

## 20. Form of Life, Buddhism, and Human Rights

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Stanley Cavell took up anthropological works for consideration in a way that we might characterize as staccato,<sup>1</sup> and has informed anthropological work in increasing and increasingly sustained ways.<sup>2</sup> As these works show, it is difficult to lift, so to speak, a single concept—say, the ordinary—out of Cavell’s work, and treat it as if it were discrete, unentangled with neighboring concepts like language, or the uncanny, or nextness, to suggest only a few candidates. Still, what I will do here is highlight the fertility of Cavell’s elaboration on Wittgenstein’s ‘form of life’ for my ethnographic work on human rights in Thailand. I set out to show that were we to attend only to the register of cultural forms (more or less specifiable sets of customs, traditions, norms, values, habituated practices), as human rights debates that hew to cultural

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1. Cavell, *The World Viewed: Reflections on the Ontology of Film* (Cambridge, MA: Harvard University Press, 1971); Cavell, *Pursuits of Happiness: The Hollywood Comedy of Remarriage* (Cambridge, MA: Harvard University Press, 1981); Cavell, *Disowning Knowledge in Six Plays of Shakespeare* (Cambridge: Cambridge University Press, 1987); Cavell, *In Quest of the Ordinary: Lines of Skepticism and Romanticism* (Chicago: The University of Chicago Press, 1988); Stanley Cavell, “Comments on Veena Das’s Essay ‘Language and Body: Transactions in the Construction of Pain’,” in *Social Suffering*, ed. Arthur Kleinman, Veena Das and Margaret Lock (Berkeley: University of California Press, 1997), 93-98; Cavell, Foreword to Veena Das, *Life and Words: Violence and the Descent into the Ordinary* (Berkeley: University of California Press, 2007), ix-xiv.

2. See for example, Clara Han, *Life in Debt: Times of Care and Violence in Neoliberal Chile* (Berkeley: University of California Press, 2012); Naveeda Khan, “Mosque Construction or the Violence of the Ordinary,” in *Beyond Crisis: Re-Evaluating Pakistan*, ed. Naveeda Khan (London: Routledge, 2010), 482-520; Sameena Mulla, *The Violence of Care: Rape Victims, Forensic Nurses, and Sexual Assault Intervention* (New York: New York University Press, 2014); Isaias Rojas-Perez, *Mourning Remains: State Atrocity, Exhumations and Governing the Disappeared in Peru’s Postwar Andes* (Stanford: Stanford University Press, 2017); Don Selby, “Patronage, Face, Vulnerability: Articulations of Human Rights in Thailand,” *International Journal of Human Rights* 16, no. 2 (2012): 378-400; Don Selby, *Human Rights in Thailand* (Philadelphia: University of Pennsylvania Press, 2018); and especially Veena Das, “The Signature of the State: The Paradox of Illegibility,” in *Anthropology in the Margins of the State*, eds. Veena Das and Deborah Poole (Santa Fe: School of American Research Press, 2004) 225-54; Veena Das, *Life and Words: Violence and the Descent into the Ordinary* (Berkeley: University of California Press, 2007); Veena Das, *Affliction: Health, Disease, Poverty* (New York: Fordham University Press, 2015); Veena Das, Michael Jackson, Arthur Kleinman, and Bhri Gupta Singh, eds., *The Ground Between: Anthropologists Engage Philosophy* (Durham, NC: Duke University Press, 2014); *Ordinary Ethics: Anthropology, Language, and Action*, ed. Michael Lambek (New York: Fordham University Press, 2010); Michael Lambek, *The Ethical Condition* (Chicago: The University of Chicago Press, 2015); Michael Lambek, Veena Das, Didier Fassin, and Webb Keane, *Four Lectures on Ethics: Anthropological Perspectives* (Chicago: Hau, 2015).

relativism or ‘Asian values’ do, we would develop a partial view of how human rights emerged in the progressive, democratic moment surrounding and following the 1997 Thai constitution. More narrowly, the case I make, the case that one cannot make if one only takes form of life in the conventional sense of describing only social conventions, is that a central line of thought in the National Human Rights Commission of Thailand about what human rights were turned not on the nature of rights, but on a picture of the human. The picture at issue was one importantly inscribed within a certain, controversial school of Buddhist thinking. This paper will examine specific contests within Buddhism over what a human being is, with the particular claims to rights that flow from different pictures of the human. That is, it will take these debates, as they appeared in struggles over human rights, as pitching irreconcilable notions of the human form of *life* against one another. First, though, it is necessary to provide some orientation for readers unfamiliar with Thailand.

In the early 2000s, Thailand, having recently ratified a new constitution, assembled its first National Human Rights Commission (NHRC).<sup>3</sup> In many senses, this was the beginning, rather than the end, of the struggle to formalize, disseminate, and practice human rights in Thailand, and my research at that time concerned the work of the NHRC and several related organizations as they sought simultaneously to define human rights, advocate for them, and work out how to protect them in practice.<sup>4</sup> None of these endeavors was straightforward. Among the various parties – the commissioners, the bureaucracy supporting the commission, lawyers and NGOs connected to the NHRC – there existed diverse, often ambiguous, and sometimes mutually antagonistic views of what human rights were, and how they should be promoted. On top of that, the very terminology of human rights was unfamiliar to the population at large. The NHRC, therefore, faced significant challenges in description, education, and practice. One of the ways commissioners undertook this work began with the near-at-hand, and morally compelling: Buddhism. I will return to their deployment of Buddhism shortly, after some important table-setting with respect to the notion of form of life.

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3. Formally, it is the National Human Rights Commission of Thailand. The 1997 constitution was called “the people’s constitution” for the unprecedented level of public consultation during its drafting process, and many regard it, to this day, as Thailand’s most democratic constitution. (See, for example, Harding and Leyland 2011).

4. See my *Human Rights in Thailand* (Philadelphia: University of Pennsylvania Press 2018).

## Form of Life

While Cavell explores Wittgenstein's idea of form of life, especially in relation to language, criteria and grammar, extensively in *The Claim of Reason*,<sup>5</sup> he does so more intensively in *This New Yet Unapproachable America*, which I will take as my starting point. There, he marks his difference from other views of *Philosophical Investigations*,<sup>6</sup> which take form of life to describe "the social nature of human language and conduct," a view he identifies as a conventionalist teaching for its stress on practices or conventions.<sup>7</sup> Such a view, or teaching, obscures Wittgenstein's preoccupation with the natural in forms of life. The conventionalist understanding of form of life Cavell calls the ethnological, or horizontal sense, which the biological, or vertical sense contests.<sup>8</sup> The former concerns conventions in the sense of practices and conduct, like promising, inaugurating, coronating, and so forth on the social plane, or horizon. Differences among these kinds of practices are differences of a cultural sort. Differences of the latter, vertical kind are those between the human form of life and "lower' or 'higher' forms of life, between, say, poking at your food, perhaps with a fork, and pawing at it, or pecking at it."<sup>9</sup> Placing the emphasis on life, rather than form, shifts our attention to the vertical, natural, biological plane and to the limitation and conditions under which we apply criteria to others. These arguments for distinguishing these planes, and their corresponding directions of criteria, alerted me to an important, distinguishing aspect of the emergence of human rights in Thailand; that is, advocacy less for a specific notion of rights than a certain available, but marginal picture of the human.

In anticipation of a particular line of resistance, I should be clear here that the horizontal, ethnological aspects of form of life played important roles in human rights practices. As I have discussed elsewhere, considerations of face-work, for example, or rank, or status, or the moral authority endowed by motherhood, were crucial aspects

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5. Cavell, *The Claim of Reason: Wittgenstein, Skepticism, Morality, and Tragedy* (Oxford: Oxford University Press, 1979).

6. Ludwig Wittgenstein, *Philosophical Investigations*, trans. G.E.M. Anscombe (Oxford: Blackwell, 1998 [1953]).

7. Cavell, *This New Yet Unapproachable America: Lectures after Emerson after Wittgenstein* (Albuquerque: Living Batch, 1989), 41.

8. *Ibid.*

9. *Ibid.*, 42.

of alliance-building among individuals who were socially differently situated, of the ability of human rights advocates or claimants to apply pressure to recalcitrant officials, and of smooth social interaction between parties that could become adversaries.<sup>10</sup> Such roles on the plane of *form* of life were typically questions of practice, and did not largely raise criterial issues on which I focus here. My point of departure stems from Cavell's instruction on the difference, as rendered here, between custom and nature in *The Claim of Reason*: "The conventions which control the application of grammatical criteria are fixed not by customs or some particular concord or agreement which might, without disrupting the texture of our lives, be changed where convenience suggests a change [...]. They are, rather, fixed by the nature of human life itself, the human fix itself, by those 'very general facts of nature' which are 'unnoticed because too obvious', and, I take it, in particular, very general facts of *human* nature [...]"<sup>11</sup> What kind of fix are humans, by nature, in? Central aspects of our fix to which Cavell and Wittgenstein return repeatedly are our life in language and our solicitation of criteria.

In Part II of *Philosophical Investigations*, Wittgenstein describes the human form of life in its connection to talking, offering up the idea that only those who "have mastered the use of a language" can hope, or grieve, as hope and grief are parts of the complicated form of life that includes talking.<sup>12</sup> Such things as hope, or joy, and grief, though, express themselves bodily in predictably enduring ways within the human form of life, leading Cavell to highlight three strands in Wittgenstein's description: It sees "the human as irreducibly social and natural, say mental and physical" in such ways that "human conduct is to be read," suggesting, in turn, that forms of *life* entail embodiment in ways that are meaningful.<sup>13</sup> The final strand Cavell characterizes like this:

It perceives that everything humans do and suffer is specific to them as are hoping or promising or calculating or smiling or waving hello or strolling or

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10. Don Selby, "Experiments with Fate: Buddhist Morality and Human Rights in Thailand," in *Working the World: Veena Das and Scenes of Inheritance*, ed. Roma Chatterji (New York: Fordham University Press, 2015), 128-53; Selby, "Patronage, Face, Vulnerability"; Selby, *Human Rights in Thailand*.

11. Cavell, *Claim of Reason*, 110.

12. Wittgenstein, *Philosophical Investigations*, 174.

13. Cavell, *New Yet Unapproachable America*, 48.

running in place or being naked or torturing. This listing is to recall patterns in the weave of our life, modifications of the life of us talkers, that are specific and confined to us, to the human life form, like running in place or hoping, as well as patterns we share with other life forms but whose human variations are still specific, like eating or sniffing or screaming with fear.<sup>14</sup>

The picture of the human form of life is one that intersects with particular *forms* of life, but is irreducible to them, as language is an inherent feature of the human form of life (being linguistic intersecting with particular languages, but irreducible to any of them). Language, in its turn as elemental to the human form of life, is how we ask for, or offer, criteria. The importance of criteria will become clearer below for the specific case I make with respect to Buddhism, as one version of Thai Buddhism bears criteria for the human that are simultaneously criteria for who is killable—indeed, who counts as righteous to kill. First, though, let me dwell on the articulation of criteria and form of life.

For Wittgenstein’s idea of a criterion [...] is as if a pivot between the necessity of the relation among human beings Wittgenstein calls “agreement in forms of life” (§241) and the necessity in the relation between grammar and world that Wittgenstein characterizes as telling what kind of object anything is (§373), where this telling expresses essence (§375) and is accomplished by a process he calls “asking for our criteria.”<sup>15</sup>

Related to the idea that we learn language and the world together, captured in the phrase “wording the world”<sup>16</sup> we can see in this passage that agreeing in a form of life is agreeing in the grammar we use to tell what kinds of objects things are. This does not describe a kind of labeling, as I take it, but “expresses essence” in the sense that, on the conventional, conformist Buddhist view, the grammar telling us what a communist is also tells us that the communist is killable not just with impunity, but as a source of merit. On this view, the poor suffer the life they have because they, essenti-

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14. Ibid.

15. Ibid., 50.

16. Cavell, *Claim of Reason*, 94.

ally, deserve their suffering on the basis of their regrettable *kamma*.<sup>17</sup> Not as a matter of custom or tradition, but as something like their fate. Maltreatment of the poor or of leftists responds, in ways that will become clearer shortly, to the question of criteria. How is it that we can call on criteria for who is killable, or who we may treat with disdain or abuse? The criteria are *kammic*: kill leftists because they are a source of merit for their killers; accept for the poor treatment unacceptable for the wealthy or prestigious, because that is their *kammic* lot.

Importantly, for Cavell, Wittgensteinian criteria constitute the everyday, such that the distinctions of killable or reverend (in, say, the person of the king) are everyday distinctions derived from criterial differences. Equally important, though, is that the constitution of the everyday by our criteria is just the possibility of repudiating these criteria.<sup>18</sup> The everyday holds within it the possibility of repudiating the everyday. A Buddhist orientation to *nibbana* as in principle attainable by anyone at any time is a Buddhist repudiation of the *kamma*-centric picture of the human, and is radically egalitarian. One ordinary picture of the human contests another, in a way that, from the *kamma*-centric view, winds up “disrupting the texture of our lives.”<sup>19</sup> If our attunement in judgement (or form of *life*) is expressed through criteria, then our re-tuning not of values but of valuing, not of judgments but of judgment, of form of *life* is also expressed by criteria: the reconstitution of the everyday.<sup>20</sup>

As I aim to clarify in the following sections, the question of human rights in Thailand that interests me in connection to form of life (and criteria, grammar, and the everyday) is the question of the human, more than the question of rights, and how this question found different answers in distinct, competing Buddhist pictures of the

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17. I will use the transliteration that most closely captures the Thai (and is common to Thai scholarship), *nibbana* rather than ‘nirvana’ and *kamma* rather than ‘karma’ (or merit).

18. Cavell, *New Yet Unapproachable America*, 51.

19. Cavell, *Claim of Reason*, 110.

20. I have in mind here the following passage from Cavell:

What I call something, what I *count* as something, is a function of how I *recount* it, tell it. And telling is counting [...].

(If to what we call something and to what we count as something we add the notion of what we claim something to be, we have gathered together the major modes in which we have invoked the fact of talking, the work of wording the world [...]; what we seem headed for is an idea that what can comprehensibly be said is what is found to be worth saying. This explicitly makes our agreement in judgment, our attunement expressed through criteria, agreement in valuing. So that what can be communicated, say a fact, depends upon agreement in valuing, rather than the other way around [...]. Wittgenstein’s notion of a criterion when we had to say that his notion seemed to make statements of fact turn on the same background of necessities and agreements that judgments of value explicitly do. (*The Claim of Reason*, 94).

human. That is, in some places the question of what counts as human—what criteria apply to work out counting as human—will bear on human rights, while in others, doctrinal debates over the nature of the human will be pivotal. These are not disputes over the proper (customary, conventional) way to give alms to a monk, or become or greet a monk, or defer to a superior. They are disputes over whether one’s opponents count as fully human, what results from killing them. They are disputes over whether humans are intrinsically unequal because of differences in merit (and, therefore, deserving of wealth and power or poverty and subservience, fated to honor and supplicate, or to receive honors with all their social prerogatives and duties), or are intrinsically equal with respect to the immediate accessibility of *nibbana*. Because these distinctions arose most pertinently in the NHRC, though, I will turn to it before describing how Buddhism inflected its explorations of human rights.

### **Buddhism in The National Human Rights Commission of Thailand**

The NHRC was the product of the 1997 “People’s Constitution,” so named for its origins (massive pro-democracy protests of military government in 1991 and ’92), for the unprecedented degree of popular consultation that went into its development, and for the equally distinctive progressive spirit imbuing it.<sup>21</sup> When I began fieldwork in 2002, the NHRC was nearing the completion of its first year. As it struggled to arrive at a single, clear description of human rights, several members of the commission and the supporting bureaucracy (Office of the National Human Rights Commission, or ONHRC) turned to Buddhism to explain human rights. Two commissioners in particular, Khunying Amphorn Meesuk and the chair of the commission, Saneh Chamarik,<sup>22</sup> emphasized the connection between Buddhism and human rights, arguing that human rights have always been available, if latent or unnamed in human rights. Their path to this position, however, was not through the official Buddhism of the sangha (the governing monkhood). I will discuss below the differences between official Buddhism and the Buddhism

21. Andrew Harding and Peter Leyland, *The Constitutional System of Thailand: A Contextual Analysis* (Oxford: Hart Publishing, 2011), 22-23, 217-50; Selby *Human Rights in Thailand*, 1-14.

22. In keeping with Thai scholarly convention, I will refer to Thai people by first name, including the title “*Khunying*” (a royally-conferred title comparable to “Lady”), and list bibliographic entries by first name. Thus, for example, I will refer to Saneh and khunying Amphorn from here on out.

informing these commissioners' views of human rights. The point I stress here is simply that, for an influential portion of the NHRC at that formative moment, human rights were answerable to a picture of the human, that the criteria for the human in this picture were decisively Buddhist, but of a marginal (if respectable) strand of Buddhist teaching standing importantly at odds with official Thai Buddhism.

Central to the adoption of this particular Buddhist picture of the human as the source or anchor or foundation of human rights in Thailand is, first, the conviction that human rights are ordinary insofar as they are Buddhist, but, second, that the ordinary ethics of an egalitarian Buddhism (that promoted by the commissioners) is a way of turning Thai society from an (official) ethic that normalizes social inequality. There is a sense in which the egalitarian Buddhism (deriving principally from the teachings of the monk Buddhadasa Bhikkhu) has been suffocated by official Buddhism, but that the turn the NHRC was striving to produce in Thailand was also a way of recovering the voice of this non-conformist model of Buddhism.

Suppression of monks on the fringes of the sangha's authority has a lengthy history in Thailand, and continues to the present with the defrocking of monks of the ascetic Santi Asoke meditation movement.<sup>23</sup> The relevant movement for the purposes of this paper is that of forest monks, or wandering monks, as they are sometimes called. Observing thirteen ascetic practices from the *Visuddhimagga*, or discourses of the Buddha, forest monks place importance on retreat from urban centers, opting for open-air, forest dwellings instead.<sup>24</sup> This removed them from the direct oversight of the

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23. Peter A. Jackson, *Buddhism, Legitimation and Conflict: The Political Functions of Urban Thai Buddhism* (Singapore: ISEAS, 1989), 161-62; Charles Keyes, "Buddhist Politics and Their Revolutionary Origins in Thailand," *International Political Science Review* 10, no. 2 (1989): 121-42; Selby, *Human Rights in Thailand*, 29-32; Donald K. Swearer, "Fundamentalistic Movements in Theravada Buddhism," in *Fundamentalisms Observed*, ed. Martin E. Marty and R. Scott Appleby (Chicago: The University of Chicago Press, 1991), 628-90.

24. These practices include:

1. *The refuse-rag-wearer's practice*: The *bhikkhu* collects refuse cloth for robes. Pamsukula means "refuse" in the sense of its being found in such a place as a street, charnel ground, or midden, or in the sense of its being in a vile state.
2. *The triple-robe-wearer's practice*: The *bhikkhu* has the habit of wearing the triple robe (ti-civdra), namely the cloak of patches, the upper garment, and the inner clothing.
3. *The alms-food-eater's practice*: The *bhikkhu's* vow is to gather and eat the lumps (pinda) of alms food offered by others. (The word *bhikkhu* is derived from *bhikkha*, meaning alms.)
4. *The house-to-house-seeker's practice*: The *bhikkhu* wanders from house to house collecting food; he is a "gapless wanderer" (*sapaddnacarin*) in the sense that he walks from house to house, to all houses, indifferently and without distinction, begging from everyone and showing no preference.
5. *The one-sessioner's practice*: The *bhikkhu* eats only one meal a day in one uninterrupted session.
6. *The bowl-food-eater's practice*: The *bhikkhu* receives and eats the alms mixed together in one bowl, and he refuses other vessels.



sangha, producing a tense relationship with official Buddhism.<sup>25</sup> They also broke from the convention of withdrawal from worldly activity, opting instead to help villagers with healing practices, to introduce new crops to farming communities, and to advocate for communities, as well as offering religious instruction: practices that led the sangha to describe them as lazy and doctrinally suspect.<sup>26</sup> Under this view, forest monks endured coercive persecution, sometimes including imprisonment, as late as the 1920s, which gradually gave way to grudging tolerance, then reluctant acceptance by the sangha.<sup>27</sup>

The forest monk Buddhadasa's scholarship and practice hewed closely to the *Visuddhimagga*, making him at once a challenge to the conservatism of the sangha, and yet doctrinally unimpeachable. The acceptance of the sangha, however, did not necessarily translate into a widespread lay embrace of Buddhadasa, much less his followers, whose this-worldly practices often included preservation of the natural environment. Such activity sometimes led to conflict with 'influential people's' economic agendas, and in one highly publicized case, led to the brutal hacking to death of the monk Phra Supoj. He was a student of the Bhuddadasa Study Group, and engaged in environmental conservation near Chiang Mai when he was murdered.<sup>28</sup> Neither his robes, nor his facility with Buddhist doctrine, as taught by Buddhadasa, to say nothing of the law, were enough to protect him when, engaged in this-worldly action, he tried, under the auspices of the Metthadhamma Forest Dhamma Center,<sup>29</sup> to pre-

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7. *The later-food-refuser's practice*: The *bhikkhu* refuses extra food (or further helpings) offered him after his only meal has been concluded.

8. *The forest-dweller's practice*: The *bhikkhu* adopts the habit of dwelling in the forest.

9. *The tree-root-dweller's practice*: The *bhikkhu* dwells at the root of a tree.

10. *The open-air-dweller's practice*.

11. *The charnel-ground-dweller's practice*.

12. *The any-bed-user's practice*: The *bhikkhu* sleeps on any place that is allotted to him when he is in a community of monks, and in that sense he is an "as-distributed user."

13. *The sitter's practice*: The *bhikkhu* refuses to lie down and when resting adopts the sitting posture. (The sitter can get up in any of the three watches of the night and walk up and down, for lying down is the only posture disallowed.) Stanley J. Tambiah, *The Buddhist Sainst of the Forest and the Cult of Amulets* (Cambridge: Cambridge University Press, 1984) 33-34.

See also Kamala Tiyanich, *Forest Recollections: Wandering Monks in Twentieth-Century Thailand* (Honolulu: University of Hawai Press, 1997).

25. Kamala, *Forest Recollections*, 172-86.

26. *Ibid.*, chs. 7 and 8.

27. *Ibid.*, 174-75, 187-97.

28. Selby, *Human Rights in Thailand*, 17-18.

29. This is an initiative that sought, with the urging of "socially engaged Buddhists" like Sulak Sivaraksa, to extend Buddhadasa's teachings from the Suan Mokkh meditation center he established in 1932 in Surat Thani province to Northern Thailand's Chiang Mai province. (See Buddhadasa Study Group, "The Assassination of Phra Suvacanon: Background and Developments." <http://www.liberationpark.org/news/supoj/summary.htm> (2005)).

serve land donated to the center from the encroachment of developers.<sup>30</sup>

To say that Buddhadasa and his followers were marginal with respect to the sangha and the majority of the Thai laity is not, however, to say that his teachings were not the source of an important movement in Thai Buddhism. Socially engaged Buddhism, a trend deeply informed by Buddhadasa, and possibly most visible in the person of lay Buddhist Sulak Sivaraksa, was also taking hold among Sulak's contemporaries like Saneh and Khunying Amphorn.<sup>31</sup> It is not surprising, then, that both Saneh and Khunying Amphorn, in asserting that human rights are available in Buddhism, articulate this assertion in ways consonant with Buddhadasa's teaching.

For her part, Khunying Amphorn impressed upon me the idea that, given a (certain) Buddhist picture of the human, human rights follow naturally.<sup>32</sup> On the one hand, she described how the five precepts for lay Buddhists—abstaining from taking life, from stealing, from sexual misconduct, from false speech, and from intoxicants—and striving for collective harmony, especially through the cultivation of compassion, would both reduce human rights violations, and make dealing with potential or realized violations easier. On the other hand, she thought that there was no need, following this Buddhist line of thought and practice, to impose human rights on society, as they were already there. She explained, “We are all born with certain basic rights; we are all human.”<sup>33</sup> This claim is deceptive in its apparent simplicity. In the first place, it is significantly at odds with the prevailing notion in Thai Buddhism that humans are not all equal to one another, as a matter of differences in *kamma*. Rather, it is widely—even officially—held in Thailand that Buddhism provides an explanation for social inequality in terms of merit, and a corresponding sense of what, given one's social position as a reflection of one's merit, one may reasonably expect in this life. On this score, then, Khunying Amphorn's claim appears as an importantly revisionary one that calls to mind several passages from *The Claim of Reason*.

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30. Buddhadasa Study Group, “The Assassination of Phra Suvacanon”; Selby, “Experiments with Fate”; Selby *Human Rights in Thailand*, 17-18.

31. The connection of the NHRC and Buddhadasa is clear in the NHRC's hosting of a memorial for Phra Supoj, who they honored as a murdered human rights defender.

32. She elaborates on these, and related themes, alongside further reflections on human rights by Saneh, in Saneh Chamarik and Khunying Amphorn Meesuk, *Human Rights in Thai Society* (Bangkok: Office of the National Human Rights Commission of Thailand, 2004). [เสนห์ จามริก กับ คุณหญิงอัมพร มีสุข, สิทธิมนุษยชนในสังคมไทย (กรุงเทพฯ: สำนักงานคณะกรรมการสิทธิมนุษยชนแห่งชาติ, ๒๕๔๗).]

33. Cited in Selby, *Human Rights in Thailand*, 20.

## Convention, Revision, and Buddhism

Of conventions, Cavell writes that change is their intrinsic possibility: “[I]t is internal to a convention that it be open to change *in convention*, in the convening of those subject to it, in whose behavior it lies.”<sup>34</sup> Conventions, as irreducibly social, are changeable exactly by those subjects whose behavior the conventions address. At least, some such subjects. Cavell continues:

The internal tyranny of convention is that only a slave of it can know how it may be changed for the better, or know why it may be changed for the better, or know why it should be eradicated. Only masters of a game, perfect slaves to that project, are in a position to establish conventions which better serve its essence. This is why deep revolutionary changes can result from attempts to conserve a project, to take it back to its idea, keep it in touch with its history.<sup>35</sup>

There is a perhaps unexpected coincidence that the name Buddhadasa (for which a closer transcription from the Thai would be Phuttathat), translates as ‘slave to the Buddha’. Taking these passages and Khunying Amphorn’s together, we can read her claim not as offering an idiosyncratic, dubious understanding of Buddhism, but as a declaration of faithfulness to the Buddha’s teaching, and a recognition of the implications of faithful attention to them. Put otherwise, proclaiming her faithfulness to these teachings is simultaneously claiming the position—a slave to the conventions, to the teachings of the Buddha—from which one can see how to change them for the better. Her claim, however, is not simply that the impetus for changes to Thai sociality comes from the horizontal plane of forms of life—that the conventions call for their own alteration or revision. She anticipates, or echoes, a concluding thought from Cavell along this line of thinking, in which he writes, “Underlying the tyranny of convention is the tyranny of nature.”<sup>36</sup> What I see here is that Khunying Amphorn is not pointing out how exiting social conventions could be more efficient or expeditious or pleasing, but rather that, given slavish attentiveness to the teachings of the

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34. Cavell, *The Claim of Reason*, 120.

35. *Ibid.*, 120-21.

36. *Ibid.*, 123.

Buddha, it is the recognition of our nature as humans that calls for the revisions she promotes under the name of human rights. This is a direct extension of the kind of claim that Buddhadasa himself makes of his reading of the *Visuddhimagga*. In either case, the nature of the change Buddhadasa or Khunying Amphorn seeks is in the direction of conversion—conversion to a picture of the human that is emphatically egalitarian. Before exploring that further, however, there is a second sense in which Khunying Amphorn’s position departs from mainstream Thai Buddhism.

In this second way, it is not at all clear on the conservative view of Thai Buddhism that ‘we are all human’ holds in any straightforward way. To get to the heart of this, we need to visit a different moment in Thailand’s history, in which a reactionary (but officially sanctioned) variant of Buddhism was the inspiration for the massacre of students protesting the return to Thailand of a disgraced, and recently exiled, cabal of authoritarian leaders ousted in 1973. During the early 1970s, the very time when many of the first NHRC commissioners and bureaucratic support staff were students forming their political dispositions, or professors at Thammasat University, Phra Kittiwuttho Bhikkhu was rising to prominence both within the monkhood and with lay Buddhists. He did so with the repeated message that Buddhists should kill leftists, and I suggest that it is from his sort of widely-accepted view of the human, and of the killable human, that members of the NHRC seek conversion. I have summarized this previously along the following lines: Kittiwuttho broadcast his view that killing communists was a net merit-making activity in speeches and interviews, repeatedly defending this view against criticism. His opening argument was that those who threaten the Thai nation, Buddhism or monarchy personify Mara (the Evil One), which makes it the duty of Thai Buddhists to kill these part-human beings. As killing a fish to contribute to the monk’s alms bowl, so killing leftists, asserted Kittiwuttho, brings merit to the killer.<sup>37</sup>

An interview he granted the magazine *Jaturat* in June, 1976, captures his thoughts especially clearly. When asked whether killing leftists or communists resulted in demerit, he replied, “Thai, even though we are Buddhist, should do it, but it should not be regarded as killing persons, because whoever harms the nation, religion, and monarchy is not a whole person. That means we do not intend to kill persons

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37. Selby, *Human Rights in Thailand*, 24.

but rather Mara. That is the duty of all Thai. Killing people for (the sake of) the nation, religion and monarchy is meritorious, like killing a fish to make curry to put in a monk's bowl," (my translation).<sup>38</sup> Responding to criticism, Kittiwuttho took recourse to Buddhist doctrine to defend his position: "I still hold the opinion that killing communists is not demeritorious. This is because for an act to be considered as killing and thus resulting in demerit it must fulfill the following conditions. First there must be an intention (cetana). Second, the animal must have life (pana). Third, one must know that the animal has life (panasannita). Fourth, one must intend to kill (vadhakacittan). Fifth, one must act in order to kill (upkano). Finally, the animal must die by that act (tenamaranan)."<sup>39</sup> Equivocating on the justness of killing communists and leftists, he continued, arguing that what he really meant was that Thai Buddhists should attack leftists ideologies: "Communism is a complex compound of false consciousness, delusion, greed, jealousy, malevolence and anger. It is not a person or a living animal. Thus killing communism is killing ideology."<sup>40</sup> In 1977, however, he seemed to "double down" on his earlier claim, and abandon the idea of killing only an ideology when, in a speech commemorating the founding of the Buddhist order, he admonished his audience of monks to "Let us take today as an auspicious moment to declare war on communists. Let us determine to kill all communists and clean the slate in Thailand. The Thai must kill communists. Anyone who wants to gain merit must kill communists. The one who kills them will acquire great merit."<sup>41</sup>

Kittiwuttho's preoccupation in all of these passages is whether, according to Buddhist doctrine, killing communists improves one's merit (*kamma*). He concludes that doctrine shows that it does. It strikes me as clear that his evasion—saying that he wishes only to execute ideology—is not what he took to be at stake. As I understand it, "If the communists on whom he rallies Buddhist Thai to declare war and eliminate

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38. Cited in Selby, *Human Rights in Thailand*, 25. Kittiwuttho is by no means alone in mobilizing such ideas of the human and the partially-human-as-killable in the service of Buddhist nationalism. Comparable rhetorical moves advocating Buddhist nationalism have facilitated slaughter in Sri Lanka and Burma, as well. (See Tessa J. Bartholomew, *In Defense of Dharma: Just-War Ideology in Buddhist Sri Lanka* (London: Routledge, 2002); Gananath Obeyesekere, *The Work of Culture: Symbolic Transformation in Psychoanalysis and Anthropology* (Chicago: The University of Chicago Press, 1990), 167-74; Selby, "Experiments with Fate," *Wording the World*, 136-137; Selby, *Human Rights in Thailand*, 159, n.23; Stanley J. Tambiah, *Buddhism Betrayed?: Religion, Politics, and Violence in Sri Lanka* (Chicago: The University of Chicago Press, 1992), 1, 86-87.

39. Cited in Somboon Suksamran, *Buddhism and Politics in Thailand: A Study of Socio-Political Change and Political Activism of the Thai Sangha* (Singapore: ISEAS, 1982), 152.

40. Cited in *ibid.*, 153.

41. *Ibid.*

completely (in order to gain merit) are like the fish he suggests killing for the curry you would put in a monk's bowl (to gain merit), then in fact he advocates killing actual, living persons and not abstractions, just as he advocates giving actual, not abstract, curried fish to monks. Kittiwuttho called on Buddhism to justify large-scale murder but denies that the dead are, in fact, fully human."<sup>42</sup> For my present purposes, the central issues are Kittiwuttho's concerns with specific pictures of the human and near-human, and with merit. Both Buddhadasa and the figures I cite from the NHRC contest both of these foci; both the picture of the human and the obsession with merit.

Saneh, the chair of the NHRC, recognized that, although he considered Buddhism an innovative social reform movement, it is also vulnerable to dogmatic maintenance of "the status quo and the powers that be, instead of humankind, which is the central purpose of Buddhism. There would be a further danger in that it could even degenerate into becoming a coercive and oppressive instrument, instead of promoting *Path* towards human liberation [...]. If such is the case, Buddhism...would need its own transformation to be of true service to mankind."<sup>43</sup> Originally drafted in 1979, it is hard not to read this as an indictment of Kittiwuttho's contemporaneous theo-politics. Calling for a kind of renovation of Buddhism wherever it has become a dogmatic, coercive agent of the status quo, sees, first, human rights as an opportunity to recognize the coercive dogmatism of Kittiwuttho's sort emerging in the predominant form of Thai Buddhism. As Buddhism grounds human rights, human rights provide the occasion for its transfiguration. Second, where Kittiwuttho argues for the maintenance of a particular *form* of life (a religio-monarchical nation that faces the standing threat of leftist ideologies), Saneh positions Buddhism in the service of a form of *life* (humankind). This distinction bears within it a difference in emphasis between official Buddhism's emphasis on merit (which preserves the status quo of a stratified society, on the conviction that, in essence, you get the life you deserve as determined by *kamma*), and Buddhadasa's, and his followers', on nirvana. This,

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42. Selby, *Human Rights in Thailand*, 26.

43. Saneh Chamarik. *Buddhism and Human Rights* (Bangkok: Office of the National Human Rights Commission of Thailand, 2002) [เสน่ห์ จามริก. พุทธศาสนากับสิทธิมนุษยชน (กรุงเทพฯ: สำนักงานคณะกรรมการสิทธิมนุษยชนแห่งชาติ, ๒๕๔๕)], 60.

again, entails a focus for Buddhism on the world *here and now*.<sup>44</sup> To bring out the implications of this difference in orientation (between absorption with the maintenance of a specific social order, defended by a doctrinal emphasis on *kamma*, and the contesting focus on the human, defended by a doctrinal emphasis on *nibbana*), I rely on a passage from Cavell's *This New Yet Unapproachable America*:

I have suggested that the biological interpretation of form of life is not merely another available interpretation to that of the ethnological, but contests its sense of political or social conservatism. My idea is that this mutual absorption of the natural and the social is a consequence of Wittgenstein's envisioning of what we may call the human form of life. In being asked to accept this, or suffer it, as given for ourselves, we are not asked to accept, let us say, private property, but separateness; not a particular fact of power but the fact that I am a man, therefore of *this* (range or scale) of capacity for work, for pleasure, for endurance, for appeal, for command, for understanding, for wish, for will, for teaching, for suffering.<sup>45</sup>

We can see how the ordinary, in its connection to forms of life, also has available within it these contesting possibilities. An important aspect of the appeal to the sort of Buddhism that Buddhadasa offers is its doctrinal rigor, which allows it to be recognizably faithful to the *Visuddhimagga*. That is, it is ordinary, even as it is non-conformist. The ordinariness of founding human rights in this sort of Buddhism is a crucial aspect of its potential appeal to Thai Buddhists. Buddhadasa's doctrinal position opposed the sort of eternalism that he saw in mainstream Thai Buddhism: an eternal soul fluctuating between merit and demerit. He promoted, instead, an immanentism that sees *nibbana* as, in principle, attainable at any moment, given that it was the original condition of the mind.<sup>46</sup> It is, then, a careful reading of the canon that leads Buddhadasa to a novel, but rigorously canonical model of egalitarian

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44. On this emphasis in Buddhadasa's work, see Stanley J. Tambiah, *World Conqueror and World Renouncer: A Study of Buddhism and Polity in Thailand Against a Historical Background* (Cambridge: Cambridge University Press, 1976), 411.

45. Cavell, *This New Yet Unapproachable America*, 44.

46. Buddhadasa Bhikkhu, *Paticcasamuppada: Practical Dependent Origination*, trans. by Steve Schmidt (Bangkok: Thammasapa, 1992), 51-52; Tambiah, *World Conqueror and World Renouncer*, 412; Jackson *Buddhism, Legitimation and Conflict*, 137.

Buddhism. That these resources for reformation are available within the ordinary – are themselves ordinary – does not make them any less unsettling for those Thai steeped in the merit-oriented model of Buddhism. Cavell helps understand why this is in the following way:

Sharing the intuition that human existence stands in need not of reform but of reformation, of a change that has the structure of transfiguration, Wittgenstein's insight is that the ordinary has, and alone has, the power to move the ordinary, to leave the human habitat habitable, the same transfigured. The practice of the ordinary may be thought of as the overcoming of iteration or replication or imitation by repetition, of counting by recounting, of calling by recalling. It is the familiar invaded by another familiar. Hence ordinary language procedures, like the procedures of psychoanalysis, inherently partake of the uncanny.<sup>47</sup>

### Turning the Ordinary

If the ordinary alone has the power to move the ordinary, a consequence is that moving the ordinary is liable to have the character of the uncanny, disrupting the texture of life. In the case at hand, human rights are not disorienting or nebulous or difficult to pin down completely and with precision because they are foreign impositions (though this could be how human rights enter a polity). Saneh and Khunying Amphorn went to lengths to demonstrate that human rights are already available in Buddhism (and, in consequence, that human rights may turn Buddhism). The work of bringing to the surface what is latent in Buddhism, then, is the work of generating a turn within Buddhism (the turn available not in *normalizing*, merit-oriented Buddhism, but in the *ordinary*,<sup>48</sup> marginal reading Buddhadasa offers), and this turn rests on a focus on the human form of life, rather than a focus on the horizontal plane

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47. Cavell, *New Yet Unapproachable America*, 47.

48. Thomas Dumm offers a careful reading of Cavell and Foucault to contrast the normal and the ordinary, considering the normal as coercive, pressing conformity, while the ordinary offers the promise of the unexpected, interruptive, of non-conformity. See Dumm, *A Politics of the Ordinary* (New York: New York University Press, 1999), ch.1.



of cultural difference or cultural integrity. This is a particular manifestation of the ordinary invaded by another ordinary. There is a further implication of this uncanniness of the ordinary. Cavell reflects on Wittgenstein's connection of language and form of life—and of learning them together—in *The Claim of Reason*.

In 'learning a language' you learn not merely what the names of things are, but what a name is; not merely what the form of expression is for expressing a wish, but what expressing a wish is; not merely what the word for 'father' is, but what a father is [...]. In learning language, you do not merely learn the pronunciation of sounds, and their grammatical orders, but the 'forms of life' which make those sounds the words they are, do what they do [...]. And Wittgenstein sees the relations among *these* forms as 'grammatical' also.

Instead, then, of saying either that we *tell* beginners what words mean or that we *teach* them what objects are, I will say: We initiate them, into the relevant forms of life held in language and gathered around the objects and persons of our world.<sup>49</sup>

In the case of human rights in Thailand, the NHRC and its supporting bureaucracy had the task of introducing a concept, and a series of practices, that were wholly unfamiliar to most Thai. We can think of their articulating human rights with and through Buddhist concepts as some specific inversions of the process Cavell describes. With respect to Buddhism, Thai human rights commissioners already enjoyed a form of life, and so, rather than being initiated into a form of life that included human rights, they were undertaking a process of initiating human rights into the form of life they shared. In explaining human rights as a hitherto secret, or invisible feature or facet of Buddhism, they were placing the emphasis on form of *life*, suggesting that humans were slightly, but decisively otherwise than conceived by the accepted view of official Buddhism (stressing merit and conformity).<sup>50</sup> They were, instead, reading out

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49. Cavell, *Claim of Reason*, 178.

50. It is worth noting, in passing, that two other influential innovations within Thai Buddhism, the Wat Dhammakaya and the Santi Asoke movements, while at variance, and to different degrees in tension, with the sangha, are nonetheless highly normalizing, conformist movements quite at odds in doctrine and practice from Buddhadasa. For a consideration of these movements in relation to Buddhadasa, normalization, and conformism, see Selby, *Human Rights in Thailand*, 27-32.

the implications that their (Buddhadasa-influenced) picture of the human had for Thai *forms* of life—that is, how an adjusted picture of the human demanded adjustments in social relations of the sort human rights propose.

My aim here has been to explore how Cavell's writing on Wittgenstein's notions of form of life brought into sharp relief specific aspects of Thai human rights advocates' efforts to describe, explain and work with human rights in the earliest moments of their formalization institutionally, conceptually, discursively and practically at the beginning of the 2000s. A straightforward cultural, or horizontal, reading of human rights' emergence in Thailand was part of my larger project (for example, describing how the risk of losing face, or of using or endangering status networks motivated particular tactics by human rights advocates and responses from different officials). Remaining on the horizontal plane, however, would have missed the nature of commissioners' and other human rights advocates' employment of Buddhism as a way of articulating human rights as already available, and the corresponding intervention within Buddhist teaching that human rights enabled. That is, raising human rights as latently available in Buddhism not only provides an ordinary language for human rights (allowing a presentation of them, in turn, as ordinary, if hitherto unnoticed), but also spurs a turn within Buddhism to a marginalized reading of doctrine that rigorously defends a distinctive picture of the human—a picture entailing egalitarian sociality that contests conformity to the stratified society deriving from the merit-oriented model of official Buddhism. This invasion of the ordinary by another ordinary, the uncanny interruption of the normal, the status quo, emerges most clearly in its specific character and consequences through attentiveness to form of *life* in ways elusive to analysis that remains on the horizontal plane.