



Modern Conception of Justice and Early Buddhism

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Abstract

Cooperation among the members is at the root of any society. For sustainable cooperation among members, they need to perceive the resultant structure to be just. Any conception of justice, if analysed, cannot be formed without the essential elements of liberty, equality and rights. Thus, using the notions of liberty, equality and rights, this research is an effort to analyse how just the social structure and social environment was that prevailed during later Vedic period, the period in which Buddha was born. It further seeks to analyse how Buddha got affected by the features of his social environment and the social structure. Finally, it analyses the efforts of Buddha to shepherd the later vedic society towards a more inclusive, liberal, and egalitarian social structure, where basic rights of every individual to realise their higher self is recognised. In order to attain the aforementioned goals, the research primarily relies on Digha Nikaya as the primary source for substantiation.

Keywords: justice, liberty, equality, buddhism, dighanikaya, buddha

Introduction

Having put under the scanner whatever time that humans have managed to spend on this planet as social animals, are we in a position to create a social environment and a social structure ideally suited for an individual to live a life with dignity and contentment, a life that has the best possibilities for an individual to realize her/his full potential in all walks of life?

Liberty

Although an answer cannot be promised at this juncture, this shouldn't deter us from searching one. Let's start with a question. How would it look if people were constrained physically, biologically, socially, politically and economically? It is an undesirable situation to say the least. We can, for now, agree that some degree of liberty is required for the sustenance of one's life. However, some would argue regarding the extent of liberty that one should have, and some would argue regarding the authority that should be vested with the right to decide upon this significant issue. Any given society of rational beings in any possible world is confronted with these two aspects of liberty. The concept of negative liberty seeks to find the extent of liberty that should be there in an individual's public life whereas the concept of positive liberty focuses on the authority (rational self) to decide the extent of liberty in public sphere (Berlin, 1958). Classical proponents and adherents of negative liberty seek absence of any kind of coercion, constraints and intervention by any elements and more so by the state. It demands absolute liberty where state is only left with the role of maintaining law and order (Mill, 1859). However, it is not to be forgotten that armed with full liberty, individuals in advantageous position can infringe the rights of others, a situation nothing less than cataclysmic for the whole society. One can easily fall prey to one's passions and do acts that not only infringe the cherished liberty of others but may also defy the will of one's own

rational self. To overcome the situation, the concept of positive liberty entered the arena. As it ought to be, individuals, driven by their rational self, give themselves with sufficient liberty to realize the potential lying in them, thus enabling them to lead a life of contentment and dignity whereas, at the same time, enough constraints are put on them to bar them from infringing liberty enjoyed by other members of the society—a case of individual good being subordinated to the societal good.

Rights

Further, the question is how a society can ensure positive liberty to bring in social emancipation. Answer lies in the rights that an individual ought to be conferred with. These are the rights that a society confers to its members, enabling them with requisite liberty mentioned in the aforementioned passage. Mostly, rights are seen as a matter of an individual's relationship with the state. Primarily, it is seen as an instrument against arbitrary coercion and constraints, denying any possibility of dignified and happy life. Modern political thought engendered the idea of positive and negative rights too. Negative rights are basically a limitation on the absolute authority of the state, for they stop the state from interrupting the freedom enjoyed by an individual. On the contrary, in case of positive concept of rights, state itself is expected to make the interventions and provide for the conditions that enables an individual to enjoy the rights conferred to him/her by his/her polity (SEP, 2005).

Equality

Furthermore, even if people are given all the possible rights and there is positive liberty of every possible kind, wouldn't it be right to say that society is still not at its empowering best, for equality is still missing. There is no doubt that much has been made about the facets of an individual's life that should

be compared to bring best possible egalitarian society. A closer scrutiny would reveal that it is all about equality in what an individual can do and no doubt equality in what can be done to an individual. In other words, it is all about the equality that individual members of a society enjoy with respect to the concept of liberty and rights mentioned in the foregoing paragraphs. As has been witnessed throughout the history, it has been inequality in the degree of freedom and the rights available to the individuals that lead to the mass rebellions and revolutions.

Justice

It has been amply clear that aforesaid concepts are essential for the sustenance of a quality life, and any society harbouring any aberration in the foregoing principles may be committing gross injustice to their members. Thus a society sensitive to the needs of its people should ensure a system capable of providing justice in the event of injustice. Now, the best way to ensure justice seems to be by creating a social structure that is sewn by the aforementioned principles of liberty, rights and equality.

Heretofore, we have been trying to bring together some of the fundamental principles of a sensitive society striving for the wellbeing of its own people, the principles being fundamental rights, liberty, equality and justice. Now, let's see what this paper is striving to understand.

Intent of the Paper

We won't be very off the mark, if we assert that the presence or absence of these above-mentioned principles in varying degrees is an essential character of any social structure. Same could be said about the society in which Buddha lived. Also, there is no denying the fact that there are always some causative factors that shape these particular characteristics of the social structure. Buddha's society too wouldn't have been left untouched by these factors. Similarly, a charismatic personality like Buddha would have definitely left an undeniable imprint of his own handiwork over these facets of the social structure, some of which were never there before.

Using the principles of justice discussed thus far, this paper seeks to understand the forces that shaped the features and structure of society that existed during later Vedic period, and continuing on the quest further, it seeks an understanding of the influence this social structure had over Buddha, and finally it seeks to bring out how Buddha's teachings and his doctrines influence these essential features of social structure, following the leads provided by Digha nikaya.

The Forces that Shaped the Structure of Later Vedic Society: The Breeding Ground of Early Buddhism

Nobody in this world can claim to have started on a plain slate. Everything in our life, the language we use, the beliefs that we uphold, the foundation of our thinking and the resultant actions, the philosophical insights we produce are influenced at some level by the social perceptions and culture that characterize our society, and the Buddha was no different in this matter, and more so in the Buddha's case it is evident that he had a wonderful reciprocal relationship with the society, in which the Buddha, in the initial parts of his life, learned a great deal from his contemporary society and in the

later part of his life he transformed the society with his insights.

As emphasized earlier, let's understand how the social perception and social structure of later Vedic society evolved, for it provided the breeding ground for the early Buddhist philosophy to evolve. Human interaction with the nature and his/her relationship with the nature pose pantheons of questions, the answers to which formed the social perception and social beliefs and culture. These social beliefs and perceptions always had tremendous impact on the social life and social structure. Same goes true for the later Vedic society too. An insight of Vedic social perceptions and beliefs could be gained by studying how it evolved.

Centrality of God in the Vedic Period

Long before even the Paleolithic period, humans came to understand that all their needs cannot be fulfilled staying alone. A certain level of cooperation among individuals was required. However, it might have required certain arrangements and agreement upon certain code of conduct. Thus, they started living in small groups to augment whatever resourcefulness they had. This development saw the birth of rudimentary social structure that evolved throughout the Mesolithic and Neolithic period, and continued its onward march throughout the prehistory all the way into early and later Vedic periods. Apparently, the early Vedic period provided the foundation on which the edifice of the later Vedic period stood, the period that also saw the emergence of Buddhism. As it happens, Aryans, initially a society of pastoralists and shifting cultivators, were very much dependent on the vagaries of nature. To illustrate, much of the agriculture was rain fed then, and as it happens even now in some parts of Indian subcontinent, monsoon was the phenomenon which provided the essential precipitation to the most part of Indian subcontinent. However, nobody knew the relationship between the geostrophic winds called jet streams, the temperature belts and the pressure belts, and the rain bearing winds. Similarly, there was utter lack of understanding regarding the phenomena such as EL-NINO and walker circulation that happen in Pacific Ocean. Now, these are the independent variables that impact the onset of monsoon, its break and its intensity. Related were the phenomena of drought and consequent famines. Explanations for floods and other natural phenomena were also absent. Under these circumstances, human was helpless and needed a psychological support, an explanation of the unknown, some entity much higher than himself. Under these circumstances he found God. All the ancient civilization that came much before the Vedic period; to wit, Mesopotamian, Sumerian, Egyptian to name a few, seems to have gone through the similar process. In most places it was the power of the nature that was personified. Early Vedas did nothing different and going by the rig Vedic accounts, during early Vedic period, Aryan society was worshipping plethora of gods controlling various powers of nature, Indra, it seems, being the most powerful of all.

The Rise of the Priestly Class

With God taking the center stage, every bad result was ascribed to the wrath of the God, and every good result

became God's blessings. Apparently, the situation seems to have instilled an element of fear in the society, and people took recourse to pleasing the gods. However, situation still was dark for people as they didn't know how to please the gods. For some it was a ripe situation, for they claimed to have possessed the knowledge required to please the gods. Thus, there emerged a class of priests mediating between gods on the one side and common mass on the other. This class came to be called as Brahminical class. If logic is something to be banked upon, the next natural progression was ritualism and the practice of sacrifice. As it happens, foregoing was somewhat the story of Vedic period too, and dependence of everybody on such a system gave priestly class a preeminent position, and did nothing wrong to strengthen their position further in the society.

The Rise of the Warrior Class

A simultaneous process was also going on in the early Vedic society. Being a pastoralist class, and having been dependent on shifting cultivation, early Aryans were on a constant move to find new territories. However, such a move always brought them confrontation with other tribes looking for or holding similar territories. Thus, reliance on proper defense was essential. It elevated the status of warrior class. In addition, it brought in centralization in the political structure, headed by an efficient chief.

The Agricultural Revolution and its Consequences

Soon, the discovery of iron and the knowledge of paddy transplantation set in the process of agriculture revolution. As a natural progression, population started to grow, and consequently, there were many hands free to be utilized elsewhere. As it should be, people started participating in other economic activities. Gaining momentum in this manner, trade started to flourish, and as has been witnessed elsewhere, the process of urbanization was set off to create cities—a process never witnessed before in the Indian subcontinent after the extinction of Harappan civilization.

Social Stratification Breeding Inequality and Injustice

This was the time when traders and the overall mercantile community, known as Vaishyas, too came into their own. However, there still remained a community which was languishing, the community of Shudras left to perform all the menial functions of the society. Above all, by this time, Brahmans had attained a position of preeminence, and practically had the stranglehold over the whole society. The beliefs that Brahminical community spread using the myth of infallibility of certain religious texts not only created ritualism and religious dogmas, it also created a stratified society, the legitimacy of which accepted by everybody.

By the time of Buddha, the concept of varna identity had already entered the roots of the social system, and it shows there were gross inequalities in the society. If it was the question of rights, there was a proclaimed hierarchy with Brahmans enjoying the best at the one end of the spectrum and Shudras left with bare minimum, something that was not enough to enjoy a life of dignity and resourcefulness. There were great disparities in terms of rights, liberty and equality. There wasn't any equality before law, neither people had

equality of opportunity and equality of status. State was military in nature, thus possessing the rights to infringe the liberty enjoyed by people. Vedas, the acclaimed repository of knowledge, was not equally open to everybody. The fundamental freedom that one speaks of now was practically absent to many sections of the society. What seems to be the case is that there was injustice breeding in the social system and somehow it had the legitimacy too. Now, what on earth can force people to accept such a situation?

Legitimacy of Such an Unjust System

It seems that answer lies in the belief system portrayed by the Vedic religion and its acceptance legitimized this unjust system. The early three Vedas and the Brahmanas and Samhitas that followed became the bedrock of Vedic religious beliefs. A system that was already according superior status to the priestly class required some doctrine that could have etched this superiority in the minds of people. Thus came the doctrine of Karma and its consequences. Karma is portrayed as teleological and deterministic concept in which an individual's action were rewarded or punished depending on the nature of action. The notion of rewards and punishments presuppose an element of divine intervention. In addition, it necessitated a certain parameters that allowed some comparisons to determine what constitute right or wrong action. As it happens, these parameters came to be known as dharma. Besides, it brings forth the concept of rebirth. Finally, as a consequence of the foregoing, the notion of fate can also be sensed in the system. This was the period in which Buddha took birth.

Buddhism: A Social Revolution

By now it is amply clear that Buddha took birth in a society ridden with many social inequalities and social injustice. Anybody with a rational attitude and nous, realizing the problems at hand, would definitely seek some justice. Buddha, with his notion of dukkhavada sought to break this social strife.

If one closely analyzes Buddha's work, Buddha seems not to stress very much on metaphysical and ontological questions, and there seems to be a greater stress on ethical Idealism and pragmatic approach towards solving the most fundamental problems staring at the face of any individual. He, with efforts, figured out a path too, which he claims, provides solution to all the human misery. This path, as has been made very clear in the beginning itself, seeks to find out how his methodologies and his practices bring justice to the people by offering them with rights, liberties, and equality that many of them might have never enjoyed in the society of their birth.

Buddha, very early in his life, discovered impermanent nature of everything that this world offers, and this impermanence, as he realized, breeds sorrow. He was looking for an end to this pessimism. As it happens, he started with what was already known in the society then, which is to become a monk and follow extreme mental, physical and moral discipline. However, having done it for six years, and having contemplated in isolation, Buddha realized the futility of the effort, for a stark realization dawned upon him, which he called the four noble truths. Anybody, he claimed, realizing the four noble truths, containing in them the doctrine of

dependent origination and the eight fold path, and obeying them can attain nibbana—the emancipation from all sorrows that this cycle of birth and death offers. As it could be observed, one by one his doctrines attacked the very foundation of the society in which he lived and with that the injustice reared by it.

Law of Causation: An attack on inequality and Injustice

If one goes through Kutadanta Sutta (Verse 22-27) presented in the Digha Nikaya, it is not difficult to understand that Buddha detested ritualism the kinds of which are amply demonstrated in Shatapatha Brahmana associated with Shukla Yajurveda and the practice of sacrifice to the gods the kinds of which are found in Aitareya Brahmana belonging to Rigveda. This kind of practice by Brahmin community was devastating for the lower two varnas. As if the other mentioned injustices were not enough, by indulging in sacrifices such as vajpeya yajna, ashvamedha yajna and rajasuya yajna mentioned in the chapters 31 to 40 of Aitareya Brahmana of Rigveda, priestly class put a great deal of stress on the livelihood of the vaishyas and shudras.

The animals, and the agricultural produce and the other commodities owned and produced by these varnas were taken for the sacrifices, thus causing a great stress on the economy itself. going through the teachings of Brahmajala sutta (verse 1.8), one would find that the Buddha wanted people to refrain from taking life and from taking what is not given, a glimpse of his ethical idealism and his penchant for giving recognition to basic rights as in this case right to property and ownership and right to live. Even kshatriyas were not left without some disappointment as they were the defenders and rulers of the state and history will tell us that by this time states/mahajanapadas became very big. In spite of their important role in the state, a state that would qualify as military, they were accorded secondary status.

Buddha's conception of solution

It would be pragmatic that divinity and mystical elements associated with the Buddha be left alone, for the essential character of the paper does not necessitate such an angle. Thus, leaving it aside if we analyze the Buddha's beliefs and get some insights into his thinking, it seems that the Buddha came up with a very ingenious solution to the problem at hand. He just simply took away the concept of God as the supreme entity from the system. Evidently, there had to be some consequences, and so they followed. If there is no god, there is no requirement for a mediator. As it seems, it was a direct attack on the priestly class and their place in the system. Apparently, without a supreme God and a priestly class, there is not going to be a need for those rituals and sacrifices that took a toll on the mercantile section and the working class of the society. With one master stroke the Buddha sought to end the superiority of some classes, thus paving way for a more egalitarian society. Similarly, right to property and possession enables a person to keep and enjoy the hard earned fruits of his toil. The sacrificial practices necessitated offerings which more often than not came from the possessions of the lower two Varna. The preexisting sacrificial practices were a great infringement in one of the basic liberties that people enjoy in a just society. As it turns out, the Buddha's actions sought to

protect this fundamental right, and as already mentioned above- one of the precepts says not to take what is not given to you by any means. Likewise, conferring of this right to all the sections brought equality in the social structure at least in this regard.

Kamma and its place in the system

As we now have a firm idea that the concept of god and the concept of karma were interrelated concepts with former being the judge of the later, now what could Buddha have done to the concept of karma with the concept of god being already pushed out of the window?

From the look of the things, it seems that he wanted to preserve the concept of Kamma as it was a prerequisite to show the people why right actions, viz. one's deeds, speech and thought in one's life are important—as professed by the eight fold path. There were other reasons too. He was very much aware of the other oppositions coming to the fore front against the vedic philosophy. It was mainly from the heterodox sects such as Ajivikas who upheld the doctrines of materialism, amorality, fatalism, agnosticism, restraint and eternalism (samannaphala sutta) and discarded the concept of Karma, meaning there couldn't be and there should not be any parameters to judge one's action. Knowing that these schools of thoughts can breed immorality and lead the society to decadence, Buddha might have deemed fit to retain the concept of Kamma, and made it the foundation of his ethical and moral doctrine which acts as the parameter for an individual to judge his actions.

Doctrine of dependent origination

However, the Buddha had one question still unresolved. Although he retained the concept of kamma, he didn't have a foundation for the kamma to bank on, for he did away with the necessity of a supreme god, who in the vedic scheme of things was the judge of one's kamma. Ingeniously, he developed the doctrine of dependent origination, which transformed kamma into a law of causation—a law that governs nature the way some of the physical laws do. If not being interpreted wrongly, Buddha wanted to ensure that people ought to know that everything originates out of some causes and conditions, and these causes and conditions seem to produce a cycle.

To illustrate, the Buddha gave these twelve Links of the Chain of Dependent Origination

1. Ignorance conditions the 'Karma-formations'
2. The Karma-formations condition Consciousness
3. Consciousness conditions Mind-and-Body
4. Mind-and-Body conditions the Six Sense-Bases
5. The Six Sense bases condition Contact
6. Contact conditions Feeling
7. Feeling conditions Craving
8. Craving conditions Clinging
9. Clinging conditions Becoming
10. Becoming conditions Birth
11. Birth conditions Ageing-and-Death

Freedom of will and justice

Here too, the Buddha gave hope to the people, bringing the element of justice to everyone. As it stands, the doctrine of dependent origination and law of causation bring people from

all sects of society on a common pedestal, for their actions will be judged by the same parameters, meaning for same actions people were to be rewarded or punished equally. This view upholds to some extent the notion of equality before law. It's just that the law in this context has been set by the nature herself. Moreover, the concept of kamma provides people with equal chance to improve their situation and reach the highest state of self actualization that Buddhism professes irrespective of their status in the society (Agganna Sutta, Verse 27-31). For him, craving and ignorance, it seems, were the source of all the misery, and if one sincerely tries to follow the eightfold path, one would, he seems to have believed, be able to break free from this seemingly insurmountable cycle. It was very much unlike the system of belief that prevailed in the society then. People who were born in the upper varnas were thought to have indulged in the right kind of acts for them to have gotten the privilege of taking birth in the upper varnas, and consequently were entitled to all the goods and privileges. On the contrary, people of lower varna were deemed fit to live a condemned life, for according to the beliefs it was the punishment that they were destined to for the sins they might have had committed in their previous birth. Seen from a different angle, it can be said that determinism in the concept of karma was already existent in the society, and if looked carefully, the Buddha too in his doctrine of dependent origination brings determinism, but all credit to his astute thinking, he is also bringing freedom of will to come into play when he, through the doctrine of dependent origination, says that by removing ignorance, sensory stimulation, craving and grasping one can proactively change one's course (Mahanidana Sutta).

Legitimacy to these popular beliefs, allowed the society to derive other forms of discriminations too from these existing beliefs. As it had been, the knowledge of the three Vedas was limited to only the upper three varnas called Dvijas whereas the shudras were denied any access to the knowledge of Vedas. Moreover, the texts and Vedic teachings were written in Vedic Sanskrit which was the language of the elite. Thus, a major section of the society didn't have the access to what may be termed as the knowledge of the day, the only source that can remove ignorance provided it is the right knowledge. Similarly, the places of worship were also limited only to certain sections of the people.

As it turned out, the Buddha challenged these notions, giving people the hope by professing that there is no doubt that people might be suffering as a result of the sins committed by them in the previous birth, but there is no denying the fact that by following the path showed by him, they too stand an equal chance as anybody else has for their emancipation. Thus, he welcomed people from all the sects to his sangha, showing solidarity with those people who were neglected and denied any kind of knowledge that could have led to their emancipation. Moreover, the language he used to spread his teachings was the lingua franca of the time, Pali. A glance over the happenings would suggest that most of the things that the Buddha did turned out to be a social movement and social change that came to the rescue of distressed classes which seemed to have been giving them the justice.

Some shortfalls

One of such distressed classes, as has been the case in most part of the history, was women. Here too, Buddha appears to have continued with providing some sort of comfort. His approach was very much centered towards providing equality. His goal of nibbana was very much open to all the sects of society. The eight fold path that he professed was equally accessible to everybody, and his doctrine of Kamma promised emancipation to everyone if right actions as showed by the eight fold path were practiced thus, providing them with the same window of opportunity that was provided to others. To create a condition for women's emancipation, women were allowed to be a part of sangha. Further, the Buddha seems to have believed that the true picture of body, either male or female, is given to us by looking at it the way corpse is looked at, meaning that the Buddha did not differentiate between the male body and female body. Both are equally impermanent and foul (Lang, 1986).

However, like any other movement, there was a lot to be desired yet. Although women were no doubt admitted to the sangha, allowed to teach dhamma, and were provided with a better position than the position accorded to them by the society, there were still some discriminations that didn't go unnoticed. To illustrate, even the senior most nun were junior to the junior most monk in the sangha. This was against one's right to equal status and right against discrimination on the ground of sex.

Further, going through some of the verses of Theragatha and Therigatha, one would be appalled to see that there was a considerable degree of objectification of women's body. Nothing would have been so disturbing but misogynist view that is portrayed in many places in Buddhist canons. It seems that women were mostly seen as an object of pleasure and a distraction for the men, luring them away from the path of Nibbana. As it appears, the central theme of the therigatha and the theragatha is to make one realize the transience nature of body. The main emphasis is on showing that body is an object of seduction and distraction that misleads a person to the path of decadence. Thus, both theri and thera gatha took the approach of showing all the detestable characters of the body. For them, body is a composite of blood, bone, flesh, and fluids. Even corpse meditation was practiced, for the purpose was to realize the worthlessness of the attraction for body. However, whenever they mentioned negative facets of body, it was always women's body that bore the scrutiny. It seems that theragatha, instead of perceiving both male and female body in this light, was more interested in seeing women as a distraction. Woman's body is seen as some sort of an enemy in the theragatha when sabbakama says: he who avoids them as one avoids a snake's head with one's foot, he, being mindful overcomes this attachment to the world. Moreover, Woman's body is compared with a hook trapping a man in the cycle of death and birth. Therigatha, written by women themselves, when speaks about body gives a more mind boggling impression. Here, the writer herself considers her body as evil-smelling, rotten and worm laden (Lang, 1986). Final nail in the coffin came from Buddha himself when he

predicted that the life of sangha would be reduced to half if women were admitted to sangha.

Furthermore, going by the accounts of Ambhatta sutra (verse 1.28) and Agganna sutra (verse 32), The Buddha proclaims Khattiya sect to be superior to all other sects, including Brahmins. As he says- "The Khattiya's best among those who value clan; He with knowledge and conduct is best of gods and men." It might be the case that being a Khattiya himself, he might have had a soft corner for Khattiya's although it didn't overshadow his sense of justice.

Conclusion

Leaving aside some of the downsides, all in all, Buddha appeared to have managed to transform the society to a new level, providing it with the belief system and thought current that never existed. As one would say in the scenario there is always a scope for improvement, and Buddha's effort was nothing short of a revolution, but evolutionary work still remains to be done which is to be built on the foundation that Buddha built.

Max Weber once pointed out the importance of power, authority, and legitimacy in a social structure (Heywood, 2004). Following the same tenets, we can say that the society prior to the Buddha's birth was very much influenced by the Brahminical belief system. Upper Varna had a considerable room to influence the behavior of people. The question is what the source of their authority and legitimacy was. If seen from the point of view of three kinds of authority that Weber mentioned, it could be seen that the system had traditional authority based on custom and history. It was the belief in the infallibility of Vedas that gave it the legitimacy. Further, the Buddha went a long way to force a dent in the system, and he used Charismatic authority, the power of personality, to challenge the old notions. Finally, to continue and move ahead on the path that leads to justice, equality and liberty, our society needs to strengthen legal rational authority, a natural evolution of the revolution started by Buddha.

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