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The *Kathāvatthu Niyāma* Debates*

by James P. McDermott

A series of debates concerning what has been variously translated as “assurance,” “fixity,” “destiny,” and “certitude” (Pali: *niyāma*. Cf. the related *niyata*) is scattered widely through the *Kathāvatthupparāṇa*.¹ These controversies are primarily concerned with the implications of entry into the way of deliverance. According to the *Kathāvatthupparāṇa Atthakathā*, the Andhakas, their sub-groups the Aparaseliyas and Pubbaseliyas, and the Uttarāpathakas, as well as the Theravādins were involved in the controversies over *niyāma*. The purpose of this paper is to undertake a systematic analysis of the *Kathāvatthu niyāma* debates in order to determine the fundamental underlying doctrinal concerns.

The first debate centered on *niyāma* occurs at *Kvu* IV.8. The controversy focuses on the implications of an account from the *Ghaṭikāra Sutta* (*M* II.45ff.). According to this text the *Bodhisatta* was born as a brahmin, Jotipāla, during the lifetime of Kassapa Buddha. His friend, the potter Ghaṭikāra, invited Jotipāla to go with him to hear Kassapa Buddha preach. Jotipāla refused, insulting Kassapa Buddha in the process. But Ghaṭikāra did not give in, and one day boldly seizing his higher caste friend by the hair coerced Jotipāla into agreeing to accompany him. Having heard Kassapa Buddha in person, Jotipāla joined the *saṃgha* and became a monk. The *Mahāvastu* relates that Jotipāla expressed his aspiration to become a Buddha himself in the presence of Kassapa Buddha (*Mhvu* I.319ff, esp. I.335), who then prophesied Jotipāla’s eventual enlightenment.

The point at issue at *Kvu* IV.8 concerns whether it is proper to speak of Jotipāla’s entry on the path of assurance (*niyāma okkanti*) under the teaching (*pāvācana*) of the Buddha Kassapa.

The Andhakas and Uttarāpathakas maintained the affirmative.² The Theravādins, to the contrary, argued that to so hold would imply that the Buddha-to-be must have been a disciple of Kassa-pa, which would conflict with the concept of a Buddha as self-developed (*sayambhu*), as one who discovers the path for himself without the aid of a teacher.

Buddhaghosa's commentary clarifies the meaning of *niyāma* in this context: "*Niyāma* and *brahmacariya* (the religious life) are equivalents for the noble (four-stage) path. And there is no entrance on that path for *bodhisattas*, except when they are fulfilling the perfections . . ." (*KvuA* IV.8). Thus it becomes clear from the Theravāda perspective that the Buddha-to-be could not have undertaken the austerities which he did prior to his enlightenment in his last life had he already entered the path of assurance (*niyāma*); for this is a middle path between the extremes of self-indulgence, on the one hand, and radical asceticism, on the other.³

An important implication of the commentary to this controversy, though it is not clear from the *Kathāvatthu* text itself, is that the Theravādin is concerned to avoid falling into the admission of predeterminism or a concept of fixed destiny. Thus, when Buddhaghosa writes: "Buddhas prophesy: 'he will become a Buddha' simply by the might of their own insight,"⁴ his point is that Kassapa's prophecy concerning Jotipāla is to be seen simply as an enlightened prediction, an example of a Buddha's insight into the passing of beings according to their own *kamma*, rather than as determining his future destiny.

The commentary to *Kvu* XIII.4 further underlines this point. It suggests that when a Buddha makes such a prophecy about an individual, this *bodhisatta* "may be called assured (*niyata*) by reason of the cumulative growth of merit."⁵

The desire to avoid implying a concept of fixed destiny implicitly seems to underlie the Theravādin argument at *Kvu* VI.1 as well. Here the debate concerns whether *niyāma* is unconditioned (*asaṅkhata*). The Andhakas,⁶ among others, contend that assurance or fixedness on the path (*niyāma*) is unconditioned. The intent is to maintain that once one is fixed on the path so as to assure its fruition, the nature of this assurance is such that it cannot cease. To argue otherwise is to claim that assurance is no assurance. The Theravādin objection is that to

use the term “unconditioned” in this way wrongly makes assurance (*niyāma*) equivalent to *nibbāna*, which alone in the Theravādin view is to be classified as unconditioned (*asaṅkhata*). Such an equivalence must be avoided because, as *Dhammasaṅgani* 983 makes clear, the unconditioned element is morally indeterminate, ethically neutral (*avyākatā*). The unconditioned stands above the sphere of moral causation. Once this state is achieved, no further kammic effect is worked on the individual. To maintain that this was equally true of entering the path of assurance inevitably would seem to lead to a concept of determinism.

In light of a distinction basic to the arguments at *Kvu* XIII.3 and 4, and, to a lesser extent, *Kvu* VI.1 as well, it becomes more obvious still that *niyāma* (assurance) cannot imply a determinism beyond moral causation. The debate at *Kvu* XIII.4 centers on whether one who is assured (*niyata*) enters the path of assurance (*niyāmaṃ okkamati*). The Pubbaseliyas and Aparaseliyas argue the affirmative (*KvuA* XIII.4.). The Theravādin, to the contrary, distinguishes between assurance (*niyāma*) of two types, depending on whether it is in the right (*sammatta niyāma*) or wrong (*micchatta niyāma*) direction. The former is the noble path which ends in arahantship. The latter, which results from committing one of the five cardinal crimes (*ānantarika kamma*)—namely: 1) patricide, 2) matricide, 3) killing an arahant, 4) wounding a Buddha, or 5) causing a schism in the Buddhist *saṅgha*. (*A* V.129)—leads to immediate retribution. As the commentary notes, apart from these two categories, no other mental phenomena are invariably fixed (*KvuA* XIII.4.).

Kathāvatthu XIII.3 deals with a special case in the application of the concept of immediate retribution. The issue concerns cases where an individual instigates one of the five crimes resulting in immediate retribution on death. The Uttarāpathakas were fully consistent in insisting that one who had instigated such a crime could not enter on the right path of assurance (*sammatta niyāma*). The Theravādin, however, on the basis of a concept of complete *kamma* recognized special circumstances under which it might be possible for such an individual to enter the right path of assurance (*sammatta niyāma*).

In his commentary, Buddhaghosa notes that the Theravādin position distinguishes between two ways in which one can instigate a cardinal crime, namely 1) through a permanent,

standing injunction involving a consistent attitude and on-going effort, or 2) through an occasional or impulsive injunction (*KvuA XIII.3.*). Both parties to the debate agree there is no question that the former way assures one's doom, because there is volition to carry through. In the latter case, however, the Theravādin considers remorse and reform possible.

For the Uttarāpathaka, even this provides no escape from the inevitability of immediate retribution on death, and no possibility for entry on the right path of assurance. His reasoning is that remorse (*kukkucca*) and the agitation and distraction (*uddhacca*) that accompany it constitute one of the five hindrances (*nīvaraṇas*).⁷ The hindrances blind our mental vision so that we can neither work for our own benefit nor for that of others. In their presence, neither absorption concentration (*appanā samādhi*) nor access concentration (*upacāra samādhi*) is possible. Each of the hindrances must be permanently overcome to attain arahantship, and hence, the Uttarāpathaka would argue, assurance (*niyāma*) on the right path.

In opposition the Theravādin imagines a hypothetical case in which, perhaps on impulse, someone encourages another to commit one of the four crimes entailing immediate retribution on death. What if the instigator repents and backs out before the actual crime is ever committed? Or perhaps, for whatever reason, the crime is never committed and the instigator comes to regret his evil intention. In such a case, the Theravādin maintains, having come to his senses, the instigator might eventually overcome his agitation and feelings of remorse. It then could be possible for him to enter onto the path of proper assurance.

While the Uttarāpathaka position is intended to underscore the heinous nature of the five cardinal crimes, the Theravādins recognized that, at least to a certain extent, the ethical potential of a deed can be counteracted by repentance. Since *kamma* is defined as the intentional impulse (*cetanā*) and the act which follows upon it, the removal of either or both inevitably lessens the seriousness of the act and reduces its kammic impact.⁸

As I have noted elsewhere, the specific issue at *Kvu XIII.3* is but one aspect of a broader controversy which is the focus of twin debates recorded at *Kvu XXI.7* and *8.*⁹ *Kathāvatthu XXI.8* deals with a thesis shared by the Andhakas and Uttarāpathakas (*KvuA XXI.8.*) that all *kamma* is fixed (*niyata*) in its consequences.

Certain acts by nature bear fruits that ripen in this life, while others ripen in the next life, and still a third type of *kamma* ripens in succeeding existences. Since the three types are not convertible one into another, they must be said to be fixed (*niyata*) in their consequences. To the proponents of this position, this implies that certain fixed consequences are bound to follow as a result of any given deed, and that the same kammic effects will be produced whenever that deed is committed. To the Theravādin this view seems to imply that all action leads either to assurance in the right direction (*sammatta niyāma*) or assurance in the wrong direction (*micchatta niyāma*). Since, as we have already seen above, only commission of one of the crimes entailing immediate retribution on death (*ānantarika kamma*) leads to *micchatta niyāma*, a whole additional category of wrongful acts which do not entail fixed (*niyata*) consequences must be posited. Similarly, not every good deed guarantees attainment of *nibbāna* or entry on the path of assurance (*niyāma okkanti*). In fact, concludes the Theravādin, the vast majority of human actions cannot be spoken of as having predetermined consequences, their fruits being colored by the overall character and moral habit of those who do them, as well as by the circumstances involved.

In the twin to this debate about fixed *kamma*, the issue is whether all phenomena are fixed by nature. The Pāli reads: *sabbe dhammā niyatā 'ti?* (*Kvu XXI.7.*) Again the Andhakas and certain Uttarāpathakas assert the affirmative (*KvuA XXI.7.*). Their point seems to be a simple one: No matter how much any phenomenon (*dhamma*) may change, it never gives up its fundamental nature. To illustrate: matter is material by nature. It cannot be otherwise. It can be nothing but matter. That by nature it cannot be a mental phenomenon goes almost without saying. It cannot have the nature of feeling, consciousness, or the like. Thus it is said to be fixed (*niyata*). All other *dhammas* are similarly conceived to be fixed, of immutable nature.

The Theravādin rejects this apparently straightforward view. From his perspective to claim that all *dhammas* are fixed (*niyata*) amounts to a claim of moral determinism; that is, to a claim that all phenomena are fixed in terms of their rightness (*sammatta niyata*) or wrongness (*micchatta niyata*). In other words, this would amount to holding that every *dhamma* belongs either

to the category of wrong entailing fixed evil results or to the category of right entailing fixed good results. Such is contrary to the *sutta* where three categories (*rāsi*) are enumerated, namely: 1) *micchatta niyato rāsi*, 2) *sammatta niyato rāsi*, and 3) *aniyato rāsi*, the last and by far the largest of these categories consisting of that which is not immutably fixed.¹⁰

According to the commentary (*KvuA* V.4 & XIX.7.), the Uttarāpathakas are the proponents of two related theses debated at *Kvu* V.4 and XIX.7 respectively. The former controversy focuses on the Uttarāpathaka claim that “in one not fixed (*aniyata*) [on the path] there is insight (*nāṇa*) for going on to assurance (*niyāma gamanāya*).” The rejoinder treats this as a claim that only the ordinary individual not yet engaged on the path is capable of developing the insight necessary to assure achievement of the goal, whereas the path is in fact restricted to those who have already attained assurance. The point of the thesis, rather, is that even in one not yet fixed in his pursuit of that path, the possibility of developing the insight necessary for success may nonetheless exist. S.Z. Aung and Mrs. Rhys Davids have described this debate as “a curious bout of ancient dialectic. At the end of each section the sectary is brought up against the same rejoinder, compelling him either to contradict his proposition or to withdraw.”¹¹ As Buddhaghosa’s commentary suggests (*KvuA* V.4.), the contention stems from the Theravādin use of the term “assurance” (*niyāma*) as a synonym for the path or way to arahantship. Thus the Theravādin argument is ultimately little more than the simple claim that only one already engaged on the path is assuredly on the path.

Kathāvatthu XIX.7 concerns *accanta niyāmato* in the case of an ordinary person (*puthujjana*). As *The Pāli Text Society’s Pāli-English Dictionary* notes, the term *accanta* can be variously translated as 1) “uninterrupted, continuous, perpetual,” or 2) “final, absolute, complete.”¹² The Uttarāpathakas hold that in the case of a member of *‘oi polloi* there is *accanta niyāmatā*. If this is to be taken as a claim that the entrance of such an individual on the path is assured, this is to be denied; for members of the masses are capable of the worst of crimes. If, on the other hand, the thesis is to be read as a claim that the assurance of immediate retribution on death which follows upon commission of a cardinal crime is perpetual, it must be denied as well; for this assur-

ance of retribution extends to the immediately following existence only (*KvuA* XIX.7.). Finally, if the proposition be taken to assert that a member of 'oi polloi can feel absolute certitude, it must still be rejected because doubt is only put away for good by one who has entered the path, something that the ordinary person (*puthujjana*) by definition has not done.

In defense of his position the Uttarāpathaka cites *A* IV.11: "Consider the person whose ways are wholly black and evil; it is thus, monks, he plunges once [—that is, once and for all—] and drowns."¹³ The Theravādin denies that this passage is relevant. This denial is clarified by Buddhaghosa's commentary, which suggests that the Uttarāpathaka has relied too much on the letter (*vacana*) of the text at the expense of its spirit (*attho*).¹⁴

The *Kathāvatthu niyāma* debates are thus seen to provide clarification of what entry onto the path of assurance involves. They further distinguish assurance in the right direction (*sammatta niyāma*) from the assurance (*micchatta niyāma*) of immediate retribution which results from *ānantarika kamma*. But why the scholastic interest in these issues which in and of themselves seem to be of relatively minor import? The answer would seem to lie in the recognition that the concept of assurance or the admission of fixed states of any kind other than *nibbāna* itself can lead all too easily to the heresies of fatalism/determinism (*niyatīvāda*), or the belief that "all beings, all that have breath, all that are born, all that have life are without power, strength, energy; have evolved according to destiny (*niyati*), species (*saṅgaṭṭi*) and nature (*bhāva*)."¹⁵ In the *Sāmmañaphala Sutta* (*D* I.53.) this view is attributed to Makkhali Gosāla. Thus the *niyāma* debates, at least in part, seem formulated implicitly to avoid falling into the trap of Ājīvika determinism.

NOTES

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1. *Kvu* IV.8, V.4, VI.1, XIII.3–4, XIX.7, and XXI.7–8. In preparing

this essay the following editions of the Pāli texts of the *Kathāvatthu* and its commentaries have been used: Bhikkhu J. Kashyap, ed. *The Kathāvatthu*, Nālandā Devanāgarī Pāli Series (Pāli Publication Board, Bihar Government, 1961); Mahesh Tiwary, ed. *The Pañcappakarana-Aṭṭhakathā, Vol. II; Kathāvatthu-Aṭṭhakathā*. (Nālandā, Patna: Nava Nālandā Mahāvihāra, 1971); Burmese script edition of the *Kathāvatthu Mūlaṭīkā* and *Anuṭīkā* from the *Pañcapakarana-mūlaṭīkā* and *Pañcapakarana-anuṭīkā* (1960). The *Mūlaṭīkā* and *Anuṭīkā* have been consulted throughout. They add little of significance to the philosophical understanding of the text.

2. See *KvuA* IV.7 and IV.8.

3. The story of Jotipāla seems to have been particularly problematic for the Buddhists, since it is also a subject of concern to King Milinda in the *Milindapañha* (*Miln* 221–233.). There, however, the issue is different, being concerned with how someone of Jotipāla's attainments could have abused the Buddha Kassapa. Nāgasena's solution to the dilemma, it is to be noted, is not fully consistent with the usual understanding of how *kamma* operates.

4. *KvuA* IV.8 as trans. by Shwe Zan Aung & Mrs. Rhys Davids, *Points of Controversy, or Subjects of Discourse* (London: Luzac for P.T.S., 1960 reprint of 1915 ed.), 168, and adopted by Bimala Churn Law, *The Debates Commentary*, Pāli Text Translation Series, No. 28 (London: Luzac for P.T.S., 1969 reprint of 1940 ed.), 97.

5. As trans. by Aung and Rhys Davids, *Points of Controversy*, 275, and adopted by Law, *Debates Commentary*, 175. Aung and Rhys Davids read *puññ'u-ssadattā* for *puññassa datvā*. See 275, fn. 3.

6. See *KvuA* VI.1.

7. On the *nīvaraṇas* see *D* I.73, *A* I.3, *S* II.23, and *M* I.60, for example. Also see Nyānaponika Thera, *The Five Mental Hindrances*, Wheel Publication No. 26 (Kandy: Buddhist Publication Society, 1961).

8. See James P. McDermott, "Karma and Rebirth in Early Buddhism," in Wendy D. O'Flaherty, ed. *Karma and Rebirth in Classical Indian Traditions*, (Berkeley: Univ. of California Press, 1980; Indian ed. Delhi: Motilal Banarsidass, 1983), 187–189 on the concept of complete *kamma* in the Pāli *Nikāyas* and the *Abhidarmakośa*.

9. See James P. McDermott, "The Kathāvatthu Kamma Debates," *Journal of the American Oriental Society*, Vol. 95.3 (1975), 429–430.

10. See *D* III.217. Cf. *Nett* 96.

11. Aung and Rhys Davids, *Points of Controversy*, 178, fn. 1.

12. T.W. Rhys Davids and William Stede, *P.E.D.* (London: Luzac for P.T.S., 1966 reprint of 1921–1925 ed.), s.v.

13. As trans. by E.M. Hare, *The Book of the Gradual Sayings*, Vol. IV, P.T.S. Translation Series, No. 26 (London: P.T.S.; distr. Routledge & Kegan Paul, 1978 reprint of 1935 ed.), 7. Parenthesis added by this writer following the reading of *KvuA* XIX.7.

14. See *KvuA* XIX.7.

15. *D* I.53 as trans. by David J. Kalupahana, *Causality: The Central Philosophy of Buddhism* (Honolulu: University Press of Hawaii, 1975), 33. On the perceptive translation of *saṅgati* as "species" see *ibid.*, 33–36.