

BUDDHISM: RETHINKING SEXUAL MISCONDUCT

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Abstract: *Man has actively engaged in creating religions ever since the beginning of humankind. Religion, reversely, creates an illusory reality for man to live in, which sets its systematic moral sanction that can be rendered a double edge sword: one edge works as moral enhancement and the other what I call moral terrorism, derived from the dominant moral claim and the fear of inability or failure to fulfill. This article explores under the revival of Buddhism in post-Mao China, how the dominant interpretation of sexual misconduct has, instead of functioning as initially intended, victimized women and queer bodies, pushing them to the forefront of moral criticism. Through textual analysis and sociological approach, the article attempts to give an up-to-date interpretation to sexual misconduct, largely not only helping man, oftentimes stuck in such a dilemma, abstain from growing materialism but liberate from fear created by man himself.*

Keywords: *Buddhism, sexual misconduct, collective unconscious, sexuality, religion*

1. Introduction

Discourses over China's booming economy and the obsession with money for a culture have been dominating domestic and international media, while not so much attention has been given to the increasing need of spiritual fulfillment across China. If enhancing the standard of living is the prerequisite of a happy life, once that goal has been largely achieved, the disillusion of a communist utopia will generate an earnest expectation for a new illusion and a new utopia. Thus, it is not hard for us to understand the current revival of religions in the PRC (People's Republic of China),

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especially Buddhism, which remains the most popular religious belief in the PRC. It is notable that though the PRC is officially an atheist state, Buddhism has a history of about 2,000 years, having played an instrumental role in shaping the collective mindset of the Chinese people, let alone their art, literature, architecture, philosophy and their indigenous religions.

People need spiritual fulfillment and yet feel intimidated by the precepts and all discourses regarding the outcome of violating these precepts. As people rediscover Buddhism in present-day China, however, they also find the dominant interpretations of the precepts horrendous, especially the discourses around sexual misconduct, leaving them struggling between thoughts about their acts and corresponding moral judgments. Sexual misconduct as a sociological term is understood as a range of behaviors that include sexual assault, sexual harassment and child abuse, but as a religious term, the interpretation is much broader. Buddhism, Christianity and Islam all talk about sexual misconduct in the discourse of commandments or precepts, but what is exactly sexual misconduct? Adultery? What is adultery? Masturbation? Homosexual acts? Who has the right to interpret sexual misconduct? It has been the concerns of many in a context of globalization and glocalization in China in terms of values and morals being perceived. Arguably, any religion, which is founded by the early predecessors and edited, interpreted, reinterpreted and manipulated by the successors, may lose the original meaning given to it over the course of the long historic evolution, as our perception, cognition, knowledge and technology about ourselves have been greatly developed over the last few centuries. In studying the prevailing Buddhist discourses with misogynous concepts, homophobia and transphobia, I argue that the dominant interpretation of sexual misconduct particularly in China's Mahayana Buddhism has largely victimized women and the queer bodies. It does not justify compassion and fairness; it only rejects those who seek spiritual asylum. I will seek to elaborate these two areas in this paper, examine the discourses, societal reality and responses through textual analysis and literary criticism.

With rare exceptions, we are all sexual beings as much as spiritual beings. By claiming spiritual, one either conforms to a religious belief or conducts spiritual practice independently. Whichever way one takes, as a sexual being one may encounter social and religious taboo regarding sex and sexuality and struggle with the confusion and pressure from the mainstream interpretation. Notably, many people's ideas about sexual morals and norms are deeply religion-based. This article discusses Buddhism in relation to sex and sexuality, in an attempt to examine how those sacred scriptural narratives revolving around the celebration of celibacy, condemnation of sexual misconduct and the relevant mainstream interpretation affect and effect our sexual thoughts and behaviors. The aim of this article is, through subverting the dominant interpretation of sexual misconduct in Buddhism in the PRC, to help those who struggle rethink mores and morals in relation to self-improvement and the reality we live in, and find our place in the moral juxtaposition.

2. *The Revival of Buddhism in Post-Mao China*

Religion plays an important role in our daily lives, through its established interrelation between humanity and spirituality, the teachings of moral values, and its contribution to the rule of a nation-state, regulating societal norms, orienting mentality and organizing behaviors in both the private and public spheres. If sciences are considered to primarily deal with the problems of this life, religion gives a meaning to this life with its heavenly promise of the afterlife, while expounding doctrine on faith and morality.

According to David B. Barrett's *World Christian Encyclopedia* (2001), most people in the world follow one religion. This source provides data based on census or public survey, including the estimated numerical strength of each religion listed, showing the percentage of the world's population. It is estimated that about 32% of the world population are Christians, 22% Muslims, while Buddhists constitutes about 6%.¹ To identify a person's religion they have to claim that they follow the faith, including but not limited to the special codes of ethics.

The PRC nowadays is not a communist country ideologically even though the CCP (Chinese Communist Party) still rules the state. In the post-Mao PRC, while the economy is booming, the standard of living has been raised significantly, and people become increasingly wealthier with the emergence of the nouveau riche class, society has been undergoing an ever-intensified crisis of faith especially during this past decade. Under the rule of atheism where the once highly appreciated Buddhism, indigenous Taoism and Confucianism have been replaced by Marxism, Leninism and Maoism, as the dream for a communist utopia has shattered since the disintegration of the former Soviet Union, there has been a vibrant revival of official and unofficial religions in the post-Mao PRC despite the limited religious freedom and rigid regulation, among them the five major religions: Buddhism, Islam, Protestantism, Catholicism and Taoism (Lai, 2003, p. 44). The data Lai quotes from official sources in the PRC reveals the status of religions in the PRC and the increased number of places of worship and religious meeting places as of 2003 (Lai, 2003, pp. 44-47). A government-sponsored survey on cotemporary religious life based on a poll of 4,569 interviewees conducted by Shanghai's Eastern China Normal University in over 30 cities across the PRC from 2003 to 2006 found that the number of religious believers was over 300 million by 2006, out of the total population of 1.3 billion people (Xu, 2008, p. 283). The findings provide growing evidence that the revival of religions in the PRC is replacing the communist doctrine while the younger generation is more likely to accept religions as their belief.

¹ The data can also be found from the web source at <http://www.religioustolerance.org/worldrel.htm> Retrieved on April 10th, 2012

The pluralism of religions growing in the PRC is another dynamic we should look at, as while Buddhism remains the most popular religions in the PRC, Christianity is expanding in the PRC rapidly, the believers of Protestantism and Catholicism together constituting about 18.1%, according to the aforementioned government-sponsored survey by Eastern China Normal University (pp. 283-284):

Table 1

Religious membership in Contemporary China

Religions	N	Percent	Percent of cases
Protestantism	274	12.0%	19.1%
Buddhism	756	33.1%	52.7
Islam	223	9.8%	15.5%
Taoism	147	6.4%	10.2%
Catholicism	139	6.1%	9.7%
Shenism	263	11.5%	18.3%
Ancestor Veneration	345	15.1%	24.0%
Others	137	6.0%	9.5%
Total	2,284	100.0%	159.2%

Adapted from: "Spiritual Crises and Religious Revival in Contemporary China". May 10, 2012, <http://iccs.aichi-u.ac.jp/archives/report/034/4a121ae56b13c.pdf>

The dramatic growth of Christianity in this government-sponsored survey has also been confirmed by David Aikman, Ph.D., former *Time* magazine's Beijing bureau chief and author of *Jesus in Beijing: How Christianity is Transforming China and Changing the Global Balance of Power*. In his book he believes that the PRC's Christian population will grow to about 400 million over the next three decades. The revival of Buddhism and expansion of Christianity in the PRC can be understood as an inevitable result of the fast economic growth and material inflation in an predominantly atheist society where people need to find a new meaning and new hopes to their life. As Lai summaries, "The revival has been fuelled by a number of factors: the state's lifting of its ban on freedom of worship; by widespread disillusion with the official ideology; economic and social uncertainties in the wake of modernization and reforms; and the enduring nature of religious belief" (Lai, 2003, 40). If the reality man lives in does not give man any continued illusory promise, man will seek spiritual asylum in the heavenly reality and rediscover what spiritual fulfillment he had lost some time ago. As has been confirmed by the aforementioned news sources, atheist propaganda does not thoroughly erase the deep-rooted memories of fragments of Buddhist discourses. Under such a vibrant Buddhism

revival, concerns about spiritual improvement and moral standards are totally understandable.

3. *The Interpretation of Sexual Misconduct*

From sociological perspective, sexual misconduct is normally understood as a range of behaviors including rape, sexual assault, sexual harassment, intimate partner violence, stalking, and any other sexual conduct with a lack of mutual consent or with an ambiguous consent. The interpretation of sexual misconduct in religious texts, however, appears much more broader than sexual crimes. Critical debates over the definition of sexual misconduct in Buddhist discourses have brought much attention to the textual studies of the Buddhist sutras, among them the *Sutra of the Upāsaka Precepts*,¹ which is a Mahayana Buddhist sutra particularly introducing the *Five Precepts*² for upāsaka (lay followers), with sexual misconduct being the third, and the *True Dharma Contemplation Sutra*, a Theravada Buddhist sutra, which documents the Buddha's alleged definition of sexual misconduct: "Sexual misconduct includes these acts: if a man has oral or anal sex with his wife; if he has any form of sex with another man's wife; if he compels or forces others to do any sexual act..."³

The *Sutra of the Upāsaka Precepts* also exemplifies sexual misconduct such as "sex at the wrong time, wrong place, wrong partner, virgin or another man's wife; or if he indulges in sexual self-gratification," "sex with any animal, decomposed corpse, prisoner, fugitive, teacher's wife, monk or nun; or at the monastery," sex "at the road-side or in any public area; or by the side of a stupa, temple or place of worship," "sex with any female person protected by her parents, brothers or the king/law-even if beforehand, knowing his sex motive, she has consented to it or has accepted his date or invitation, gift or money" and "[a]ny form of sexual act near a corpse or near any Buddha/Bodhisattva picture..." and "[e]ven one's fantasy of committing illicit sex with the wrong partner."

The *Sutra of the Upāsaka Precepts* and the *True Dharma Contemplation Sutra*, therefore, have left narratives that build the solid base for the dominant interpretation of sexual misconduct in contemporary Mahayana Buddhist discourses. Given the aforementioned broad definition of sexual misconduct that contains masturbation and oral sex, how many people are able to totally justify their "innocence" remains questionable. According to the 2010 data from U.S. National Survey of Sexual Health and Behavior (NSSHB), over 80% men ages 19-49 and over 60% women ages 19-

¹ Translated from Sanskrit into Chinese in the Northern Liang Dynasty by the Tripi-aka Master Dharmak-ema from India.

² Both Theravada and Mahayana Buddhist traditions require their lay followers to follow *The Five Precepts* as the basic code of ethics to abstain from killing living beings, stealing and robbing, sexual misconduct, false speech and drinking alcohol.

³ Web source: <http://www.buddhawords.com/sins/sexual-misconduct> Retrieved on April 10th, 2012.

49 reported masturbating during the past year. The survey also indicates that while vaginal sex is the most common sexual behavior reported by adults, partnered masturbation or oral sex is not uncommon among sexual events (National Survey of Sexual Health and Behavior NSSHB, 2010). Even though the survey was conducted in the U.S., given the universality of human nature, the data also has reference value for present-day China.

One of the major functions of religion is moral sanction through a promise of sacred justice that works for its believers. “[E]ssentially all the world’s major religions were founded on the principle that divine beings or forces can promise a level of justice in a supernatural realm that cannot be perceived in this natural one” (Esptein, 2010, p. 109). In the case of Mahayana Buddhism, it is the promised causality that sanctions lay followers’ counter-preceptive behavior, as the *Sutra of the Upāsaka Precepts* tells the evil karma for committing sexual misconduct that the sinner “loses his wealth and has a short lifespan, and his wife does not love him,” “[a]fter death, he will fall into hell to accept an ugly appearance, debility, a long lifespan, and immeasurable suffering, including hunger and thirst...” and “[l]ater on, when he is reborn as a human, he will again have an ugly appearance and a vicious mouth, and others will dislike seeing him. He will be unable to protect his wife, concubines, and children...”¹

As elucidated above, moral sanction in religion may turn out to be a double edge sword, using its power of determining the outcome of a profane behavior. On the one hand it may serve as moral guidance that leads man to do good and to abstain from unlawful and harmful behaviors. On the other hand the horrendous interpretation of sexual misconduct causes fear and inner struggles that oftentimes occur between terminating certain acts and renouncing one’s religious belief, both of which may be technically hard. It also remains questionable how coherently true the definition or interpretation of sexual misconduct is to the core teachings of the Buddha as the idea of sexuality varies greatly in different Buddhist traditions and schools. In Vajrayana Buddhism, which is popular in Tibet, alternately known as *tantra*, where sexual intercourse is flaunted as a path leading to enlightenment, and sexual polarity is central to Tantric Buddhism, especially in Tibet (Herrmann-Pfandt, 1997, pp. 12-34). In Western Buddhism, sexuality has been given a personal reading, as Winton Higgins says in his talk at the Macquarie University, “if in our sexual lives we act non-violently, do not take what is not freely given, do not deceive and do not act out of delusive and irresponsible mindstates, we cannot fall foul of the third precept anyway.”²

Considering the conceptualized non-violent and non-deceptive sexual lives as falling out of the third precept generates even more legal questions in relation to marital

¹ Web source: <http://www.sutrasmantras.info/sutra33c.html> English translation from the digital Chinese *Canon*.

² Web source: http://www.buddhanet.net/winton_s.htm Retrieved on April 10th, 2012. (Cited from a talk given to Unibuds, Queer Dharma, The Macquarie University Buddhist Society and the Friends of the Wat).

status, consent as well as moral issues. In a sense, consensual and non-exploitative sex may not be marital, while marital sex may not be consensual at all times, and under certain circumstances premarital or extra-marital sex may be perceived as more moral than marital sex particularly if it's exploitative. It is often ignored in Chinese society that sexual activities within a marriage require consent and the consent must be clear, unambiguous and voluntary. It is also often ignored in Buddhist discourses that premarital or extra-marital sex may be consensual while marital sex may be nonconsensual, and that one cannot obtain consent from his or her spouse who is asleep or mentally or physically incapacitated due to such conditions as alcohol or drugs.

It is noticeable, however, that in recent years in the PRC's Buddhist communities, there has been an increase in discursive production about sexual misconduct being primarily interpreted as extramarital sex and homosexuality, largely due to the increasing emergency of these phenomena as the by-products generated by the popularization of Internet and IT technological development in a globalized context. The dual emergency of both Buddhist revival and the discourses over sexuality in a modernized but traditionally prudish and conservative society, generate critical debates over the dynamic intersection between spiritualism and hedonism/ materialism. A dichotomous situation is created for spiritual development seekers, devoted lay followers of Buddhism in particular, that while there is an increasing demand for spiritual asylum in our modern society, the sexual liberation and the pornification of the visual culture, however, boost or reveal more "sexual misconducts," which need a careful reevaluation. Here, I will focus on the two aforementioned aspects in contemporary Mahayana Buddhist discourses about sexual misconduct-extramarital sex and homosexuality, as these two areas constitute the two largest sectors of the discursive spectrum.

4. New Concubinage and Victimization of Women

The legal framework on marriage in the PRC has been formed since 1980 when the Marriage Law was enacted. Modified in 2001, the Marriage Law is not substantially different from any Western country in providing general principles on freedom of marriage and divorce including gender equalities and the prohibition of bigamy and domestic violence (Chen, 2008, p. 409). While the Marriage Law advocates freedom of marriage, restriction on divorce, established by the Supreme People's Court in 1989, has made changes from the initial "breakdown in affection" to "breakdown in marriage relations" (Chen, 2008, p. 428). Restricting freedom of divorce has not only invited arguments from scholars and communities, but also is a factor that is considered to have contributed to the increase in extramarital relationships and yet does slow down the significant increase in divorce rates.

Graphic 1

Trends of divorce rates in China, 1979-2007. "China's Divorce and Remarriage Rates: Trends and Regional Disparities!"



Journal of Divorce & Remarriage. 2010. Web. May 14, 2012.

The above figure indicates the PRC's crude and refined divorce rates from 1979 to 2007, both having increased drastically, especially since 2002 (Wang & Zhou, 2010, p. 259). It is clear that the substantial economic growth in the PRC particularly during the last decade and the significant increase in divorce rate in the mean time are not simply coincidental. In fact, the economic growth will continue to contribute to further increases in divorce rates in the PRC. The reason why economic growth contributes to the increase in divorce rates is perceived as a connection chain. While economic growth has increased income, quantitative analysis over the statistics from the China Health and Family Life Survey carried out between August 1999 and August 2000 concludes that high income leads to more extramarital sex, both commercial and non-commercial (Zhang, Parish & Laumann, p. 14). Furthermore, research conducted by sociologists shows the quantitative relationship between extramarital affairs, marital satisfaction and divorce: While extramarital affairs affect marital satisfaction, marital satisfaction affects the decisions of divorce. In fact, it is noticeable that extramarital affairs are common in the PRC in the mean time. Quantitative analysis over the aforementioned data also suggests that extramarital sex is common in urban China (Zhang, Parish & Laumann, p. 12) and even more common than in the U.S. due to the easy availability of commercial sex in China (Zhang, Parish & Laumann, p. 14).

A public opinion poll of about 4,000 interviewees carried out by the PRC's National Women's Federation in 10 provinces and cities in China in 2000 suggests that nearly

90% of the interviewees in the Guangdong province support penalty against extramarital affairs. While traditional values disapprove of extramarital affairs, societal norms have demonstrated decreased power resisting the occurrence of infidelity among married couples as the aftermath of the sexual revolution in China fueled by the Internet in the last decade.

As introduced above, extramarital sex is labeled as sexual misconduct in Mahayana Buddhist discourses. If we agree that extramarital sex is sexual misconduct that may lead to very critical karma, then we will have to think how many people may engage in this “sexual misconduct.” According to Peggy Vaughan, author of *The Monogamy Myth*, “Conservative estimates are that 60 percent of men and 40 percent of women will have an extramarital affair. These figures are even more significant when we consider the total number of marriages involved, since it’s unlikely that all the men and women having affairs happen to be married to each other. If even half of the women having affairs (or 20 percent) are married to men not included in the 60 percent having affairs, then at least one partner will have an affair in approximately 80 percent of all marriages. With this many marriages affected, it’s unreasonable to think affairs are due only to the failures and shortcomings of individual husbands or wives” (Vaughan, 2003). Here, I argue that the meaning of extramarital affairs as sexual misconduct is personal that should reject any static and uniform definition to set a framework for it, particularly due to the legal framework that constructs the imbalance between freedom of marriage and the restriction on the freedom of divorce. The universality of the Marriage Law in many countries lies in the fact that it advocates affection as the ground for marriage but it does not recognize the breakdown in affection as the ground for divorce. Notably, the restriction on the freedom of divorce is also a reason for the increase in extramarital relationships in China, often talked about in the context of new “concubinage,” meaning a married man, often well off or a government official, keeping one or more than one mistresses for sexual gratification which he fails to have in his marriage in a way that is very similar to the feudal concubinage in pre-Mao China. Firstly, the man has an ongoing, stable long term relationship with the mistress(es). Second, the man supports the mistress(es) financially to keep her or them exclusively to himself, offering housing and living expenses. Third, the man does not necessarily want to divorce to marry the mistress(es). I argue that under the biosocial gender difference, while societal norms condemn both the man for infidelity and his mistress(es) for disrupting other’s marriage, oftentimes the condemnation of adultery becomes imbalanced or biased, with women as the sole target of the condemnation as it is believed that the role of mistress they play is no different than a prostitute, as the new concubinage is always thought of as an exchange between money (or power) and sex, and having a mistress is like maintaining a prostitute on a “long-term basis” (Chen, p. 430). In China’s long history of feudal patriarchy and concubinage, men’s legalized promiscuity within a polygamous marriage was never identified as sexual

misconduct, nor was domestic sexual violence within a marriage in particular, as women absolutely had to be subordinate to men, obeying men's orders and satisfying men's carnal desires unconditionally. It may be understood that in a patriarchal society where women suffered from the social inequities, men, especially those from the privileged class and on top of the social political hierarchical system, had the discursive power and the right to interpret sexual misconduct.

In present-day China, though concubinage has long been abolished under feminist movements in the Mao style for decades, as the economy booms concubinage has been widely recurring, albeit wearing a disguise. Starting with tens of thousands of wealthy Hong Kong businessmen crossing the Hong Kong and Shenzhen border to open new businesses and exploit new markets in Mainland China, a "mistress village" emerged in Shenzhen (Williams, 1999, p. 79), as those businessmen found their mistress, paying for their housing, buying them expensive material goods so as to own the "exclusive rights" to their mistress (Shen, p. 2005). These businessmen oftentimes have to compensate more materially or financially for their inability or unwillingness to divorce and to marry their mistress. This "second wife" lifestyle has been followed by more and more inland upstart men as a way to flaunt their wealth and social status (Williams, p. 1999). It is believed that the "second wife" lifestyle trend across China demonstrates the mingling between deep-rooted feudal male-dominance and the modern, imported ideology of commercialized sexuality (Williams, p. 1999). The recurring patriarchal concubinage, whatever disguise it wears, proves that male supremacy in present-day China cannot easily be thoroughly erased from the historic inheritance and the collective unconscious of the nation, and, in contemporary Buddhist condemnation of adultery or extramarital sex as sexual misconduct, women who become the "second wife" are more likely to become the sole target of condemnation again, as most of the "second wife" cases involve a married man and an unmarried or divorced woman, and hence it is naturally believed that these women disrupt other women's marriages by stealing their husbands.

The fact that Buddhist texts have been preserved and composed by men has constructed Buddhism's patriarchal history where women's voices are seldom heard. Buddhist textual sources regarding sexual ethics largely focus on teaching men how to stay away from being ruined by women rather than vice versa. In the well known *Sigalovada Sutra*, translated into English from *Pali*, the Buddha, in instructing a young man named Sigalovada how to achieve success in life, says that one way to ruin a man is women as "Dice, women, liquor, dancing, singing, sleeping by day, sauntering at unseemly hours, evil companions, avarice - these nine causes ruin a man." (<http://www.accesstoinsight.org/tipitaka/dn/dn.31.0.nara.html>). The one time remark has been fueled by the patriarchal tradition. Hence, the contemporary dominant Buddhist interpretation of adultery has been largely male-centered and has

objectified women, as women's feelings, voices, requests and desires seem to have been ignored. As a result of the biosocial fact that women are rendered more visible as the "third party" in extramarital affairs according to sociological statistics, it ends up over simplifying a complex issue and stigmatizing women more than men who are involved in an extramarital affair. Is the "third party" always the guilty one? Is the "third party" always the one that should be condemned? The rise of Chinese feminism under Western influence has presented divergent views regarding extramarital affairs and so would interrogate the interpretation of adultery. Some Chinese feminists believe that divorce laws should punish men and the third party, while making adultery a criminal offense (Eckholm, 1998; Economist, 1998; Wan, 1998); whereas others believe that the increasing divorce rate can be viewed as female empowerment (Eckholm, 1998), not simply a moral issue with stigma attached to it. With extramarital affairs and divorce rate on the rise, feminists seek to view the whole picture from a nuanced, multi-layered perspective instead of merely looking at the violator of the "sexual misconduct" - the "guilty party" of the illegal affair. Who is guilty and who is innocent remain a legal question, while who should be condemned is a complex moral issue that is often disoriented by a gender-based double standard that favors men. First of all, from the traditional biosocial point of view, it reifies the biological differences between men and women as grounds for justifying men's promiscuity. Men flaunt their masculinity by maximizing their sexual partners in order to inseminate as many women as possible; while women, on the other hand, tend to maximize their births in order to hold onto the relationship (Schwartz & Rutter, 1998). This may be seen as the ground for the gendered double standard that is always partial towards men, and therefore, society tends to be more tolerant of men's promiscuity while has zero tolerance to women's promiscuity but requests their chastity and infidelity. This biosocial theoretical ground, when entangled with moral judgments, likely leads to the stigmatization of women and lenience for men. Second, it is also difficult to define extramarital affairs as sociologists believe that there are three kinds of extramarital affairs: first, emotional involvement with someone other than the marriage partner, but no sexual intercourse; second, only sexual but no emotional involvement; third, both emotional and sexual involvement with someone other than the marriage partner (Thompson, 1984). All the extramarital affairs may be divided into three categories: "projective, fantasized and actual involvement" (Johnson, 1970, 449). Given the complexity of extramarital affairs, the mainstream Buddhist condemnation of "adultery" as sexual misconduct becomes more questionable. Do we consider someone who has only emotional involvement with someone outside his or her marriage but no sexual intercourse infidel or someone who has sexual intercourse outside of his or her marriage but no emotional involvement infidel? It is a very subjective matter as people have divergent views: Some are more intolerant of emotional infidelity, some are more intolerant of sexual infidelity, and some are intolerant of both. In addition,

should we tolerate someone's extramarital affair if he or she is in a marriage without love, or even an abusive marriage? Should we condemn them for having committed sexual misconduct or adultery and intimidate them with those Buddhist narratives around karma? If so, is this subjective, terrifying and over simplified condemnation compatible with mercy and leniency taught by Buddhism?

5. Homosexuality as Sexual Misconduct?

The numbers of estimated homosexual population in the PRC vary between official release and independent researchers' claims. According to Yang Hongtai and Gao Huikai's *Same Sex Marriage Law Legislation Study*, the PRC first officially released in 2004 that the estimated homosexual population in the PRC was between 5 million and 10 million, but according to Zhang Beichuan, a renowned Chinese expert on homosexuality from Qingdao University's Medical School in Shandong Province claimed in 2002 that the number of male homosexuals was estimated to be about 20 million and the number of female homosexuals about 10 million. Considering that the number of homosexuals normally accounts for 4-6% of the total population, experts believe that the number of the PRC's homosexuals may reach 40 million.¹

Homosexuality was considered both a crime and a mental illness in the PRC until the 1990s. Not only had it been decriminalized, it was also removed from the list of mental illnesses by the Chinese Psychiatric Association in 2001. According to a University of Southern California web article by Steffi Lau on March 10, 2010, *Homosexuality in China*, "Since then, the Chinese gay community has rapidly expanded, with dozens of gay bars and hangout spots across the country, hundreds of Chinese gay websites, and many lesbian, gay, bisexual and transsexual (LGBT) organizations. These groups help organize gay rights campaigns, HIV/AIDS prevention efforts, film festivals and pride parades."² Though homosexuality is legal in the PRC now and public attitudes are becoming more acceptable under Western influence, same-sex unions are still illegal, and same-sex relationships are censored from media.

The increasing visibility of homosexual scenes across the PRC has drawn more public attention this past decade. Homosexuality has meanwhile also become a far more common moral topic in religious especially Buddhist discourses than before in the PRC, with new vocabulary and concepts incorporated from the West. In a heteropatriarchal tradition such as the feudal tradition in China, women can always

¹ See *Same Sex Marriage Law Legislation Study*, by Yang Hongtai and Gao Huikai on the online journal of Hunan Sociology (http://www.hnshx.com/Article_Show.asp?ArticleID=7865), retrieved on May 15, 2012.

² Web Source: http://www.uschina.usc.edu/article@usct?homosexuality_in_china_14740.aspx Retrieved on April 10th, 2012.

find their allies in the queer community when both face heterosexual male hegemony. Not only misogyny, there is also a certain degree of homophobia and transphobia particularly in contemporary Mahayana Buddhist discourses, even though Buddhism is generally believed to be relatively gay friendly.

The Mahayana Buddhist text *The Buddha Expounds Mahayana Image Creation Virtuous-Merit Sutra* has narratives around what karmas may cause men to be reborn as hermaphrodites - "the most inferior among all people" according to the text. These bad karmas are all manners considered to be sexual misconduct: *First, pollute or defile any respectable place of worship. Second, male-to-male's oral or anal sex (homosexuals, pederasty or sodomy). Third, sexual self-gratification or self-masturbation. Fourth, sell woman's sex-appeal to entice any man.*¹

The text also introduces the four bad karmas that cause men to be reborn as homosexuals: *First, slander people for fun or out of aversion. Second, like to be a woman, to dress up or adorn oneself. Third, commit incest with a female relative. Fourth, absurdly let others prostrate to them, despite not possessing superior, noble qualities deserving such reverence.*

Notably, the text calls these four karmas "sins" which are due to the man's "abnormal orientation," but if a homosexual man sponsor the Buddha's image production or printing and even free distribution, his "sinful karma will be cleared..." Apparently, this text regards hermaphrodites as "inferior" as the outcome of bad karma from previous lives, and homosexuality as abnormal also stemming from sinful karmas from previous lives. In a sum, they are both the suffering a man deserves due to the sexual misconduct he had committed in his previous lives. Critical debates are often raised around the authenticity of the text as to how much it has been purely composed and modified by men in a homophobic and transphobic cultural environment deeply influenced by their societal and cultural norms, for reasons that, first, the core teaching of Buddhism is against cults of personality; and second, the recognition of the homosexual identity during the Buddha's era about 2,500 years ago was non-existent. The terminology of homosexuality was conceptualized as a sexual identity, not a mere practice only in the modern history, as Michel Foucault has argued that sexual identities only emerged in the 19th century (Foucault, 1976). The text also claims that the Buddha labeled both oral and anal sex as sinful sexual misconduct whether the sex partner is of the same sex or of the opposite sex, otherwise they would be reborn in the Hell. It also emphasizes that the Buddha discouraged all sensual pleasures. I argue that the discourse around non-harmful, consensual and non-exploitative homosexual practice and even masturbatory act as sexual misconduct and homosexuality as abnormal is not compatible with the core

¹ Web source: <http://www.buddhawords.com/sins/sexual-misconduct> Retrieved on April 10th, 2012.

teachings of Buddhism that embrace all bodies and advocate compassion, but creates what I call moral terrorism among lay followers with the fear of being reborn in evil realms, or reborn to suffer. In fact, within different Buddhist divisions, views upon homosexuality are very diverse, and sexual misconduct is subject to interpretation according to the cultural specifics, social norms and individual perceptions. Theravada Buddhism, for example, is one of the largest divisions of Buddhism, known as the “Southern School,” which is the predominant school in such countries as Sri Lanka, Thailand and Myanmar. It is believed to be a division most inclusive and tolerant, where homosexual or heterosexual relationships are all considered as personal matters of mutual consent, built upon happiness and well-being of both parties and free of any external interference. While it sees any form of sexual pleasure hindering one’s path of seeking enlightenment, it does not enforce celibacy or abstinence upon its practitioners. Thailand, as a Buddhist country of the “Southern School,” where nearly 95% of the population is Buddhists¹, is the paradise for queer tourists from all over the world largely due to its high acceptability of non-normative sexualities that also boosts its sex tourism. It is also a country that has a high tolerance of the third gender, *kathoey*, which does not have any special stigma attached to it. Western Buddhism is also considered to be relatively gay friendly, and there is no central authority with the privileged right to define sexual misconduct. It is normally viewed more as an individual decision. In terms of homosexuality, Western Buddhists tend to emphasize the teachings of the Buddha regarding compassion, tolerance and inclusion of all peoples, following one’s own spiritual path and seeking the truth independently. This accounts for the increasing popularity of Buddhism among the queer bodies in the West. Tibetan Buddhism as another division, however, bans all homosexual activities between men. The prohibition of homosexual acts between men was initiated by Tsongkhapa², a 15th century Tibetan scholar. How much the prohibition was based on the *Pali Canon* text remains questionable, as it is believed that he created his ideas based on earlier indigenous Tibetan texts.

With the booming economy and globalization, the rise of visible queer scenes and advocate for queer rights in big cities across China and the recurring Buddhist practices to fill the spiritual vacuum, there also has been an increase of Buddhist discourses over the narratives of bad karma for engagement in homosexual acts. AIDS, for example, is believed by those radical Buddhists to be a karmic retribution to gays. Some Buddhist bloggers, for example, even claim that Heath Ledger died of his bad karma for having promoting the corrupt, degraded gay lifestyle by playing a

¹ According to the CIA Factbook on Thailand, nearly 95% of Thailand’s population is Buddhist of the Theravada school.

² Tsongkhapa (1357–1419) was a famous teacher of Tibetan Buddhism, also known as Je Rinpoche (rje rin po che). He had a profound influence in the formation of the Geluk school.

gay character in the Academy Award winning film *Brokeback Mountain*. There are also tons of narratives on the Internet with regards to “theories” about bad reincarnation for homosexuals. These reincarnation “theories” that transcend several previous lives and afterlives are allegedly based on high-ranking Buddhist masters’ “clairvoyant” observations in a meditative state. This kind of intimidating remark using the religious power and a distorted interpretation of karma to manipulate people’s mentality and behavior, which is prevailing over the Internet in China nowadays, is a manifestation of moral terrorism, for it causes panic and damage to one’s mental health and is no better than criminalization and persecution of homosexuals. It needs to be clarified that homosexuality itself does not cause the transmission of AIDS or STDs. In fact, among lesbians there is a lower rate of STD transmission than among heterosexuals. In addition, male-to-male anal sex does not transmit HIV more efficiently than male to female anal sex. It is clear that it is the behavior itself rather than a sexual orientation that causes the transmission. One question may be raised here: If religious texts have been composed, edited, modified, and even distorted this much to manipulate and intimidate people, especially those who are to be condemned simply because who they are, why don’t they simply abandon it, renounce it, and escape from the extra emotional burden and the struggle against it? This dichotomous dynamic, as I believe, is deep-rooted in the fantasy about the afterlife intermingled with our reluctance to believe nothingness in the afterlife and our instinctual protest against suffering in reality. As Karl Marx wrote in *A Contribution to the Critique of Hegel’s Philosophy of Right: Religion is the sigh of the oppressed creature, the heart of a heartless world, and the soul of soulless conditions. It is the opium of the people*¹.

Arguably, the statement that religion “is the opium of the people” above has built a firm ground for China’s atheist propaganda and rigid regulation of all religions, even though the opium here may be perceived differently. People now have begun to rethink about it, realizing religion could be the “opium” - in an unpleasant way - of the people, as well as a source of food for thoughts. As today’s cutting edge NDE research and clinical case studies are providing more evidence, it is clear that those Buddhist narratives around afterlife that used to be conceived as a hallucination may be a reality. There is no doubt that people turn to religion for an illusory happiness, a get-away from worldly suffering, and in seeking the religious solace they are confronted with new suffering - the religious suffering. I would question whether we are living in an era to liberate our sexuality towards a healthy future or continue to repress it as we did during the dark medieval time, and whether it is following the Buddha’s teachings on compassion, tolerance, mercy and lenience, or trying to

¹ This widely quoted statement can be found in Karl Marx’ *A Contribution to the Critique of Hegel’s Philosophy of Right* which appeared in the *Deutsch-Französische Jahrbücher*, published in Paris, France, in February 1844.

discourage or even technically terrify those in pursuit of spiritual improvement and commitment, since the denotation of sexual misconduct is too broad to exclude anyone that can fully justify his or her sexual “purity” and “innocence.” Curses in Buddhism and other religions like “it’s a sin and you will go to hell,” “you will have a bad karma,” “you should be stoned,” or “you shall be punished by God” only cause terror and new suffering.

Notwithstanding the mythological notion of the Buddha “talking” on homosexuality in the Mahayana Buddhist text, *The Buddha Expounds Mahayana Image Creation Virtuous-Merit Sutra*, there is no evidence in the *Pali Canon*, which documents the original teachings of the Buddha, that the Buddha ever discussed sexualities. Of all the remaining volumes of Buddhist scripture in the Chinese language, most are the not the literal translation of the original *Pali Canon* texts, but the teachings or interpretations of the indigenous Buddhist scholars. Historically, it is unclear that the Buddha ever did condemn homosexuality (especially because in the ancient times when homosexuality did not emerge as a sexual identity). As I have stated above, the Buddha did not give any specific explanation to the term “sexual misconduct” in the *Pali Canon* texts. Instead, the Buddha said, “Above all, do no harm to others or to oneself.” Apparently, based on the interrelated logic between “abstain from sexual misconduct” and “do no harm,” the Buddha constructed the essentiality of the connotation of sexual misconduct on the ground of harming others or oneself (notably, some scholars interpret this as the Buddha’s belief that the same rules regulating sexual behavior apply to both same-sex and opposite-sex couples, without any implication that one is morally superior to the other). It is also important to know that these precepts are *not* commandments; following these precepts is totally a personal choice to demonstrate commitment to the Buddhist practice. Failure to follow them either partially or wholly is not considered sinful but unskillful. Different from Christianity or Islam, in deciding whether an action is good or bad, Buddhism only looks at the motivations as being good or bad. Someone, for example, donates money to a street person who later on buys a gun with the money in an attempt to rob a bank. The donor is still considered to have done a good deed due to his good intention regardless of the consequences with the money he has donated. Based on this belief, the subjectivity of moral evaluation of a singular activity is to be framed within a specific actual context, not based on a literal interpretation of lines derived from a passage from the Holy Scripture. In a sum, Buddhism is against quoting *out of context* to draw a rigid moral line, but mostly concerned about concrete character of truth.

Not only did the Buddha not leave any specific remarks on homosexuality, he also requested followers after him not to have blind faith in any “Buddhist authorities.” In encouraging his followers to be independent in seeking the truth, he said, “Be a lamp onto yourself.” He was saying that the truth did not come from anyone else who

claimed authority or was acknowledged as such; instead, the truth was discovered through one's independent self-enlightenment.

Some scholars also interpret the core Buddhist teachings on abstaining from sensual pleasure as forbidding homosexual acts since homosexual practice is purely pleasure-oriented. As one of the steps from the *Buddha's Eightfold Path* teaches: *You must renounce the pleasures of the senses; you must harbor no ill will toward anyone, and harm no living creature.*

It should be noted that the "pleasure of senses" includes all sensual pleasures, be it heterosexual or homosexual or simply masturbatory, since it is technically hard to differentiate which manner is more pleasurable or more pleasure-oriented. In *The Mind of Clover: Essays in Zen Buddhist Ethics*, Robert Aitken Roshi says, "For all its ecstatic nature, for all its power, sex is just another human drive. If we avoid it just because it is more difficult to integrate than anger or fear, then we are simply saying that when the chips are down we cannot follow our own practice. This is dishonest and unhealthy" (Roshi, 1984, 41-42). In stating "no ill toward anyone, and harm no living creature," the Buddha positioned all manners of harmless sexual pleasure on the same plane without leaving out any single particular manner. In addition, celibacy is only a monastic rule; for lay followers, celibacy or abstinence is encouraged but not mandatory.

Notwithstanding the relative lack of homophobia and transphobia in Buddhist discourses, it is still dangerous to conclude that homosexuals in those countries with a large Buddhist population are free from social prejudice and discrimination, particularly because Buddhist teachings have been conflated with or incorporated the dominant social and cultural norms and beliefs. Therefore, for example, queer Buddhists in the West tend to be more attracted to the division of Theravada Buddhism in such gay friendly countries as Thailand than to some of the other divisions. It may be claimed that while we respect the original teachings of those ancient sages including but not limited to the Buddha, there has certainly been a considerable degree of subsequent modification, addition and interpretation to the original in each area of distribution, deeply influenced by the specific cultural, social and legal norms as well as indigenous religions historically and geographically.

6. Conclusion

Atheist communism has ruled the PRC for over half a century while Mahayana Buddhism has a history of about 2,000 years in this land, impacting the national identity and rendering the contemporary Buddhism revival a smooth, predictable process. The vibrant revival of Buddhism along with the expansion of Christianity marked by the growing number of church goers and emergency of underground churches across rural and urban areas in the PRC are evident that atheist ideology

does not meet people's spiritual needs but only exacerbates corruption caused by the crisis of faith.

People turn to Buddhism or other religions to escape from their suffering and yet find new suffering from the authoritative interpretations of sexual misconduct and the moral sanction that extends to a form of "moral terrorism." I argue that the fear caused by the overall moral condemnation of sexual conduct leads to the victimization of women and queer bodies who engage in extramarital affairs and non-normative, non-procreative sexual acts, regardless of the biosocial and gender-based facts. The dilemma of whether or not to seek spiritual fulfillment or renouncing a belief pushes the task to the forefront of reevaluating the discourses over sexual misconduct in consideration of our updated perception of human nature in a contemporary globalized context.

Through textual analysis, interrogating dominant discourses and sociological approach I conclude that the meaning of sexual conduct is largely personal, as man does not necessarily commit sexual misconduct; rather, it is man that gives a meaning to what one does. In a deepened understanding of human nature within a globalized context that transcends the societal norms and cultural specifics, particularly with the rise of feminism and queer theory, sexual ethics in the Buddhist (or any other religious) discourse are fluid and need to keep pace with contemporary perception of moral codes and values.

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