

***WHAT JUSTICE IS? : AN INQUIRY INTO NAGARJUNA'S  
CONTEMPLATION ON 'HAPPINESS' AND  
'LIBERATION' IN RATNĀVALI.***

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The very idea of Justice is deeply rooted in Rawls's opening sentence of *A Theory of Justice* – "Justice is the first virtue of social institution, as truth is of systems of thought." But on the other hand, Rawls insisted that it should transcend the calculus of social interest and political bargaining. He further claims that the implementation of an erroneous theory of justice marks the lack of a better one, or the inability to transcend the calculus or bargaining implies the incompetency of the existing theories. Thus he writes, "Being first virtues of human activities, truth and justice are uncompromising" (Rawls, 1999, p. 4)

According to Rawls, justice, being a virtue of social institutions and its related human activities, should not compromise. This uncompromising character of justice, like that of the truth, is what fascinates us. This fascination is not the metaphysical or mystical one but purely a philosophical one. Even Mill observed, "...it is one thing to believe that we have natural feelings of justice, and another to acknowledge them as an ultimate criterion of conduct." (J.S.Mill, 1987) Rawls and others of course tried to demystify in their own ways, and we are not judging their proposals in and out. Our attempt is to understand the fascinating character of 'uncompromising' in its fullest sense. This includes relieving ourselves from demystifying it. We intend to explore a whole lot of things that is inhaled by the very notion - 'uncompromising'. More precisely, our inquiry is thoroughly upon the statement – "Justice is uncompromising". This is the point where we defect from the popular postulation of the idea of justice, where most – including Rawls – attempted not to fall short of such qualification; the qualification of being

uncompromising. But the very existential character of the statement - "Justice is uncompromising" – paves the way to some other direction; "justice" as "uncompromising". Before any kind of metaphysical speculation of the meaning arises in terms of its foundational values, and before any kind of nihilistic blindness befell, let us indulge in something which is worldly and at the same time purely philosophical.

Therefore, among all the possible indications of "uncompromising", we intend to explore within the domain of Buddhist intention of qualifying the term. Honestly, we could have started straight with the notion of 'justice', but we are also aware of the fact that 'justice', as we know it, is a consequence. This is evident in the history of its explication across time. On the other hand, we are also convinced that the ontological absence of the idea of justice leads us to identify with its means as its cause. For instance, in "justice as fairness" and "justice as dharma", both fairness and dharma caused justice, but they were used synonymously. But, if they bring their argument up to the sense that "fairness" itself is 'justice' or "dharma" itself is 'justice', then our argument here in this paper will represent one of their arguments.

Thus, deferring the idea 'justice' and focusing on the predicate – 'is uncompromising' – in our discourse, pulls us back more towards the identity statement, predication, an assertion like, "the so-and-so is the so-and-so", making us more philosophical. But to our astonishment, ironically, unearthing the predicate also redefined the binarity within the domain of popular logocentric philosophy, defying all its fundamental tenets.

Now, these two predicaments also provide the evidence that somewhere, in something, we embrace the dualism and at the same time transcend it. Buddha calls this "wholesome". 'Compromising' in Rawlsian context, implies the flexibility in terms of integrity and the associated values, and the opposite means stiffness, as rigid as anything could be, an impenetrable perimeter, etc. 'Compromising' also implies the immaturity of the theory, principles, or policy that should usually cause justice.

Now according to Buddhist philosophy, wherever there is cause and effect, the principle of impermanence binds them – *pratityasamudpāda* – rooting out the logocentric core. Thus, ".....Perfect Buddha, the best of teacher ..... taught that whatever is dependently arisen is unceasing, unborn, unannihilated, not permanent, not coming, not going, without distinction, without identity, and free from conceptual construction." (Nagarjuna, *Mulamadhyamakakarika*; The fundamental wisdom of the middle way, 1995, pp. -2) The principle of impermanence or momentariness itself invites imperfection, changeability, randomness, etc. This condition settles the bewilderment of making justice as a consequence in the pure sense of the term; with the very framework of binarity or dualism. The settlement provides the status of the 'idea' [the idea of justice] to transcend beyond the level of dualism towards something supramundane. [When we use the term 'supramundane', it does not represent the 'supramundane seat', as an extraterrestrial domain above this mundane world, rather it only testifies the inevitable 'transcendence'.] Therefore, when we accord ourselves to the statement – "justice" as "uncompromising", the elaboration of 'uncompromising' in terms of a detour, we intend to prove that justice itself is "uncompromising" rather than "justice should not be compromised" where it works as a transitive verb.

The paper delves into the works of Nagarjuna, the founder of Madhyamaka school of Buddhism. Following Rawls's assertion of justice as related to man vis-à-vis society; individual and groups or masses, the paper focus exclusively on Nagarjuna's work "*Ratnāvali*" translated as 'The Precious Garland', which he composed as an advice to the king. But David S. Ruegg maintains, "It is observed that the precepts taught in the *Ratnāvali* are useful not only to a king but to all beings." (Ruegg, 1981, p. 26)

In *Ratnāvali*, Nāgārjuna was expounding the art of actions, liberation, and decision making, or rather 'an enlightened decision' or 'a liberated decision'. This notion of 'enlightened/liberated decision' motivates the paper to unearth the picture of justice implicit within the verses.

In the world of academic philosophy, Nāgārjuna needs no introduction because his works and reputation precede him. The popular theory of emptiness (*shunyavāda*)

runs deep in all his utterances which he founded on the basis of *pratityasamudpāda* through *catuskoti*;

*"Everything is real and is not real,*

*Both real and not real,*

*Neither real nor not real,*

*This is Lord Buddha's teaching."* (Nagarjuna, *Mulamadhyamakakarika*; The fundamental wisdom of the middle way, 1995, pp. XVIII, 8)

The deconstructive nature of *sunyatā* is also the building block of all the work [Including the works related to ethics and politics.]. It is the same blood that runs in the veins of the Madhyamaka School of philosophy. Therefore, we are not surprised to discover the scent of it in his advises, which is supposed to be a guiding principle to rule, to manage, to govern or administer.

The Great Buddha once uttered; "That deed which I am desirous of doing with the body is a deed of my body that would conduce neither to the harm of self, not to the harm of others, nor to the harm of both, this deed of body is wholesome, productive of happiness, results in happiness, - a deed of body like this, Rāhula, may be done by you." (Buddha, 1995, pp. -1.414-1.420) This is how Buddha advises his son Rāhula on his conduct or deeds as a way of exhorting him on his terrestrial journey. This somehow transcends the popular sense of altruism. The wholesomeness of the deed here is strongly anticipated in what Rawls called 'uncompromising' [but not in his main theory of justice], because the question of injustice never arises in such un-manipulating deeds. This "uncompromising wholesomeness" is neither the dividend which can further be disintegrated into constituent parts, nor it is the absolute without parts. What is prominent, and what runs deep in Nāgārjuna's thinking is the logic of 'neither-nor' which is directed to the two extremes of dualism. What lies ahead, for the sake of our endeavor, is to examine if this logic of 'neither-nor' could satisfy the notion of 'uncompromising'.

To begin with, Nāgārjuna dwells on three cardinal prerequisites in the preparatory stage towards understanding and delivering justice: faith, wisdom, and action.<sup>1</sup>

Here action is universal and at the same time dependent on the former two. Now these prerequisites, according to Nāgārjuna, are instrumental in attaining happiness and liberation. The state of happiness, he called it 'high status' and the state of liberation as 'definite goodness'. (Nagarjuna, RATNAVALI, Nagarjuna's Precious Garland, 1998, pp. -4) We believe he anointed these titles for some implicit reasons. High Status, which he means happiness or at least represented by it, is very specific. The meaning of happiness is not bound by the classical interpretation of fulfilling or regulating one's desire, though it is one of the expressions or state of the being. The very title he anointed for it – 'high status' – entails the raising, an upliftment, transcendence, going beyond the popular conception. This higher state transcends the very hierarchy born out of linearity; beyond 'p' and 'not-p'.

In the same way, 'definite goodness' for liberation is nothing less than the case of happiness. This is the promised goodness; the uncompromising goodness, which he deemed to be perfectly matched with the Buddhist conception of liberation. We all are familiar with Buddhist's multifarious conception of nirvana, but Nāgārjuna's dealing is more convincing for the sake of this paper. Literally, it is easy to comprehend the meaning of liberation, and it obviously implies transcendence but, still qualifying liberation or transcendence as 'definite goodness' remains to be interrogated further.

According to Nāgārjuna, practicing 'high status', opens up the way toward 'definite goodness'.

*"In one who first practices high status,  
Definite goodness arises later,  
For having attained high status,  
One comes gradually to definite goodness.*

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<sup>1</sup> This is highlighted in the first chapter of Ratnāvali (Nagarjuna, Nagarjuna's Precious Garland, 1998)

*High status is considered to be happiness,*

*Definite goodness is liberation*

*The quintessence of their means*

*Is briefly 'faith and wisdom'." (Nagarjuna, RATNAVALI, Nagarjuna's Precious Garland, 1998, pp. 3-4)*

### **High Status:**

For Nāgārjuna, happiness is gained on the level of high status. And on the other hand, high status is a consistent practice; an unrelenting endeavor over a series of virtues which he summarizes as:

*"Desire, hatred, ignorance, and*

*The actions they generate are non-virtues*

*Non-desire, non-hatred, non-ignorance,*

*And the actions they generate are virtues". (Nagarjuna, RATNAVALI, Nagarjuna's Precious Garland, 1998, p. 20)*

*"From non-virtues come all sufferings*

*And likewise all bad transmigrations*

*From virtues, all happy transmigrations*

*And the pleasures of all lives." (Nagarjuna, RATNAVALI, Nagarjuna's Precious Garland, 1998, p. 21)*

*"Desisting from all non-virtues*

*And always engaging in virtues*

*With body, speech, and mind –*

*These are called the three forms of practice." (Nagarjuna, RATNAVALI, Nagarjuna's Precious Garland, 1998, p. 22)*

Therefore Nāgārjuna's eudaimonism is the constant practice to desist from all non-virtues and always engaging in virtues.<sup>2</sup> Now, always engaging in virtues while, at the same time, desisting from all non-virtues, is also a complete state of turmoil; a constant war upon a series of dilemmas, confusion, undecidables, etc. In other words, it

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<sup>2</sup> This is found in the Verses-22 of Ratnāvali

is a perfect depiction of a 'conflict'. But, this conflict is also a solution or a resolution to the dualism between virtues and non-virtues. This state, which is the constant state of practice, is not allowed to take sides because the 'virtue' for Nāgārjuna is the state of transcendence. The hanging state of practice/conflict resolves the dualism by transcending them while the 'state' itself never rests onto some other platform. Nāgārjuna again writes;

*"Through the concentrations, immeasurable, and formlessness*

*One experiences the bliss of Brahmā and so forth*

*Thus in brief are the practices*

*For high status and their fruits". (Nagarjuna, 1998, p. 24)*

Simply avoiding non-virtue and embracing virtue is purely a mechanical choice; a choice between 'p' and 'not-p'. This means, a mere choice of 'p' over 'not-p', though may be very difficult, is already decided, and this contradicts the very notion of immeasurable and formlessness. Such notions – immeasurable and formlessness – are treated in the domain of undecidables and undeterminables.

Now, what really justifies the notion of immeasurable and formlessness, and what really belongs to the domain, is the 'conflict' or the 'practice'. This 'conflict' is the constant practice, expanding itself without a definite perimeter in time and space. Briefly, this infinitude exactly belongs to the domain of undecidables and undeterminables. These practices, according to Nāgārjuna freed one from becoming vicious creatures/beings – which are also symbols of injustice – and making them godly. (Nagarjuna, 1998, pp. 23-24)

That being said, if this 'conflict' delivers, or assumed to deliver, justice, then it should also retain the status of 'uncompromising' because compromising the 'conflict' is to corrupt the 'practice' itself, which would further corrupt man and all humans. Thus, one is just in this state of 'conflict' or in the 'high status'. Cicero writes, "...justice, in which virtue displays itself with the most distinguished luster, and from which men are termed good...." (Cicero, 1902, pp. 15-16)

### **Definite Goodness:**

Before we repeatedly use the word 'just' or 'justice', let us illuminate ourselves with the 'definite goodness'. Nāgārjuna writes; "One who sees how cause and effect are produced and destroyed, does not regard the world as really existent or really non-existent." (Nagarjuna, RATNAVALI, Nagarjuna's Precious Garland, 1998, p. 38) The *shunyavāda* of Nāgārjuna kept on insisting to extinguish both the self and the aggregates.

*"If the self were the aggregates,*

*It would have arising and ceasing*

*If it were different from the aggregates*

*It would not have the characteristics of the aggregates."* (Nagarjuna, 1995, pp. XVIII-1)

The five aggregates or skandhas; natural form/body (*rupa*), feeling (*vedana*), perceptions (*saññā*), predisposition from past impressions (*saṃskāra*), and consciousness (*vijñāna*), these are considered to be the properties of the self. But they are mutually dependent [mutually dependent between self and aggregates]. "Just as it is said that an image of one's face is seen depending on a mirror, but does not really exist [as face], so the conception of I exists dependent on the aggregates. But like the image of one's face, the 'I' does not at all really exist." (Nagarjuna, RATNAVALI, Nagarjuna's Precious Garland, 1998, pp. 31-32) He continues, "Just as without depending on a mirror, the image of one's face is not seen, so too the conception of I does not exist without depending on the aggregates" (Nagarjuna, RATNAVALI, Nagarjuna's Precious Garland, 1998, p. 33).

Now the mutual dependence of the self and the aggregates, while confirming the impermanence of neither of them independently, let us abstain from grasping onto the "I" and "mine"; that is the self and the aggregates essentially.

*"Having seen thus that the aggregates as untrue*

*The conception of I is abandoned*

*And due to abandoning the conception of I*

*The aggregates arise no more."* (Nagarjuna, RATNAVALI, Nagarjuna's Precious Garland, 1998, p. 30)

Nāgārjuna further observed;

*"Whatever comes into being dependent on another*

*Is not identical to that thing*

*Nor is it different from it*

*Therefore, it is neither non-existent in time nor permanent".* (Nagarjuna, 1995, pp. XVIII-10)

This explains why Nāgārjuna redefined the nature of cause and effect as something extinguishable. [This also opens a whole new dialogue in the world of philosophy, but for space and time, we must defer the dialogue in some near future]. This very conviction also paves the way for the middle path whose perspective transcends the dualism of existent and non-existent. This transcending from the dualism is the principle and immortal truth preached by the enlightened ones, whom he addresses as "patrons of the world". The characteristic of this transcending goes without identity, without distinction. He writes;

*"By the buddhas, patrons of the world*

*This immortal truth is taught*

*Without identity, without distinctions*

*Not non-existent in time, not permanent."* (Nagarjuna, Mulamadhyamakakarika; The fundamental wisdom of the middle way, 1995, pp. XVIII-11)

Therefore, he writes, "In liberation, there is no self and so are no aggregates." (Nagarjuna, 1998, p. 41) And so, "The extinction of the misconception of things and non-things is called nirvana." (Nagarjuna, 1998, p. 42) Nāgārjuna further writes, "Because existence and non-existence are extinguished by wisdom, there is a passage beyond meritorious [virtue] and ill deeds[non-virtue]...." (Nagarjuna, 1998, p. 45) and, ".....Thereby one not relying on duality is liberated." (Nagarjuna, 1998, p. 51)

### **The Uncompromising Conflict:**

That being said, resuming to our argument, and since, according to Nāgārjuna 'high status' is followed by 'definite goodness', the happiness at high status is recognized, at least by us, in the form of a constant turmoil or conflict in the domain of undecidables,

generate the specific idea of liberation which is inherent in the very practice but deferred to be realized later when the very idea of liberation is elaborated as transcending the dualism.

Now, where is the place of 'justice' within this discourse? Nāgārjuna constantly refers to the buddhas or the enlightened ones as 'patrons of the world'. (Nagarjuna, 1995, pp. XVIII-11) This could readily mean the protector or guardian. Any leader or a monarch ought to consider himself a protector or guardian of the humanity at large. Therefore, Nāgārjuna is showing the necessity of the leader or any other human beings to get themselves enlightened, to become the true patrons of the world. The concept of the 'patrons of the world' also incorporates the idea of justice as an essence inevitably inherent throughout. Without justice, the concept of guardianship or protector loses its sense in whole. Nothing remains to be affirmed out of them in the absence of justice. According to David Hume, "General peace and order are the attendants of justice or general abstinence from the possessions of others...." (Hume, 1975, pp. APPENDIX-III)

Again, justice being the first virtue of social institution (according to Rawls), and considering the world as a social institution, the guardianship of it – both the king and the subject – should be groomed by the idea of the 'justice' inside-out.

Nāgārjuna writes;

*"The practices are the best policy*

*It is through them that the world is pleased*

*Neither here nor in the future*

*Is one cheated by a world that has been pleased."* (Nagarjuna, RATNAVALI, Nagarjuna's Precious Garland, 1998, p. 128)

*"The world is displeased*

*By the policies of non-practice*

*Due to the displeasure of the world*

*One is not pleased here or in the future."* (Nagarjuna, RATNAVALI, Nagarjuna's Precious Garland, 1998, p. 129)

Now, for the King, as Lord of the Earth, and as a source of justice; as the originator of the policies, buddhahood is the essential qualification. This enlightenment or buddhahood is nothing short of a godly task. The slightest deviation committed by a misfit could turn the tide the other way around. For this reason, Nāgārjuna prescribed the prerequisites; that is faith and wisdom ['Faith' for Nāgārjuna is the right determination to continue with the practices (Nagarjuna, 1998, pp. -5-6)]. From the very outset of the paper, and from our intellectual journey, we are constantly reminded of virtues and, so justice(s), being the first virtue for social institutions, as reminded by Rawls, has been dominating this paper and others. No doubt, we set out to establish the very 'idea' but Nāgārjuna seems to be carrying it in a different way. For him, even the conception of virtuous and non-virtuous action is the work of an ignorant one. That being said, we seemed to realize that justice cannot simply be a virtue because, the opposite that should arise would create a dualism, and that situation will drag us down to the level of ignorance.

*"If the doctrine (sunyatā) is not understood thoroughly*

*The conception of an I prevails*

*Hence come virtuous and non-virtuous actions*

*Which give rise to good and bad rebirths."* (Nagarjuna, RATNAVALI, Nagarjuna's Precious Garland, 1998, p. 124)

Therefore, incessant observance of the 'practice' driven by 'faith' and 'wisdom', and not relying on dualism will make one a Universal Monarch. (Nagarjuna, RATNAVALI, Nagarjuna's Precious Garland, 1998, pp. 175,76,77) This Universal Monarch, for us, is the source of justice. On the other hand, the Monarch should make justice uncompromising. If one has to deliver justice – an uncompromising one – one must proclaim oneself as being guided by faith and wisdom. Once this has been uttered, it is taken to be granted, in Nāgārjuna's context, that one has transcended the level of dualism through constant practice.

For the sake of our argument, this level where one is transcended is the only condition that could be understood or conceived as 'uncompromising'. Anything short of

this level would deem itself to be a level where zero justice prevails because the shortage would surely invalidate the 'un' out of 'uncompromising' and thus 'compromising'. Again, the transcendence, revealed by Nāgārjuna, is not a promised paradise with a certain degree of ontological existence, but rather realized as a state of constant turmoil/conflict – Nāgārjuna called it 'practice' – a drifting leaf on the realm of undecidables and undeterminables. The seriousness of this claim lies in the fact that, once the practice is stopped, the duality arises, and once the duality is in play, we let loose the dialectics, and hence the necessity of the notion of "uncompromising" is dropped down.

### **The Conclusion:**

Therefore, for Nāgārjuna, delivering justice as consequence is secondary to the understanding of its true form. We are trying to depict 'justice' in its wholesomeness, in the form of a picture painted by Nāgārjuna. Maybe we might expect justice after liberation, as consequence, as a follow-up from a perfect antecedent. This is the practical part which is open for observation. Now, knowing "justice" as "uncompromising" is the most necessary and challenging part, and this, for Nāgārjuna, is indebted in Lord Buddha's teaching. If 'justice' is 'uncompromising', then 'uncompromising' is attained when liberated, or 'liberation' itself is always uncompromised. And liberation here is to transcend the binarity or dualism. But, transcendence is possible only on the level of 'high status' or 'conflict' or 'practice'. Therefore, "justice" as "uncompromising" is the constant practice that is in the form of a conflict in the domain of undecidables.

*"Thereby know that the ambrosia*

*Of the Buddha's teaching is called profound*

*An exclusive doctrine passing*

*Far beyond 'is' and 'is not'." (Nagarjuna, RATNAVALI, Nagarjuna's Precious Garland, 1998, p. 62)*

### **Conflict of Interest Statement:**

The author declares that there is no conflict of interest.

### **BIBLIOGRAPHY**

- Buddha. (1995). *Majjhima Nikaya: The Middle Length Discourse of the Buddha*. (B. N. Bodhi, Trans.) USA: Wisdom Publication.
- BURTON, D. (2001). *EMPTINESS APPRAISED*. DELHI: MOTILAL BANARSIDASS .
- Cicero. (1902). *De Officiis*. London: Arthur L. Humphreys.
- Derrida. *Rountable*.
- FENNER, P. (1990). *THE ONTOLOGY OF THE MIDDLE WAY*. KLUWER ACADEMIC PUBLISHER: NETHERLANDS.
- Hume, D. (1975). *An Enquiry Concerning the Principles of Morals*. London: Oxford University Press.
- J.S.Mill. (1987). *Utilitarianism*. Harmondsworth: Penguin.
- KOMITO, D. R. (1987). *NAGARJUNA'S SEVENTY STANZAS; BUDDHISTS PSYCHOLOGY OF EMPTINESS*. USA: SNOW LION PUBLICATION.
- Nagarjuna. (1995). *Mulamadhyamakakarika; The fundamental wisdom of the middle way*. (J. L. Garfield, Trans.) New York: Oxford University Press.
- Nagarjuna. (1998). *RATNAVALI, Nagarjuna's Precious Garland*. (J. Hopkins, Ed., & J. Hopkins, Trans.) New York: Snow Lion Publication.
- Rawls, J. (1999). *A Theory of Justice*. Massachusetts: Harvard University Press.
- Ruegg, D. S. (1981). *A History of Indian Literature; Madhyamaka School*. Wiesbaden.
- SANTINA, D. P. (2002). *CAUSALITY AND EMPTINESS, THE WISDOM OF NAGARJUNA*. SINGAPORE: BUDDHIST RESEARCH SOCIETY.
- WESTERHOFF, J. (2009). *NAGARJUNA'S MADHYAMIKA*. NEW YORK: OXFORD UNIVERSITY PRESS.