ‘Vishnu Gupta,’ although the aforesaid ‘authorship averment’ of the *Arthaśāstra* proffers ‘Kautilya.’ More problematic is it to determine Chanakya’s identity; was he in fact ‘Kautilya’ or ‘Vishnu Gupta,’ or neither? ‘Neither,’ most probably, should be the answer in view of the absence of any conclusive evidence confirming the *Arthaśāstra*’s influence on Mauryan expansionism. If so, both its compilation and efficacy (in the context of a revamped *Manusmṛiti*) would have to be consigned to a much later period in history, as it perhaps rightly should.

³⁶Such as the *Dharmasūtras* and *Dharmaśāstras*.

³⁷The author of this liberation was Sandrocottus [Chandragupta Maurya], who afterward, however, turned their semblance of liberty into slavery; for making himself king, he oppressed the people whom he had delivered from a foreign power with a cruel tyranny' (Justinus n.d., book XV, para.15.4, lines 13 and 14, parenthesis added).

³⁸358-281BC.

³⁹Sandrocottus [Chandragupta Maurya], having thus acquired a throne, was in possession of India when Seleucus was laying the foundations of his future greatness; who, after **making a league with him** and settling his affairs in the East, proceeded to join in the war against Antigonus' (Justinus n.d., book XV, para.15.4, lines 20-21, parenthesis and emphasis added). 'The whole region from Phrygia to the Indus was subject to Seleucus. He crossed the Indus and waged war with Androcottus [Chandragupta Maurya], king of the Indians, who dwelt on the banks of that stream, until they **came to an understanding with each other** and contracted a marriage relationship.' (Appianus n.d., 314, s.55, parenthesis and emphasis added.)

⁴⁰Whoever is inferior to another shall make peace with him; whoever is superior in power shall wage war ...' (*Arthaśāstra* n.d., Shamasastri translation, 295). 'Agreements of peace shall be made with equal and superior kings, and an inferior king shall be attacked' (*Arthaśāstra* n.d., Shamasastri translation, 300). 'Whoever is rising in power may break the agreement of peace' (*Arthaśāstra* n.d., Shamasastri translation, 347).

⁴¹Remarkably, Chandragupta's transition from implacable conqueror to pious clergyman appears to foreshadow his grandson Aśoka's similar conversion, which was to follow decades later.

⁴²That these named *Dhamma* texts do correspond with those of the extant Pāli canon has been confirmed (see Bhikkhu Thanissaro 1993).

⁴³... Long ago I held imperial sway over the whole world reigning in this very city; I **kept the five commandments** and made all people of the world keep the same' (*Mora jātaka* n.d., Rouse translation, 25, emphasis added). 'The Kuru righteousness means the **five virtues**; these the Bodhisatta observed and kept pure; as did the Bodhisatta, even so did queen-mother, queen-consort, younger brother, viceroy, family priest, *brāhmaṇa*, driver, courtier, charioteer, treasurer, master of the granaries, noble, porter, courtesan, slave-girl – all did the same' (*Kuru-dhamma jātaka* n.d., Rouse translation, 251, emphasis added). '... The king ... made proclamation by drum that all the townspeople should undertake **to keep the precepts**; he himself, with his household, undertook all the duties for the holy days and gave great gifts in charity' (*Āditta jātaka* n.d., Francis and Neil translation, 280, emphasis added).

⁴⁴SEPARATE KALINGA EDICT I[:] ... *Mahāmātras* of Tosali (or Samapa) who are the city **judiciaries** ...' (Bhandarkar 1925, 323, parenthesis and emphasis added).

⁴⁵1.Delusion, 2.Shamelessness, 3.Fearlessness (of consequences, or to commit wrong), 4.Restlessness, 5.Attachment, 6.Misbelief, 7.Conceit, 8.Hatred, 9.Jealousy, 10.Avarice, 11.Worry, 12.Sloth, 13.Torpor, 14.Doubt These fourteen mental states are termed 'Immorals.'" (Narada 1956, 80.)

⁴⁶... When you know for yourselves, 'These things are unskillful, blameworthy, criticized by sensible people, and when you undertake them, they lead to harm and suffering,' then you should give them up. When you know for yourselves, 'These things are skillful, blameless, praised by sensible people, and when you undertake them, they lead to welfare and happiness,' then you should acquire them and keep them.' (*Kālāma sutta* n.d., Sujato translation.)

⁴⁷'He shall regard with fatherly kindness those who have passed the period of remission of taxes' (*Arthaśāstra* n.d., Shamasastri translation, 46). 'The king shall always protect the afflicted among his people as a father his sons' (*Arthaśāstra* n.d., Shamasastri translation, 239).

⁴⁸In the happiness of his subjects lies his happiness; in their welfare his welfare; whatever pleases himself, he shall not consider as good, but whatever pleases his subjects, he shall consider as good' (*Arthaśāstra* n.d., Shamasastri translation, 39). 'The king shall provide the orphans ... the aged, the infirm, the afflicted and the helpless with maintenance. He shall also provide subsistence to helpless women when they are carrying and also to the children they give birth to.' (*Arthaśāstra* n.d., Shamasastri translation, 47.) 'During famine, the king shall show favor to his people by providing them with seeds and provision ...' (*Arthaśāstra* n.d., Shamasastri translation, 237). 'He shall, on the other hand, supply with grain and cattle those who colonize waste lands' (*Arthaśāstra* n.d., Shamasastri translation, 273).

⁴⁹The king shall bestow on cultivators only such favor and remission ... as will tend to swell the treasury, and shall avoid such as will deplete it' (*Arthaśāstra* n.d., Shamasastri translation, 46). 'An adventurer may enjoy whatever the king graciously gives him out of the booty he has plundered from an enemy's country, excepting the life of an Arya and the property belonging to gods, Brahmins or ascetics' (*Arthaśāstra* n.d., Shamasastri translation, 218).

⁵⁰Namely: 'Purushas'; 'Yuktas'; 'Rajjukas'; 'Prādesikas'; 'Mahāmātras'; 'Kumāras'; and the 'Parishad.'

⁵¹The positions of 'Ithijhakha-Mahāmātra,' 'Vrachabhumika' and 'Anta-Mahāmātra,' also designated by Aśoka, receive no mention in the *Arthaśāstra* (see Bhandarkar 1925, 56-58).

⁵²However, whether they derive from the *teachings* of any one of the twenty-seven (recent) *Sammāsambuddhas* before him is altogether another question. In the Nigliva minor pillar inscription, it is reported thus: 'King Priyadarsin, the beloved of gods [Aśoka], when he had been consecrated fourteen years, enlarged for the second time the *stūpa* of Buddha Konakamana. And when he had been consecrated twenty years, he came in person, did worship and had a stone pillar erected.' (Bhandarkar 1925, 333, parenthesis added.) This provides authority for the fact that the existence of a *prior* Buddha, namely Buddha Konagama,

was not only confidently acknowledged during Aśoka's time but also was the subject of much veneration, especially in view of the commemorative *stūpa* that had apparently been erected in his name. Now, it is an accepted tenet of Buddhism that all *Sammāsambuddhas* expound an identical *teaching*. If so, its most salient features should prevail (at least in traces) for some time after the *parinibbāna* of such a Buddha, as they have for approximately 2567 years since Buddha Gotama's. The *Jātaka*, or 'the narrative on the past lives of the Buddha Gotama,' which constitutes a popular part of the Pāli canon, does provide for several illustrations wherein vestiges of the 'Dhamma' have founded the sole governing ethos of a community. For example, in the *Kuru-dhamma jātaka* (n.d., Rouse translation), it is revealed that the country of the Kurus (a historically traceable community) was once governed exclusively by the *five precepts*, being all that apparently remained of the Buddhist *teachings* at such time. Thus, although most historians have been quick to assign every occurrence of 'Dhamma,' bereft of the prefix 'Buddha,' exclusively to the Vedic tradition, it is urged that there both did and will exist the quite rational alternative of ascribing the same to the *teachings of a former Buddha* instead, where plausible. The commemoration of 28 (twenty-eight) such Buddhas by name (Tanhankara, Medankara, Saranankara, Dipankara, Kondanna, Mangala, Sumana, Revata, Sobita, Anomadassi, Paduma, Narada, Padumuttara, Sumedha, Sujata, Piyadassi, Attadassi, Dhammadassi, Siddatta, Tissa, Pussa, Vipassi, Sikhi, Vessabhu, Kakusanda, Konagama, Kassapa and Gotama), which is practiced by Buddhists world-over, itself casts the commencement of the Buddha lineage to immemorial antiquity. Moreover, the total number of Buddhas (to date) has been tallied at no less than $512,000 + 24 + 1 = 512,025$ (*per* Dharmakeerthi n.d., 59). Thus, Buddha Gotama's revelation in the *Aggañña sutta* (cited under Chapter '2.4 Conformity to Hart's 'secondary rules' above) to the effect that 'Dhamma' governed the *first Mahā Sammata* or 'Great Elect' (who in turn ruled by the 'Dhamma') becomes, at least, historically tenable.

⁵³PILLAR EDICT IV[:] ... This record relating to Dhamma has been caused to be written by me twenty-six years after my coronation. ... And my order goes even so far that a respite of three days is granted by me to fettered persons in the prisons who have been convicted and condemned to death. During that period, their relatives will plead for their lives to some officers. Otherwise, they will console the persons who are going to die and bestow gifts in order to secure for them happiness in the next world and undergo fasts for the same purpose. Verily, my desire is this: that even when the time for their living in this world has expired, they may attain happiness in the next world' (Sircar 1957, 72-73, parenthesis added.)

⁵⁴PILLAR EDICT V[:] ... Twenty-five jail deliveries have been effected by me, who am consecrated twenty-six years, just in that period' (Bhandarkar 1925, 315, parenthesis added).

⁵⁵PILLAR EDICT II[:] ... The gift of sight have I given in manifold ways and various favors to bipeds and quadrupeds, to birds and aquatic animals, even up to the boon of life' (Bhandarkar 1925, 307, parenthesis added).

⁵⁶ROCK EDICT XIII[:] ... Now the beloved of the gods [Aśoka] thinks that even if a person should wrong him, the offense would be forgiven if it was possible to forgive it. ... It is hereby explained to them that, in spite of his

repentance, the beloved of the gods [Aśoka] possesses power enough to punish them for their crimes, so that they should turn from evil ways and would not be killed for their crimes. Verily the beloved of the gods desires the following in respect of all creatures, *viz.*, non-injury to them, restraint in dealing with them, and impartiality in the case of crimes committed by them.’ (Sircar 1957, 58, parentheses added.)

⁵⁷‘ROCK EDICT XIII[:] ... That my sons and great-grandsons should not think of a fresh conquest by arms as worth achieving, that they should adopt the policy of forbearance and light punishment toward the vanquished even if they conquer a people by arms ...’ (Sircar 1957, 59, parenthesis added).

⁵⁸‘... Heinous crimes (*Ānantariya kamma*) – namely, matricide, parricide, the murder of an *Arahath*, the wounding of the Buddha and **the creation of a schism in the *Sangha***’ (Narada 1964, 371, emphasis added).

⁵⁹‘The Purposes of the United Nations are: 1.To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace; 2.To develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace; 3.To achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language or religion; and 4.To be a center for harmonizing the actions of nations in the attainment of these common ends.’ (Charter of the United Nations 1945, Article 1.)

⁶⁰‘The constitution may be created by custom or by a specific act performed by one or several individuals, that is, by a legislative act. In the latter case, it is always formulated in a document and hence called a ‘written’ constitution, in contradistinction to the ‘unwritten’ constitution brought about by custom.’ (Kelsen 1960, 222, reproduced with permission from ©University of California Press.)

⁶¹**Dualism** advocates that there shall be two non-overlapping regimes of legal interest, municipal and international, each being sovereign within its own respective area. Nevertheless, when the two clash, municipal law must prevail. In other words, international law cannot override municipal law unless it is specifically incorporated within the latter. **Monism** is the opposite of dualism. It provides that when municipal law clashes with international law, the latter must prevail; municipal law at all times being an incomplete manifestation of international law.

⁶²‘The Court, whose function is to decide in accordance with international law such disputes as are submitted to it, shall apply [among others] ... **the general principles of law recognized by civilized nations ...**’ (The Statute of the International Court of Justice 1945, Article 38.1.c., parenthesis and emphasis added).

⁶³Although expressed in proximal relation to ‘the forest-folk,’ Aśoka’s pronouncement in ‘Rock Edict XIII’ that ‘in spite of his repentance [for resorting to belligerence in Kalinga], the beloved of the gods possesses power enough to punish them for their crimes, so that they should turn from evil ways *and would not be killed for their crimes*’ (Sircar 1957, 58, parenthesis and emphasis added) is clearly indicative of his willingness to readopt force, albeit reluctantly, where attendant circumstances render recourse to the same unavoidable (especially during peacekeeping).

⁶⁴‘When he had caused the state parasol of his uncles to be brought and purified in a natural pond that is here, Pandukabhaya kept it for himself, and with the water of that same pond he solemnized his own consecration, and Suvannapali, his spouse, he consecrated queen. On the young Canda, even as he had agreed, he conferred the office of his chaplain and other appointments on his other followers according to their merits.’ (*Mahāvāṅgsha* n.d., Geiger translation, 73-74, paras.77-79.)

⁶⁵... It was Aśoka who for the first time introduced the consecration ceremony of the Indian tradition, with Tissa as the first on the throne in Sri Lanka. This leads us to believe that earlier there were no *rajas* or kings ruling the island but only leaders of the community who were called *gamani*.’ (Seneviratna 1994, 90, reproduced with permission from ©Anuradha Seneviratna Memorial Foundation.)

⁶⁶‘When they saw that the elephant’s hall was also too small, the people who had assembled there, full of pious zeal, prepared seats for the *theras* outside the southern gate, in the pleasant Nandana garden in the royal park, thickly shaded, cool and covered with verdure. The *thera* went forth by the south gate and seated himself there. Numbers of women of noble families who came thither sat at the *thera*’s feet filling the garden. And to them, the *thera* preached the *Bālapandita suttanta*. A thousand of the women attained to the first stage of salvation. So, there in the grove, evening fell.’ (*Mahāvāṅgsha* n.d., Geiger translation, 97, paras.1-5.)

⁶⁷‘When the queen Anula had come with five hundred women and had bowed down and made offerings to the *theras*, she stepped to one side. The *thera* preached the *Petavatthu*, the *Vimānavatthu* and the *Sacca Samyutta*.’ (*Mahāvāṅgsha* n.d., Geiger translation, 95-96, paras.57-58.)

⁶⁸‘And many people from the city, hearing from persons who had seen them the day before, of the virtues of the *theras*, came together desirous to see the *theras* and made a great stir at the palace gates. When the king heard that and had been told on asking why it was so, he said, thoughtful for their welfare: ‘Here there is not enough space for all these men; let them cleanse the hall of the state elephant; there shall the townspeople be able to look upon the *theras*.’ When they had cleansed the elephant’s hall and had adorned it speedily with canopies and so forth, they prepared seats there for the *theras*, according to their rank. The great *thera* went thither with the other *theras*, and when he had taken his seat, he, the eminent preacher, preached the *Devaduta suttanta*.’ (*Mahāvāṅgsha* n.d., Geiger translation, 96, paras.59-64.)

⁶⁹... These **two bright principles protect the world**. What are the two? **Shame and fear of wrongdoing**. If ... these two bright principles did not protect the world, there would not be discerned respect for mother or

maternal aunt or maternal uncle's wife or a teacher's wife or the wives of other honored persons, and the world would have fallen into promiscuity, as with goats, sheep, chickens, pigs, dogs and jackals. But as these two bright principles protect the world, there is discerned respect for mother or maternal aunt or maternal uncle's wife or a teacher's wife and the wives of other honored persons.' (*Sukkadhamma sutta* n.d., Ireland translation, 138, reproduced with permission from the ©Buddhist Publication Society, emphasis added.)

⁷⁰For a colorful diagrammatic presentation, see Suvanno (2001, 80).

⁷¹'Nor must it be disguised, on the other hand, that in those instances in which we find them obtaining an ascendancy over their sovereign, they too frequently directed his attention more to the embellishment of their religion than to the due administration of justice, whilst in their histories they universally applaud those who promoted their ends without any regard to their civil administration or judicial conduct' (Knighton 1845, 192).

⁷²Excepting the eleven Dravidians; seven Cholas; Panda Parakrama; Kalinga Magha; Rajasingha I; and Sri Vikrama Rajasinha.

⁷³Reigned 205-161BC.

⁷⁴The 'protection' that this father so fervently sought for his son was not mere physical protection, for the latter's success in combat had already been prophesized. It was his son's *spiritual salvation* that the father was so vehemently trying to 'protect' from being tainted by the sins of warfare.

⁷⁵This work is said to predate the *Mahāvāṅgsha* and was thought to be lost from Sri Lanka until a well-preserved copy was rediscovered in the 1950's by Ven. Polwatte Buddhaththa from the Mahakappina Mudalindaramaya close to Ambalangoda.

⁷⁶Reigned 20BC-9AD.

⁷⁷Reigned 9-21AD.

⁷⁸Reigned 21-30AD.

⁷⁹Reigned 215-236AD.

⁸⁰Reigned 340-369AD.

⁸¹Both Wijesinha and Geiger interpret this to connote the '*dasa-rāja dhamma*' or 'ten virtues of a king' enumerated under the *Mahā Haṁsa jātika* (n.d.) as follows: 'Almsgiving, justice, penitence, meek spirit, temper mild; peace, mercy, patience, charity, with morals undefiled ...' (Francis translation, 200). However, it would appear more contextually germane to construe the '**ten qualities of kings**' and all other like references contained in the chronicles as referring exclusively to the '*dasa cakkavatti vatha*' or the 'ten *Cakkavatti*

duties,' namely: **(1)** To establish one's self in the *Dhamma* and to lead a disciplined life along with one's family in accordance with the *Dhamma*; **(2)** To engage one's warriors in the *Dhamma*; **(3)** To establish one's administrators in the *Dhamma*; **(4)** To establish one's clerics in the *Dhamma*; **(5)** To establish one's citizens in the *Dhamma*; **(6)** To provide ward and protection for ascetics and recluses of all descriptions; **(7)** To provide ward and protection for mammals, birds and other types of fauna; **(8)** To prevent all forms of misconduct taking place within the kingdom; **(9)** To give wealth to the needy of the realm; and **(10)** To accost virtuous clerics and receive their instructions.

⁸²'... **[1]** Desire ... **[2]** Hatred ... **[3]** Fear ... and **[4]** Ignorance ...' (Narada 1964, 608, parentheses and emphasis added).

⁸³The *four bases of fellowship*, namely: **(1)** generosity; **(2)** affability; **(3)** beneficence; and **(4)** indiscrimination. (See *Saṅgahavatthu sutta* n.d., Thanissaro translation.)

⁸⁴Those aspiring to become future Buddhas.

⁸⁵His surgical 'knife,' for he was a skilled physician.

⁸⁶Reigned 369-410AD.

⁸⁷'... **[1]** Killing ..., **[2]** stealing ..., **[3]** sexual misconduct **[4]** lying ..., **[5]** slandering ..., **[6]** harsh speech ..., **[7]** frivolous talk **[8]** covetousness ..., **[9]** ill will ... and **[10]** false view' (Narada, 1964, 374, parentheses added).

⁸⁸'... **(1)** Generosity ... **(2)** Morality ... **(3)** Meditation ... **(4)** Reverence ... **(5)** Service ... **(6)** Transference of merit ... **(7)** Rejoicing in others' good actions ... **(8)** Hearing the doctrine ... **(9)** Expounding the doctrine ... and **(10)** Straightening one's own views ...' (Narada 1964, 378, emphasis added).

⁸⁹'Usually the 1st, 8th, 15th and 23rd of the lunar month are regarded as the *uposatha* or holy days when the lay followers observe the following *eight precepts (attha sīla)*: namely, abstinence from 1. killing, 2. stealing, 3. incelibacy, 4. lying, 5. liquor, 6. eating food after midday, 7. dancing, singing, music, unseemingly shows, using garlands, perfumes, unguents, ornaments and 8. 'using' high and luxurious 'seats.' Though, as a rule, they are sometimes observed on *uposatha* days, there is no objection to practicing them on any convenient day: the object being to control deeds, words and five senses.' (Narada 1964, 186, note¹.)

⁹⁰The foremost refectory reserved for the clergy of that day.

⁹¹Reigned 535-555AD.

⁹²The three 'baskets' of the Pāli Cannon, namely, the *Vinaya*, *Suttanta* and *Abhidhamma 'piṭakas.'*

⁹³The Commentaries.

⁹⁴Reigned 575-608AD.

⁹⁵Reigned 667-683AD.

⁹⁶Reigned 719-725AD.

⁹⁷An austere sect among the clergy who literally confined themselves to donning discarded cloths as robes.

⁹⁸Reigned 725-731AD.

⁹⁹Brahmins are found to have won favor from several monarchs in Sri Lanka, evincing the multi-religious ambience that prevailed on the island.

¹⁰⁰Reigned 731-733AD.

¹⁰¹Literally 'governor,' though construed in the given context as 'trustee.'

¹⁰²Reigned 772-778AD.

¹⁰³Reigned 802-805AD.

¹⁰⁴Reigned 805-816AD.

¹⁰⁵Reigned 831-833AD.

¹⁰⁶Reigned 887-898AD.

¹⁰⁷Reigned 915-924AD.

¹⁰⁸Reigned 955-972AD.

¹⁰⁹Reigned 1186-1187AD.

¹¹⁰Reigned 1202-1210AD.

¹¹¹'... Caused a treatise to be composed called *dhammādhikarana* ('rules of practice') (*Mahāvāṅgsha continuation* n.d., Wijesinha translation, 222 (428), para.41, emphasis added).

¹¹²Reigned 1270-1283AD.

¹¹³Reigned 1287-1293AD.

¹¹⁴Reigned 1302-1326AD.

¹¹⁵Reigned 1412-1467AD.

¹¹⁶‘Further commentaries,’ as falling within the postcanonical texts.

¹¹⁷Reigned 1687-1707AD.

¹¹⁸Reigned 915-924AD.

¹¹⁹Reigned 1158-1161AD.

¹²⁰Reigned 1114-1147AD.

¹²¹Reigned 1148-1157AD.

¹²²Reigned 1798-1815AD as the last king of Sri Lanka.

¹²³‘But as he indulged in intercourse with impious people, he changed for the worse. He had the chief councilors, the great dignitaries and many other officials gathered together and destroyed He had the people, many hundreds in number, brought to different spots and ... impaled Much wealth that had come to the people by inheritance, the king had confiscated like a thief that robs villages. And because the ruler committed in this way many evil deeds, the Singhalas and the inhabitants of the town of Colombo rebelled. They all came hither, captured the criminal king alive when the eighteenth year after his consecration had passed, and brought him to the opposite coast. After they had brought the king, the torturer of his people, to the opposite coast, the *Ingirīsi* [British] by name seized the whole kingdom.’ (*Cūlavangsha continuation* n.d., Geiger translation, 302, paras.23-29, emphasis and parenthesis added.)

¹²⁴Reigned 1234-1269AD.

¹²⁵Reigned 1114-1147AD.

¹²⁶Wijesinha (*Mahāvāngsha continuation* n.d., 129 (335), para.55) prefers the rendition ‘Kocallasattha’ instead.

¹²⁷Kassapa is reported to have committed suicide on the battlefield by slitting his own throat.

¹²⁸‘... The disciple of the Blessed One should not trade in these five. What five? Trading in swords, humans, flesh, intoxicants and poison.’ (*Vañijjā sutta* n.d., Uppalavanna translation.)

¹²⁹‘... Legitimate wealth – earned by his efforts and initiative, built up with his own hands, gathered by the sweat of the brow ...’ (*Ādiya sutta* n.d., Sujato translation).

¹³⁰Which provides *inter alia* that ‘5. The religion of Boodho, professed by the chiefs and inhabitants of these provinces, is declared inviolable, and its rites, ministers and places of worship are to be maintained and protected.’

¹³¹See Constitution of Sri Lanka (1972), Article 6 and the last line of the stanza appended to the formal ending of the said Constitution: '*Rājā bhavatu dhammiko,*' which means, 'May the king rule righteously' or 'May the government be righteous.'

¹³²'4. Honor your father and your mother, as the Lord your God commanded you, so that your days may be long and that it may go well with you in the land that the Lord your God is giving you' (The Holy Bible n.d., MATTHEW 15:4, MARK 10:19, EPHESIANS 6:2).

¹³³'... And your parents shall be honored. As long as one or both of them live, you shall never (even) say to them, 'Uff' (the slightest gesture of annoyance), nor shall you shout at them; you shall treat them amicably.' (The Holy Koran n.d., QURAN 17:23.)

¹³⁴The Chronicle records the following in relation to the reign of Parakramabahu II (reigned 1234-1269AD): 'And because of these hermits who practiced severe austerities, he made it to appear as if there were *Arahaths* in Lanka during his reign' (*Mahāvangsha continuation*, n.d., Wijesinha translation, 235 (441), para.25).

¹³⁵Reigned 1215-1236AD: '... Thereupon a certain wicked prince of the Kalinga race, Magha by name, invaded the country at the head of twenty thousand strong men from Kalinga and took possession of the island of Lanka. And he was a follower of false faiths and had a mind only to do mischief. Like unto a wild fire that consumeth the tender plants of the forests of charity, and like unto the sun when he closeth up the petals of the sacred lily of justice, and the moon when she obscureth the splendor of the lotus pond of patient endurance, even so was his mind wholly enslaved by ignorance. And this Magha, who was like unto a fierce drought, commanded his army of strong men to ransack the kingdom of Lanka, even as a wildfire doth a forest. Thereupon these mighty men, wicked disturbers of the peace of mankind, stalked about the land hither and thither, crying out boastfully, 'Lo! We are the giants of Kerala.' And they robbed the inhabitants of their garments and their jewels and everything that they had and violated even the chastity of families that had long been preserved inviolate. They cut off also the hands and feet of the people and despoiled their dwellings. Their oxen and buffaloes also, and other beasts, they bound up and carried them away forcibly. The rich men they tied up with cords and tortured, and took possession of all their wealth, and brought them to poverty. They broke down the image houses and destroyed many *cētiyas*. They took up their dwellings in the *vihāras* and beat the pious laymen therein. They flogged children and sorely distressed the five ranks of the religious orders. They compelled the people to carry burdens and made them labor heavily. Many books also of great excellence did they loose from the cords that bound them and cast them away in diverse places. **Even the great and lofty *cētiyas*, such as the Ratanavali, which stood like the embodiment of the glory of all the pious kings of old, they spared not, but utterly destroyed them, and caused a great many bodily relics to disappear thereby'** (*Mahāvangsha continuation*, n.d., Wijesinha translation, 223 (429), paras.56-69, emphasis added.)

¹³⁶Reigned 1554-1593AD. ‘... He annihilated the Order of the Victor, slew the community of the bhikkhus, burned the sacred books, destroyed the monasteries and thus barred his way to heaven’ (*Cūlavangsha continuation* n.d., Geiger translation, 226, paras.10-11).

¹³⁷Buddhism does not recognize any exception whatsoever to the prohibition on killing sentient beings. Nonetheless, the prescribed exceptions (based on Utilitarianism) are those that have now come to be ‘legitimately expected’ of every ‘reasonable’ legal system.

¹³⁸For a negative criticism of the adversarial system, see Bredemeier (1962, 84-85).

¹³⁹The right to seek compensation for useful and/or valuable improvements too emanates from an alien Roman-Dutch law concept: the doctrine of unjust enrichment, which unlike ‘prescriptive title’ is wholly compatible with the ‘Dhamma.’

¹⁴⁰The fragments attributed to these individuals as incorporated in this work find substantial corroboration in Baltzly (2008).

¹⁴¹‘Buddhism is a way of life, and what is essential is following the *Noble Eightfold Path*’ (Rahula 1959, 81). ‘It is a way of life to be followed, practiced and developed by each individual. It is self-discipline in body, word and mind, self-development and self-purification.’ (Rahula 1959, 49.)

¹⁴²‘He who has realized the Truth ... is the happiest being in the world. He is free from all ‘complexes’ and obsessions, the worries and troubles that torment others. His mental health is perfect. He does not repent the past, nor does he brood over the future. He lives fully in the present. Therefore, he appreciates and enjoys things in the present sense without self-projections. He is joyful, exultant, enjoying the pure life, his faculties pleased, free from anxiety, serene and peaceful. As he is free from selfish desire, hatred, ignorance, conceit, pride and all such ‘defilements,’ he is pure and gentle, full of universal love, compassion, kindness, sympathy, understanding and tolerance. His service to others is of the purest, for he has no thought of self. He gains nothing, accumulates nothing, not even anything spiritual, because he is free from the illusion of Self and the ‘thirst’ for becoming.’ (Rahula 1959, 43).

¹⁴³Due to some discernible overlap in specific areas (such as *virtue* and *molecular theory*), it has been suggested that there might exist a nexus between Stoicism and Jainism. However, the ethical basis of ‘moderation’ as espoused not only by the Stoics and Epicureans but also by some of their predecessors remains irreconcilable with the concept of ‘*Aparigraha*’ or non-possession, which is central to Jainism and involves the renunciation of *all* possessions, including one’s own body (in the ultimate), *via* the practice of ‘*sallekhana*’ (a meditative fast unto death), considered an essential prerequisite to gaining ‘*kaivalya*’ or the highest ‘*jnana*’ (knowledge) and ‘*darsana*’ (intuition). Such austere renunciation having never been practiced or preached by the Stoics, it becomes clear that there can be no doctrinal affinity to Jainism.

¹⁴⁴396-314BC.

¹⁴⁵341-270BC.

¹⁴⁶The fragments attributed to this individual, as incorporated in this work, find substantial corroboration in Parry (2004).

¹⁴⁷469-399BC.

¹⁴⁸445-365BC.

¹⁴⁹As to the credibility of this averment, see Nails 2005, '3. A Chronology of the historical Socrates in the context of Athenian history and the dramatic dates of Plato's dialogues.'

¹⁵⁰5th Cent.BC.

¹⁵¹The fragments attributed to this individual, as incorporated in this work, find substantial corroboration in Curd (2007a).

¹⁵²5th Cent.BC.

¹⁵³520-450BC.

¹⁵⁴The fragments attributed to this individual, as incorporated in this work, find substantial corroboration in Palmer (2008).

¹⁵⁵The fragments attributed to this individual, as incorporated in this work, find substantial corroboration in Parry (2005).

¹⁵⁶495-435BC.

¹⁵⁷This variance in terminology might rightly be overlooked as it concerns only a discrepancy in the English translations of the original Pāli and Greek, for the synonymy of the notions conveyed by the terms 'craving' and '*pull of attraction*' and 'suffering' and '*push of repulsion*' is plainly obvious. For the many possible interpretations of 'craving' (*tanhā*), see Gnanarama 2000, 49-50.

¹⁵⁸Venerable Ananda passed away at the age of one hundred and twenty. The *Dhammapada* commentary states that as people of both the sides of the river Rohini were equally serviceable to him and as both sides vied with each other to possess his relics, he sat cross-legged in the air over the middle of the river, preached the *Dhamma* to the multitude, and wished that his body would split in two and that one portion would fall on the near side and the other on the farther side. He then entered into the ecstatic meditation on the element

of fire (*Tejokasina samāpatti*). Instantly flames of fire issued from his body, and, as willed, one portion of the body fell on the near side and the other on the farther side.' (Narada 1964, 149.)

¹⁵⁹The annals of Sri Lanka too provide for a similar instance (regarding *Arahath Tissa*): 'Lifted up in the air as he sat, and winning mastery of his own body by the fire-meditation, according to his own free resolve, he passed into *Nibbāna*. Flames that broke forth from his body consumed the flesh and skin of the *thera's* whole body, the bones they did not consume' (*Mahāvangsha* n.d., Geiger translation, 45, paras.220-221).

¹⁶⁰The fragments attributed to this individual, as incorporated in this work, find substantial corroboration in Berryman (2004).

¹⁶¹460-370/351BC.

¹⁶²360-270BC.

¹⁶³The fragments attributed to this individual, as incorporated in this work, find substantial corroboration in Konstan (2005).

¹⁶⁴341-270BC.

¹⁶⁵'Neither the pleasures of the senses nor even divine happiness is worth even a sixteenth part of the happiness of craving's end [*Nibbāna*]' (*Rāja sutta* n.d., Sujato translation, parenthesis added).

¹⁶⁶1BC-65AD. Especially relevant is his *Epistulae morales ad Lucilium* (*Moral letters to Lucilius*) as translated by Richard Mott Gummere.

¹⁶⁷121-180AD.

¹⁶⁸'The Buddhist philosophical term for an individual is *santati*, that is, a **flux** or continuity' (Narada 1964, 464, emphasis added).

¹⁶⁹The Greeks used this term ('barbarian') to connote scores of different foreign cultures including the Thracians, Egyptians, Persians, **Indians**, Celts, Germans, Phoenicians, Etruscans, Romans and Carthaginians.

¹⁷⁰40-120AD.

¹⁷¹570-490BC.

¹⁷²This specific figure of 600 *yojanas* (approx. 4200 miles) has been deemed accurately representative of that lying linearly between Pataliputra and Macedonia (Guruge 1986, 56), implying the distances among the said territories to have been determined by actual travel.

¹⁷³'Amtyoka': Antiochus II Theos (261-246BC) (Guruge 1986, 54).

¹⁷⁴‘Turamāya’: Ptolemy II Philadelphus (285-247BC) (Guruge 1986, 54).

¹⁷⁵‘Amtekina’: Antigonus Gonatas (277-239BC) (Guruge 1986, 54).

¹⁷⁶‘Maga’: Magas of Cyrene (282-258BC) (Guruge 1986, 54).

¹⁷⁷‘Alikasu(m)dara’: Alexander of Epirus (272-255BC) (Guruge 1986, 54).

¹⁷⁸‘Tamraparniyas’: Sri Lankans.

¹⁷⁹T.W. Rhys Davids, in his work ‘Buddhist India’ (1903, 299, emphasis added), opines that ‘We **may** imagine the Greek amusement at the absurd idea of a ‘barbarian’ teaching them their duty, but we can **scarcely** imagine them discarding their gods and their superstitions at the bidding of an alien king.’ D.R. Bhandarkar, in his work ‘Aśoka’ (1925, 158, emphasis added), responds as follows: ‘Why ... this incapacity of the Greeks to adopt other religions? Their attitude toward the faiths of the ‘barbarians,’ inferior to them in civilization, is of course intelligible enough. But why suppose that they were intellectually perverse and impervious to the religious influences of a people by no means their inferiors in culture? Do we not, for instance, know that the Greeks or Yavanas who came in contact with Indian civilization had become converts to Buddhism and other Indian faiths? There are many references to them in literature and epigraphic records. Again, Ptolemy Philadelphos of Egypt was the founder or expander of the Alexandrian Library, and we know on the authority of Epiphanius that his librarian was anxious to translate the books of the Hindus. **The Greeks were certainly not such cultural obstinates as some of their modern admirers take them to be.**’

¹⁸⁰‘When the *thera* Moggaliputta, the illuminator of the religion of the Conqueror, had brought the (third) council to an end and when, looking into the future, he had beheld the founding of the religion in adjacent countries, (then) in the month Kattika he sent forth *theras*, one here and one there. The *thera* Majjhantika he sent to Kasmira and Gandhara; the *thera* Mahadeva he sent to Mahisamandala. To Vanavasa he sent the *thera* named Rakkhita, and to Aparantaka the Yona named Dharnmarakkhita; to Maharattha (he sent) the *thera* named Mahadhammarakkhita, but the *thera* Maharakkhita he sent into the country of the Yona. He sent the *thera* Majjhima to the Himalaya country, and to Suvannabhumi he sent the two *theras* Sona and Uttara. The great *thera* Mahinda, the *theras* Itthiya, Uttiya, Sambala and Bhaddasala his disciples – these five *theras* he sent forth with the charge, ‘Ye shall found in the lovely island of Lanka the lovely religion of the Conqueror.’ (Mahāvāṅgsha n.d., Geiger translation, 82, paras.1-8.)

¹⁸¹This is truly unfortunate and lends much to the notion that there exists a covert initiative to obscure the predominant influence exerted by Indian thought (particularly Buddhist teachings) upon the fruition of both Greek philosophy and international jurisprudence.

¹⁸²... According to the unbroken age-old tradition in Buddhist countries, one is considered a Buddhist if one takes the Buddha, the Dhamma (the Teaching) and the Sangha (The Order of Monks) – generally called ‘the Triple-Gem’ – as one’s refuges ...’ (Rahula 1959, 80).

¹⁸³*E.g.*: Moliya Sīvaka (*Sīvaka sutta* n.d.); Mandissa and Jaliya (*Jāliya sutta* n.d.); Dīghanakha (*Dīghanakha sutta* n.d.); Vekhanassa (*Vekhanassa sutta* n.d.); Vacchagotta (*Vacchagotta sutta* n.d.); Sutavan (*Sutavā sutta* n.d.); *etc.*

¹⁸⁴Nevertheless, the inordinate delays occasioned in releasing transcribed data to the public (especially in the case of the Derveni papyrus) might be construed as an apparent reluctance on the part of ‘historians’ to admit to historical facts, whenever such facts are considered prejudicial to their own vantage points.

¹⁸⁵R.A.E. Coningham, K.P. Acharya, K.M. Strickland, C.E. Davis, M.J. Manuel, I.A. Simpson, K. Gilliland, J. Tremblay, T.C. Kinnaird and D.C.W. Sanderson.

¹⁸⁶The Pāli term **Kamma**, literally, means **action** or **doing**. Any kind of intentional action, **whether mental, verbal** or **physical**, is regarded as **Kamma**. It covers all that is included in the phrase ‘Thought, word and deed.’ Generally speaking, all good and bad actions constitute **Kamma**. In its ultimate sense, **Kamma** means all moral and immoral volition (*kusala akusala cetanā*). Involuntary, unintentional or unconscious actions, though technically deeds, do not constitute **Kamma** because **volition**, the most important factor in determining **Kamma**, is absent.’ (Narada 1964, 348, emphasis added.)

¹⁸⁷‘According to Buddhism, we are ‘born from the **matrix** of action’ (**Kamma-yoni**). Parents merely provide us with a material layer. ... At the moment of conception, it is **Kamma** that conditions the initial consciousness that vitalizes the fetus.’ (Narada 1964, 400, emphasis added.)

¹⁸⁸Also see *Sammādiṭṭhi sutta* (n.d., Nanamoli and Bodhi translation).

End.