

Equality of Life: Thinking With Multi-Species Relationships in Taiwan

by

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Graduate Program in Religion
Duke University

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Dissertation submitted in partial fulfillment of
the requirements for the degree of Doctor
of Philosophy in the Graduate Program in Religion in the Graduate School
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2019

ABSTRACT

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Abstract

Since its founding in 1993, Taiwan's Life Conservationist Association (LCA) advocates for laws supporting the "equality of life" as an alternative to "human equality." According to European Enlightenment liberalism, "human equality" stems from the distinctly human capacity for rationality endowed by a creator, a reflection of a three-part ontology that separates humans from their creator and from the rest of creation. As this dissertation demonstrates, liberal humanism reproduces this three-part ontology as the distinctly separate domains of the religious, the (human) secular, and the natural. In contrast, Shih Chao-hwei, the Taiwanese Buddhist nun who co-founded LCA, asserts the equality of life stems from the capacity of all sentient beings to suffer. She rejects the entire Christian liberal cosmology, denying the existence of any eternal creator and only recognizing a distinction between sentient and insentient beings.

Based on a total of two years of multi-species ethnographic field work conducted from 2015 to 2018, this study examines how LCA and its allies promote the equality of life as an alternative to human equality in Taiwan. The study responds to (1) recent post-colonial scholarship that demonstrates how colonial powers used the institutions of religious freedom and the separation of church and state to subjugate non-Christian teachings and (2) recent scholarship in political ecology that demonstrates how concepts of nature and naturalism denied alternative ontologies of life. In response to these

critiques, I put Han teachings such as Buddhism on equal terms with sciences such as conservation biology, as well as the traditional knowledge of the indigenous minorities who have largely converted to Christianity.

As an ethnographic example of Taiwan's indigenous peoples, I examine how the Tayal people are responding to a conservation law drafted by LCA as part of the colonial policies of the liberal state. The Tayal contend that unlike the Buddhist method of protecting life which prohibits killing, the method of protecting life in their own traditional law called Gaga is expressed through hunting. They resist both liberal policies that denied indigenous people's full human equality and restrictive hunting policies based on LCA's Buddhism-inspired equality of life. Yet, the Tayal also ally themselves with Christian churches and the global indigenous rights movement so that their arguments to restore Gaga are expressed in terms of the liberal institutions of human rights. The central argument of the dissertation is that, to resolve political disputes over the equality of life, Buddhists and indigenous peoples are both forced to appeal to and reinforce institutions based on human equality, institutions by which both were suppressed. Rather than accepting liberal narratives that frame questions of ecology in terms of competing human rights, this dissertation invites scholars to recognize liberalism as a product of Christian theology and to consider alternative notions of the ontology of life not simply as religions or forms of traditional ecological knowledge, but as contested but viable legal alternatives to liberalism.

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Introduction

1.1 Background

Several months after the publication of his book *Beyond Religion* in 2011,¹ the Dalai Lama tweeted “I am increasingly convinced that the time has come to find a way of thinking about spirituality and ethics beyond religion altogether.”² In the book, he proposes that religion is too parochial in a globalizing world, and he argues we need “a new secular approach to universal ethics.” He makes it clear that his intention is not to “make more Buddhists.” Rather he is interested in promoting inner values, as modern education focuses too much on materialism. At the core of his project of secular ethics is compassion combined with discernment. The book teaches several meditation and contemplation techniques. He argues that these can be secular too, suggesting that secular people can practice without reference to religious objects, while a person with religious inclinations may focus on a crucifix or Buddha. His friend Richard Davidson has done neuroscience research that shows compassion meditation produces changes in the brain and increases charitable giving, so he hopes that these techniques can be taught in schools.

¹ Bstan-dzin-rgya-mtsho, Dalai Lama XIV. *Beyond Religion: Ethics for a Whole World*. Boston: Books/Houghton Mifflin Harcourt, 2011. My translation. Origin Chinese: 就在達賴喇嘛淺白卻奧義深蘊的字裡行間，如沐春風般地領受萬殊一本的法要洗禮後，我懷著喜悅把這本書介紹給所有讀者。

² Dalai Lama, Twitter post, June 13, 2012, 2:12 AM.

<https://twitter.com/dalailama/status/212834857208905729?lang=en>.

While many people may embrace the Dalai Lama's suggestion, there are many others that may say his suggestions are nothing more than covert Buddhism, and as these suggestions are written by someone who may be the most recognizable Buddhist in the world, they are not even so covert. I do not doubt that the Dalai Lama is sincere about the universality of these proposed values, just as I do not doubt the sincerity of Christians who support universal, God-given human rights. There is, however, a difference between these two forms of universal values in that human rights have been integrated into the international system, as well as the fundamental laws of many constitutional democracies. They are part and parcel to the public domain, and are freely taught in schools. If human rights represent a historically contingent expression of Christian values, as I intent to demonstrate they do, then the particular form of Christian values they represent receive greater freedoms than other types of values. Does the Dalai Lama recognize in proposing to go "beyond religion" that the category of religion actually constrains religious teachings rather than makes them free? Does his suggestion for universal inner values represent only the "universal" from the perspective of his particular Buddhist cosmology, just as human rights may represent the "universal" only from the perspective of a certain Christian cosmology? Does his interest in going "beyond religion" represent an idea to go beyond the constraints that the foreign category of religion placed on Buddhism? His writing does not sufficiently answer these questions, but it certainly opens a space for discussion about these questions.

What drew my attention to this book is that it was translated into Chinese for a Taiwanese audience and endorsed by the sitting president of Taiwan. On the back cover of the Taiwan version, juxtaposed with a Chinese version of the Dalai Lama's exhortation to go beyond religion,³ future president Tsai Ing-wen wrote, "Just within the space of these simple but deeply profound words, after receiving the ten-thousand jewel baptism in the essentials of the Dharma, as if bathed by the spring wind, I am filled with joy to introduce this book to all readers."⁴ Tsai not only endorsed the Dalai Lama's suggestion to go beyond religion, but she even couched her endorsement of the book in ornate Buddhism-inspired language.⁵ Yet, seven years later, having been elected president of Taiwan, she appointed Taiwan's first Ambassador-at-Large for Religious Freedom to emulate the U.S. position of the same name, donated 200,000 USD to the U.S.

³ My translation of the line attributed to the Dalai Lama on the back cover is: "The longer I live, the more I think about humankind's successes and problems, so that I more strongly believe we need to find a way of thinking that completely transcends religion." The quote does not include a citation, but the Dalai Lama's tweet cited above resembles what may have been the Dalai's Lama's original quote before translation to Chinese. Original Chinese: 活得愈久，逾常思索人類的成就與問題，我就更堅信，我們必須找到一種完全超越宗教的思考方式。

"The longer I live, the more I think about humankind's successes and problems, so I more strongly believe we need to find a way of thinking that completely transcends religion." Dalai lama

⁴ Bstan-dzin-rgya-mtsho, Dalai Lama XIV 達賴喇嘛, and Alexander Norman 亞歷山大諾曼, Chaoyue: Shengming Xingfu Zhi Dao 超越：生命幸福之道 [Beyond Religion: Ethics for a Whole World], trans. Zhang Xiu-yun 張琇雲 (Taipei: Shibao chuban 時報出版, 2012).

⁵ The reference to baptism does not seem to reflect Buddhist language with which I am familiar, and holds a Christian connotation. However, the references to the ten-thousand jewel Dharma does seem quite Buddhist. In any case, the statement clearly shows deep reverence for the Dalai Lama's teachings, and overall, it still reads as if Tsai intended to pay homage with Buddhism-inspired language.

Department of State's International Religious Freedom Fund,⁶ and held the Taiwan International Religious Freedom Forum,⁷ fulfilling a commitment made at the U.S. Ministerial to Advance Religious Freedom. To represent Taiwan's overwhelming Confucian, Buddhist, and Daoist culture, she chose a Presbyterian minister to serve as the Ambassador-at-Large, and held the Taiwan International Religious Freedom Forum at a Presbyterian Bible college. Clearly, Tsai responds to her Asian ally, the Dalai Lama, on his terms, and responds to her American ally on its terms. In pragmatic terms, the support of her two allies may not conflict, but ultimately, Tsai's actions on religious freedom entrench liberalism and the associated Christian view of religion, while the Dalai Lama proposes to go beyond religion.

This hybrid approach to foreign policy reflects Taiwan's overall relationship to the category of religion. After more than a century since foreign powers imposed the political logic of religion on East Asia, Taiwan is still experimenting on how to import

⁶ In a March 12, 2019 press release, Tsai announced the appointment of Pusin Tali, President of the Yu-Shan Theological College and Seminary, to the post of Ambassador-at-Large for Religious Freedom, as well as the 200,000 USD donation to the U.S. Department of State's International Religious Freedom Fund. "Taiwan Appoints First Ambassador at Large for Religious Freedom, Makes Donation to U.S. International Religious Freedom Fund Makes Donation to Us International Religious Freedom Fund," Public Diplomacy Coordination Council, March 12, 2019,

https://www.mofa.gov.tw/en/News_Content.aspx?n=1EADDCFD4C6EC567&s=BE1DA001F6650D0B.

⁷ The Taiwan International Freedom Forum was an Asian Pacific regional meeting held May 30-June 1, 2019 and modeled after the U.S. State Department's Ministerial to Advance Religious Freedom. The Taiwan Declaration, a document corresponding to the U.S. State Department's Potomac Declaration, was aimed at the illiberal policies of the People's Republic of China, subtitled Declaration of Uyghur Religious Freedom. Taiwan International Freedom Forum accessed June 23, 2019, <http://tirff.org/>.

the category into its own system. While its constitution guarantees the freedom of religious belief, the government increasingly uses government funds and regulations to provide support to religious organizations, religious schools, and religious education in public schools. Recognizing the increasing state involvement in religious affairs, in 2017, the Taiwanese political scientist Kuo Cheng-tian began to use the term *neosacred states* to represent both present-day Taiwan and China, harkening back to an imperial China in which no separation of church and state existed. The paradox is that, in a period of increasing entanglement between the state and religion, Kuo also notes that the U.S. State department's annual International Religious Freedom reports on Taiwan have provided "nothing but adulation for full religious freedom."⁸ In many ways, successfully integrating European Christianity-based liberalism with the Chinese system of integrating rather than separating multiple teachings, or "jiao" 教, is itself a testament to the Chinese imperial approach to jiao, but it may also implicitly circumvent and negate the separation of church and state.

Taiwan presents itself as a champion of religious freedom and human rights, courting the United States and distinguishing itself from mainland China, but its native teachings also present alternatives to these liberal systems. The basic principle underlying Enlightenment liberalism is Lockean human equality, and that principle

⁸ Kuo, "Sacred, Secular, and Neosacred Governments in China and Taiwan," 13.

provides the foundation for international norms, liberal democracy, Taiwan's constitution, and the ideological justification for U.S. hegemony in the present day. However, Taiwanese Buddhism offers another form of equality, the "equality of life." Perhaps the most vocal defender of this Buddhist teaching is Shi Chao-hwei, a Buddhist nun and activist who inspired and co-founded the organization Life Conservationist Association (LCA). Chao-hwei rejects the Christian notion of natural rights—the God-given rights proposed by John Locke and his ideological successors. In fact, based on the Buddhist teaching of dependent arising, she rejects the existence of God. According to the logic of dependent arising, all things arise according to causes and conditions. For Chao-hwei, the idea that God created the universe leaves open the question of what the causes and conditions were that formed God. The idea that God is eternal and unchanging fails Chao-hwei's test of dependent arising, because it would mean God was not subject to causes and conditions. If Buddhist teachings such as Chao-hwei's tend to reject God, how can Buddhism be protected by religious freedom, the universal God-given right promoted by the U.S. State Department? I argue not simply that Christianity and Buddhism are different religious beliefs, but that they are two teachings that stem from incommensurable cosmologies and that the liberal international order is built on a prototypically Christian or liberal cosmology.

In the Christian cosmology that formed in premodern Europe with reference to Biblical verse and Greek classical thought, God created the universe. Humankind was

part of the universe that God created, but humans had a special place in the universe because God gave them dominion over the rest of nature. According to European scholars such as Thomas Aquinas, René Descartes, and John Locke, humans had a special place in this cosmos because they were the only creatures with a rational soul. This rational soul had the capacity to transcend creation, survive death, and commune with God. Thus, the rational soul was between heaven and earth—between God and creation—in a way that created a three-part ontology. European Christians expressed this three-part ontology as creation, human, and Creator. As liberal philosophers developed a secular cosmology, they reimagined these parts as nature, human, and the supernatural without fundamentally changing the three-part structure. While there were variations in the terminology, the three-part ontology became the basis for organizing knowledge and creating political systems. In particular, Descartes claimed that everything lacking rationality functioned like the clockwork of machines. Lacking rationality, nonhuman animals were as mechanistic as clocks, and the next worst error to denying the existence of God was to regard the soul of humans and the soul of animals as identical. While Descartes' philosophy is broadly credited with forming the basis of empirical science, it also embedded the Christian cosmology in scientific practice. Locke extended this philosophy into the political sphere, so that rationality formed the basis of human equality and human rights and separated humans from the rest of creation. By claiming that religion was not the state's but the individual's to define, he separated the

domain of God from the secular domain of the state. James Madison's American model separated the church and state even more completely. The domain of humans was protected by the state through the doctrine of human rights, the domain of God was separated from the state in the form of the church, and the domain of nature was bare matter, unprotected and available for human ownership and exploitation.

This cosmology has changed over the years, but the underlying elements have remained roughly the same. In terms of the divide between humans and nature, the romantic movement valued nature but maintained its separation from humans. The sustainability movement has recognized that humans depend on nature, or are interdependent with the environment, but the movement has not recognize the unalienable rights of individual nonhuman animals in the environment in the way that human rights recognizes the unalienable rights of humans. In terms of the domain of God, new teachings have been added to the category of religion, even ones such as Buddhism that frequently deny the existence of God, but with an implicit assumption that some distinction between the secular and the religious—or the mundane and the divine—actually exists. Additionally, even as the reference to God may have been eliminated in such international agreements as the Universal Declaration of Human Rights, it reappears in the minds and words of those that are most responsible for enforcing the freedom of religion, such as the officials at the United States Office of International Religious Freedom.

Through her scholarship and her activism, Shih Chao-hwei advocates for the teachings of Buddhism within a political system created in the image of a Christian or liberal cosmology. By advocating for dependent arising, she denies the existence of both God and eternal rational souls. In fact, she denies all ontology whatsoever. Nature is not separate from humans, and there is no God from which humans or nature can be separate. For Chao-hwei, at a conventional level, there is a distinction between sentient and nonsentient beings. Sentient beings have the capacity of awareness, which includes the capacity to suffer or feel joy. Whereas Locke builds human equality on the capacity for rationality, Chao-hwei builds the equality of life on the capacity of awareness. Because all animals are aware, they are all equal. This two-part cosmology is incommensurable with the liberal cosmology because nonhuman animals which are part of the domain of nature in a liberal cosmology are pulled into the same domain as humans. While Chao-hwei rejects the existence of God, rational souls, and natural rights, she does accept the language of liberalism and environmentalism at a practical and legal level. She argues that the equality of life demands rights—in the legal sense—for all animals. Additionally, because all things arise from causes and conditions, all things are interdependent. Whereas sentient beings are aware, they are interdependent with and not completely separate from nonsentient beings. As a result, to protect life, the equality of life also demands rights for the environment as well. While the term environment is generally equivalent with nature and includes nonhuman animals, Chao-hwei's

environment excludes all sentient beings, including animals. Thus, Chao-hui rejects the domain of God, and reconfigures the divide between humans and the environment, bringing all animals—both human and nonhuman—into her Buddhist form of equality.

To promote the Buddhist notion of the equality of life, Chao-hwei and her allies needed to employ different strategies at different stages. At the end of martial law and the beginning of democratization, the earliest activism simply needed to assert the legitimacy of the Buddhist teachings in a political system founded on Christian liberal principles, which overtly privileged Christianity. As an opening presented itself just as the martial law period was coming to an end in 1987, Chao-hwei, her collaborator Shih Shing-kuang, and their students in the Hongshi Buddhist Study Group initiated campaigns of resistance against anti-Buddhist sentiment. The movement, which came to be known as the Protect the Teaching campaign, established the Protect the Teaching Team under the auspices of the Buddhist Association of the Republic of China (BAROC). While Taiwan emerged from martial law and experimented with democracy for the first time, the challenge to these Buddhist activists was to at once learn and use the tools of liberal democracy, while espousing a teaching that in the end was incommensurable with the Christian foundations of liberalism. Chao-hwei, Shing-kuang, and their allies thoroughly embraced the freedom of speech and the freedom of religion to defend the legitimacy of their teaching.

The equality of life was not central to the Protect the Teaching campaign, but

rather emerged as a key principle as the Protect the Teaching campaign opened opportunities for new forms of activism. Fighting for parity with Christianity was the first step in opening the possibility for the next stage of activism on equality of life. As new laws began to allow Buddhists and activists to organize outside the quasi-governmental structure of the BAROC, the Hongshi Buddhist Study Group evolved into the Hongshi group of legal entities centered around the Buddhist Hongshi College. Then the 1992 Anti-Fish Hooking Campaign presented an opportunity to go beyond religion. Having received reports of animal abuse from concerned Buddhists, Chao-hwei launched a campaign against a new recreational activity called fish-hooking. Fish hooking was a practice in which customers speared fish in stocked indoor ponds with unbaited hooks. The successful campaign led to the banning of the practice, and led to a strong coalition with the Yanping Rotary Club. As a result, Chao-hwei and members of the Yanping Rotary Club and Hongshi Buddhist Study Group decided to form an organization specifically focused on protecting life. Life Conservationist Association was founded in 1993.

While Buddhist teachings did not separate the secular from the religious, Buddhist activists needed to establish LCA as secular. They recruited Christians sympathetic to their cause to join the founding board of directors, and promoted and translated the work of philosophers, such as Peter Singer and Tom Regan, who were recognized as secular through their inheritance of European Enlightenment traditions.

Rather than directly promoting Buddhist teachings or the teachings of Buddhism's classical interlocutors on protecting life, such as the Jains or the Daoists, LCA turned to the traditions closest to those behind the international global order, minor lines of thought or intellectual strands within European traditions that opposed the dominant views of those same European traditions. Within the current global climate, these lines of European thought lent greater credibility to the claim of secularity than the classical traditions that had been assigned to the category of religion. Access to the domain of secular power and the claim of universality required obfuscating Buddhist identity, while claiming identity with European traditions. However, at the operational level, LCA continued to function seamlessly with the explicitly Buddhist organizations of the Hongshi group.

LCA's mission primarily involved two objectives: to enhance education and to strengthen legislation in the area of protecting life. In the area of education, LCA has produced a variety of media from books to interactive websites, but they have particularly focused educational efforts on promoting classroom materials in the primary and secondary education curriculum. Education is one of the few domains in Taiwan with clear law requiring political and religious neutrality, but religious education has been introduced through a required curriculum called Life Education. While LCA has invested in developing Life Education curriculum and resources, explicitly Catholic organizations and scholars led the development of the official state-

sponsored Life Education materials. Without similar state sponsorship, LCA primarily used teacher continuing education courses and online resources to provide individual teachers the appropriate training and materials to offer Life Education based on the equality of life in their own classrooms.

In the area of legislation, LCA has achieved several notable legislative victories, including the amendment of the Wildlife Conservation Act and the passage of the Animal Protection Act. Prior to the founding of LCA, Taiwan's legal system treated nonhuman animals as resources to be exploited rather than beings with their own rights or value. Most of Taiwan's law was modeled on U.S. or international law, and tended to follow three phases of development from imperialism, to romanticism, and finally, to sustainability. While the latter two phases promoted conservation, they still separated humans from nature, and treated nonhuman animals merely as resources. For example, the 1989 Wildlife Conservation Act was modeled on the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), an agreement negotiated through the International Union for Conservation of Nature (IUCN). CITES and IUCN both treated nonhuman animals as regulated commodities or ecological resources, and Taiwan adopted this model of wildlife management. In amending the Wildlife Conservation Act, LCA and its allies accepted the CITES framework, but used it to expand protections from the perspective of equality of life.

Just like any political philosophy, the equality of life is not without winners and

losers, as its impact on the hunting traditions of indigenous people in Taiwan demonstrates. Constituting approximately 2% of the population of Taiwan, the indigenous people are Austronesian ethnic groups with sixteen recognized ethnic and linguistic identities. They inhabited Taiwan prior to the Han Chinese people that now constitute the vast majority of the population. Han colonizers occupied lowland areas suitable for farming and pushed indigenous people into the mountains. To prevent Han militants from organizing revolutionary forces in the rugged mountain areas, both Japanese Imperial and Nationalist Party governments restricted the extent to which Han people could enter the mountain areas, but allowed foreign Christian missionaries into those same mountain areas. As a result, many indigenous people maintained hunting, gathering, and subsistence agricultural lifestyles until the last several decades of the twentieth century, and a majority of them converted to Christianity in the latter half of the same century. Nationalist Party policies such as a temporary ban on hunting and the National Park Law ignored indigenous people's way of life. After the end to martial law, as LCA moved to restrict hunting through its amendment of the Wildlife Conservation Act, the principle of equality of life threatened the indigenous hunting culture. At the same time, as Taiwan democratized and opened access to mountain areas through building infrastructure and reducing legal barriers for Han people, indigenous people became increasingly concerned with the Buddhist practice of "releasing life" in mountain communities. The practice of releasing life involves liberating captive animals,

but in an increasingly global economy, the captive species that people release are not always the species suitable to the local habitat. LCA does not promote the release of life, but equality of life and the release of life stem from related Buddhist teachings.

Indigenous people often see restrictions on hunting and release of non-native species as linked forms of Buddhist or Han incursions on their way of life, and the Buddhist value of equality of life is implicated in a greater Han colonialism of Christian indigenous people.

Despite the power differential implicated in Han colonialism of Taiwan's indigenous peoples, European and U.S. imperialism has guaranteed that liberal humanism retains the claim to a universal status in modern global politics. In the second half of the twentieth century, it increasingly has disassociated itself from its Christian roots at a rhetorical level, but even at the present moment in history, global leaders in the defense of religious liberty and human rights such as the U.S. State Department resurrect the Christian rhetoric of religious freedom and human rights. This rhetoric reveals that liberal democracy and liberal humanism reproduced Enlightenment Christian theology. This theology not only shaped the secular state but also modes of scientific inquiry, environmental conservation, and the expectations for the structure of religions and churches. As a result, non-Christian teachings consigned to the category of religion must operate in a system designed for Christianity, and monotheism more broadly. The separation of church and state isolates these teachings from the domain of

power, which is occupied by the liberal state, and the freedom of religion protects the interests of Christian believers and churches to proselytize. My goal is not to discredit this Christian liberal system. In fact, non-Christian teachings also benefit from some aspects of the system, such as the freedom of speech and the freedom of religion.

However, I argue that to truly put non-Christian teachings in symmetrical terms with Christian teachings, they must be imagined outside of the Christian-normativity of the category of religion and the power implications that the separation of church and state entails. In so doing, I treat the notion of human equality undergirding Christian liberalism on equal terms with the equality of life derived from Buddhist teachings.

From this perspective, I show that LCA's existence owes itself to the liberalization and democratization of Taiwan's political system, but that its activism to promote the equality of life is consistently constrained by a political system constructed on the foundations of human equality. Even within a Christian liberal system, LCA has achieved some success in shaping the laws of Taiwan, and I also demonstrate how its own successes have constrained the interests of the Christian indigenous people of Taiwan. While the cosmologies of European Christians, Taiwanese Buddhists, and the indigenous people of Taiwan may be incommensurable, by placing them on symmetrical terms with each other, we can do a better job to think about alternative political solutions and compromises that may maximize acceptability to the various parties involved.

1.2 Methods

The primary methods I used are ethnographic as conceived broadly to include not only participant-observation and interviews, but also analysis of the documents, laws, websites, posts on social media, emails, articles, and academic works relevant to the study, especially those textual sources composed by members of the communities under study. I conducted approximately 24 month of intermittent field work between 2014 and 2018. During my field work, I was primarily based in Taipei, near LCA's main office. My participant-observation at LCA consisted of nearly six weeks as a full-time volunteer during the campaign period leading up to the 2016 presidential elections, as well as participation in a variety of other events and activities as opportunities arose. The remaining field work included interviews, site visits, and participant-observation in ordinary life in Taiwan, as well as field work in China, Japan, and the United States. The field work outside of Taiwan informed my understanding of LCA's international connections, the greater animal protection movement in East Asia, and Taiwan's influence abroad, particularly in the area of animal protection and Buddhism. Field work related to indigenous people included overnight visits to indigenous communities in south, central, and north Taiwan, including regular visits to the Tayal community in Chienshih Township, Taiwan. My primary language of interaction was Mandarin Chinese. While Han Taiwanese people speak several Sinitic dialects, and indigenous people speak a variety of Austronesian languages, Mandarin Chinese is nearly universal.

In terms of textual sources, LCA, as an organization, is particularly prolific in publishing newsletters, books, and other media, including a book covering the first twenty years of its history. Many of its members and affiliates, including Chao-hwei are prolific writers or scholars as well, so their published articles and books were valuable textual sources. Actual names are used where consent was provided according to procedures approved by Duke University's Institutional Review Board. Otherwise, I avoid mentioning names or use pseudonyms, as appropriate.

1.3 Chapter Introductions

The dissertation is divided into three parts. Part One focuses on the legal and theoretical categories of religion and jiao, tracing their disparate political characteristics to the cosmologies on which they were built. Part Two elucidates how LCA and their Buddhism-inspired teachings produce political realities through LCA's activism on the equality of life. Part III explores the colonial dynamics of a conflict between Buddhism-influenced Han people and the people of the indigenous Tayal nation over the equality of life and the ontology of nonhuman animals.

Part One includes three chapters. Chapter 1 reviews the history of the category of religion in East Asia with a focus on China and Taiwan. I demonstrate how the teachings of East Asia—including Confucianism, Daoism, and Buddhism, as well as many others—did not initially meet the monotheistic standard for the category of religion, but rather were added to the category of religion to serve the interests of Protestant

Christians in late nineteenth-century Europe. In China, the debates about the category continued into the early twentieth century. The defenders of various jiao claimed either religious or secular status according to what would protect their political interests, while freedom of religion primarily protected Christian interests. I introduce the category of “first religions” for Christianity, Islam, and Judaism, and “second religions” for all other teachings that were added to the category of religion later, and show that their status as religions continued to be contingent on the negotiation of political interests of religious freedom and the separation of church and state.

Chapter 2 extends the argument about the politically contingent status of East Asian teachings to present-day Taiwan. Taiwan continues to experiment with religion, as it recently eliminated any standard for defining religion and is still in the process of passing a religious organizations law. Despite a constitutional guarantee of the freedom of religious belief, the government explicitly favored Christianity and suppressed Buddhism and Daoism. Furthermore, even though Confucianism shares a cosmology with Daoism and, to a lesser extent, Buddhism, neo-Confucians were successful in making a rhetorical argument that Confucianism is secular, so that it could be placed in the center of the structure of the state. I argue that a Confucian approach to jiao emerged within a state that officially embraces liberalism, and that the Lockean system is likely to open religious organizations to corruption without some normative definition of religion.

Chapter 3 builds on the problematics associated with the category of religion in Taiwan by introducing an approach to teachings based on cosmology. By examining the cosmological structure of Christianity, particularly as it was understood in the European Enlightenment, I show that the category of religion was developed in reference to a monotheistic cosmology. By comparing John Locke and Shih Chao-hwei, I show how a Christian liberal cosmology leads to human equality, and a Taiwanese Buddhist cosmology leads to equality of life. While this result may only be evident if we suspend our belief in the category of religion, the impacts extend well-beyond the category of religion to the human relationship with nonhuman animals and nonhuman things. As an alternative political structure to Lockean liberalism, I introduce the rights of nature movement and Chao-hwei's case for animal rights and environmental rights.

Part Two examines how the equality of life functions in Taiwan. Chapter 4 tells the story of how LCA emerged just as government policies suppressing activism came to an end. The chapter outlines the existing legislation on animals in Taiwan to establish that, prior to LCA, the legislation related to animals followed international models that treated nonhuman animals as resources. The chapter also recounts Chao-hwei's Protect the Teaching movement to demonstrate how the first step toward promoting the equality of life involved asserting the legitimacy of Buddhism in a system that privileged Christianity. I show how LCA operated in a system of liberalism to establish an alternative form of equality by recruiting Christian and secular allies in European

traditions to establish its political legitimacy, while disassociating itself with its Buddhist roots.

Chapter 5 examines the education component of LCA's mission. LCA takes credit for introducing the modern animal protection movement to Taiwan, and has published a variety of multi-media educational material. However, LCA and its allies aim to gain a foothold in the compulsory education curriculum to move toward universal education about the equality of life. Liberalism, in the form of human rights and related topics, is already a part of the compulsory curriculum, as is Confucianism. However, I show how historical preferences for Christian liberal teachings have allowed Catholic organizations to receive government sponsorship to create a new Life Education curriculum focused on humans, while LCA's Life Education curriculum which focused on nonhuman life as of yet has failed to receive similar sponsorship to gain a place in the compulsory curriculum.

Part III examines the legislative component of LCA's mission and tells the story of the encounter between the Tayal people and Han policies of equality of life. Chapter 5 introduces the Chienshih Township community where I conducted my ethnographic case study on the effect of the equality of life on indigenous peoples. The Japanese were the first to colonize Taiwan's indigenous mountain people in the first half of the twentieth century, at which time, they also classified a diverse group of watershed-based communities as a single Tayal ethnolinguistic group. Military suppression led to the

collapse of a Tayal cosmology rooted in the practice of headhunting, and during the following decades, the majority of Tayal people converted to Christianity. I tell the story of how the Tayal are building a national identity and restoring their traditional teaching of Gaga through integrating it with Christianity. I show how local variations of Gaga offer a set of tools for building a common national Gaga and how a Gaga that recognizes an alternative form of equality of life compatible with Christianity is emerging at the national level.

Chapter 6 examines how the equality of life and one of LCA's earliest legislative successes—an amendment to the Wildlife Conservation Act—affects the Chienshih Township community. LCA's amendment expanded the protections of wildlife in some areas, but it also largely inherited the structure and standards of the international wildlife conservation system. This system failed to recognize and protect the interests of indigenous peoples, and propagated colonial liberal humanist policies that failed to recognize the full human equality of indigenous peoples. The Tayal people protect life through the act of hunting, but the Wildlife Conservation Act subjected indigenous people to prosecution for their traditional hunting practices. In contrast, Buddhists and Buddhism-inspired groups protect life by liberating nonhuman animals through the “release of life” ceremony, which indigenous people criticize for upsetting the balance of their ecosystem. While indigenous peoples were initially denied human rights, indigenous people now turn to indigenous rights as a mechanism to protect and restore

their traditional systems. I show how LCA, Taiwanese Buddhists, and indigenous people, all must turn to the liberal institutions by which they were initially suppressed to make a case for the alternative ecologies and alternative ontologies of life that they support.

In conclusion, I argue that the equality of life reframes ecological debates from questions of competing human rights to a question of how to protect all life. Even if indigenous people may hold concerns about the Buddhist version of equality of life, both Buddhists and indigenous people are committed to protecting life. The conflict with the indigenous people in the mountains of Taiwan is just one case of how the equality of life has impacted both human and nonhuman animals. Many controversies over animal protection still exist within Han society as well, but regardless of which side of an issue anyone person may stand, the political reality is that the animal protection movement has established itself as an influential political interest. As the animal protection movement presents the equality of life as a secular universal value, its future viability as an alternative to human equality may depend on whether the animal protection movement is successful in integrating the equality of life into the compulsory curriculum so that it will become a presumed universal value for the next generation.

Part One

Chapter 1. Teachings: Religion, War, and Colonization

1.1 Background

In this chapter, I show how the category of religion was developed according to particular conditions in early modern Europe in order to respond to warring Christian factions, reconfigure power relationships, and subjugate doctrinally-differentiated Christians. The concept of religious freedom originated in the same early modern European cultural milieu to accommodate different forms of mono-theistic religions under the rule of a single state, but in the colonial context, religious freedom served as a tool to compel non-Christian states to allow Christian missionary activities. Major teachings in China rarely went to war over doctrinal differences, but more often than not, integrated with each other in a variety of creative ways. These teachings did not neatly fit the definition of religion that relied on a Christian prototype as a model. This chapter focuses on law, because that is how China, and later Taiwan were forced to respond to the new category of religion. In 1993, Talal Asad argued that “from being a concrete set of practical rules attached to specific processes of power and knowledge, religion has come to be abstracted and universalized. In this movement we have not merely an increase in religious toleration, certainly not merely a new scientific discovery, but the mutation of a concept and a range of social practices which is itself

part of a wider change in the modern landscape of power and knowledge.”¹ Asad’s trenchant analysis affected the direction of scholarship on non-Christian religions. By dropping the assumption that religion was a universal element of human society, scholars of East Asia have created a genre of historical literature about the “invention” of religion in various locations in East Asia. The invention of religions occurred through a variety of colonial processes in different domains of society often linked with the logic of power. Law is a domain not only where religion is explicitly named and defined, but also a domain in which power is articulated. This does not mean that religion does not function in other domains, but because law is a mediator of power, the historical processes that established religion as a category and promulgated it into law also reveal important relationships that continue to shape institutions that may or may not fall into the category.

In this ethnographic study, I do not presume to provide an *a priori* definition of religion. Instead I am interested in how the individuals and communities that are part of this study define it. However, I also recognize that religion is defined differently in different domains. Some scholars have divided religion into specific domains such as Fenggang Yang’s “three major social forces contending to define religion: scholars,

¹ Talal Asad, *Genealogies of Religion: Discipline and Reasons of Power in Christianity and Islam* (Baltimore: Johns Hopkins University Press, 1993), 42-43.

believers, and the government.”² In the current “modern” political regime enforced by hegemonic powers such as the United States and intergovernmental bodies such as the United Nations, the right to religious freedom presumed in documents such as the Universal Declaration of Human Rights compel state governments to protect religion. Whether implicitly or explicitly, they must define it. Scholars in a variety of fields, not least of which religious studies, also propose definitions of religion. Yang’s social force of “believers,” however, does not exhaust the types of people on the ground that encounter religion. “Believers” presupposes belief as a defining characteristic, but the type of people that encounter the concept of religion are much broader than “believers.” Those that do not believe, or do not believe in the notion of “belief” also form the concept of religion. As a high school student reading literature, I was taught to suspend my “disbelief” when reading a novel so that I could fully engage with the fictional story. In this study, I do the opposite: I attempt to suspend my “belief” in the category of religion and let the people and institutions that I study fill in the definition of category for me through their histories and experiences, both institutional and personal. With this approach, we will find that the category of religion is characterized more by incoherence rather than coherence, but it responds to very real power dynamics that are expressed in law. In this chapter, I provide the historical background for the establishment of the

² Fenggang Yang, *Religion in China: Survival and Revival under Communist Rule* (New York: Oxford University Press, 2012), 27.

definition of religion and the related concept of the freedom of religion, and contrast it with the East Asian concept of jiao 教. I separate religion into two types: “first religions” and “second religions.” First religions are the group of religions that emerged as distinct confessional monotheisms during the intersectarian Christian wars of the sixteenth and seventeenth century. Second religions emerged largely in the nineteenth century as a product of colonialism and the negotiation of asymmetrical power relationships. These religions are second not only in chronology but also in status, as granting these religions the status of religion was generally mediated by the interests of Christianity and the state-military apparatus that backed its proselytization. On the other hand, the discourse of freedom of religion is a constantly shifting dialogue that mediates this power relationship, at once enforcing the cosmology of the power holders while acting as a cover for their interests.

In the Asian colonial context in which second religions were invented, freedom of religion was primarily a method of protecting Christian interests in the “uncivilized” nations. The East Asian states adapted the concept of religious freedom as part of their efforts to restore their sovereignty in their asymmetrical relationships with foreign powers. The freedom of religion became a tool to annihilate rather than protect many native teachings and practices. In China, the Nationalist Party could grant the status of religion to teachings that supported it, and deny it to those teachings it considered a threat. Teachings and practices that achieved the status of religion such as Buddhism

and Daoism needed to re-invent themselves to mirror Christianity in order to salvage the salvageable, even while they lost power, property, and prestige. The inventions of universal human rights following World War II established an international standard that served to reinforce the interests of the Judeo-Christian alliance that formed at that time. The global story of religion and its inextricable relationship to asymmetrical power in this chapter provides the transnational context that reveals the logic, or lack thereof, of the religious laws in Taiwan as discussed in the next chapter.

1.2 The First Religions: Definition of Religion and the Separation of Church and State

When Martin Luther posted his Ninety-five Thesis in 1517, he formed a rupture that set forth a chain of events that would lead to a redefining of the term religion and the Separation of Church and State. Essentially, the rupture was one of plurality arising from singularity, not that there was no plurality in the Catholic Church prior to 1517. The tight grip that the Catholic Church held on the Holy Roman Empire had already weakened as early as the thirteenth century, but while greater degrees of autonomy radiated out to the local principalities, Rome was still able to police heresy through an alliance with local authorities. However, the numbers of followers that Protestant leaders such as Luther and John Calvin would draw would overwhelm the capacity of Rome to fully suppress them. Simultaneously, the discovery of the New World in 1492, introduced a separate form of plurality, not in the fracturing of Christendom, but in the

encounter with cultures to which Christendom had no experience. The warfare that ensued in Christendom and the colonial project in the non-Christian world would require a new way of navigating internal politics and a new way of relating to the other.

The etymological roots of the currently ascendant definition of *religio*, the Latin root of religion, traced back to the redefinition of *religio* in the beginning of the fourth century when Rome adopted Christianity as the imperial religion. At that time, Lactantius, a Christian apologist, reimagined the etymology of *religio* received from Cicero. Cicero's etymology of *religio* traced the term to *relegere* or *relegendo*—to re-read or to choose again, in the sense that the tradition of one's ancestors can be re-traced and re-chosen. Thus, inasmuch as Cicero represented the view of *religio* common at his time, the Romans thought that every culture could trace and follow the traditional rituals of their distinct set of ancestors. This concept of *religio* was thus very tolerant from the modern perspective. However, Lactantius refuted Cicero's interpretation of the etymology, and propounded *religio* derived from *re-ligare*, to bind again. In his words, "We are fastened and bound to God by this bond of piety, whence religion itself takes its name."³

Lactantius rejected common practices of worship such as ancestor worship as superstition, and argued that *religio* only referred to re-binding oneself to God. He averred, "religion is a worship of the true; superstition of the false. And it is important,

³ Lactantius is from Lactantius, *Divine Institutes*, trans. Mary F. Translator McDonald (Washington: Catholic University of America Press, 1964), 318.

really, why you worship, not how you worship, or what you pray for ... They are superstitious who worship many and false gods; but we, who supplicate the one true God, are religious.”⁴

European philosophers and theologians transmitted this understanding of *religio* through the centuries to Augustine, who claimed that the true religion *vera religio* arose with Christ, but the Word of God was always present, even in pagan practices. The *vera religio* discourse reached its zenith in fifteenth and sixteenth century Italy. For one prominent neo-Platonic scholar Marsilio Ficino, all worship was for the only true God, but all these forms of worship could be ranked according to its degree of truth. This *vera religio* discourse would be a starting point for the redefinition of religion following the Protestant Reformation and during the European colonial project.⁵

This concept of religion is apparent in early Jesuit contact with East Asia. A Japanese murderer fleeing Japan, Anjirō, met with Francis Xavier (1505-1552), one of the seven founders of the Jesuits, in Malacca in 1547. Anjirō converted to Christianity, described Japanese religion to the Jesuits, and served as an interpreter for them in Japan. In Japan, Anjirō translated God as *Dainichi*, the Shingon Buddhist name for the

⁴ Richard King, *Orientalism and Religion: Postcolonial Theory, India and 'the Mystic East'* (New York: Routledge, 1999), 36, and Lactantius, *Divine Institutes*, trans. by Mary F. Translator McDonald (Washington: Catholic University of America Press, 1964), 318-320.

⁵ Nongbri, Brent. *Before Religion: A History of a Modern Concept*. (New Haven, Conn.: Yale University Press, 2013), 86-96.

Vairocana Buddha, and religion as *buppō*, the Buddha-Dharma. The Japanese saw the Jesuit missionaries as representatives of Indian Buddhism, and gave them a Buddhist temple for them to teach the public. After two years, when Anjirō abandoned the Jesuit mission to become a pirate, Xavier discovered that, through Anjirō, he had been preaching the Buddha-Dharma to captive audiences for two years. Later, the Jesuit superior for the Asian region, Belchior Nunes Barreto (c. 1520-71), writes the first known Jesuit letter referring to elements of Buddhism:

This is the pseudo-theology of Xaquia and Amida, which also reigns all over China and Pegu [Burma] where this pest, to the best of my knowledge, came from. These are the devil's tricks [doli diaboli], this is the science that the bonzes and nobles discuss in their schools [in suis gynnasiis], and this is the kind of demonic deception of the prevalent sect that they call 'sect of meditators.'⁶

The letter shows how the Jesuits understood what would later be called Buddhism in terms of a Catholic cosmology. While the Protestant Reformation had already begun, the concept of “religion,” as we know it today had not formed yet. Instead, Buddhism is understood as a “pseudo-theology,” a “pest,” or a “deception.”⁷

⁶ Cosme de Torres, Juan Fernandez, and Balthasar Gago. "Sumario Dos Erros Em Que Os Gentios De Japao Vivem." In *Fondo Gesuitico* 1384, no. 7, 110-1. Roma: Biblioteca Nazionale, 1556. Translated by and quoted in Urs App, *The Cult of Emptiness: The Western Discovery of Buddhist Thought and the Invention of Oriental Philosophy* (Rorschach, Switzerland: UniversityMedia, 2012), 42.

⁷ Urs App, *The Cult of Emptiness: The Western Discovery of Buddhist Thought and the Invention of Oriental Philosophy* (Rorschach, Switzerland: UniversityMedia, 2012), Chapters 1-3.

At the time of the encounter, the idea of the secular did not yet exist. In the Latin of the Catholic Church, *religious* referred to cloistered monks, while *saecularis* referred to priests that worked with the lay people.⁸ These were categories internal to the operations of the Catholic church. There was not yet a category of religion in which distinct traditions could be placed. The new category of religion would be driven by the inter-sectarian warfare ensuing in Europe around the time of the Jesuit encounter with Japan. The details of the warfare are beyond the scope of this study, but what is notable is (1) the pluralization of the concept of religion that occurred at the beginning of the seventeenth century, and (2) the way that this pluralization was addressed through the cleaving of a division between the religious and the secular sphere.

Jonathan Z. Smith traces the first use of the term *religions* in the plural to Samuel Purchas's 1613 book *Purchas His Pilgrimage; or, Relations of the World and the Religions Observed in All Ages and Places Discovered, in Foure Parts*. During this time, a new paradigm emerged that would last three hundred years until the first half of the nineteenth century. This paradigm split religion into four types: Christianity, Islam, Judaism, and "Idolatry." In this model, Christianity was still the true or superior version, while Islam and Judaism were degenerated or incomplete versions. "Idolatry" was the broad category for everything else. At the same time, belief became a central

⁸ Nongbri, . *Before Religion*, 5.

component, while ritual became secondary. For Protestant reformers such as John Calvin (1509-1564) and Huldrych Zwingli (1484-1531), religion was equated with piety, not ritual, and new scholarship on religion such as that of Purchas reflected this new emphasis.⁹ New sects of Christianity disagreed on core doctrine, such as whether the eucharist was the true body of Christ as Catholics claimed only the symbolic body of Christ as reformers such as Zwingli and later Calvin argued. These discrepant beliefs fractured Christendom and generated pluralism in its Christian sects.

Prior to the Protestant Reformation, Catholicism provided a unifying cosmology and authority that stabilized Christendom. However, pluralization disrupted the stability of the old political model, and the logic of intolerance toward heresy compelled followers of newly formed sects to seek to destroy their rivals. The chaotic situation that ensued in Europe inspired philosophers to imagine alternative ways of subjugating citizens. The thought of John Locke (1632-1704), an English philosopher and statesman, became one of the most influential, especially on the topics of religious freedom and the separation of church and state. By the time of Locke's writing, the nation-state had already been established through the Treaty of Westphalia, so it was the sovereign's authority to choose a state religion. However, the Anglican church still persecuted minority religions. At the same time, followers of persecuted minority religions fled

⁹ Jonathan Z. Smith, "Religion, Religions, Religious," in *Critical Terms for Religious Studies*, ed. Mark C. Taylor (Chicago: The University of Chicago Press, 1998), 269-84.

England to more tolerant parts of Europe or to establish colonies in places like the Americas. Thus, the question of how to subjugate a pluralized Christianity and end sectarian violence still loomed large. This question is exactly what Locke addressed in his first *Letter Concerning Toleration* (1689):

I esteem it above all things necessary to distinguish exactly the business of civil government from that of religion and to settle the just bounds that lie between the one and the other.¹⁰

Locke did this by confining religion to personal belief, and by reconfiguring the church. For Locke, the correct practice of religion was a matter of personal conscious, not a matter for the state or the church to dictate. The divine authority did not rest with the church, in the traditional model, in which salvation was obtained through the Catholic church, or any other church body. Rather, “All the life and power of true religion consist in the inward and full persuasion of the mind; and faith is not faith without believing.”¹¹

This interiorization of the individual also reconstructed the individual as an independent agent, who was autonomous to make decisions and possessed unalienable rights which we will explore later in the chapter. For now, we simply want to establish how Europeans resolved the problem of pluralization of Christendom and the attendant violence that doctrinal disputes engendered. The solution to disputes was to wrest all

¹⁰ John Locke, *A Letter Concerning Toleration*, trans. William Popple, (1689), 6. Archive.org, accessed September 14, 2017, <https://archive.org/details/toleration>.

¹¹ Ibid, 7.

coercive power from the church, and to reallocate it to a non-sectarian power broker, the state. Thus, the church was reduced to a voluntary assembly of autonomous individuals. While men were allowed this freedom to assemble, this new conception of church retained a specific goal that was contained within a Christian cosmology, “the acquisition of eternal life” through “the worship of God.”¹² The newly conceived autonomous self also grafted quite neatly onto the soul, which we presume from that passage that each man possessed. God, the soul, and eternal life were, in Locke’s view the essential elements of the church, and in turn essential elements of the new concept of religion that was arising. Tolerance was reserved only for religions that fit this cosmology.

As the Locke scholar Jeremy Waldron argues, “Lockean equality is not fit to be taught as a secular doctrine; it is a conception of equality that makes no sense except in the light of a particular account of the relation between man and God.”¹³ As a result, toleration was not intended for atheists. According to Locke:

those are not at all to be tolerated who deny the being of a God. Promises, covenants, and oaths, which are the bonds of human society, can have no hold upon an atheist. The taking away of God, though but even in thought, dissolves all; besides also, those that by their atheism undermine and destroy all religion,

¹²Locke, *A Letter Concerning Toleration*, 11.

¹³Jeremy Waldron, *God, Locke, and Equality: Christian Foundations of John Locke’s Political Thought* (Cambridge: Cambridge University Press, 2002), 82.

can have no pretence of religion whereupon to challenge the privilege of a toleration.¹⁴

Then, if this is the case, it is quite important to know who is an atheist, and, therefore, is not eligible for the freedom of religion:

Besides the atheists, taken notice of amongst the ancients, and left branded upon the records of history, hath not navigation discovered, in these later ages, whole nations at the bay of Soldania, in Brazil, in Boranday, and in the Caribbee islands, &c. amongst whom there was to be found no notion of a God, no religion?¹⁵

These recently discovered atheists who did not fear God were not reliable citizens and were no not to be tolerated.¹⁶

Even toleration of Catholics and Muslims were denied in certain cases:

It is ridiculous for any one to profess himself to be a Mahometan only in his religion, but in everything else a faithful subject to a Christian magistrate, whilst at the same time he acknowledges himself bound to yield blind obedience to the Mufti of Constantinople, who himself is entirely obedient to the Ottoman Emperor and frames the feigned oracles of that religion according to his pleasure.¹⁷

Religion primarily referred to what today may be called different denominations of Christianity, plus Islam and Judaism,¹⁸ but Catholics and Muslims could not be completely trusted because they always could be suspected for retaining loyalty to

¹⁴ Locke, *A Letter Concerning Toleration*, 36.

¹⁵ John Locke, *An Essay Concerning Human Toleration*, 1689, in *The Works of John Locke in Nine Volumes*. Vol. 1, (London: Rivington, 1824), 68. Accessed June 8, 2018. <http://oll.libertyfund.org/titles/locke-the-works-vol-1-an-essay-concerning-human-understanding-part-1>.

¹⁶ See Waldron, *God, Locke, and Equality*, (Cambridge: Cambridge University Press, 2002), 82.

¹⁷ Locke, *A Letter Concerning Toleration*, 36.

¹⁸ For a discussion of how the word *religions* is used to refer to multiple forms of Christianity, see Nongbri, *Before Religion*, 103-4.

another sovereign. Locke's concern that religious toleration was designed to address was subjugating the citizen under a single sovereign.

The peoples of Africa and the Americas that Europeans encountered during the previous two decades according to Locke often had "no notion of a God, no religion." The denial of religion to people in areas that were or would become colonies is particularly important because Locke was closely connected to these colonies. He was the secretary of the Board of Trade and Plantations (1673-1675), and the commissioner of the Board of Trade (1696-1700), and his philosophy would also establish theories such as the labor theory of property that would form a justification for taking ownership of new territories for colonization. Lord Ashley, First Earl of Shaftesbury, was Locke's primary patron and prominent politician who was awarded a joint proprietorship of the Carolina colony. He saw toleration as a business proposition, because religious persecution alienated potential talents and political strife due to religious conflict impeded the nation from taking advantage of colonial business enterprises.¹⁹ In other words, from the beginning freedom of religion enabled the colonial project, but did not extend toleration to those colonized who did not believe in a single supreme deity. On this foundation, Locke's philosophy realized its expression in the drafting of the constitution of the United States, and became one of the pillars of modern liberalism.

¹⁹ For a discussion of Ashley's business interests see Nongbri, *Before Religion*, 104-5.

1.3 The Second Religions: Christian Proselytizing and the Invention of Religion in East Asia

Now that I have established that the concept of religion and freedom of religion (“toleration” of religion in Locke’s terms) were a response to the pluralization of Christianity and the concomitant warfare in Christendom, I will explore what here I call the “second religions.” I do not use this terminology to refer to an actual second category of religion, although scholars of religion did develop hierarchies that contained more than one subcategory of religion. Rather, I use the word *second*, because a new set of religions were added to the category of religion for a different purpose and in a different context than the Protestant reformation and intersectarian violence. Whereas Protestants and Catholics moved toward tolerance during two centuries of warfare because neither could defeat the other, second religions developed in asymmetrical power relationships. In Europe, Protestants challenged Catholic hegemony, but they also largely adopted and modified the *vera religio* concept that there was one correct religion of which all others were merely imperfect or degenerate versions. For Locke, as a representative of the first stage of religion, toleration of religion stemmed from the problem of not knowing which version was correct, but he also presumed there was an ideal religion. For Catholics, the ideal version was Roman Catholicism, and for Protestants, each Protestant religion had its own ideal version. In the colonial context the ideal version depended on the colonizer, but their own version was the prototype by

which other religions were judged. Initially, non-monotheistic second religions were assigned to the category of Idolatries. Whether regarded as religion or not, colonizers needed to respond to cosmologies, ontologies, epistemologies, rituals, and teachings under the single category of Idolatries. The explosion in Idolatries was the second pluralization of religion, so I call these “second religions.” Amazingly, the Idolatries subcategory contained the diverse teachings Europeans encountered for three centuries before actual colonial powers opened the category to accommodate them in a new way.

J.Z. Smith also splits the concept of religion into two categories: the theological and anthropological. The theological category of religion was similar to the category I call “first religions,” the pluralization of Christianity. For Smith this is a first order category, because religion is the “*summus genus*,” the principle category. However, the anthropological conception of religion developed in the eighteenth century, as early as 1730 in the work of Matthew Tindal. In 1757, David Hume made this shift of orders more explicit. He argued that there was no uniform expression of a higher intelligence in all cultures, so the experience of religion could not be universal. Instead, humans projected their experience of the world on others, just as Europeans projected their concept of the higher intelligence on other cultures. Thus, religion began to emerge as a second order category. In other words, culture becomes the first-order category, a “*summon genus*,” of which religion is only secondary. Then, in the nineteenth century, the project of anthropological religion “invented the familiar nomenclature, ‘Boudhism’

(1821), 'Hindooism' (1829, which replaced the earlier seventeenth-century usages 'Gentoo [from 'gentile'] religion' and 'Banian religion'), 'Taoism' (1839), and 'Confucianism' (1862)."²⁰ Smith identifies a particular dynamic of how he saw these anthropological religions form:

It is impossible to escape the suspicion that a world religion is simply a religion like ours, and that it is, above all, a tradition that has achieved sufficient power and numbers to enter our history to form it, interact with it, or thwart it. We recognize both the unity within and the diversity among the world religions because they correspond to important geopolitical entities with which we must deal. All "primitives," by way of contrast, may be lumped together, as may the "minor religions," because they do not confront our history in any direct fashion. From the point of view of power, they are invisible.²¹

There was a parallel between the formation of these anthropological religions with the formation of the category of religion in Europe: power relationships drove the promotion of some Idolatries to the higher status of religions. However, while the anthropological and theological categories were useful conceptually, one was not exclusive to the other. It also took some conceptual alchemy to take atheist Idolatries and transform them into religions. Smith primarily draws from European sources, but the particularity of the process at the local level is necessary to contextualize the invention of second religions.

²⁰ Smith, "Religion, Religions, Religious," 276.

²¹ Ibid, 280.

When the Jesuit's arrived in China, they encountered the same difficulties in translation that they did in Japan. The Chinese greeted them as Buddhist reformers, and translated their doctrine into Buddhist idiom. Over time, the Jesuits did develop an impressive facility with Buddhist, Daoist, and Confucian texts, but their strategies of interpretation differed. The scholar Matteo Ricci (1552-1610) interpreted the texts of Confucianism to be a degenerate form of Monotheism.²² The Jesuit scholar João Rodrigues (1561-1633) claimed Chinese teachings contained hints of influence from Chaldean, Egyptian, and Indian philosophy that postulated an eternally transforming Substance rather than a God and his Creation.²³ While the Jiading mission conference officially chose to use Ricci's interpretation over Rodrigues,²⁴ Ricci and Rodrigues represented two of the most accomplished European scholars of Asian teachings of their day, and both interpretations were influential in forming European understanding of Asian teachings. Both used the *vera religio* framework. Ricci and Rodrigues's interpretations also put Asian religions in the context of Greek and Christian cosmological narratives, and evaluated them on Christian principles. First and foremost was the question of whether they were monotheistic or atheistic. While Ricci attempted to superscribe a monotheistic reading on an idealized original Confucianism, he saw

²² App, *The Cult of Emptiness*, 91-96.

²³ App, *The Cult of Emptiness*, 101-110.

²⁴ *Ibid*, 110.

Buddhism and Daoism as the work of the devil. On the other hand, Rodrigues saw all three teachings—Confucianism, Daoism, and Buddhism—as different manifestations of a single source originating in the story of Noah’s aberrant son Ham. Similarly, the East Asians tried to fit the Catholics into their cosmological narrative by understanding them as Buddhist missionaries. Thus, for both sides this was the beginning of a process of integrating new knowledge into pre-existing cosmologies, but the resolution of this process occurred several centuries later.

The Tokugawa shōgunate expelled the Christians from Japan in 1614. In China, the Kangxi emperor issued an edict expelling most missionaries in 1706, and his son the Yongzheng emperor expelled missionaries in 1724. Three Jesuits came to the Yongzheng emperor’s court to plead for the reversal of the prohibition, the emperor clearly revealed his thinking on the subject of Christianity:

You want all the Chinese to become Christians. I know well that this is something required by your religion. But if that happens, what will we become? (sic) The subjects of your kings? Your Christians only recognize you, and in time of trouble they will listen only to your voice. I know well that there is nothing to fear now. But when more and more boats come from your countries, then there could be disorders.²⁵

²⁵ Quoted in Eugenio Menegon, *Ancestors, Virgins, and Friars: Christianity as a Local Religion in Late Imperial China* (Cambridge, Mass.: Harvard University Asia Center for the Harvard-Yenching Institute, 2009), 134.

The Yongzheng emperor's concern was not about a doctrinal dispute. The Qing government was willing to tolerate various teachings, but its primary concern was organized rebellion and allegiance to sovereigns other than the Emperor.

While Matteo Ricci held that Confucianism's traditions were rooted in monotheistic teachings, his views did not gain acceptance by the Vatican. Instead, the Franciscan, Dominican, and Augustinian orders all opposed his interpretation, and the dispute sparked the Chinese Rites and Terms Controversy. Ricci proposed, first, that the Church tolerate the veneration of ancestors because it was not directed at the spirits of the deceased and, second, that the missionaries use the native term *Shangdi* 上帝 for God. While the Kangxi Emperor approved the Jesuit proposal as a correct interpretation of Confucianism, the Vatican issued a series of decrees in 1704, 1707, 1715, and 1742 that prohibited ancestor worship. Thus, in the end, the Papacy concluded that Confucianism was an idolatrous religion.

The two centuries of missionary activities from the Jesuit arrival in Japan in the middle of the sixteenth century to the expulsion of the missionaries in China in the beginning of the eighteenth century roughly corresponded with the intersectarian warfare in Christendom, just at the beginning of the pluralization of the first religions. During this period, Christians in Europe were forced to accept the pluralization of Christian sects, but they were not prepared to accept the "atheist" Idolatries of China. Rather, in their early encounters they recognized these Idolatries as branches of the

Greek paganism with which they were more familiar. Both Ricci and Rodrigues divided teachings into two categories: monotheism and Idolatries. Christianity was the prototype for correct monotheism, and like Judaism and Islam in Europe, there could be deviated forms of *vera religio*, but the concept that there could be legitimate non-monotheistic or atheistic “religions” did not occur to the Jesuit scholars. The end result of two centuries of missionary activity was that both sides—the Christian missionaries and the East Asian governments—only recognized each other as heterodoxies. The invention of and pluralization of second religions did not occur until the nineteenth century.

The second pluralization of religions began with Buddhism. As early as the middle of the eighteenth century, the intellectual roots of Smith’s anthropological category started to form, but no major religion broke through until the first half of the nineteenth century with the coining of the term *Boudhism* in 1821. According to Tomoko Masuzawa, one of the most significant events in the promotion of Buddhism to the category of religion was the discovery of some Sanskrit manuscripts in Kathmandu, and their subsequent translation and publication in 1844 by Eugène Burnouf (1801-52), a

Sanskrit philologist, as the “Introduction à l’Histoire du Bouddhisme Indien.” The publication sparked the philological project of deciphering the early Buddhist texts.²⁶

Masuzawa identifies several factors that explain why Buddhism was so attractive to Christians for promotion to the status of religion, and later to the even higher status of “universal” or “world religion.” First, the construction of an early Buddhism allowed philologists and other scholars to superscribe an image of a Protestant reformer on the image of the Buddha. While Masuzawa argued the textual evidence for Buddha’s reform is scant, these scholars argued that Buddha rejected the hegemony of the Brahmins, their Vedic scriptures, and the caste system as the Protestants had rejected the papacy and its institutional doctrine and authority. This move from Brahminic nationalism to universalist principles of the “rights of man” set Buddhism up to be a universalistic religion from the beginning. Second, for many at the time, the Buddhists represented a grave threat to the global ascendancy of Christianity. While Buddhism was scarcely recognized prior to the nineteenth century, by the second half of the nineteenth century, some estimates of the numbers showed Buddhism had more followers than Christianity. To make matters worse for Christians, the life of the Buddha preceded the life of Jesus, so some people suspected that Christianity may have been a mere derivative of

²⁶ Tomoko Masuzawa, *The Invention of World Religions, or, How European Universalism Was Preserved in the Language of Pluralism* (Chicago: University of Chicago Press, 2005), 125-6.

Buddhism. Third, at the time that the debate about Buddhism was occurring, linguists began to believe that languages with complex inflection inspired creativity in the nations of people who spoke those languages. As Aryan languages such as Sanskrit used more complex inflection than Semitic languages like Hebrew and Arabic, these scholars increasingly associated Europe with the Aryan language family. As Masuzawa put it, "Buddhism, or true Buddhism, is Aryan; Islam is Semitic."²⁷

This third point leads us to the discourse on world religions that arose in the 1870's in Europe and North America, and in which Buddhism is promoted to the level of "universal" or "world" religion. Ultimately, Masuzawa argues that it was not the academic community's academic debates in the late nineteenth century that consolidated the new category of world religions, but rather, the evangelical Christians in the beginning of the twentieth century. The category of world religions appeared to be first proposed by Johann Sebastian von Drey (1777-1853), one of the preeminent Catholic theologians of the first half of the nineteenth century. Von Drey intended to use the category to demonstrate the independence of church and state. According to von Drey, "the Christian church and the state are thus related as a universal human reality and a national one, as a heavenly reality and an earthly one."²⁸ For von Drey, the only

²⁷ Masuzawa, *The Invention of World Religions*, 145.

²⁸ Johann Sebastian von Drey. *Brief Introduction to the Study of Theology: With Reference to the Scientific Standpoint and the Catholic System* (Notre Dame, Ind.: University of Notre Dame Press, 1994): 139, quoted in

religion that qualified as a national religion was Catholicism. The first time the term *world religions* appears to be mentioned in English is in an 1885 article on religions in the *Encyclopaedia Britannica* authored by Cornelius Petrus Tiele (1830-1902). In the article, Tiele argued that the term may be used “to distinguish the three religions which have found their way to different races and peoples and all of which profess the intention to conquer the world, from such communities as are generally limited to a single race or nation, and, where they have extended farther, have done so only in the train of, and in connexion with, a superior civilization.”²⁹ The three religions to which he referred are Christianity, Buddhism, and Islam, but technically, since only one religion can truly be universal, he suggested that the idea of a world religion best fit confessional communities. Tiele stated in no uncertain terms what this superior universal religion was: “Christianity ranks incommensurably high above both its rivals.”³⁰

In his comments, Tiele reveals simultaneously an anxiety and a sense of superiority. What distinguishes world religions for Tiele is “the intention to conquer the world,” which brings us back to the Smith’s analysis that world religions are

Tomoko Masuzawa, *The Invention of World Religions, or, How European Universalism Was Preserved in the Language of Pluralism* (Chicago: University of Chicago Press, 2005): 115.

²⁹ Tiele, Cornelius Petrus. "Religions." In *Encyclopaedia Britannica*, 358-71. (Edinburgh: Adam and Charles Black, 1890): 368.

³⁰ Ibid. 369. For more details on the development of the world religions discourse, see Masuzawa, *The Invention of World Religions*, Chapter 3.

“geopolitical entities with which we must deal.” Indeed, there were still prominent scholars at the time, such as Monier-Williams who rejected that idea that Buddhism was a religion, because it did not “postulate the eternal existence of one living and true God of infinite power, wisdom, and love.”³¹ While the category of world religions received intense criticism in the academic communities, Masuzawa suspects that the category of world religions provided a useful tool for evangelical Christians. “It allowed any liberal Christian to acknowledge the existence of other religions without ceding Christianity’s exclusive claim to universal truth, and at the same time, without having to resort to the theory of ‘Satan’s empire’ to explain their existence, as some earlier authors had done.”³² Christians then could unite with other religions against the greater threat of secularization. In this way, Masuzawa argues the category of world religions camouflaged a continued motive for Christian hegemony.³³

The second religions were added to the European pantheon of religions, not because they met any particular definition of religion, but because they were perceived as powerful enough to present a threat to Christianity. Indeed, the four-part division of religions did not completely disappear, because at its heart was the Christian prototype of religion. The Lockean criteria of belief in God still separated the first religions from

³¹ Monier Monier-Williams, *Buddhism in Its Connexion with Brahmanism and Hinduism and in Its Contrast with Christianity* (London: John Murray, 1889), 538.

³² Masuzawa, *The Invention of World Religions*, 119.

³³ See Masuzawa, *The Invention of World Religions*, Chapter 9.

the second. In fact, it was this question that was central to establishing Confucianism as a world religion. While the Catholics settled the Rites and Terms Controversy in the first half of the eighteenth century when the Vatican prohibited ancestor worship, the Protestants did not resolve the problem until the second half of the nineteenth century. The resolution of this problem was closely linked to the making of Confucianism as a world religion, and demonstrates how the designation of world religions involved the missionary politics of Christians.

The new "Term Controversy" involved a dispute over what name should be used for God in Chinese. James Legge (1815-97), a Scottish missionary who lived in China for 34 years as part of the Congregationalist ministry, advocated for the term "Shangdi," but this term was not popular among Protestant missionaries in China. As Shangdi derived from a native Chinese concept of a high-ranking deity, the question and stakes were the same addressed by Ricci and Rodrigues. Using the native term Shangdi essentially meant that Confucianism originally was monotheistic, and thus could be accepted as a degenerated form of Christianity. Rejecting the term meant that Confucianism was nothing more than Idolatry that must be destroyed. Legge defended his view at the 1877 Missionary Conference in Shanghai, but his paper was so controversial that the Conference voted to deny him paper publication in the conference proceedings. Despite the overwhelming rejection at the Missionary Conference in Shanghai, in 1875, Friedrich Max Müller (1823-1900) invited Legge to provide

translations for the “Sacred Books of the East” series. One year later, Legge joined Müller at Oxford University as the first professor of Chinese, and produced the definitive translations of Confucian texts. Evangelical Christians in Europe and the United States unfamiliar with the predominant view among missionaries in China simply adopted the view they found published in the authoritative scholarship represented by Legge and Müller. *Shangdi* became the standard translation of God for Protestants, and Confucianism became a religion in the new world religions discourse.³⁴

Significantly, Legge and Müller were both members of minority Protestant sects in England, and the science of religion flourished first outside of the Church of England. By establishing the science of religion, they created a new field in which they were able to make an open space for alternative views, while at the same time evangelizing the central monotheism of their personal religion. Tiele and Müller, the two scholars generally attributed with founding the science of religion, both clearly advocated Christian monotheism, even while claiming the empiricism of science. Despite initial opposition to the categorization of world religions in the academic community, the category expanded from initial academic discussions involving only Christianity, Buddhism, and Islam, to a long list familiar today: including Judaism, Christianity,

³⁴ The story of the previous two paragraphs follows the account given in Sun, *Confucianism as a World Religion*, Chapter 2.

Islam, Hinduism, and Buddhism; usually including Confucianism, Daoism, and Shinto; and sometimes including Zoroastrianism, Jainism, and Sikhism.

The distinction between first and second religions, however, did not dissolve after the stabilization of the list of world religions. Rather these distinctions still operate quite explicitly in the current legal system. For example, the United States defines religion starting with theistic definitions and adding second religions by analogy. The Universal Military Training and Service Act of 1948 granted conscientious objector status based on “religious training and belief,” which was defined as “an individual's belief in a relation to a Supreme Being involving duties superior to those arising from any human relation, but [not including] essentially political, sociological, or philosophical views or a merely personal moral code.”³⁵ The Supreme Court expanded the interpretation of this definition in *United States v. Seeger*: a “test of belief ‘in a relation to a Supreme Being’ is whether a given belief that is sincere and meaningful occupies a place in the life of its possessor parallel to that filled by the orthodox belief in God of one who clearly qualifies for the exemption. Where such beliefs have parallel positions in the lives of their respective holders we cannot say that one is “in a relation to a Supreme Being” and the other is not.”³⁶ Again, this test as an analogy to a supreme

³⁵ Universal Military Training and Service Act, 50 U. S. C. App. § 456 (j) (1958 ed.).

³⁶ *United States v. Seeger*, 380 US 163 (Supreme Court 1965).

being is no guarantee that Buddhism, Daoism, or Confucianism would qualify, and again illustrates the contingent and arbitrary status of second religions. Indigenous teachings fared even worse. President Jimmy Carter and the U.S. Congress official recognized that various agencies routinely denied Native Americans the practice of their religions in 1978 when it passed the American Indian Religious Freedom Act, and even this bill continues to be controversial.³⁷

This secondary status of certain teachings is also realized in the daily life of those who follow these teachings in the United States. Once I visited a temple of Fo Guang Shan, one of the major Taiwanese Buddhist organizations in Taiwan. As a volunteer who guided me led me back out to the main hallway, we passed several large pictures of Master Hsing Yun—the founder of BLM—posing with other religious leaders such as the Pope Jean Paul II. On the wall was also a picture of a large Chinese temple, with perhaps a hundred Chinese monks standing in front. Without the inscription below that indicated it was Hsi-lai Temple in Los Angeles, I would have thought it was in China. This was the first major temple, Master Hsing Yun built in the United States, and it provided a deep contrast with the Raleigh branch. Stuart Chandler described the long process of approval for the Los Angeles temple:

In 1978, fourteen acres were purchased in Hacienda Heights and plans drawn for a large monastery, including an eight-story statue of Amitabha Buddha. Gaining

³⁷ American Indian Religious Freedom Act, 42 U.S.C. § 1996 (1978).

approval from the city government to build the complex, however, proved much more difficult than anticipated. Local residents feared that the presence of a Buddhist “cult” into their midst would endanger their children and send real estate values plummeting. Finally, after six public hearings and over one hundred negotiation sessions, permission was granted to build the temple, although on a smaller scale than originally envisioned and without an outdoor statue of Amitabha. The cornerstone was laid for the structure in January 1986.³⁸

The name *Hsi-lai* means *Come to the West*, and as soon as BLM arrived in the West, it began negotiating, not just in the formal negotiations with the city of Los Angeles but in negotiating its place in a different cultural environment than in Taiwan. From its first formal encounters in the 1980s to the time that the Raleigh temple opened in 2010, BLM learned a lot, and the results of its negotiation within the cultural and political climate of the United States were literally reflected in its architecture. The building I visited was nondescript, and could just as easily be a nature center as it could be a temple. BLM learned how to camouflage itself to avoid accusations such as those that it encountered at Hsi-lai.

While, these stories describe the pluralization of second religions in Europe and North America, they do not describe the process in East Asia which responded to the new concept of religion. While Europeans developed the concept of religion in two phases over several centuries, East Asians responded to a preexisting concept that was

³⁸ Stuart Chandler. *Establishing a pure land on earth: the Foguang Buddhist perspective on modernization and globalization* (Honolulu: University of Hawai'i Press, 2004), 268.

introduced by force. Yet, as Japan and China, responded to the demands of the colonial powers, they developed their own unique systems to integrate first and second religions.

In both Japan and China, the concept of religion arrived in the form of unequal treaties. Japan signed the Treaty of Amity and Commerce in 1858. At the time, the “Law of Nations” regulated the international order as it was understood by Europeans. The Institut de Droit International (Institute of International Law) provided resources about international law to countries outside of Europe and North America. Japan quickly availed itself of these resources, and understood that the colonial powers divided the world into three categories: primitive nations, uncivilized nations, and civilized nations. The primitive nations were free to be colonized by the civilized nations. The uncivilized nations were at a mid-level of development. They were the partially developed nations that were only open to partial colonization. Japan, initially categorized as uncivilized, wanted to promote itself to civilized status to escape the oppression of the unequal treaties. However, the Institute stipulated that civilized countries were Christian countries, as opposed to the non-Christian uncivilized countries. Japan had prohibited all forms of Christianity since the beginning of the Edo Period (1603-1867), and still feared the threat of Christianity. The colonial powers, however, demanded religious freedom, which was granted in Article 8 of the 1858 Treaty. Religious freedom, while on surface level protected the rights of Japanese as well as the foreigners, was not simply an automatic application of international law. Christians perceived it as a legal tool for

missionaries to gain access to Japan. Townsend Harris (1804-1878), the first American consul general Japan, negotiated the 1858 treaty. In his diary he revealed his private motivation:

The first blow is now struck against the cruel persecution of Christianity by the Japanese; and, by the blessing of God, if I succeed in establishing negotiations at this time with the Japanese, I mean to boldly demand for Americans the free exercise of their religion in Japan with the right to build churches.... I shall be both proud and happy if I can be the humble means of once more opening Japan to the blessed rule of Christianity.³⁹

Despite the missionary intentions of Harris and other foreigners, however, the Japanese government continued to prohibit Christianity. While the government agreed to grant freedom of religion to foreign missionaries as part of the extraterritoriality the foreign powers demanded, they continued to post notice boards prohibiting Christianity for Japanese people until 1873.

The process of understanding and incorporating the concept of religion in Japan took nearly fifty years. In the beginning, the Japanese were unfamiliar with the concept, and primarily understood the term to refer to Christianity. The Japanese terms *Shūhō* 宗法 (sectarian law) and *shūshi* 宗旨 (sectarian doctrine) appeared as translations of *religion* in the 1858 Treaty. *Shūshi* then became the most common translation, among an inconsistent variety of early translations. The translation *shūkyō* 宗教 that would

³⁹ Townsend Harris. *The Complete Journal of Townsend Harris, First American Consul and Minister to Japan* (Garden City, N.Y.: The Country Life Press, 1930), 466-8.

eventually become the standard appears to have first been used as a translation of religion in an 1868 request from the American legation to end the prohibition on Christianity. By the late 1870s, the term became the standard gloss. *Shūkyō* emphasized the doctrine over practice. By the 1870s, more Japanese scholars and officials had traveled abroad to study and had interacted more with foreigners in Japan. They had a firmer understanding of Christianity and the implications of using the category of religion. While they were aware that Christian nations were dominant, they also realized that secular intellectual trends such as the popularity of the new idea of evolution were overcoming Christianity's dominance. Instead of promoting Christianity, the Meiji government adopted the logic of the separation of religion and the state to promote veneration of the Emperor, who descended from the Japanese native deities called *kami*. They called this practice Shintō 神道 (the way of the kami). As a "dō" 道, or "way," Shintō was a practice rather than a doctrine, so they claimed it as a secular practice rather than a religious doctrine.

A second part of their modernization was the eradication of superstition. The government banned mediums, shamans, and exorcists in 1874. Buddhism and Christianity became religions, while Confucianism became a philosophy. This arrangement allowed the Meiji government to consolidate power with Shintō, while still respecting the freedom of religion. Rather than simply adopting Christianity, the state

moved to suppress “superstition,” restructure native religions on Christian models, and promote Shintō as a vehicle to build a nation-state with native traditions.⁴⁰

The conditions in China were quite different from Japan. While China signed similar treaties as Japan in the same year (1858), it did not fully reconfigure Chinese society according to the logic of hierarchical power embedded in the concepts of the secular, religious, and superstitious until after the Northern Expedition in 1927-8. In Japan, the authority of the emperor rested in his ancestral relationship to the kami, but in China the authority of the emperor was bound to the particular dynamics of the Mandate of Heaven, which was closely attached to Confucian structures of power. Until the Northern Expedition, Chinese discourse on religion was closely linked to the native concept of *jiao* 教, which was already evident in the 1858 treaties as Chen Hsi-yuan describes below:

In the treaties of Tianjin the Qing government signed with England, France, America, and Russia respectively in 1858, the term “Christian religion,” or “La religion Chretienne” in French, was clearly employed to grant the right of missionaries to proselytize. Yet in its Chinese version, “religion” was simply translated as *jiao*, and Christianity, either as the “Teaching of the Lord of Heaven (*Tianzhu jiao*; Roman Catholic) or as the “Holy Teaching of Jesus” (*Yesu sheng jiao*; Protestantism), was justified as to “inculcate the practice of virtue.”⁴¹

⁴⁰ The description of Japan’s adoption of religion is based on Jun’ichi Isomae, “The Conceptual Formation of the Category “Religion” in Modern Japan: Religion, State, Shintō,” *Journal of Religion in Japan* 1, no. 3 (2012): 226-45. And Jason Ananda Josephson, *The Invention of Religion in Japan* (Chicago: The University of Chicago Press, 2012), especially chapter 3.

⁴¹ Hsi-yuan Chen. “Confucianism Encounters Religion: The Formation of Religious Discourse and the Confucian Movement in Modern China” (Ph.D. diss., Harvard University, 1999), 40.

This concept of jiao was quite different than the concept of religion because it was based on the prototype of Confucianism rather than the prototype of Christianity. As this section relates to the particular power dynamics of the second pluralization of religion, I focus on the most distinct period of this pluralization in China, the late 1920s and 1930s. I consider the alternative dynamics of jiao in the next section of this chapter.

Just as in Japan, the project of nation-building as a response to the abuses of colonial powers was the driving force behind the invention of religion. While anti-Christian campaigns were powerful in the 1920s, the Nationalist Party could not ignore the expectations of powerful foreign powers and their Christian religion. The international Christian community aided Sun Yat-sen (1886-1925) in his 1911 revolution, and he was careful not to alienate them. However, while Sun Yat-sen and Chiang Kai-shek (1887-1975), Sun's successor as leader of the Nationalist Party, were both Christian, the actual policies of the Nationalist Party reflected pragmatism toward developing a nation-state rather than confessionalism. At the time, however, building a state meant Christianizing: if not actually adopting Christianity, then adopting the structures of Christianity that local people perceived made the Christian nations powerful. Following the fall of the Qing dynasty, the republican leaders and the Nationalist Party failed to truly unify the nation. The Northern Expedition in 1927-1928 tentatively unified the nation. However, the unification was precarious and short-lived, and the implementation of policy was inconsistent. Pragmatic religion policy based on favoring

Christianity and rewarding organizations that assisted the military reflected this precarious state of affairs.⁴²

While efforts to draft a constitution began at the founding of the republic, no constitution was promulgated until the Altar of Heaven Constitution was promulgated in 1923, but it was rescinded in the following year. As a result, there was no constitutional authority protecting religious freedom. In 1927, the Special Central Committee reconsidered the item protecting religion in the 1924 Nationalist Party platform. The Committee considered the case studies of Tongshanshe 同善社 and Protestantism. The Tongshanshe was a redemptive society, a class of organizations that often combined native Chinese traditions and philanthropy with a universalist message. Niu Yongjian 鈕永建 (1870-1965) and Zhang Zhijiang 張之江 (1882-1966) both served on the short-lived Special Committee, and following the dissolution of the committee, they both won spots on the Nationalist Party Central Executive Committee, where they appealed for protection of Christianity. They cited Christianity's revolutionary nature, its oppositional relationship with the Qing imperial government, and the religious affiliation of Sun Yat-sen. Additionally, they positioned their brand of Christianity in

⁴² In her book *Superstitious Regimes: Religion and the Politics of Chinese Modernity*, Rebecca Nedostup provides a detailed account of the adoption of the secular-religious-superstitious social configuration in China. This paragraph and the following paragraphs describing this episode in Chinese history borrow from her research: Rebecca Nedostup. *Superstitious Regimes: Religion and the Politics of Chinese Modernity*. (Cambridge, Mass.: Harvard University Asia Center, 2009).

contra-distinction to communism at a time when the Nationalist Party Central Political Committee (*Zhongyang zhengzhi huiyi* 中央政治會議) required re-registration of all its members. Thus, they were able to leverage the party purge toward a more tolerant attitude toward Christianity, with only cursory reference to toleration of other teachings. While the Nationalist Party banned Tongshanshe and other redemptive societies, Protestantism and Christianity more generally received a special status.⁴³

The Ministry of Interior was officially tasked with managing religious affairs, but it yielded authority to other bodies for Christianity, Islam, and Tibetan and Mongolian Buddhism. Because Christianity was considered a matter of foreign relations, the Nationalist Ministry of Foreign Affairs (*Waijiao bu* 外交部), as well as the Nationalist Ministry of Education (*Jiaoyu bu* 教育部), managed Christianity. According to the historian Rebecca Nedostup, “In essence, Christianity’s identity as a “religion” was so automatic that this no longer held as its most pertinent identifying factor in an administrative sense.”⁴⁴ Like Christianity, Islam received considerable privileges as its status as a religion received little doubt. While Islam in China was closely associated with Xinjiang province in northwest China and the Uyghur ethnicity, it also had adherents across the country and was well-organized nationally. All other teachings,

⁴³ Nedostup. *Superstitious Regimes*, 34-7.

⁴⁴ *Ibid*, 36.

traditions, and practices did not receive automatic recognition as religions. The particular variety of Buddhism endemic to Tibet and Mongolia fared the best. Because these religions were linked to the “border problem,” they were managed under the Commission on Mongolian and Tibetan Affairs, so Tibetan Buddhism received protection as a component of Mongolian and Tibetan ethnic identity. Aside from the special case of Tibetan and Mongolian Buddhism, the hierarchy of privilege and preference resembled the four-part division of religion imported from Europe.⁴⁵

From one standpoint, this result is not surprising. While the translation of the term religion with the Japanese binome *shūkyō* 宗教—pronounced in Mandarin as *zongjiao*—entered the Chinese discourse in 1898, the socio-political reconfiguration that it represented was not fully treated in any enduring legal structure until a series of regulations and laws at the end of the 1920s. The decade leading up to the promulgation of the new Act of Supervising Temples (Jiandu simiao tiaoli 監督寺廟條例) involved anti-religious sentiment stemming from the May 4 movement, which especially aimed at Christianity. While the aims of the Anti-Christian Student Federation are evident in its name, the Great Anti-Religious Federation also primarily targeted Christianity, as indicated in its Manifesto:

⁴⁵ See Nedostup, *Superstitious Regimes*, Chapter 2.

In comparison with the rest of the World, China was a pure land. It could be even deemed a non-religious nation. However, in the last several decades, Christianity and other religion have been infusing into China day after day.⁴⁶

Of course, the anti-religious movement included different varieties and many of its proponents targeted native teachings and practices, but for some, Christianity was the primary, if not only, target. Significantly, this attack on Christianity was couched in terms the Christian missionaries introduced to China themselves: eradication of superstition. The discourse against superstition was turned against Christianity itself as the prestige of other imported concepts such as science and democracy exceeded the prestige of Christianity. As a result, once the Nationalist Party decided it needed to protect Christianity as part of its foreign policy, the question of religion was framed in terms of the older discourse on superstition rather than the newer discourse on world religions.⁴⁷ As the definition of religion was not legally defined, the line between superstition and religion was a grey area that provided the Nationalist Party considerable leeway in selecting partners in its nation-building and modernization project, and persecuting those teachings that it perceived as counterproductive or antithetical to the party's platform.

During the 1920s, the fervor against superstition and the Nationalist Party's quest to unify the country incited rampant idol smashing and temple confiscations. The

⁴⁶ Quoted in Chen, "Confucianism Encounters Religion," 209.

⁴⁷ For more about the anti-religious movement, see Chen, "Confucianism Encounters Religion," Chapter 5.

local authorities often served as patrons of local temples, providing resources to the temples and performing rites, so that the City Gods and the local officials reciprocally legitimated each other's authority. By smashing idols in the name of destroying superstition, the Nationalist Party dismantled traditional systems of power in order to consolidate its own power while claiming that it was all done in the service of modernization. By confiscating temples, the party could acquire essential resources for schools and government services, and occupy temples such as those of the City Gods as new administrative centers, thereby associating themselves with the traditional seats of power.⁴⁸

A Christian general Feng Yuxiang 馮玉祥 (1882-1948) conducted an anti-superstition campaign aimed at destroying temples of Buddhists, Daoists, and City Gods in Henan, and in a move that suggested support for this form of Christian-led anti-superstition campaign, the Nationalist Party promoted his minister of civil affairs Xue Dubi 薛篤弼 (1892-1973) to the national Minister of Interior in 1927.⁴⁹ Xue and Niu Yongjian proposed to convert temples to schools, but their proposal was immediately overshadowed by a more extreme one by Tai Shuangqiu 邵爽秋 (1896-1976) that proposed to confiscate nearly all temple property and the laicization of most clergy. In

⁴⁸ Nedostup, *Superstitious Regimes*, Chapter 2.

⁴⁹ Nedostup, *Superstitious Regimes*, 73-4.

response, the Buddhist reformer Taixu 太虛 (1890-1947) argued that the temple property was the property of a corporate body (*caituan faren* 財團法人), a rhetorical move that placed the traditional public monastery (*shifang conglin* 十方叢林) in the modern idiom of organizational law, even though the legal mechanism for organizational registration would not be established until the following year.

The Chinese teachings did not organize church-like organizations prior to the twentieth century. Temples operated at the local level in close cooperation with local officials. The emperor officially endorsed a large number of cults and required performance of appropriate rituals at those temples, but local communities also funded temples by mandating contributions of community members within a certain area. However, as many of these local temples were targets of idol smashing and temple confiscation, temples needed to form organizations modeled on Christian churches with national independent organizations. Buddhists requested the establishment of an Office of Temple Management or a national religious council, but the government rejected these proposals on the grounds of separation of religion and state. Yet, the Nationalist Party lacked a legal structure to accommodate religious organizations. At the Third Party Congress (1929), the party established the category of social organizations (*shehui tuanti* 社會團體), and the sub-category of cultural organizations (*wenhua tuanti* 文化團體). This new structure allowed religious organizations to register as cultural organizations, and use the status to associate property holdings with a corporate

structure. The Buddhist Association of China (*Zhongguo fojiao hui* 中國佛教會) formed to represent Buddhism at the national level. Local affiliates sometimes did not participate much in the national organization, but they frequently used the organizational structure as a platform to appeal to the national government when local temple property was threatened by local governments. Daoism on the other hand established a diverse group of organizations rather than producing a single national association.

In 1928, Xue published rules and guidelines that encouraged further idol smashing and temple confiscations and subjected temples to reporting and service requirements. These new rules and guidelines did not apply to Christianity and Islam, but rather specifically exalted these monotheistic religions. Due to widespread backlash in the Buddhist community, the Ministry of Interior rescinded many of these rules after only four months, and the government referred the issue to the Legislative Yuan. In a new law called the “Act of Supervising Temples” (*Jiandu simiao tiaoli* 監督寺廟條例) promulgated in December 1929, the Legislative Yuan relaxed some of the most egregious requirements, but did not eliminate provisions that allowed for temple confiscation. Buddhists argued that “religious property” (*zongjiao caichan* 宗教財產) was different from local shrines (*shemiao* 社廟). They persuaded the Legislative Yuan, that whereas civic organizations may reasonably be accountable for shrines, religious property should be the domain of temples clerics. The Legislative Yuan also removed the authority of local governments to confiscate property if a cleric did not maintain his

vows. The details of the specific charitable services that temples were expected to provide were loosened, but the Act still compelled temples to do charitable work. The Act also subjected temple managers to criminal prosecution if their temples did not perform charitable services or use their funds for “legitimate purposes.” The latter requirement once again opened temples to the possibility of temple seizure.

In the end, the Legislative Yuan did not provide further guidance on the difference between religion and superstition, and left sufficient grey areas in the law to allow for continued property seizures. Local governments continued to claim ownership of temples such as those of the City God where property rights were ambiguous and to confiscate properties when the temple manager died or otherwise left the position. Churches and mosques still did not fall into the system. The Department of Propaganda continued to push the anti-superstition campaign following the promulgation of the Act of Supervising Temples into 1930 when the government was distracted by the Japanese invasion, but starting in 1934, the New Life Movement renewed persecution of superstition. In 1935-1936, the Nationalist Party Mass Training Department (Minzhong xunlian weiyuanhui 民眾訓練委員會) required religious organizations to re-register and to make loyalty pledges to the government. While Buddhist organizations received a role to advance moral education during the New Life Movement, the government also increased levels of supervision in a model that Nedostup calls “state corporatism.”

The Nationalist government established a system that superficially resembled separation of religion and the state, but mainly for the benefit of the monotheistic religions, the first religions. The making of second religions from the old category of Idolatries was still in process. Native teachings and practices were subject to state surveillance, property seizure, and the organizational demands of the state: "real 'religion' ought to look like a church: regular meetings, obvious demarcation of membership, open transmission of clearly marked religious texts available to all, and a set of readily articulated beliefs."⁵⁰ Xue Dubi made it clear that superstition was to be destroyed, including "the God of Wealth, City Gods, earth gods and worshipping wood, stone, foxes, and snakes."⁵¹ Despite having made significant financial contributions to the Northern Expeditions, Buddhist loyalty remained suspect to the Nationalists, so the threat of idol smashing and temple seizure did not subside.⁵² Absent from this discussion so far is Confucianism. The fate of Confucianism was most closely tied to the traditional category of jiao, the topic to which we turn now.

1.4 The Category of Jiao

What we have said so far gives in very rudimentary form an explanation of why Western students agreed for so long with the indigenous elite that China had no "religion": both groups agreed that Confucianism was not a religion; that

⁵⁰ Nedostup, *Superstitious Regimes*, 65.

⁵¹ Xue Dubi quoted in the *Central Daily News* (*Zhongyang ribao* 中央日報), as quoted and translated in Nedostup, *Superstitious Regimes*, 40.

⁵² See Nedostup, *Superstitious Regimes*, especially Chapter 3, for more on the temple laws and their ramifications.

Buddhism was of foreign origin and had in any case long since gone into terminal decline; that the Daoist religion was a grossly superstitious and decadent form of the once lofty Daoist philosophy; and that the Chinese people were a hopelessly superstitious lot. That left rather little to say of "Chinese religion."

The basic problem with this view is that it is wrong, and a more accurate account - the one we will seek to detail in this book - would read more like this: Confucianism is a religion involving blood sacrifices to the ancestors, to the gods recognized by the state, and to Heaven (by his Son 天子, the emperor); Buddhism was indeed of foreign origin but not only did it "conquer" China, it rapidly sinicized and became an integral and permanent part of Chinese religion and society; the Daoist religion is a complex synthesis of Chinese cosmology, Daoist philosophy, Confucian ethics, Buddhist philosophy and rituals, and shamanistic practices. As for the Chinese people being "superstitious," such categories are no longer used in our line of business.⁵³

In the above quote from *China: A Religious State*, John Lagerwey describes a recent shift in scholarship on the religions of China. This new "religious turn" or "religion school" of the history of China rejects the notion that Confucianism was secular. For Lagerwey and others, the Jesuits invented Confucianism as a model of secularism. In the Matteo Ricci interpretation of Confucianism, the worship of ancestors was only to memorialize the deceased, rather than to worship their spirits. Lagerwey, however, points out the double standard of this view. The Calvinists in Europe took Communion only to memorialize Jesus's sacrifice of his body and blood. For them, the Eucharist was only symbolic, just as the ancestral rites were only symbolic for the Confucians, but for the Ricci-influenced Jesuits the Calvinists were a heterodox religion, while Confucianism

⁵³ Lagerwey, John. *China: A Religious State* (Hong Kong: Hong Kong University Press, 2010), 6-7.

was a secular philosophy that could be tolerated by the Catholic Church. In actuality, Ricci saw a degenerated monotheism in Confucianism, but the message that was transmitted to many in Europe was that the Chinese state was a secular state.

The Jesuit view of Confucianism was quite acceptable to the Kangxi Emperor, but the Papacy judged Confucianism to be an Idolatry, just as the Confucians judged Christianity to be a heterodoxy. The Kangxi Emperor, and even more so his son the Yongzheng Emperor, saw the Jesuits as a threat to the empire. In 1727, the Emperor Yongzheng issued an imperial edict that delineated orthodox and heterodox teachings:

All *jiao*, whether they were established in China or in foreign countries, inasmuch as they were not practiced in accordance with what is right, but inflict injury on the way of the world and the minds of men, are heterodox...when [the Western' Teaching] says that Heaven has been incarnated into a human being in order to save mankind, it appears that these farfetched words merely make use of the name of Heaven to bewitch and poison the rash and ignorant into following their *jiao*. This, then, is the heterodoxy of the West.⁵⁴

In the same edict, Yongzheng cites the heterodoxy of Buddhism, but in his treatment of Confucianism, the heterodoxy of Confucianism is only that some of the officials that represent it fail to practice its teachings. For the Chinese, Confucianism was the prototypical *jiao*, the standard by which other *jiao* were judged, just as Christianity was the prototypical *religion*, the standard by which other religions were judged. The idea

⁵⁴ Quoted in Chen, "Confucianism Encounters Religion," 37-8.

that Heaven could incarnate in human form was a serious heterodoxy, because in Confucian cosmology, the Emperor was the Son of Heaven (*Tianzi* 天子) who had exclusive authority to serve as the liaison between heaven and earth.⁵⁵

Just as the Jesuits grafted Chinese teachings into their cosmology, the Chinese grafted the Christian teachings into their cosmology. For example, a group of scholars starting with Zou Boqi 鄒伯奇 (1819-1869) argued Christianity and Western learning, as well as Buddhism, derived from Moism. Chen Li 陳澧 (1810-1882) followed Zou's arguments but noted that the war-loving Westerners failed to follow the teaching of Mozi 墨子 that denounced war. Chen Chi 陳熾 (1855-1889) argued Moses was none other than Mozi. In contrast, in his book *Caifeng Lu* 采風錄 (*An Account of Western Customs*) (1894), Song Yuren 宋育仁 (1857-1931)—attaché of Chinese Legations in England, France, Belgium, and Italy— argued most Western teaching derived from the Chinese teaching of spirit mediums called *Wujiao* 巫教, after their adherents were repelled from China. As late as the World's Parliament of Religion in 1893, the Confucian representative Pung Kwang Yu (*Peng Guangyu* 彭光譽) followed a similar line of argument that religious teachings were the teachings of *wu*, priest practices.

⁵⁵ See Chen, "Confucianism Encounters Religion," Chapter 1.

Pung divided categories of knowledge into wu and ru 儒.⁵⁶ “Ru” referred to the teachings of the scholars, and it is the character most frequently used to denote Confucianism today. As the First Secretary of the Chinese Legation in Washington, D.C., Pung himself was a statesman who trained for and passed the imperial exams, which were based on the ru teachings, or Confucian teachings. As such, he thought he was a poor representative to speak on religion because religion was the domain of wu. In fact, Pung was wary of religion, because of its capacity to corrupt the Confucian teachings. His concern was that religion may turn people away from their duties: “sovereigns should be humane; subjects loyal; parents loving; children obedient; husbands faithful; wives devoted; elder brothers respectful; friends true to each other.”⁵⁷ If people did not follow these moral teachings, he feared that “every attempt to propagate religious doctrines in China has always given rise to the spreading of falsehoods and errors, and finally resulted in resistance to legitimate authority and in bringing dire calamities upon the country.”⁵⁸ However, the teachings themselves were not necessarily bad:

Christianity, Buddhism, Taoism, and even priestism [wujiao] do not teach error. If the subject were merely to teach the foolish to say prayers, the harm would be slight. On the other hand, if no restraint be put upon the spirit of proselytism, troubles will be sure to spring up.⁵⁹

⁵⁶ In his speech, he used the romanization *yu*.

⁵⁷ Pung Kwang Yu, "Confucianism," in *The World's Parliament of Religions; an Illustrated and Popular Story of the World's First Parliament of Religions, Held in Chicago in Connection with the Columbian Exposition of 1893*, edited by John Henry Barrows, 374-439, (Chicago: The Parliament Publishing Company, 1893), 383.

⁵⁸ *Ibid*, 384.

⁵⁹ *Ibid*, 386.

In other words, Pung's concern is not with the teachings, but rather their capacity to produce rebellion.

Pung's view that Confucianism was not a religion was not universally accepted. At the time of Pung's speech, Chinese still lacked a word to describe religion. Religion was still translated as *jiao*. In the case of Pung's speech, he also used the transliteration *Er-li-li-jing* 爾厘利景, which he abbreviated *jingjiao*. At the same time, in China, Kang Youwei 康有為 (1858-1927), Liang Qichao 梁啟超 (1873-1929), and others were building a Confucian Church on a Christian model. It was in 1898 that Liang gave a lecture advocating for the use of the Japanese translation of religion *zongjiao*. While his speech was instrumental in popularizing the term, the term and the concept remained controversial for three more decades. Liang publicly reversed his support for the term in 1902. Others, such as the scholar Chen Huanzhang 陳煥章 (1881-1933), argued that there were different types of *jiao*: the "divine way" (*shendao* 神道), the "human way" (*rendao* 人道), and mixtures of both. This division is quite congruent with Pung's division between *ru* and *wu*, but the fact that *jiao* encompassed both the divine and the human way reveals the basic core problem with translation. As much as Pung wanted to draw a

clear division between the two forms of teachings for his audience in Chicago, Chinese classification was not based on the distinction between these two domains.⁶⁰

The debate over these categories extended into the making of the constitution. While the term *zongjiao* offered a common referent to translate the foreign concept of religion, many people such as Kang Youwei and Chen Huanzhang still preferred to imbue it with the meaning of *jiao*. After the Qing dynasty fell in 1911, Confucianism lost its central figure, the Son of Heaven, but Confucianism was still at the center of the Constitutional debate that ensued. Kang led the movement to make Confucianism the “state teaching,” or *guojiao* 國教, equivalent to state religion in Christian countries.

The Legislative Yuan had a very vigorous debate on the topic of enshrining Confucianism as the state teaching. Representative Li Guoding rejected the very concept of *zongjiao*: “these two characters *jiao* and *zong* are now pieced together in the same breath as if they were related. This is like fitting a square peg into a round hole. They are totally incompatible.”⁶¹ Others argued that China did not have a history of institutionalized theocracy. However, both sides of the debate about whether Confucianism should be the “national teaching” agreed that China never had religious wars and had long enjoyed freedom of religion. To attest to this fact, religious minorities

⁶⁰ See Chen, “Confucianism Encounters Religion,” Chapter 4.

⁶¹ Quoted in Chen, “Confucianism Encounters Religion,” 175. *Zong* 宗 refers to sect, and *jiao* 教 refers to teaching, so together they may be glossed sectarian teaching.

did not oppose the proposal. On the contrary, in the Upper House, the Mongolian representative, Burged, actually proposed an article enshrining Confucianism as a state religion. As events such as the May 4 movement in 1919 and the Bolshevik Revolution in 1917 fomented anti-religious sentiment domestically and globally, the state teaching supporters missed their window of opportunity, but the debate revealed that jiao was conceptually distinct from the imported concept of religion.⁶²

For the Chinese state, Confucianism was the prototypical jiao, so much of the debate on the distinction between jiao and religion revolved around Confucianism, but Confucianism was not the only teaching that did not cleanly fit the definition of religion. A preeminent Buddhist of the Republican Period Ouyang Jian 歐陽漸 (1871-1943) also claimed that Buddhism did not meet any of what he understood to be the four criteria for a religion: "(1) worship of god or gods, (2) sacred scripts, (3) beliefs, and (4) rituals."⁶³ While whether any particular form of Buddhism meets any of these four criteria would be debatable, Oujian provides a fairly reasonable set of criteria for religion, vis a vis its prototype, (Protestant) Christianity. The criteria for jiao, however, did not focus exclusively on gods or the sacred. While Confucian representatives such as Pung argued that Confucianism was primarily a moral teaching focused on human relations, this

⁶² See Chen, "Confucianism Encounters Religion," Chapter 4.

⁶³ Chen, "Confucianism Encounters Religion," 265.

view elided the fundamental fusion of the “divine way” and the “human way” in Confucianism, and the category of *jiao* for which it is the model.

The imperial register of sacrifices (*sidian* 祀典) illustrates the “divine way” in Confucianism. The register of sacrifices represented a list of deities for which the imperial government required sacrifices. Beginning in the Song, the Chinese state expanded the registry of sacrifices to establish direct links to the people. Local officials established close relationships with local temples, so they could both monitor temple activities and associate the state with divine authority. The associations were not just superficial, but rather were an expression of the established cosmology. Lagerwey uses the description in the *Rites of Zhou* (*Zhouli*, 周禮), a classic dated to around 300 BC, as a conceptual tool to understand the cosmology that dictated the duties of the emperor. According to the *Rites of Zhou*, the Emperor’s palace complex consisted of three buildings. The palace was in the center; to the east, was the ancestral temple (*miao* 廟); and to the west was the earth god altar (*she* 社). Whether this configuration ever existed in real life is less important than the disciplinary divisions it represented. The ancestral temple was the realm of Confucianism, which was associated with the domain of ancestral lineage, and the associated fields of ethics, textual knowledge, and civil officers (*wenguan* 文官). The earth god altar was the realm of Daoism, which was associated with domain of territory (earth), and the associated fields of ritual sacrifice (*jiao* 醮) and the

rites of military officers (*wuguan* 武官). The blood sacrifice for the gods and the capital punishments meted out by the emperor to the military were as fundamental to the role of the emperor as ancestral veneration. The emperor's legitimacy indeed rested on his exclusive authority to perform the ritual sacrifices to heaven. The fact then that the emperor expanded the register of sacrifices and put them under the supervision of civil officers was merely a reconfiguration of how the state's dual authorities were executed. It was a reassertion of its authority in order to wrest power from Buddhism and Daoism, which had increasingly encroached on the ritual domain of the emperor.⁶⁴

In effect, this system of expanding the registry of sacrifices and involving degree-holding civil servants in local ritual was a policy of accommodation, harmonization, and integration of the various teachings and practices of China. Republican period legislators who disagreed on whether Confucianism should become the "National Teaching" agreed that China had never went to war over religion and had long protected the freedom of religion because the state not only tolerated but openly participated and drew authority from local practices. Where conflict did occur, it was where the communities of teachings or practices organized outside of the imperial system. In contrast, in Christendom, the weakening of the Holy Roman Empire, and the redistribution of power to local principates set a stage for doctrinal disputes that

⁶⁴ Lagerwey, *China*, especially "Introduction."

“confessionalized” religious communities. The wars that resulted from these communities generated the modern concept of religion, which devolved power into the domain of the secular to mediate disputes between the confessional communities. Freedom of religion, however, was largely limited to the religiously diverse immigrant nation of the United States until the twentieth century, and in the realm of foreign relations, the freedom of religion was a diplomatic courtesy among the “civilized” Christian nations and a diplomatic demand that enabled Christian proselytizing in “uncivilized” non-Christian nations. According to the historian Prasenjit Duara, “When we turn to the history of modern secularization in China, the conception, for most Sinologists, has a distinct air of irrelevance.”⁶⁵

The insight of the “religion school” is that the Chinese state incorporated deities into their system of governance, and therefore the state was not secular as has frequently been presumed. The “religion school” replaced the label *secular* with the label *religious*, but whichever term we use, we deny the particular history of East Asia and risk subjecting non-Christian teachings to a power dynamic that was designed for a European context. *Religion* is one term in a socially constructed power trinary consisting of the secular, religious, and superstitious domains. As we have seen, placing teachings

⁶⁵ Prasenjit Duara. *The Crisis of Global Modernity: Asian Traditions and a Sustainable Future*. (Cambridge: Cambridge University Press, 2015), 187, and chapter 5 for a more detailed discuss of the content of this paragraph..

into any one of these categories has consequences. Declaring a teaching as secular, as the Japanese did with state Shinto, places it in the domain of power. Declaring a teaching as religious removes it from the domain of power but protects it from annihilation.

Declaring a teaching as superstitious authorizes its destruction. According to Chinese cosmology, China itself was the “continent of the spirits” (*shenzhou* 神州). Vital energy coursed through the landscape. The earth was integrated with heaven, and the secular religious binary did not exist. The category *jiao* did not distinguish between the “human way” and the “divine way.” As a result, it did not correspond with the new category of religion, or *zongjiao*. To misclassify is sometimes harmless enough, but when classification as superstition means annihilation, and classification as “religion” means removal from the domain of power, the stakes are very high.

Furthermore, the Nationalist government did not adopt the secular-religious-superstitious trinary completely. The Chinese cosmological system was decapitated when the emperor was removed from power and replaced with a provisional democracy, but the traditional method of accommodating teachings and practices did not completely disappear. The Nationalist Party did smash idols and confiscate temples as part of its modernization policy. It protected Christianity and to a lesser extent Islam according to foreign demands of religious freedom. However, it recognized the second-tier status of Buddhism and Daoism in the Christian-centric international regime of freedom of religion. While it disclaimed any official endorsement of religion, it

encouraged native teachings to establish corporate entities that served as vehicles of centralization and emulated a state bureaucracy. Through establishing a system of state surveillance, it reinforced control over these religious corporations. Then in the New Life Movement, it charged these religious organization—as well as Confucianism, the “non-religious” jiao—with the moral education of the public. In other words, it replicated two major components of the Confucian policy toward jiao: (1) the recognition of jiao as a method of moral education and (2) the state surveillance of jiao to prevent it from challenging the state. Of course, the “religious” component of jiao—China as the “continent of spirits”—that Confucians preferred not to acknowledge remained suppressed. Thus, the Nationalist Party and the Republic of China created a hybrid system. While on the surface level, the zongjiao discourse superseded the discourse of jiao, the concept of jiao and the official management of jiao retained elements from the imperial system. The second religions never fully became religions with the protections that the first religions enjoyed, and the implications of this hybridity redound to the present day in the People’s Republic of China, even more directly to the last stronghold of the Republic of China in Taiwan. However, the international regime of the freedom of religion also shaped and constrained the concept of religion in Taiwan, so before addressing the status of religion and jiao in present day Taiwan, the next section first addresses the international status of freedom of religion, particularly in relation to its most avid supporter, the United States.

1.5 Freedom of Religion as a Universal Human Right

The modern concept of religion and the concept of religious freedom, or more correctly religious *tolerance*, have been entangled from the time of their formation in the intersectarian Christian wars of the sixteenth and seventeenth century. However, as we have seen, their definitions and applications have remained fluid not only across time but also across boundaries. Into the twentieth centuries, most Christian nations still maintained a national religion. Toleration of minority religions varied by state, but even this toleration was often cast in terms of protection for communities of worship rather than individual rights. While for many in Europe the French Revolution was the symbol of human rights, France also reestablished the Catholic Church as the state religion only shortly after a short period of religious freedom, and did not disaggregate the church and state again until 1905. Among North Atlantic states, the United States was the outlier. The First Amendment of the United States constitution guaranteed “the free exercise” of religion since its ratification in 1791, shortly after the founding of the republic. Along with democracy and capitalism, freedom of religion became a part of American identity, and as it embarked on its colonial adventures, freedom of religion often served as one of its justifications.

In contrast, prior to World War II, religious freedom as a universal individual right was far from reality. The Catholic Church supported explicitly Catholic authoritarian regimes such as Austria, Portugal, and Spain. To the Papacy, religious

freedom was merely a “hypothesis” suitable for states, such as the United States, where Catholics were in the minority. Even though a key element of Protestant thought was individual belief, the notion of religious freedom as an individual human right had not yet become a part of the political discourse among Protestants either. The League of Nations expressed religious freedom in terms of minority rights, rather than individual rights. The rise of the Soviet Union changed the calculus for Christians. Soviet totalitarianism challenged the legitimacy of all religion in favor of atheism. In 1937, Pius XI and his successor Pius XII together initiated a Catholic discourse on their concerns about Soviet totalitarianism. In the same year, the ratification of a new Irish constitution inspired by the “the Most Holy Trinity” provided an example of a Catholic constitutional democracy, and suggested a new way forward for the Church. Also in 1937, the Oxford Conference solidified a foundation for ecumenical cooperation among Protestants. Then in 1941, Franklin Delano Roosevelt’s State of the Union address outlined “Four Freedoms” — freedom of speech, freedom of worship, freedom from want, and freedom of fear — and put “human rights” on the agenda of the United States for the first time, especially as universal values. During Christmas one year later, the Pope Pius XII outlined five principles of peace. The first principle “the dignity of the human person” provided the basis of “fundamental human rights” as the foundation for human rights. The pope’s Christmas message reversed the Vatican’s previous rejection of human rights, and elevated a new and minor discourse on human dignity to the level

of an enduring Catholic value. The Catholic about-face on the issue of human rights formed the foundation for a post-War Judeo-Christian alliance on universal human rights. In fact, in the aftermath of the war, Christians, who were concerned about their Christian brethren and missionary possibilities in communist countries, were virtually the sole voice interested in codifying universal human rights, or in the parlance of the historian Samuel Moyn “Christian human rights.”⁶⁶

The testing ground for establishing a universal regime of human rights was Japan. After Japan’s defeat, the Allied Powers, almost exclusively represented by the United States, occupied Japan, and tasked the Supreme Command of Allied Powers (SCAP), with the American general Douglas MacArthur as its head, with constructing a constitutional democracy in Japan. While Japanese aggression may be attributed to a variety of causes—such as a response to Western colonialism, emulation of Euro-American colonialism, or the influence of new scientific theories—the United States attributed Japanese aggression to the state relationship with Shintō. In actuality, unlike most European countries, the Japanese did not establish a national religion in their 1889 constitution, and they established the academic discipline of the science of religion as early as their North Atlantic counterparts. They engaged in rigorous debate about

⁶⁶ For the contents of this paragraph, see Samuel Moyn, *Christian Human Rights*. (Philadelphia: University of Pennsylvania Press, 2015).

whether the freedom of religion was a contingent privilege, a customary right derived from legal precedent, or a civil liberty. Even the state ritual known as “shrine Shintō” was distinguished from “sectarian Shintō.” Thus, Jolyon Thomas argues that the Japanese system was essentially secular. This is not to say that the wartime government did not compel religious organizations to support the war effort, and Thomas admits that during the Fifteen Year War (1931-1945) whatever religious freedom the Japanese people may have held was far from an unalienable right. Indeed, the 1939 Religious Organizations Law enlisted organized religion into the war effort. However, Thomas also argues that the secular sphere for any particular nation will be biased to some extent toward the local majority religious practice. Certainly, as already has been shown in this chapter, nations dominated by Christian values used religious freedom as a method to promote Christian interests, classified any non-Christian country as uncivilized, and employed the religious freedom as a cover for missionary activities. In the same way, the American occupiers moved to suppress Shintō in the December 15, 1945 Shintō Directive, which disentangled Shintō and the state and removed Shintō ideas from the public school curriculum. At the same time, Christian missionaries were the first non-military people to receive access to Japan.

Whereas in the mid-nineteenth century, the American government had previously compelled the Japanese to accept their extraterritorial freedom of religion, they had not demanded that they respect religious freedom for their own citizens, which

was considered an internal matter. The new negotiation between the occupation authorities and the Japanese religious organizations, legislators, and officials involved a two-state dialogue, even if one party was in a position to dictate to the other. In fact, while the U.S. aimed to promote democratic values, it rejected the Japanese draft constitution and drafted its own. The authorities understood the values of liberal democracy to stem from Christian roots, and perceived the Japanese version of state nationalism stemming from indigenous Shintō tradition to offer only a defective form of religious freedom.⁶⁷

After its defeat, Japan was no longer the major concern, so while it was an important test case, the greater community of democratic nations, or more specifically the new Judeo-Christian alliance, focused on an international statement of human rights that would speak to the new block of communist states under the hegemony of the Soviet Union. "It should also be acknowledged that in the most fledging steps toward the internationalization of the norm of religious freedom before World War II, the targets were very much Oriental despotisms—especially the Ottoman Empire— where Christians and Jews were imagined as beset by backwards misrule."⁶⁸ The Universal Declaration of Human Rights (UDHR), ratified by the new international body of the

⁶⁷ Jolyon Baraka Thomas, "Japan's Preoccupation with Religious Freedom" (Ph.D. diss., Princeton University, 2014).

⁶⁸ Moyn, *Christian Human Rights*, 153.

United Nations General Assembly, became the centerpiece for the universalization of human rights. The new version of religious freedom addressed the individual, so that each person, rather than each minority, in totalitarian regimes would qualify for protection. The Soviets proposed an alternative freedom of religion in Article 18 of the UDHR that “placed particular emphasis on freedom of thought which it was necessary to sanction in order to promote the development of modern sciences and which took account of the existence of free-thinkers whose reasoning had led them to discard all old-fashioned beliefs and religious fanaticism.”⁶⁹ These atheist “free-thinkers,” however, were exactly the target of the new universal human rights. To protect Christian missionary interests, Christians demanded the right to change religion. This demand alienated Muslims, the traditional target of Christian criticism. Saudi Arabia proposed to remove the “freedom to change his religion or belief” because, “throughout history...there were many instances where peoples had been drawn into murderous conflict by the missionaries' efforts to convert them...Religious wars between Catholics and Protestants had caused, in Europe, the death of millions of persons of both faiths.”⁷⁰ Both the Saudi and the Soviet amendments were rejected, and thus, Article 18 of the UDHR guaranteed that “Everyone has the right to freedom of thought, conscience, and religion,” including “the freedom to change his religion or belief,” and only several

⁶⁹ U.N. Doc. A/C.3/SR.127.

⁷⁰ Ibid.

Muslim states and communist states abstained from the final vote to approve the UDHR in 1948. Significantly, once the Soviet Union fell, the focus of religious freedom law once again returned to European Christianity's old foe Islam. Moyn argues that in Europe, this Christian bias has manifested in a string of court cases that deny Muslims equivalent rights to Christians, by using a "democratic minimum" standard that was designed to protect Christian culture in Europe.⁷¹

Anna Su recounts a similar shift toward the perceived threat of Islam in the United States. Soon after the fall of the Soviet Union in 1991, the United States recalibrated its foreign policy to prioritize religious freedom over other human rights in the passage of the 1998 International Religious Freedom Act (IRFA). Conservatives concerned with the threat of communism were angered when the Clinton administration renewed China's most-favored-nation (MFN) status, despite China's inaction on human rights after the 1989 Tiananmen Square incident. Then in early 1996, the National Association of Evangelicals (NAE) issues a statement of conscious regarding persecution of Christians. According to Su, in the following hearing, "Militant

⁷¹ The contents of this discussion of the UDHR of Human Rights draws from Moyn, *Christian Human Rights*, especially Chapter 4. Moyn cites the denial of Muslims to wear a headscarf in public school by the European Court of Human Rights in *Dogru v. France*, while the Court held that a Christian crucifix in a public school did not violate the separation of church and state in *Lautsi v. Italy*. These decisions follow the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms. In open debate of the "democratic minimum" standard in Article 9(2) at the Convention the main speakers openly linked Christianity with human rights and European culture

Islam, alongside communism, became the bogeyman of both public and private religious freedom advocates. Indeed, if the literature cited by different legislators during the hearings was any indication, the campaign was clearly and foremost an effort to save persecuted Christians abroad against the scourge of communism and radical Islam."⁷² Upon congressional request, the State Department established an Advisory Committee on Religious Freedom Abroad, and issued a 1997 report on religious freedom with a "Focus on Christians," as indicated in its title. In response, the 1998 International Religious Freedom Act established the Office of International Religious Freedom to author an annual report on the conditions of religious freedom in each country, and an independent U.S. Commission on International Religious Freedom to make recommendations on how to respond to violations to the president, which included the possibility of the termination of economic relations as the most severe response.⁷³

Signals of American priorities and expectations for its allies, such as the International Religious Freedom Act, play a particularly important role in Taiwan. After the United States recognized the People's Republic of China (PRC) as the legitimate government of China, the United States revoked a previous security guarantee and passed the 1979 Taiwan Relations Act, which committed the U.S. to assist Taiwan in

⁷² Su, Anna. *Exporting Freedom: Religious Liberty and American Power*. (Cambridge, Massachusetts: Harvard University Press, 2016).

⁷³ This account of the International Religious Freedoms Act comes from Su, *Exporting Freedom*, Chapter 6.

maintaining its defense capabilities. The United States supports a peaceful bilateral solution to Taiwan's relations with the PRC, but its level of commitment to back Taiwan militarily remains ambiguous. The sale of arms to Taiwan and the potential for military assistance in the case of military conflict, which no other state has expressed willingness to provide, remains the greatest deterrence to military action by the PRC. From Taiwan's perspective, then, maintaining or improving the present relationship with the United States is its exclusive mode of survival as a semi-sovereign democracy. Taiwan's system of liberal democracy distinguishes it from the PRC, and proves its alignment with the community of democratic states with which it still maintains economic and unofficial diplomatic relations. The Republic of China was a charter member of the UDHR as the recognized government of China at the time, which redounds to the current government of Taiwan today. As a result, in the high stakes game of survival, fulfilling the expectations of the UDHR, particularly the U.S.-prioritized freedom of religion, boosts its standing in the international community and buffers it from the economic and military strength of the PRC.

1.6 Conclusion

While the culture and laws of Taiwan bears scars of repeated and multi-layered colonialization, in its special relationship with the United States and its unofficial alliance with liberal democracies, Taiwan owes its survival as an autonomous semi-state to the same asymmetrical power that imposed unequal treaties on its political forebears.

The Act of Supervising Temples that codified the “second religion” status of Buddhism and Daoism still remains on the books, while Taiwan must face global expectations to comply with the freedom of religion. The fractured status of Confucianism and its role in the state recall the encounter of the Chinese concept of jiao and the imported concept of religion. Informed by the historical development of these concepts and the lack of categorical coherence that resulted, the next chapter shows how these historical debates embody themselves in the questions of law with which Taiwan still grapples today.

Chapter 2. State-Religion Relations in Taiwan: Partial State with Partial Religions

2.1 Background

The Republic of China (ROC) never really succeeded in forming a fully sovereign constitutional democracy. Following the 1911 Xinhai Rebellion, the nation remained fractured, and shortly after the Nationalist Party provisionally unified the state in the Northern Expedition in 1927-8, the Japanese invaded Manchuria in 1931. After the “Fifteen Years War,” the nation was once again beset by civil war between the Nationalist Party and the Communist Party. The Nationalist Party did succeed in implementing a constitution in 1947, only two years before the Communist Party forced the Nationalist Party to flee the mainland for Taiwan. Ironically, it was only in Taiwan—an island that had been under Japanese occupation during the early years of the Republic until 1945—that the ROC established a stable and lasting government. For the local Han and indigenous people, the island merely swapped colonial governments from that of the Japanese to that of the mainland Chinese, while the Nationalist Party and its mainland supporters who escaped to the island waited for an opportunity to retake the mainland and return home. With the exception of the mainland immigrants that fled from their homeland, the Taiwanese people inherited a set of laws and system of government that they had no part in creating. Moreover, the recognition of the Chinese Communist Party as the true government of China by the international

community in the 1970s meant that the ROC in its new island home still could not achieve a fully sovereign constitutional democracy.

The ROC brought with it the legacy of religion politics discussed in the previous chapter. Christianity received special treatment as a matter of foreign relations, while the Act of Supervising Temples singled out Buddhism and Daoism for strict oversight and the threat of temple seizure. One major difference from the wartime and prewar era, however, was that the 1947 Constitution guaranteed “The people shall have freedom of religious belief.”¹ Additionally, the ROC was one of the original signers of the 1948 Universal Declaration of Human Rights (UDHR), which stated in Article 18 that “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.” The fact that the Act of Supervising Temples was promulgated prior to the Constitution would have made its legal status ambiguous if it was not otherwise reaffirmed by the government under the authority of the Constitution. However, rather than revoking the Act in deference to the protection of religion under the Constitution or even the UDHR, the Nationalist Party instead reaffirmed it repeatedly. Upon review of existing laws, the Legislative Yuan ordered

¹ Chinese: 民有信仰宗教之自由.

that the Act be formally added to the “Catalogue of Existing Laws of the Republic of China in 1955.” The Act was also subsequently reviewed, interpreted, and upheld by the Judicial Yuan in Interpretation No. 65 (1956) and No. 200 (1985). In other words, during the period of martial law that lasted from the Nationalist Party’s retreat to Taiwan in 1949 to its formal dissolution in 1987, the government actively supported the institutionalized discrimination against Daoism and Buddhism even while its constitution and international obligations under the UDHR guaranteed the freedom of religion, or at least the freedom of “religious belief” in the narrower terms of the 1947 constitution.

Following the dissolution of martial law, the institutionalized discrimination against non-monotheistic teachings softened. The most monumental event in the relaxing of discrimination against Daoism and Buddhism was the High Court decision in Judicial Yuan Interpretation 573. The 2004 interpretation declared two parts of the Act of Supervising Temples unconstitutional: Article 2, paragraph 1 that placed temple properties and possessions under the authority of the Act and Article 8 that required temples to receive permission from their religious organization and the relevant government authority to dispose of or alter their property or possessions. In the interpretation, the High Court cited the need for religious neutrality, religious equality, and the principle of least intrusion to maintain the freedom of religious belief guaranteed in the constitution. The Act of Supervising Temples violated religious

neutrality and religious equality because it only applied to the properties of Buddhist and Daoist temples, and not the properties of other religious organizations. While the interpretation maintained the authority of the government to regulate the property of religious organizations, it held that the regulations on property did not serve a clear need and therefore violated the principle of least intrusion. While the interpretation did not invalidate the entire act, the interpretation set a precedent to apply the above principles to evaluate current and future laws, and highlighted the need for a more comprehensive law that applies to all religions equally and regulates their internal operations least intrusively.

At the time of writing, the Legislative Yuan has yet to pass any comprehensive law, but the Ministry of Interior has been working with religious organizations and the academic community to draft a religious organizations law that provides a legal framework for achieving the principles of religious freedom. In the Ministry's most recent draft bill, it claims that the effort to draft new legislation on religion dates back to 1953. While the Ministry has extensively studied domestic and foreign laws and regulations, it has been unable to draft a noncontroversial bill that protects religious freedom. The lack of official legislation regulating all religion resulted in a patchwork of administrative precedents combined with the use of general organizational law designed for non-profit organizations. What qualifies as religion remains undefined in

legislative action and juridical interpretation, and even the one act that did provide some guidance, was biased and unconstitutional.

Despite the lack of legal clarity on religion, traditional teachings and practices have flourished. Buddhist organizations, in particular, expanded rapidly following the end of martial law, while Christian organizations declined in influence. Training in Confucianism is required in schools, and the government officially supports and funds Confucian temples and rituals, while other Confucian temples register as religious organizations. Daoist organizations and temples, along with redemptive societies, not only remain popular, but also provide an open category that accommodates combinatory teachings such as the Three Teachings (sanjiao 三教) and beyond. While the foreign category of religion has not been fully adopted, the native category of jiao has not been totally eliminated. The logic of the two categories have hybridized in a way that superficially accommodates international demands for religious freedoms, while still retaining the informal and formal characteristics of the imperial system of relations with jiao. Because the laws it inherited from the Republican period in mainland China were declared unconstitutional, Taiwan is now reconstructing its laws to more fairly accommodate diverse teachings, but it still must also comply with political pressure from allies that assure its survival, most notably the United States. In this chapter, I argue the current process of lawmaking reasserts the legitimacy of Taiwan's teachings, but international standards and the maintenance of political alliances require Taiwan to

adhere to an international regime of religious freedom that does not fit Chinese and local teachings and customs.

First, I examine the intricacies and contradictions of religion law in Taiwan. Then I take a closer look at Confucianism to see how various forces in the effort to modernize resulted in a strategic fragmentation that when examined closely ultimately reveals that Confucianism cannot be divided cleanly into either secular or religious categories. Finally, I extend the same argument to other teachings to demonstrate how, rather than possessing some form of objective characteristics that distinguish them as secular or religious, particular organizations respond to the domestic and international legal framework to strategically choose appropriate categories. The result is a paradox in which defining religion violates religious freedom while not defining religion makes religious freedom unenforceable.

2.2 The Definition of Religion in Taiwan Law

2.2.1 Undefined Religion

Several years ago, Shi Huen-yuan 釋混元 (Grand Master Huen-Yuan) applied to establish a religious school called Yi-ching University 易經大學. Huen-yuan was a high-profile monk who was best known for serving as a consultant to Chen Shui-bian 陳水扁, the president of Taiwan from 2000 to 2008. Huen-yuan was also a member of the Buddhist Association of the Republic of China (BAROC), but he wanted to establish his own religion. Along with Fengshui and other native Chinese traditions, Huen-yuan

particularly promoted the Yijing 易經, one of the five classics of Confucianism and the namesake of his proposed university. As a result, he wanted to establish a religion called Weixinism (Weixin Shengjiao 唯心聖教), which directly translates as the “Sagely Teaching of Mind Only.” The Ministry of Education (MOE) is responsible for registration of schools, but since this school was a religious school, the MOE consulted with the Ministry of Interior (MOI), which manages religious affairs through the Religion Guidance Section (Zongjiao Fudao Ke 宗教輔導科) of the Department of Civil Affairs (Minzhengsi 民政司). Based on the policies of the MOI, the MOE denied the application because Huen-yuan was already a member of the BAROC. In other words, he had no need to establish his own religion because he could teach and practice as a Buddhist. In response, Huen-yuan filed a lawsuit in administrative court. In order to resolve the situation, the MOI contracted the Graduate Institute of Religious Studies at National Chengchi University (NCCU) to consult on the project. One of the members of the program was Kuo Cheng-tian, a political scientist that served in the Graduate Institute and who recounted the story to me.²

Kuo was surprised to discover that the MOI had adopted a rather unusual system of recognizing religions. After the end of martial law, the MOI began to allow new religious organizations to register. The first to register was Yiguandao 一貫道, a

² Interview of Kuo Cheng-tian, September 13, 2017.

redemptive society. Then other organizations began to register too, but the MOI became concerned that the number of religions might grow endlessly, so they capped the number of religions at 27. When the MOI sought guidance about how to handle the Yi-ching University application, the consulting faculty at NCCU realized the MOI was severely restricting the number of religions. While the MOI may not have intentionally been trying to define religion, by refusing to acknowledge any particular religion, it was implicitly defining what constituted a legitimate and recognizable religion. The faculty disagreed that the government had any authority to define religion at all. In Kuo's words, "the government has no business in defining religion," but rather should follow the thought of John Locke. The consultants' position was that recognizing religious groups as legal entities falls within the proper role of the government. The MOI may even develop categories of religion for statistical purposes. However, as John Locke argued in the *Letters Concerning Toleration*, the orthodoxy of religion is not for the government to adjudicate, but rather what is orthodox is defined in each person's mind. Thus, the opinion of the consulting faculty was that the MOI does not have the legal authority to deny Huen-yuan's application to establish a religious school on the grounds that he need not form a new religion outside of Buddhism.

The MOI not only accepted the Graduate Institute's recommendations for the case of Yi-ching University,³ but also implemented the recommendations more broadly. They decided to avoid implicitly defining religion by using any sort of implied standard in evaluating applications for religious organizations. Now, the MOI approves applications to form religious organizations almost automatically. When I inquired directly, the MOI did not reveal any criteria for application approval beyond those used for statistical purposes.⁴ Absent any specific definition of religion, the legal criteria for registration of a religion serve as a proxy for a definition of religion. Before presenting some key points required for registration in Taiwan, it is instructive to establish a point of comparison. While it is beyond the scope of this study to make a complete international comparison, the special relationship of Taiwan with the United States makes the United States a particularly instructive example, especially since the United States monitors religious freedom through the International Religious Freedom Act and, as the earliest example of a liberal democracy, has a long history of legal precedent.

In the United States, the Internal Revenue Service (IRS) is the bureau in charge of recognizing religious organizations, as much of the law around religious organizations

³ The university has a global website <http://iching-global.org/en.aspx> and schedule programming, but was not listed on the Ministry of Education's List of Religious Universities for 2017. See the Ministry of Education, "List of Religious Universities" 宗教研修學院名錄, accessed July 27, 2018, (<https://data.gov.tw/dataset/28586>,

⁴ Ministry of Interior, email message to research assistant, July 13, 2018.

involves tax benefits. Similar to the new policy to almost automatically approve applications for religious organizations in Taiwan, the “IRS makes no attempt to evaluate the content of whatever doctrine a particular organization claims is religious, provided the particular beliefs of the organization are truly and sincerely held by those professing them and the practices and rites associated with the organization’s belief or creed are not illegal or contrary to clearly defined public policy.” However, the IRS does make an evaluation about whether a religious organization meets the criteria of what it defines as a “church”:

Church. Certain characteristics are generally attributed to churches. These attributes of a church have been developed by the IRS and by court decisions. They include:

- distinct legal existence;
- recognized creed and form of worship;
- definite and distinct ecclesiastical government;
- formal code of doctrine and discipline;
- distinct religious history;
- membership not associated with any other church or denomination;
- organization of ordained ministers;
- ordained ministers selected after completing prescribed courses of study;
- literature of its own;
- established places of worship;
- regular congregations;
- regular religious services;
- Sunday schools for the religious instruction of the young; and
- schools for the preparation of its ministers.

This language of the description explicitly makes a Protestant Christian church the prototypical standard by which all religious organizations are evaluated, and the “IRS generally uses a combination of these characteristics, together with other facts and

circumstances, to determine whether an organization is considered a church for federal tax purposes.”⁵

In Taiwan, the definition of a religious organization is quite different. Because of the rather convoluted way the category of religion arose in Taiwan, there are currently three ways to register a religious organization: as a social organization, as a foundation, or as a temple. Each follows a different set of laws and regulations, but they share one important characteristic that can be traced back to Article 10 of the Act of Supervising Temples: “Temples shall, according to their financial situation, conduct public welfare and charitable activities.”⁶ Interpretation 573 did not strike down this article, so it still remains in force today, and it is duplicated verbatim in point 20 of the current version of instructions for registering a temple.⁷ Notably, reflecting Article 9 of the Act of Supervising Temples, point 20 also requires that incomes and expenditures be reported to the local authorities and made public. Both the government and the public must be informed of the public welfare and charitable work of the temple through financial disclosure.

⁵ U.S. Department of Treasury, Internal Revenue Service, “Tax Guide for Churches & Religious Organizations,” IRS Publication 1828 (Rev. 8-2015), 33, <https://www.irs.gov/pub/irs-pdf/p1828.pdf>.

⁶ Article 10, Act of Supervising Temples. My translation. Official Chinese: 寺廟應按其財產情形，興辦公益或慈善事業。The official translation is: “It is incumbent that a temple initiates benefits or charities in accordance with its financial status.”

⁷ National Religion Information Network 全國宗教資訊網, 「寺廟登記」 [Temple Registration], accessed August 6, 2018, <https://religion.moi.gov.tw/WindowApply/Index?ci=0&cid=11>.

While the expectations for public welfare and charitable activities are required by the law and specified in the instructions for registration, the specific requirements for registering as a temple primarily relate to exclusive use for religious activities and an external appearance of a temple that must look like a temple with at least one statue of a deity or a buddha.⁸ However, the instructions for registering a religious foundation places the expectation for public welfare and charitable activities in the top-line purpose of religious foundations, along with an emphasis on the expectation for moral education: “A religious affairs foundation is a foundation with a mission of promoting national religious affairs and with an objective of propagating religious teachings, studying and practicing religious doctrine, and conducting charity for public welfare and moral education.”⁹ Beyond the description of the purpose, the criteria for the application

⁸ The instructions for registering a temple also provide specific criteria:

To apply to establish and register a temple, the temple and building shall meet the following requirements:

- (1) Exclusively provided for religious use and obtained a permit for use as a temple building.
- (2) The external appearance of the building has the characteristics belonging to a religious building, or has the characteristics of a religious building according to a statement of the religious organization.
- (3) Enshrines statues of deities or buddhas for people to worship, and, in fact, conducts religious activities.

(my translation)

申請寺廟設立登記，其寺廟建築物應符合下列要件：

- (一) 專供宗教使用並取得用途為寺廟之建築物使用執照者。
- (二) 建築物外觀具所屬宗教建築特色，或經所屬教會證明具該宗教建築特色。
- (三) 有供奉神佛像供人膜拜，從事宗教活動事實。

⁹ Ministry of Interior, Department of Civil Affairs 內政部民政司,申請設立(或變更)全國性宗教財團法人規定 [Rules for Applying to Establish (or Update) a National Religious Foundation], accessed August 7, 2018, https://www.moi.gov.tw/dca/02faith_003.aspx. My translation. Original Chinese: 宗教業務財團法人係以推展全國性宗教性事務為宗旨，以宣揚宗教教義、研修宗教教理、興辦公益慈善及社會教化為目的之財團法人。

focuses almost exclusively on the value of the land or fund that the foundation will manage (minimum 30,000,000 Taiwanese dollars, approximately 1,000,000 U.S. dollars). Social organizations are defined by the purpose of public welfare in their definition in the Civil Associations Act: “A social association refers to an association composed of individuals and (or) associations for the purpose of promoting culture, academic research, medicine, health, religion, charity, sports, fellowship, social service, or other public welfare.”¹⁰ In addition to the same basic information required for other types of social organizations, applications for social organizations whose title, mission, or duties relate to religion must also include (1) doctrine and scriptures, (2) a founder with a brief biography, (3) religious rites and rules, and (4) the history of proselytization.¹¹ In other words, the information required for each type of religious organization application varies significantly. Only the expectation to contribute to public welfare is common among all three forms of religious organizations and required by law in the case of Buddhist and Daoist temples.

The concept of public welfare is notably absent in the criteria set forth by more than two centuries of legislation and judicial precedent in the case of the United States, and there is little reason to infer it from the criteria. The IRS relies on a prototypical

¹⁰ Article 39, Civil Associations Act. Official Translation.

¹¹ Ministry of Interior 內政部, 申請組織全國性社會團體須知 [Instructions for Applying to Form a National Social Organization], accessed August 6, 2018, <https://group.moi.gov.tw/sgms/site/unit/application.doc>.

standard of a Protestant church that does not fit many teachings in Taiwan, not only on concrete characteristics such as “Sunday schools for the religious instruction of the young,” but also on abstract ones such as a “distinct religious history” and “membership not associated with any other church or denomination.” Hun-yuen’s new religion was based on Buddhism with some traditional Chinese teachings, and as he was a member of the Buddhist Association, the MOI rejected his application because his religious history was not distinct and his membership was associated with another “church” (in the Christian language of the IRS). Other teachings of East Asia are also a poor match for the Protestant church prototype.

The “freedom of religious belief” guaranteed in the constitution also does not suggest any association with public welfare, as belief is a personal choice. Kuo referred to the thought of Locke in the *Letters Concerning Toleration* as the basis for the Graduate Institute of Religious Studies’ recommendation to remove tests to what religion is. Of course, as discussed in chapter 1, these letters only granted freedom of religion to first religions, those religions that believed in a single supreme deity, so these letters would automatically exclude all traditional Chinese teachings if the scope of the letters were not broadened by subsequent developments. Nonetheless, Locke’s letters primarily confined religion to the private sphere of belief to prevent the violent conflicts between sects at the time. The secular sphere was created to maintain order, and there was no expectation for the religions to contribute to public welfare. By definition, the secular

involved the affairs of this world, which would include the public welfare. Religion involved the affairs of a supreme deity that was distinct from this world, so these realms could be separated. An expectation to improve the public welfare could be part of one's beliefs, but that depended on one's personal religious convictions not the requirements of the state. Locke did associate belief in God with moral behavior, but only in the limited sense that it enabled a believer to function as a citizen in the secular realm. The Protestant church prototype of the IRS then fits this Lockean logic. Protestantism is the prototype for a good church, and there is no expectation for the church itself to make concrete contributions to public welfare.

Taiwan's legal requirement that emphasizes public welfare must then originate in a different conceptual structure than a Lockean or American version of freedom of religion. As covered in chapter 1, at the time that the Legislative Yuan composed the Act of Supervising Temples, the state was weak and looked to Buddhists and Daoists for help in their modernization project, but the roots of the impulse to demand that jiao contribute to public welfare runs deeper. According to Confucian doctrine, fealty for the emperor was the basis for one of five relationships central to Confucianism. The Confucian system did not divide social structures into secular and religious realms, but integrated the wide variety of beliefs and practices into the government system. The public welfare was a primary concern in Confucian doctrine as an extension of the reciprocal relationship between the emperor and his subjects. As Confucianism was the

prototype for other jiao, public welfare was a cardinal objective for all jiao. The expectation that jiao support the government through providing public welfare services such as charitable activities and moral education was a natural part of the system. Traditional forms of organizations such as gongde hui 功德會 (merit societies) allowed members to accumulate merit through “overcoming the self, and esteeming compassion” (keji chongren 克己崇仁). Unlike the oppositional civil society that debates and advocates for policy issues in liberal democracies, organizations such as gongde hui independently provided public welfare services without involving themselves in policy issues.¹² As a result, an expectation for religious organizations to provide charitable activities and moral education for the public welfare follows a traditional Confucian logic, and it assisted the state in their modernization project.

Taiwan’s challenge has been to integrate the liberal right to religious freedom with the special characteristics of jiao that religious freedom was not designed to protect. The instability of the war-plagued years of the Republic of China on the mainland and the subsequent period of martial law in Taiwan have delayed fully addressing this challenge. Religion is now intentionally undefined, and registration as a religious organization is optional with three forms that offer different sets of benefits and

¹² Elise Anne DeVido. *Taiwan’s Buddhist Nuns* (Albany: SUNY Press, 2010): 114-116, and Ting Jen-Chieh, “Renjian Buddhism and Its Successors: Toward a Sociological Analysis of Buddhist Awakening in Contemporary Taiwan,” in *Development and Practice of Humanitarian Buddhism: Interdisciplinary Perspectives*, ed. Muzhu Hsu, Jinhua Chen and Lori Meeks (Hualian: Tzu Chi University Press, 2007): 249-51.

expectations. Groups that may be recognized as a religion by some people also have the option to register as a non-religious organization to accrue the particular benefits that religious organizations do not. In this landscape, the choice to register as one of the three varieties of religious organization or one of the various forms of non-religious organizations becomes a strategic choice based on a cost/benefit analysis. The MOI is also continuing to work with religious organizations to come to an agreement on an acceptable religious organizations law, but to put the debate over drafting the religious organizations law into its proper context, some background from the end of martial law and the liberalization of Taiwan's political system is necessary.

2.2.2 Legal History of Religion in Taiwan Following Occupation by the Nationalist Party

During the period of martial law, a law called the Statute on the Organization of Civil Associations During the Extraordinary Period (Feichang shiqi renmin tuanti zuzhi fa 非常時期人民團體組織法) permitted only one organization in a given category in a given geographical jurisdiction. For example, there could only be one Buddhist organization in a given jurisdiction. The BAROC was the only recognized organization at the national level, and it also organized at provincial, county, and municipal levels too, so it had a monopoly over organized Buddhist activities in Taiwan. As the only Buddhist organization, it had sole authority to recruit members, hold ordination ceremonies, and authorize clerics to leave the country for travel and study. As a result, it

became tied to the Nationalist Party to the extent that it passed a resolution at its 1982 National Congress calling the idea to lift martial law and allow the formation of opposition political parties “ridiculous.”¹³ In addition to restricting the number of organizations in any given category, the state also restricted the number of categories. For religion, there were only the “Nine Great Religions” 九大宗教 – Buddhism, Daoism, Protestant Christianity, Catholicism, Islam, the Religion of the Yellow Emperor, Li-ism, Tenrikyo, and the Baha’i faith.

The state also explicitly prohibited and persecuted certain groups it considered a threat, such as I Kuan Tao and the Unity Church.¹⁴ Even among the religions that the Nationalist Party officially recognized, the party was suspicious of religions that may have loyalties to Japan, religions that opposed war in general, and religions that could foment a Taiwanese cultural identity. Thus, the Nationalist Party installed party officials in each of the national non-Christian religious organizations in order to monitor them, recruit members to the Nationalist Party, and install party members in leadership positions.¹⁵ The state monitored Tenrikyo for its links to Japan and groups such as the

¹³ Charles Brewer Jones, *Buddhism in Taiwan: Religion and the State, 1660-1990* (Honolulu, HI: University of Hawai’i Press, 1999): 182.

¹⁴ Lin Pen-hsuan 林本炫, “Taiwan Minzhong Xinyang Leibie De Bianqian,” 台灣民眾信仰類別的變遷, last modified September 16, 2007, Institute of Sociology, Academia Sinica, <https://www.ios.sinica.edu.tw/TSCpedia/index.php/%E5%8F%B0%E7%81%A3%E6%B0%91%E7%9C%BE%E4%BF%A1%E4%BB%B0%E9%A1%9E%E5%88%A5%E7%9A%84%E8%AE%8A%E9%81%B7>.

¹⁵ Kuo Cheng-tian, “State-Religion Relations in Taiwan: From Statism and Separatism to Checks and Balances,” *Issues and Studies* 49, no. 1 (Mar 2013): 17-18.

Baha'i and Mormons for their pacifist beliefs. On the other hand, Chinese organizations such as I Kuan Tao were also surveilled for subversive beliefs. At the same time, the Nationalist Party was concerned with local practices and teachings that may serve to unify Taiwanese people against the occupation by mainland forces. The suppression of local Taiwanese deities and practices dove-tailed with the attack on "superstitions" which continued from Nationalist Party policies on the mainland. The party privileged Protestant and Catholic churches and the organizations, such as the BAROC, that most resembled the Christian prototype. They also favored organizations that provided social services and moral education along with patriotic spirit.¹⁶ Near the end of martial law, however, the state began to liberalize its policies to some extent. The Lord of Universe Church (Tiandi jiao 天帝教) became the tenth religion in 1986, and I Kuan Tao became the eleventh religion when its prohibition was lifted in 1987.

Of particular note was the Nationalist Party's close relationship with Christian groups. Despite the civil associations law that stipulated that there could only be one organization in any category, the party allowed the Christian churches to operate independently and did not install party officials to monitor them. The party enjoyed the favor of American missionaries who had previously worked in China and hoped to

¹⁶ André Laliberté, "The Regulation of Religious Affairs in Taiwan: From State Control to Laisser-Faire?". *Journal of Current Chinese Affairs* 38, no. 2 (2009): 53-84, especially 62-63. See also Paul R. Katz., "Religion and the State in Post-War Taiwan," *The China Quarterly*, no. 174 (2003): 395-412.

continue to cultivate these relationships. Thus, the party granted special privileges to American Christian missionaries, and allowed them to deliver American gifts of food, clothing, and medical supplies during the 1950s and 1960s. In the field of education, the party prohibited Buddhists and Daoists from opening universities, while Christians opened universities such as Fu Jen Catholic University and the Methodist school Tunghai University. With these special privileges, Christian membership consistently increased, reaching a maximum of seven percent during the martial law period.¹⁷ In return, Christian organizations generally refrained from criticizing the authoritarian government.

The main exception to this rule was the Taiwan Presbyterian Church, which aggressively supported Taiwanese independence. To some degree, the Nationalist Party tolerated Presbyterian protests in order to preserve a positive relationship with the United States, as any sort of crackdown on Christian groups could cause a backlash among the church's American counterparts.¹⁸ However, after releasing three major documents calling for liberal democracy and human rights in 1971, 1975, and 1977, the

¹⁷ Madsen, *Democracy's Dharma*, 1. Madsen, however, does not provide a source or year for the 7 percent figure. The Taiwan Social Change Survey only found 3.7% of people believed in Christianity in the 1984-5 survey (Yang Guo-shu 楊國樞 and Yang Guo-shu 楊國樞, ed., *Taiwan Shehui Bianqian Jiben Diaocha Jihua: Diyiqi Diaocha Jihua Zhixing Baogao* 台灣地區社會變遷基本調查計劃：第一期調查計劃執行報告. (Academia Sinica Institute of Ethnology 中央研究院民族學研究所, 1993), <https://www.ios.sinica.edu.tw/sc/cht/scDownload2.php>.)

¹⁸ Laliberte, *The Regulation of Religious Affairs in Taiwan*, 64.

government did arrest Presbyterian pastors and activists in 1979.¹⁹ When policies favoring Christians ended with the end of martial law, Madsen reports Christian membership for all but the Presbyterian Church declined,²⁰ but other surveys report that Christian belief remained constant.²¹ While Christian influence did gradually decline, in the early years of the new republic, Presbyterians exerted an inordinate influence in the new government. The successor to Chiang Kai-shek's son and his political heir Chiang Ching-kuo as president of Taiwan was Lee Teng-hui 李登輝, a Presbyterian. Peng Ming-min 彭明, the first presidential candidate for the opposition Democratic Progressive Party in 1996, was also Presbyterian. Presbyterian influence waned after Lee Teng-hui's presidency ended in the year 2000.²²

Martial law was lifted in 1987, but the Statute on the Organization of Civil Associations needed to be changed to allow opposition political parties to form. A major amendment passed in 1989, and it accompanied new freedoms in other areas of law, such as the freedom to assemble. The lifting of the restriction on the number of

¹⁹ Kuo, "State-Religion Relations in Taiwan," 19.

²⁰ Madsen, *Democracies Dharma*, see pages 12-13 for discussion of Christian favoritism, page 1 for the proportion of Christians in society, and page 43 for a reference to the Presbyterian Church's aggressive form of support for Taiwanese independence.

²¹ Lin, Pen-hsuan 林本炫, "Taiwan Minzhong Xinyang Leibie De Bianqian" 台灣民眾信仰類別的變遷, last modified September 16, 2007, Institute of Sociology, Academia Sinica. <https://www.ios.sinica.edu.tw/TSCpedia/index.php/%E5%8F%B0%E7%81%A3%E6%B0%91%E7%9C%BE%E4%BF%A1%E4%BB%B0%E9%A1%9E%E5%88%A5%E7%9A%84%E8%AE%8A%E9%81%B7>.

²² Laliberté, André. "Religion and Politics." In *Routledge Handbook of Contemporary Taiwan*, edited by Gunter Schubert, 326-41. New York: Routledge, 2016. See pages 331-2.

organizations in a category ushered in an explosion in the number of religious organizations.²³ In particular, four Buddhist organizations—Buddhist Compassion Relief Tzu Chi Association, Fo Guang Shan Monastery, Chung Tai Chan Monastery, and Dharma Drum Mountain—expanded rapidly.²⁴ Each of the four was founded by a charismatic leader that took advantage of the new freedom of speech and greater access to various public channels of communication. Smaller Buddhist and non-Buddhist organizations enjoyed these benefits too. Madsen argues that the public voice of religion smoothed the nonviolent transition to democracy.²⁵ Until 2000, however, the government was still controlled by the Nationalist Party, so it still remained conservative in some areas while it was transitioning to a more liberal system. The courts did not overturn any major forms of religious discrimination. On the contrary, in Judicial Yuan Interpretation 490, the High Court upheld mandatory military conscription for all male citizens even despite religious objection of conscience.

Interpretation 490, however, did provide an important precedent for future legislation. The case involved a Jehovah's Witness who refused mandatory military service on the grounds of his religious beliefs. The interpretation noted that Article 13 of the Constitution only protected "freedom of religious belief" (Xinyang zongjiao zhi

²³ Jones, *Buddhism in Taiwan*, 182-3.

²⁴ Jones, *Buddhism in Taiwan*, and André Laliberté, *The Politics of Buddhist Organizations in Taiwan, 1989-2003: Safeguarding the Faith, Building a Pure Land, Helping the Poor* (New York: RoutledgeCurzon, 2004).

²⁵ Madsen, *Democracy's Dharma*.

ziyou 信仰宗教之自由), but Interpretation 490 establishes that, “The guarantee of freedom of religious belief shall include freedom of personal religious belief, freedom of religious practices, as well as freedom of religious association.” Because these additional freedoms derive from the freedom of religious belief, they do not have the same authority. Since Article 20 of the Constitution requires “people to perform military service pursuant to laws,” the derived rights do not prevail over the obligation of military service. The interpretation highlights that the Constitution protects belief not practice, but also extends protections to practice and association where these rights do not interfere with other primary functions of the government.

The derived rights established in Interpretation 490 underpinned the reasoning in Interpretation 573, the 2004 interpretation declaring parts of the Act of Supervising Temples unconstitutional. Interpretation 573 also applied the right to religious neutrality and religious equality from Article 7 of the Constitution, which guarantees, “All citizens of the Republic of China, irrespective of sex, religion, race, class, or party affiliation, shall be equal under the law.” According to Article 1 of the Act of Supervising Temples, the regulations therein only applied to Buddhist and Daoist temples, so it placed an unfair burden on these temples and violated their constitutional right to property (Article 15), as well as the constitutional principles of clarity and least intrusion (Article 23). Future legislation on religious organizations must provide clear and minimal regulations that apply equally to all religions.

When the state recognized a limited number of religions and forced them to form a single organization, these religions became legible to the state. The legacy of that system passed down to the MOI, but following the Yi-Ching University case, the MOI must guarantee equality without any definition of religion or authoritative list of legible religious bodies. This task requires the unraveling of a multi-tiered hierarchy of teachings and practices. As demonstrated in chapter 1, the lack of a coherent definition of religion in the first half of the twentieth century facilitated the authorities to categorize those teachings and practices they deemed a threat to their modernization project as “superstitions.” The traditional teachings and practices the Nationalist Party deemed to be potentially viable mediums of moral education and social service—most prominently represented by Buddhism and Daoism—won recognition as religions, but only received contingent protection based on policies such as the Act of Supervising Temples. Monotheist foreign traditions, and Christianity in particular, maintained a favored status preserving the distinction between first religions and second religions, and Confucianism received provisional recognition as a secular teaching. Thus, if we are to map this system conceptually, the hierarchy of power in descending order of power would at least involve four parts: (1) “secular” teachings, (2) “first religions,” (3) “second religions,” and (4) “superstitions.” The task of the MOI, and the government in general, now involves distinguishing these categories with no definition of religion and no authority to define religion. Interpretation 590 did recognize Buddhist and Daoist

temples as constituting units of religion, which now must be treated equally with other religions. However, the division between Daoism (religion?), Buddhism (religion?), Confucianism (secular?), and other local practices (superstition?) is extremely unclear, so the status of the distinction between these categories in present day Taiwan deserves some discussion and highlights the challenge that the MOI may face in implementing religious equality without any authority to define religion.

2.2.3 Categorizing Religion

Table 1. Reported religious belief from 1985 to 2014.

Religious Belief 宗教信仰	1985 (%)	2014 (%)
Buddhism	47.2	19.8*
Daoism	6.7	12.9
Folk Religions	29.5	38.4
I Kuan Tao	**	1.8
Islam	0.0	0
Catholic	1.7	0.9
Protestant	3.7	4.7
Other	0.4	0.4
No Religious Belief	10.8	21.2

*In 2014, Buddhism was split between formal 有皈依 (5.7%) and informal 未皈依 (14.1%) affiliation.

**I Kuan Tao was not included in the 1985 survey.

Academia Sinica has been conducting a survey called the Taiwan Social Change Survey (Taiwan shehui bianqian jiben diaocha 台灣社會變遷基本調查) since 1985, and has asked respondents about their religious beliefs in several iterations of the

survey, the most recent of which was in 2014.²⁶ Table 1 shows the results from the earliest and latest surveys. The survey divided religion into Buddhism, Daoism, Folk Religions (minjian xinyang 民間信仰), Catholicism, Protestantism, Islam, other, and no religious belief, and added I Kuan Tao to later surveys. The number of Christians in Taiwan generally remained unchanged at approximately 5% from 1985 to 2014.²⁷ The stability of this statistic does not only demonstrate that the number of Christians has remained constant, but also that the recognition of what constitutes being a Christian is also consistent. On the contrary, in all surveys, the vast majority of people identified a religious belief in Buddhism, Daoism, “Folk Religions” 民間宗教, or no religion, but the reported numbers for these categories of religious belief befuddled even the researchers that produced them. Within only a few years the number of reported adherents to these “religions” fluctuated by a factor of 2 or even 3. Lin Pen-hsuan argues that the numbers are unstable because people do not see their practices as a religious belief:

...in this job of categorization, as of the present, there still exists a major challenge, mainly among the three categories of Buddhism, Daoism, and Folk Religion. Many people who actually worship deities such as Guan-gong, Mazu,

²⁶ Fu Yang-Chih 傅仰止, Chang Ying-Hwa 章英華, Tu Su-hao 杜素豪, and Liao Pei-shan 廖培珊, eds., *Taiwan Shehui Bianqian Jiben Diaocha Jihua: Diliuqi Diwuqi Diaocha Jihua Zhixing Baogao* 台灣社會變遷基本調查計畫：第六期第五次調查計畫執行報告, 中央研究院社會學研究所, 2015, <https://www.ios.sinica.edu.tw/sc/cht/scDownload2.php>.

²⁷ Lin, "Taiwan Minzhong Xinyang Leibie De Bianqian" found that Christian affiliation remained stable at 5%. The 2008-2009 Religious Experience Survey in Taiwan found a rate of 5.6% (Ping-yin Kuan, "A Profile of Religion in Contemporary Taiwan," in *Religious Experience: In Contemporary Taiwan and China*, ed. Yen-zen Tsai, 17-40. (Taipei: Chengchi University Press, 2013). See pages 18-19.), and the 2014 Taiwan Social Change Survey, found a rate of 5.8% (Fu et al. *Taiwan Shehui Bianqian Jiben Diaocha Jihua*).

and Tudi-gong call themselves Buddhists, and others say that what they believe in is Daoism. This is because this type of belief is a belief system without a religious identification by which it can be named...On the other hand, those who self-report no religious belief, also are not necessarily atheists. It is possible that relatively weak believers will not worship deities on their own, but will go with others to worship.

然而這項分類工作到目前為止仍然有很大的困難存在，主要是在「佛教」、「道教」、「民間信仰」這三種宗教類別上。很多實際上拜關公、媽祖、土地公等神明的民眾，會自稱「佛教徒」，有的會稱自己信仰的是「道教」，這是因為這類信仰是一個沒有宗教認同可以用來指稱的信仰系統· · · · · 而在另一方面，自稱「無宗教信仰」者，也未必就是無神論者，可能是比較弱化的民間信仰者，也就是不會主動去拜神明，但是可能會跟著別人拜。²⁸

The trends also ran counter to popular knowledge and non-survey forms of research.

While scholars report a remarkable growth in Buddhism following the lifting of martial law, the reported number of adherents declined from close to 47.2% in 1985 to 19.8% in 2014. Lin speculates that the number of respondents that self-report as Buddhist may have declined exactly because the resurgence of Buddhism may have increased their awareness of what a Buddhist is. While sociologists are aware of these issues and are refining techniques for this purpose,²⁹ another way to look at the problem is that these categories do not exist in any significant way in the minds of the people surveyed, and

²⁸ Lin, "Taiwan Minzhong Xinyang Leibie De Bianqian." My translation.

²⁹ See Tsai, Yen-zen, ed. *Religious Experience: In Contemporary Taiwan and China*. Taipei: Chengchi University Press, 2013, and Anna Xiao Dong Sun. *Confucianism as a World Religion: Contested Histories and Contemporary Realities*. Princeton: Princeton University Press, 2013, especially Part II.

thus, the concept of “religion” and the types of religions that the study of religion tries to impose are superscribed on a culture that does not divide knowledge in that way.

Table 2. Taiwan Ministry of Interior religious categories for statistical purposes.

Category	Religions
World religions	Buddhism, Daoism, Judaism, Catholicism, Christianity (Protestantism), Islam, East Orthodox Christianity
Religions verifiably founded more than fifty years ago and originating from Taiwan or China	Three-in One Teaching (Summer Teaching) 三一教 (夏教), Li-ism 理教, I Kuan Tao 貫道, Pre-cosmic Salvationism (World Red Swastika Society) 先天救教 (世界紅卍字會), Tiande religion 天德聖教、Hsuan Yuan Chiao (Yellow Emperor Religion) 軒轅教、Tian Dao 天道
Religions verifiably founded more than fifty years ago and originating from various locations worldwide	The Church of Jesus Christ of Latter-day Saints (Mormonism) 耶穌基督後期聖徒教會 (摩門教), Tenrikyo 天理教, The Baha'i Faith 巴哈伊教 (大同教), Unification Church 統一教, Scientology 山達基, World Divine Light Organization 真光教團
Religions that have established a specified degree of development in Taiwan*	The Lord of Universe Church 天帝教, Maitreya Great Tao 彌勒大道

*A specified degree of development involves two conditions:

- 1) To have established more than two religious foundations in more than two administrative regions.
- 2) All the religious foundations have been established for more than twenty years.

Nonetheless, the MOI continues to use religious categories for tracking purposes. The religions currently recognized by the state are listed in Table 2. The MOI classifies religions into four categories: (1) world religions, (2) religions verifiably founded more than fifty years ago and originating from Taiwan or China, (3) religions

verifiably founded more than fifty years ago and originating from various locations worldwide, and (4) religions that have established a specified degree of development in Taiwan.³⁰ The fourth category consists of religions that (a) have established more than two religious foundations in more than two administrative regions, and (b) all the religious foundations have been established for more than twenty years. Each organization specifies a religion from one of the four categories on its application, and organizations are permitted to list religions that are not included in the classification system in the “Other” category. The MOI also states that it does not confer any rights, obligations, or values based on the classification. This voluntary system of registration and passive process on the side of the MOI makes it possible for groups to make a strategic decision about whether to register as a religion or a general organization, and this decision has significant consequences. Organizations that some people consider to represent a religion such as the Buddhist Compassion Relief Tzu Chi Association and Falun Gong have opted to register as non-religious organizations. In other cases, Confucian organizations have registered as religious organizations, even while the government must maintain that Confucianism is secular. I will address the implications of these registrations later in the chapter.

³⁰ “Taiwan Diqu Zongjiao Leibie Tongji Shuoming” 臺灣地區宗教類別統計說明, Ministry of Interior Department of Civil Affairs 內政部民政司, accessed July 25, 2018, https://www.moi.gov.tw/dca/02faith_001.aspx.

2.2.4 Incentives for Religious Organizations

In order to understand the strategic decision of whether or not to register as a religious organization, it is important to understand the costs and benefits that registration provides. The largest benefit to registering as a religious organization is the tax exemptions that all non-profit public-interest groups gain. These benefits include income tax, land use tax, housing tax, and inheritance tax exemptions among a variety of other forms of tax exemptions. Commercial income is taxable unless it is non-profit, which often means sales by free-will donation rather than according to posted prices, and the individual who receives the tax-exemption cannot directly benefit from the exemptions. Aside from tax benefits, religious organizations also qualify for other exemptions for public-interest groups such as those relating to childcare regulations and land acquisition. Religious activities also receive exemptions under laws for customary practices, such as exemptions to regulations regarding livestock slaughter, outdoor assembly, and cemetery activities. There are also some exemptions related to educational, cultural, and social activities such as university admissions and visa requirements.³¹

Religious organizations are also eligible to receive a variety of benefits regarding land use, land acquisition, and direct subsidies from the government. Many of

³¹ Chen, *The Law and Religious Market Theory*, 87-8.

these benefits are tailored for religious organizations and activities and extend beyond the benefits available to other social organizations and foundations. These benefits are frequently attached to the organization's effectiveness in advancing public welfare. In the Song through the Qing, the government co-opted teachings, practices, and traditions by inserting degree holding local officials into prominent positions in local temples and shrines. The Nationalist Party continued this practice through its surveillance of religious organizations during martial law. Now that Taiwan has already transitioned to democracy, the new form of entanglement is slightly subtler than directly installing officials in religious organizations, but it is still quite public.

The expectations for religious organizations are spelled out plainly by the office of the President, as well as the Ministry of the Interior. A religious organization may receive a formal endorsement from the President if it meets the criteria for religious organizations in the Key Points for Issuing a Presidential Endorsement 總統題詞核發要點. The criteria consist of six points:

- 1) those that are known broadly and aim high and make outstanding contributions to changing customs
- 2) those that have a long history of making excellent contributions to local construction
- 3) those that were remarkably effective at helping the government to promote policy directives
- 4) those that were previously praised by a government body as a model organization
- 5) those that are remarkably effective at enthusiastically conducting public welfare, charitable, and moral education projects
- 6) those that are a local center of faith.

- (一) 旨高望重・對移風易俗貢獻卓著者。
- (二) 歷史悠久・對地方建設貢獻卓著者。
- (三) 協助政府推動政令・成效顯著者。
- (四) 當選模範團體・曾獲政府機關表揚者。
- (五) 熱心辦理公益'慈善及社會教化事業・績效優良者。
- (六) 為地區信仰中心者。³²

According to the policy, the competent authority must recommend the endorsement to the office of the president. Thus, as competent authorities, the MOI and the local authorities that manage religion are responsible for evaluating religious organizations according to these criteria. These official criteria serve as a default standard for other regulations that provide rewards for the public welfare work of religious organizations.

In addition to the criteria for receiving an official endorsement by the President, the MOI also provides its own guidance for religion through its Religion Guidance Section. At the time of writing, the MOI was conducting a Good Person, Good Deity Campaign³³ (Haoren haoshen yundong 好人好神運動). The idea of the campaign was that proper faith is expressed through a “sense of public morality” (gongdexin 公德心) and “social responsibility” (shehui zeren 社會責任). According to the MOI, a sense of public morality encourages consideration of issues such as environmental protection, animal protection, and human rights, and discourages specific practices such as

³² See Article 10. My translation.

³³ The slogan is also a play on words. As the word for deity can also mean something like the slang usage of “awesome” in English, the phrase also means the “Good people are awesome” Campaign.

carelessly releasing animals and burning paper money, as these practices may cause ecological damage or pollution. The social responsibility component of the campaign encourages believers to take what they gain from their private spiritual practice to “more effectively use the resources of the people, deeply engage the public domain and launch social welfare projects from which everyone can benefit, as well as show assistance to the government’s third sector functions.”³⁴ The campaign even has a manifesto signed by 22 religion representatives in 2013. Through the MOI’s guidance to religious organizations, the campaign reinforces the criteria for presidential endorsement.

The monitoring of religious organizations for performance on the criteria for presidential endorsement provides data for the Ministry of Finance (MOF) to reward organizations with material benefits. The MOF is authorized to provide both tax benefits and land grants to religious organizations that meet certain normative criteria. “Land used by religious organizations beneficial to social customs and [moral] education” is exempt from the land tax.³⁵ The MOF is also authorized to give land to temples and churches when the “the doctrine of belief and worship accords with the intrinsic beliefs

³⁴ “Guanyu haoren haoshen yundong” 關於好人好神運動 [About the Good Person, Good Deity Campaign], National Religion Information Network 全國宗教資訊網, accessed August 5, 2018, <https://religion.moi.gov.tw/Goods/About?ci=3&cid=1>. Original Chinese: 更能善用大眾捐資，深入公共領域興辦人人都能受益的社會福利事業，發揮輔助政府的第三部門功能. My translation.

³⁵ Article 8, Land Tax Reduction and Exemption Regulations 土地稅減免規則. Official translation.

of our country.”³⁶ The phrases “beneficial to social customs and [moral] education” and “intrinsic beliefs of our country” leave room for interpretation, and policies such as the criteria for a presidential endorsement provide excellent guidance for interpretation.

Other regulations allow the government to exempt religious organization from all fees related to illegally occupying government land without specific guidance about which conditions make the exemption appropriate.³⁷ Multiple units of government implemented complex land-use zoning after churches and temples were already built. Amazingly, only 0.3% of religious properties are in compliance with these zoning regulations, but politicians provide special favors to protect them—sometimes out of respect for the institutions but also sometimes in fear of reprisal from deities.³⁸ This form of selective enforcement of regulation produces an environment conducive to corruption and favoritism. In one well-known case, Buddhist Compassion Relief Tzu Chi Foundation (Tzu Chi) purchased land in an ecological preserve in the Neihu District of Taipei. Tzu Chi planned to use the facility to manufacture blankets for use in emergency relief efforts and to double as an emergency relief center. As the land was not zoned for development, the foundation acquired it at a low price, and then requested the land to

³⁶ Article 3, 國有財產贈與寺廟教堂辦法 [Method for Giving Public Property to Temples and Churches]. My translation. Original Chinese: 所信奉之教義合於我國固有信仰。

³⁷ Article 6, Key Points for Managing Occupied Publicly Owned Real Estate Not Open to the Public (my translation) 國有非公不動產被占用處理要點。

³⁸ Chen, *The Law and Religious Market Theory*, 106.

be rezoned without an environmental impact assessment. The city complied, but the incident erupted in 2015 when Mayor Ko Wen-je 柯文哲 discovered the city's practice of rezoning ecological preserves for Tzu Chi. Ko denounced Tzu Chi, while Tzu Chi remained silent about the controversy. However, Chao-hwei berated the mayor for denouncing Tzu Chi. On Facebook, Chao-hwei posted, "It is like biting the hand that feeds you. The mayor of Taipei has treated with hostility a noble organization that helps him care for the city's weak and disadvantaged."³⁹ In other words, Chao-hwei enunciated Taiwan's approach of favoring teachings that provide charitable services and moral education. The event was particularly shocking to many Taiwanese people because Tzu Chi's name was previously equated with environmental protection. Among other accomplishments, Tzu Chi was responsible for almost single-handedly launching recycling efforts across Taiwan.⁴⁰ Although it is worth noting that Tzu Chi is an explicitly Buddhist organization but not a registered religious organization, this event, which significantly impacted the nearly untarnished reputation of Tzu Chi, also drew public attention to the noncompliance of religious properties.

Tzu Chi provides an excellent example of how the special relationship between the government and jiao developed in recent history. In the 1970's the government

³⁹ Abraham Gerber, "Buddhist Master Lashes out at Ko over His Comments on Tzu Chi Foundation," *Taipei Times*, February 24, 2015.

⁴⁰ For Tzu Chi's environmental work, see Yih-ren Lin, "The Environmental Beliefs and Practices of Taiwanese Buddhists" (Ph.D. diss., University College London, 1999): Chapter 5.

wanted to recruit private citizens to support the government through charitable work. While Christian organizations provided a variety of services, their members only accounted for a small portion of the population. If the government wanted to mobilize people, they would need to appeal to native teachings (jiao). Since 1929, the Act of Supervising Temples required Buddhist and Daoist temples to provide charitable services, but government surveillance under martial law stifled their ability to provide robust services. In 1976, the government changed directions and issued an order for all temples to conduct charitable work. Tzu Chi was a model organization for this initiative. It won an award for being the best provider of charitable services, and the provincial government gave it the land for its first hospital in Hualien in 1980. Under martial law, Tzu Chi learned to cooperate with the government to provide quasi-governmental services, while providing independent funding and volunteer labor. In return, Tzu Chi received land, government favors, and a broader platform for its message. With a robust special relationship with the government, it is not surprising that when Taiwan democratized, the founder of Tzu Chi, Shi Cheng-yen, prohibited anyone in the organization from participating in campaigns for a political candidate, with the threat of expulsion from the organization.⁴¹ Similarly, other Buddhist organizations in Taiwan

⁴¹ Kuo, *State-Religion Relations in Taiwan*, 22.

generally try to avoid taking public positions. In contrast, Christians frequently take public stances on issues such as in the recent debate over marriage equality.⁴²

The state's close relationship with religious organizations also allows it to co-opt the organizations to provide a variety of public welfare services, including services such as providing affordable housing, discouraging prostitution, and caring for the disabled, the elderly, and at-risk youth.⁴³ One area in which the state uses religious organization explicitly to provide religious services is prisoner rehabilitation in government correctional facilities. In at least one case, Buddhist meditation retreats are cited directly as tools for rehabilitative activities.⁴⁴

The government also offers funding for a variety of religious activities including activities related to trans-religious dialogues and co-development, public-interest activities related to charity and cultivation of social morals, religious academic conferences or meetings, research and publications on religious issues, and participation in international religion conferences and activities.⁴⁵ Even during the 1990s, while the

⁴² For much of the content in this paragraph, see Madsen, *Democracy's Dharma*, 19, 34, 44, and 134.

⁴³ For a more detailed list of areas where the government co-opts religious organizations see Chen, *The Law and Religious Market Theory*, 91-93. (內政部輔導宗教團體發展及促進宗教融合補助作業要點第三條).

⁴⁴ Article 5, Points to Consider in What Should be Implemented when a Corrections Unit Uses Social Resources to Conduct Moral Education and Arts and Culture Activities, as related to the Agency of Corrections, Ministry of Justice [My translation] 法務部矯正署所屬矯正機關運用社會資源辦理教化藝文活動應行注意事項第 5 條.

⁴⁵ Article 3, Ministry of Interior Key Points for Subsidizing Projects Guiding Religious Organization Development and Promotion of Religious Integration [My translation] 內政部輔導宗教團體發展及促進宗教融合補助作業要點第三條.

state still maintained a greater degree of separation between religion and the state, the MOI provided subsidies of up to \$33,000 USD for activities such as “parades, conferences, exhibitions, ceremonies, charity programs, or neighborhood activities.” One of the largest events subsidized by the government is the annual parade which circumambulates Taiwan in honor of the deity Mazu. With participation in the range of seven million people, the government subsidizes expenses ranging from advertising to safety. In additions to providing extensive subsidies, national-level politicians also personally participate in the opening and closing ceremonies.⁴⁶

From tax exemptions to gifts of land to direct subsidies of religious activities, the incentives for organizations to register as religious organizations as opposed to non-religious ones are not small. The government also operates a system of allocating many of these incentives according to performance on well-defined metrics. Given that there are so many incentives for groups to register as religious organizations, the next natural question is to ask what the disincentives are for registering as a religious organization.

2.2.5 Dis-incentives for Religious Organizations

Unlike in some other countries, such as the United States, there are no laws restricting participation of religious organizations in politics, with the exception of direct financial contributions to a political party. Religious leaders may run for political office,

⁴⁶ Kuo, “State-Religion Relations in Taiwan,” 26.

and religious organizations may campaign for political candidates, hold political demonstrations, and conduct political lobbying. The Christian churches have been prominent in Taiwanese political movements even prior to the end of martial law, and they continue to be closely involved in political campaigns today. Buddhist organizations are generally known to avoid public politics, but there are notable exceptions. For example, the monk Shi Hsing-yun publicly endorsed his follower Chen Lu-an for president in 1997. However, Hsing-yun received sharp criticism, even though involvement of Presbyterians in politics did not receive similar criticism.⁴⁷ Even if prominent leaders of jiao refuse to make endorsements, politicians seek to associate themselves with leaders such as Shi Hsing-yun and Shi Cheng-yen through public appearances with them or declarations that they follow them.⁴⁸ Politicians even seek endorsement of deities themselves to acquire more votes.⁴⁹ Considering the broad latitude in allowable direct political action, the restriction on contributions to political parties is only a minor disincentive for registering as a religious organization.⁵⁰

⁴⁷ Laliberte, "The Regulations of Religious Affairs in Taiwan," 65.

⁴⁸ Madsen, *Democracy's Dharma*, 44, 61, 68-7, and Stuart Chandler, *Establishing a Pure Land on Earth: The Foguang Buddhist Perspective on Modernization and Globalization*. (Honolulu: University of Hawai'i Press, 2004).

⁴⁹ Katz, "Religion and State in Post-War Taiwan," 406.

⁵⁰ Chen, *The Law and Religious Market Theory*, 107-110.

A second area where political organizations are restricted is use of public buildings. Religious organizations may not use a variety of buildings ranging from the facilities of state ministries to public art museums.⁵¹ As religious organizations have access to other buildings, and often possess their own elaborate facilities, the limitation on use of public buildings is likely to be only a minor disincentive for becoming a religious organization for most organizations.

A much more significant restriction on religious organizations is the prohibition of religious activities in public schools. As one of the primary functions of either religion or jiao is to transmit teachings—as indeed the term “jiao” itself means teaching—the restriction on religious activities in public schools is a major disincentive for registering as a religious organization. The prohibition on religious activities in schools was part of the Education Fundamental Law that became law in 1999. Article 6 requires the competent authorities in the domain of education administration and schools to follow the principle of impartiality in both political and religious affairs.⁵² The original article prohibited both public and private schools from conducting any religious activities, but a 2013 revision allowed private schools to conduct religious activities pursuant to their educational mission as long as they did not discriminate against any

⁵¹ Ibid, 93-4.

⁵² Article 6, Educational Fundamental Law 教育基本法.

individual faculty, staff, or students who chose not to participate. A revision to the Private School Law in 2008 also allowed religious organizations to establish religious schools for training religious persons.⁵³ Religious schools receive accreditation by the state,⁵⁴ are eligible for the same government scholarships and financial aid available to public schools,⁵⁵ and receive government grants and awards as part of the annual government budgeting process.⁵⁶ In Taiwan, approximately 99% of primary and secondary schools are public, so the prohibition on religious activities is almost universal at the primary and secondary school level, while religious education is allowed as long as all religions have equal access. However, approximately two thirds of the more than 150 universities are private, so religious education is much more available at the postsecondary school level.⁵⁷

A final disincentive unrelated to Taiwan's law is that there are restrictions on religions in other countries, most notably in mainland China. The Chinese government only allows five officially sanctioned religious organizations to operate.⁵⁸ Foreign non-religious organizations, however, are allowed, so if any organization is interested in

⁵³ Articles 7 and 8, Private School Law 私立學校法.

⁵⁴ Article 8, Private School Law.

⁵⁵ Article 58, Private Schools Act.

⁵⁶ Article 59, Private Schools Act.

⁵⁷ Chen, *The Law and Religious Market Theory*, 104.

⁵⁸ See, for example, Sun, *Confucianism as a World Religion*, 79-80.

doing work in mainland China, it would be strongly disincentivized from incorporating as a religious organization.

2.2.6 Future Legislation

If passed, the current draft Religious Organizations Law would change the incentive structure once again. Since Interpretation 573 invalidated parts of the Act of Supervising Temples, one of the major purposes of the draft bill is to replace the old law and implement the principle of equality of religions. Even though the interpretation provided a two-year window prior to the invalidation of parts of the Act of Supervising Temples, the window closed in 2006, and at the time of writing, no legislation has replaced it. The MOI has been drafting a new bill, and aims to achieve six objectives:

1. Implement the constitutional principle of equality of religions.
2. Respect the autonomy of religious organizations.
3. Appropriately regulate the financial system of religious organizations.
4. Assist temples to obtain status of legal persons.
5. Protect the existing rights and privileges of temples.
6. Assist religious organizations with managing problems with land and religious buildings.

1. 落實憲法宗教平等原則。
2. 尊重宗教組織自主。
3. 合宜規範宗教團體財務制度。
4. 協助寺廟取得法人資格。
5. 維護既有寺廟權益。
6. 協助宗教團體處理土地、宗教建築物（都市到場）問題。⁵⁹

⁵⁹ Ministry of Interior, 宗教團體法概要介紹 [Religious Organizations Law Outline Introduction], posted July 11, 2017, https://www.moi.gov.tw/chi/chi_news/news_detail.aspx?type_code=01&sn=12383. My translation.

To develop a consensus with religious organizations, the MOI convened a Religious Advisory Committee of approximately 50-60 members consisting of representatives of the major religious organizations in Taiwan and religion scholars. Even though one of the primary purposes of the bill is to correct nearly a century of formal discrimination against Buddhist and Daoist organizations, Christian organizations are overrepresented on the committee. The MOI suspended meetings of the advisory committee for two years, and in July 2017, announced a draft bill and a series of workshops to present the draft bill to the public in the summer of 2017. The community of religious organizations expressed concerns about the draft bill, and the MOI cancelled the workshops and reconvened the Religious Advisory Committee, so the bill is still being negotiated.⁶⁰

What the current version of the bill does is consolidate the registration of religious organizations and combine the functions of social organizations and foundations into one organizational structure. The social organizations incorporated groups of people, and foundations incorporated property and financial resources. The new Religious Organizations Law would incorporate both people and property into a single organization. The bill provides a three-year period for temples to register under the new bill. For any temple that has not converted its registration after three years, the competent authority will do it for them, effectively superseding the Act of Supervising

⁶⁰ Interview of Kuo Cheng-tian, September 13, 2017.

Temples and bringing all temples under the new law. Interpretation 573 also requires that the new law implement the principle of least intrusion in religious affairs, allowing religious organizations to operate according to their traditional organizational management practices. The flexibility that least intrusion requires, however, conflicts with the increasing standardization of accountability and transparency that the state is implementing for other forms of civil associations. Early drafts of the Religious Organizations Law borrowed heavily from drafts of the Civil Associations Law, which aimed to reduce loopholes that corporations can exploit, but these rigorous regulations infringe on the traditional organizational structures and decision-making practices of religious organizations. The bill, thus, must balance the needs to resolve temple land and property issues, respect the autonomy of religious organizations, and meet some basic standards of accountability for modern corporations.

In 2016, the legal scholar Chen Ching-hsiou evaluated the draft Religious Organizations Law, and concluded it still included excessive oversight, excessive penalties, excessive transparency, excessively rigorous accounting methods, and an excessively broad authority to punish individuals. The bulk of these excesses stem from demands for accountability and severity in enforcement. However, small religious organizations do not have the capacity to implement complex accounting procedures, and excessive transparency threatens the administrative safety of these organizations. The draft bill also included criminal punishments for property-related violations. While

the intention of harsh punishments may be to prevent the confiscation or privatization of property (a significant problem under the Act of Supervising Temples), mandatory criminal punishments encroach on the freedom of religious organizations to manage these violations internally and make their own contracts. Finally, if the law is too strict, it could force religious organizations to go underground.⁶¹ As Chen's evaluation preceded the current draft, his concerns and those of others may have been addressed in the new draft to various degrees, but enough concerns still remain so that the community of religious organizations still demands further revisions.

Aside from the particulars of the balance of costs and benefits of the law, the draft also provides a definition of what a religious organization is: "What this law calls a religious corporation refers to an organization that possesses religious buildings or other particular assets, whose mission is to proclaim religious doctrine to outsiders and hold religious ceremonies, and which has completed registration with a competent authority according to this law."⁶² The draft bill also requires that the type of religion and the content of the belief be included in the organization's bylaws, but the bylaws do not

⁶¹ Chen, Ching-hsiou 陳清秀, "Zongjiao Tuanti Fa Caoan Zhi Pingxi" 「宗教團體法草案之評析」. *Renquan Huixun* 人權會訊, no. 119 (2016): 25-30.

⁶² Article 3, 宗教團體法草案 [Religious Organization Law Draft Bill], June 2017, https://www.moi.gov.tw/chi/chi_news/news_detail.aspx?type_code=01&sn=12383. Original Chinese: 本法所稱宗教法人，指具有宗教建築物或其他一定財產，以對外從事宣揚宗教教義及舉行宗教儀式為宗旨，依本法向主管機關完成登記之團體。 My translation.

need to be submitted for registration. In the list of items required for registration, only the “objective for establishment” (sheli zongzhi 設立宗旨) relates to what distinguishes an organization as religious.⁶³ The remaining eight items relate only to the administrative criteria of any organization.⁶⁴ Thus, the mission of the organization is the only item that could possibly be evaluated to determine whether the organization intends to “proclaim religious doctrine to outsiders and hold religious ceremonies.” The lack of concrete criteria for religion reflects the current policy to almost automatically accept applications for religious organizations and implements the principle of equality of religion that Interpretation 573 demands. However, it also makes the category of religion almost meaningless, and opens the category of religious organizations to corruption.

In the United States, where there are established criteria for religious organizations, even organizations that do not aspire to be religious organizations can easily register for status as a religious organization. The comedian John Oliver incorporated his own comedy show as a church called “Our Lady of Perpetual Exemption” to protest “prosperity gospel” televangelists who encourage even poor and indebted followers to make large donations.⁶⁵ Without any defined criteria in Taiwan,

⁶³ Article 9.

⁶⁴ Article 10.

⁶⁵ Last Week Tonight with John Oliver, “Televangelists,” accessed August, 12, 2018, <https://www.youtube.com/watch?v=7y1xJAVZxXg>.

the potential for corruption is even greater. In 1996, a series of scandals shook the public trust in religious organizations. Song Qili 宋七力 earned nearly 3 billion Taiwanese dollars (approximately 100 million USD) selling pictures of himself to his followers, claiming that followers could become buddhas if they worshipped the pictures. The scandal sparked investigations into other leaders, such as Miaotian 妙天 and Qinghai Wushang 清海無上, who extracted exorbitant amounts of money from their followers. Other organizations had close ties to Taiwan's major political parties.⁶⁶ These events stimulated debate among religious groups about the need for passing a new religious organizations law. Many large religious groups and their leaders, such as Buddha's Light Mountain and its leader Hsing-yun, wanted the state to establish a higher standard of accountability for religious organizations to distinguish themselves from religious scams or frauds that take advantage of the people.⁶⁷ Stringent standards, however, stretch the resources of smaller organizations, and may violate the principle of least intrusion which protects the legitimacy of traditional practices. The principle of least intrusion appears to have trumped a minimum standard that may deter questionable practices.

⁶⁶ Laliberte, "The Regulations of Religious Affairs in Taiwan," 66.

⁶⁷ Laliberte, "The Regulations of Religious Affairs in Taiwan," 65-7 and 71 and Kuo, "State-Religion Relations in Taiwan," 21.

There are signs that the bill may encourage questionable practices. While the government is working to close loopholes and strengthen standards of accountability and transparency for civil associations in general, the religious organizations bill reduces requirements for accountability and transparency for religious organizations. This increasing gap in the stringency of standards, coupled with the numerous incentives for religious organizations outlined above, may incentivize more organizations to register as religious organizations. Tzu Chi, a non-religious organization, did not participate in the Religious Advisory Committee prior to the two-year suspension of activities, but began participating in 2017. As an organization whose success has relied on its status as a non-religious organization, the widening discrepancy between the benefits of an increasingly strict civil associations law and an increasingly flexible religious organizations law may be making it consider changing its status.⁶⁸ As a Buddhist organization, the change in status would not shock many people, as many people already assume it is a religious organization. However, it also demonstrates that second religions have a fluid status. What stabilizes the definition of religion and the protection of freedom of religion in traditionally Protestant Christian countries, such as the United

⁶⁸ In my September 13, 2017 interview with Kuo Cheng-tian, he speculated that Tzu Chi may be considering registering as a religious organization in order to avoid new and more stringent oversight for non-religious groups. He also noted that, due to a debate with other Buddhist organizations, Tzu Chi established a new Buddhist sect called Tzu Chi Zongmeng 慈濟宗門 several years earlier, but they had no intention of registering it.

States, is a commonly held expectation that religion involves a belief in a single supreme deity, that a particular belief is exclusive to other beliefs, and that the structure of a religious organization looks like a church. These expectations are also sometimes codified in law, but more frequently they are reinforced by judicial decisions and administrative regulations. In Taiwan, the Act of Supervising Temples codified a second-tier status for non-monotheistic traditions, and during martial law, the Nationalist Party and the MOI had broad administrative authority to selectively recognize religions they deemed useful to the regime. More than thirty years after the end of martial law, Taiwan is still experimenting with how the category of religion can be adapted to Taiwan. So far, it has placed Confucian expectations on religious organizations and incentivized organizations to contribute to social welfare. However, the demand for equal treatment of religion is very difficult to enforce when the prejudicial practices of the Nationalist Party are gradually eliminated and there is no judicial precedent offering any functional definition of religion. Only Christianity has a stable identity. As a result, Taiwan appears to be preparing to embark on its biggest experiment on religion, in which the oversight of religious organizations is reduced to a minimum, while the differential benefits of registering as a religious organization is increased.

The lack of definition of religion, indeed, creates a big enough house to accept the second religions, but to accept all the teachings that did not conform to the mono-

theistic definition of religion, the definition of religion must be pushed so broad that it loses all coherence. If the draft bill is passed, what will define religious organizations is a mission "to proclaim religious doctrine to outsiders and hold religious ceremonies." Until the courts define "religious," it seems that any organization that proclaims doctrine and holds ceremonies seems to be qualified, and the MOI is currently predisposed to approving almost any application. Of course, political parties have doctrines and ceremonies, as do human rights organizations, Confucians, public schools, universities, and scientific organizations. While many of these organizations may not be interested in registering as a religious organization, the economic incentives for religious organizations will be persuasive to some. For example, Mazu temples in Taiwan are already known to be run by gangsters. Yen Ching-piao, the former chairman of the board of Chen Lan Temple 鎮瀾宮, used his platform at the temple to win four terms as a legislator. He was convicted of corruption and possession of a firearms in 2008, and is suspected of racketeering and attempted murder, among many other criminal activities.⁶⁹ The low levels of accountability and transparency in the draft religious

⁶⁹ Pan, Jason, "Former Legislator Yen Ching-Piao out on Parole Again," *Taipei Times*, June 7, 2014. <http://www.taipeitimes.com/News/taiwan/archives/2014/06/07/2003592200>, and Hong De-lun 洪德倫, "大甲鎮瀾宮董事「臥虎藏龍」 Dajia Zhenlan Gong Dongshi 'Wo Hu Cang Long,'" *Jin Zhoukan* 今周刊, May, 9, 2002. <https://www.businesstoday.com.tw/article/category/80392/post/200205090017/%E5%A4%A7%E7%94%B2%E9%8E%AE%E7%80%BE%E5%AE%AE%E8%91%A3%E4%BA%8B%E3%80%8C%E8%87%A5%E8%99%8E%E8%97%8F%E9%BE%8D%E3%80%8D%20P.34>

organizations law could provide an even more powerful platform for organized crime or opportunistic organizations. In other areas, it may simply expand what is considered legitimate forms of religion. However, to better understand the stakes involved, first it is important to further explore one of the few spheres where religion is banned: education in public schools.

2.3 Education, Jiao, and Religion

As noted above, the Education Fundamental Law prohibits religious activities in public school. While religious activities are allowed in private schools, the administration must allow students the choice not to participate. The law also requires impartiality in the domain of religious affairs. To enforce this law, a definition of religion is essential, but there is no official definition or juridical precedent to establish a consistent standard. Instead, actual practice both at the national policy level and at the local school level implies how administrative bodies interpret the law. Of these, there are a variety of notable practices and precedents. The most notable policy is the Ministry of Education requirement for all schools to teach Confucian texts. Also notable is the common use of the book *Still Thoughts* by the Buddhist nun Shi Cheng-yen, and the recent course on Life Education. First, I will consider the implications of requiring Confucian education, and second, I will consider how other teachings may or may not enter the compulsory education curriculum.

The Ministry of Education requires high school students to take two credits of classes on a series of books called *Basic Teaching Materials in Chinese Culture* 中華文化基本教材.⁷⁰ The series consists of excerpts from the Four Books (Sishu 四書), the texts compiled and interpreted by the Confucian reformist Zhuxi 朱熹 (1130-1200). The Four Books consist of the *Great Learning*, the *Analects*, the *Mencius*, and the *Doctrine of the Mean*, and comprise the core of neo-Confucian teachings. These four books served as the basis for the civil examinations from the Song dynasty. Along with the Five Classics, they form the Confucian canon. As already discussed in chapter 1, whether Confucianism is a religion is a subject of great debate among scholars in the North Atlantic and in Asia, but in order to teach the Confucian canon in schools, the government of Taiwan must maintain that these Confucian texts are secular in order to satisfy the requirement for impartiality in the Education Fundamental Law. The case for secularity, however, is not consistent.

One example of how Confucianism is presented alongside religions is in the Ministry of Education's teacher's manuals for the *Basic Teaching Materials in Chinese Culture* series. Each of the teacher's manuals in the series begins with an identical letter

⁷⁰ Jiaoyubu 教育部 Ministry of Education, "Shier-Nian Guomin Jiben Jiaoyu Kecheng Wangyao: Guomin Zhongxiaoxue Ji Putongxing Gaojidengxiao Yuwen Lingyu - Guoyuwen 十二年國民基本教育課程綱要：國民中小學暨普通型高級等校 語文領域－國語文 [Outline of the Twelve Year Basic Public Education Curriculum: Public Elementary and Junior High Schools and Ordinary Senior High Schools – Subject of Language and Literature— National Literature]" (2018), 2.

to teachers. The letter provides an explanation of the purpose of curriculum on the classics. As the letter explains, “A culture inevitably will have a limited number of ‘core classics.’ They are indispensable like the soul of the cultural system. The classics or classical education with this significance is exactly the subject of our current concern.”⁷¹ In fact, strikingly, the letter directly establishes the significance of studying Confucian classics through comparison with the Buddhist Tripitika, the Indian Upaniṣads, and the Jewish or Christian Bible. The MOE argues that only what is spoken by the ancient sages or saints rightly deserves to be called scripture:

Of course, what is called the opening of worldviews also has different layers. In regard to the Bible, we often say the Old Testament and the New Testament successively opened the Jewish nation’s mythical worldview and ethical worldview. For the Jewish nation, the life of the flesh admittedly came from the propagation of the race, but on the contrary, the life of the spirit was only made clear by the scriptures. In the same way, for the Chinese nation, making the Five Classics into scripture and making the Four Books—such as the *Analects* and the *Mencius*—into scripture were similarly meaningful, era-defining events in cultural history. What the ancients said precisely elucidates these [historical] implications: “If the Heavens did not give birth to Confucius, eternity would be like a dark night.” The Christians look upon Jesus, and call him the Second Adam. Isn’t this a similar point of view?

當然，所謂世界觀的打開，也有不同層次。以《聖經》來看，通常我們會說，《舊約》與《新約》先後打開了猶太民族神話世界觀與倫理世界觀。對猶太民族而言，

⁷¹ Zhonghua Wenhua Jiben Jiaocai Ziyuan Zhongxin 中華文化基本教材資源中心 [Chinese Culture Basic Teaching Resources], *Zhonghua Wenhua Jiben Jiaocai Mengzi Xiace Jiaoshi Shouce* 中華文化基本教材《孟子》下冊教師手冊 [*Basic Teaching Materials in Chinese Culture Mencius Second Volume Teacher’s Manual*] (Tainan: Jiaoyubu 教育部 Ministry of Education, 2015), 2. My translation. Original Chinese: 一個文化總有一些數量有限的「核心經典」，它們有如這個文化體的靈魂，不可或缺。這一意義的經典和經典教育，才是我們現在所關注的對象。

肉體生命固然由族屬繁衍而來，但精神生命卻是從經典中才得以昭明。同樣的，對中華民族而言，《五經》之作為經典與《論》、《孟》等《四書》作為經典，也同樣是文化史上各具意義的劃時代的事件。古人說「天不生仲尼，萬古如長夜」，便恰好說明了這個意思。基督徒看待耶穌，稱他作「第二亞當」，不也是這樣一種角度嗎？⁷²

In other words, just as the spiritual worldview of the Jews and Christians came from the Bible, the spiritual world view of the Chinese came from the Confucian classics. The letter evokes resonances with the early twentieth century constitutional debates about whether Confucianism should or should not be a national jiao (*guojiao* 國教), a term most frequently glossed *national religion*. At the time, Kang Youwei and others wanted to emulate Christian countries by enshrining Confucianism as a national religion in the constitution. As Christianity and religion fell out of favor in the 1920s, Confucian scholars used secular rhetoric to establish the legitimacy of Confucianism as a secular philosophy that could be taught in schools to produce a patriotic and compliant citizenry. The MOE, however, does not present Confucianism as secular here as it juxtaposes it with and interprets it through teachings that European scholars classified as world religions. In particular, drawing parallels between Confucianism and Christianity—the prototype for religion—would be exactly the type of rhetorical

⁷² Ibid, 3. My translation. In this passage, I translated 經典 as *scriptures*, where as elsewhere I have translated it as *classics*. The word can be glossed by both words. However, the word *scriptures* evokes the prototype of religious texts, especially Christian, whereas *classics* evokes the prototype of secular texts, such as the Greek or Roman classics. Of course, the Greek and Roman classics detail the stories of the pagan gods, but nonetheless, the difference between scriptures and classics commonly invokes the sacred-mundane binary. In Chinese, this sacred-mundane distinction does not exist in the same way, but direct comparison to the Bible demands the “sacred” gloss in this passage.

argument that would be employed to make the case that Confucianism is a religion. The word religion is never used in the letter, and any suggestion that Confucianism is a religion would put the government at risk of violating the prohibition on religious activities in the Education Basic Law, as well as judicial interpretations of the constitutional principle of equality of religions. However, the MOE's rhetoric does clearly suggest with little subtlety that the "scriptures" of Confucianism should be taught as if Confucianism were a religion. Training in Confucianism is part of the national compulsory curriculum, and teachers are instructed to take the Confucian classics as they would Christian and Buddhist scriptures. In this sense, Confucianism indeed is a national teaching, or *guojiao*, even if the politics would not allow a glossing of this term as *national religion*.

The MOE letter does not advocate the *exclusive* adherence to Confucianism, but rather argues that the Confucian classics are the bedrock for ethical exploration for Chinese people:

Studying the Core Scriptures of [our] traditional culture (such as the Four Books), absolutely does not mean that it is not possible to also study other classics (such as the *Laozi* or the *Zhuangzi*), nor is it in any way to say that we do not need to extend beyond our own cultural sphere to study the classics of other cultures (such as Buddhist scriptures, the Bible, or Plato's *The Republic*). However, no learning starts from nothing. The classics of one's own culture are the mother tongue to enter the world of meaning and the most natural and necessary bedrock.

學習了傳統文化的「核心經典」（如《四書》），絕不代表不能再學習其它經典（如《老子》、《莊子》），更不是說我們不必跨出自己的文化界域，去學習異文

化的經典（如佛經、《聖經》或柏拉圖《理想國》）。只不過，所有的學習都不是從空白出發。自己文化中的經典，是我們進入意義世界的母語，是最自然且必要的基底。⁷³

The MOE's letter takes Taiwan's culture as static and uniform, frequently using phrases like "our own culture" without reflecting on who *we* are. The identity of this *we* is already implicit in the name of the book series *Basic Teaching Materials in Chinese Culture*. In other words, *we* are Chinese (*zhonghua* 中華), and as Chinese, *we* must study the classics of *our* culture. As a result, *we* must study Confucian classics first, before *we* even have the basic ethical capacity to study the classics of other cultures. This reasoning may be standard colonial reasoning that elides the identity of non-Han peoples, but it is particularly bold and remarkable because the Confucian classics are almost exclusively placed in relation to the texts of what are normally considered world religions—putting Confucianism on equal terms to exactly what it legally cannot admit to being. After extended comparisons with Buddhist and Christian scriptures, the only reference to a classic that is not associated with the category of world religions is Plato's *The Republic*, and even then, only parenthetically. Thus, Confucianism is put on equal terms with religions like Christianity, more than secular ideologies like democracy. From that position of equality, it is the starting point for ethical exploration for Chinese people.

⁷³ Ibid, 4.

Then how do the Confucian classics impact non-Chinese people, or perhaps, non-Han people in Taiwan?

Making the Four Books the basic education resources on Chinese culture, naturally, is not to inculcate the Confucian value system, but rather is to deeply get to know the manner of ethical thinking in Chinese culture through these resources. Additionally, each person can carry out a conversation with her own life, and thus, intuitively recognize the core values in traditional culture. Each person can see the various relationship between the traditional and modern. This education does not hope to suppress diversity and modernity. On the contrary, we think that only after mastering the ability to converse with this type of core texts can one truly master other values and cultures and truly recognize the value of diverse values.

以《四書》作為中華文化的基本教材，自然也不是為了灌輸儒家的價值體系，而是要經由它來深刻認識中華文化的倫理思考，並與自身的生命進行對話，從而能自覺地辨識傳統文化裡的核心價值，看到傳統和現代的種種關聯。這一教育非但不希望壓抑多元性和現代性，相反地，我們認為唯有在學好這種與「核心經典」對話的能力之後，才真能學好其它的價值與文化，也才能真正認識多元價值的可貴。⁷⁴

While the letter speaks of promoting diversity, it still assumes that traditional culture is Chinese. Notable is the absence of the traditional cultures of the indigenous people. In my own field work in Taiwan, I met a chief of the Lukai tribe and his elderly mother. The chief was a teacher of Chinese language in a Han-majority school, exactly the type of teacher for whom this manual was created. He was proud to tell me about the award he received for his contribution to Chinese culture. After a long talk about Lukai hunting culture and land issues, we said goodbye by sharing a Christian prayer with his mother. He said the prayer in the Lukai language as his mother did not speak Chinese. The

⁷⁴ Ibid, 4.

Chinese culture in Confucian texts was certainly not the traditional culture of this Chinese language teacher. His story is not unique among the many indigenous people in Taiwan today who are only the first or second generation to be introduced to “Chinese” culture, in addition to the many Han people that are in the first or second generation to receive formal education. Rather than teaching traditional culture, Confucian education produces and standardizes modern culture.

According to his analysis of the Religious Experience Survey in Taiwan (REST)—a survey of 1,714 randomly sampled people in Taiwan conducted in 2008-2009—David Voas correlated higher levels of education with a number of self-reported experiences that the researchers called “religious experiences.” People with higher levels of education were less likely to claim to ascribe to a religion, less likely to report worshipping or praying frequently, and less likely to think that worship or prayer was important, but they were more likely to report a variety of experiences, especially under the researcher’s categories of “power” and “life.” Just in terms of the experiences in which the gap between the group reporting no education and the group reporting university-level education was 30% of the total number of respondents in the respective groups, the university-educated group reported more experiences with the “mandate or will of heaven,” “karma,” “fate or fortune,” “nothing is permanent in life; don’t be rigid,” “life and death are matters of fate and heaven disposes fame and fortune,” “success of all things significant depends on optimal conditions in heaven, on earth, and

among human beings," "encountering in real life what you saw in a dream," and "having a sudden revelation or insight." Voas concludes, "In general they [the respondents] are more influenced by education than by age, sex, marital status, or religion. The effect of education is likely to be a direct result of Confucian teaching, because the experiences on which education has the largest effects are often related to Confucianism, and vice versa. This influence, however, spills over onto nearly all of the 'power' and 'life' items."⁷⁵ While most people in Taiwan do not consider Confucianism a religion, Confucian education appears to be one of the largest contributors to "religious experience."

As already discussed in chapter 1, the status of Confucianism as a religion or a secular ideology was not preordained. It was decided through political negotiation, and after the Nationalist Party retreated to Taiwan, the government enacted formal and informal policies to promote Confucianism as a nationalist ideology. Already by 1952, Chiang Kai-shek approved September 28 as the date of Confucius' birthday on the Gregorian calendar, a date that would be designated a national holiday known as "Teacher's Day" (Jiaoshi jie 教師節). In 1960, Chiang founded the semi-official organization the Confucian-Mencius Society (Kongmeng Xuehui 孔孟學會) to promote

⁷⁵ Voas, David, "Religion, Religious Experience, and Education in Taiwan," in *Religious Experience in Contemporary Taiwan and China*, ed. Yen-zen Tsai, 187-212 (Taipei: Chengchi University Press, 2013). Quotation from page 210.

Confucian values and counted many prominent and influential educators in and outside of government in its ranks. Universities required students to take courses on the political thought of the Republic of China's founding father Sun Yat-sen (1886-1925), a course that was steeped in Confucian ideology. The big government push for Confucian education, however, began in 1968 as a response to the Cultural Revolution in mainland China. At that time, the government increased compulsory education from six to nine years and expanded moral education requirements, which were based on Confucianism.⁷⁶ While moral education is not necessarily religious, the REST survey suggests Confucian education is associated with a variety of experiences that the survey's designers consider religious. Confucian ritual is also intimately tied to the system of education in Taiwan, particularly on Teacher's Day.

In 1968, along with the major education reform, Chiang established a committee to research the rites for Confucius' birthday. The Working Committee for Rites and Music for Making Offerings to Confucius (Jikong liyue gongzuo weiyuanhui 祭孔禮樂工作委員會) consisted of four subcommittees of ritual, dress, music, and ritual implements. The convener of the ritual implements committee was a particularly notable figure

⁷⁶ For information in this paragraph, see Christian Jochim, "Carrying Confucianism into the Modern World: The Taiwan Case," in *Religion in Modern Taiwan: Tradition and Innovation in a Changing Society*, ed. Philip Clart and Charles Brewer Jones, 48-83 (Honolulu: University of Hawai'i Press, 2003), and Yen-zen Tsai, "Confucian Culture in Contemporary Taiwan and Religious Experiences," in *Religious Experience in Contemporary Taiwan and China*, ed. Yen-zen Tsai, 141-62 (Taipei: Chengchi University Press, 2013).

known as Kong Decheng, the 77th generation descendant of Confucius. Confucius' line of descendants have received official recognition from the imperial government since 195 A.D.⁷⁷ While the imperial system was overturned in 1911, two years later, in 1913, President Yuan Shikai granted the title of Official of Rites of Offering (fengsiguan 奉祀官) to the descendants of the great sages, including the descendants of Yan Yuan, Zeng Shen, Confucius, and Mencius. When the Nationalist Party fled the mainland, they moved the Office of the Rites of Offering from Qufu 曲阜 to Taichung 台中, in central Taiwan. All of the Officials of Rites of Offerings except for Yan Yuan's descendant followed. These hereditary ritualists were supported by the government of Taiwan until 1998, when the Democratic Progressive Party cut their funding. As an official Confucian ritualist, Kong Decheng assisted in designing the 60-minute ritual that would officially venerate his descendant Confucius every year on Teacher's Day, the national holiday established on his ancestor's birthday.⁷⁸ This nationally endorsed Confucian ritual does not only survive to the present day, but participation is actually mandatory for all government agencies and schools. According to the Ministry of Interior's 2009 revised

⁷⁷ "Zhonghua minguo jikong" 中華民國祭孔, Taipei Confucius Temple Governing Board (Taibei shi kong miao guanli weiyuanhui 臺北市孔廟管理委員會), accessed January 2, 2019, <http://www.ct.taipei.gov.tw/zh-tw/C/About/Ceremony/1/8/9.htm>.

⁷⁸ Liu Yijun 劉怡君, "Fengsiguan 奉祀官," Quanguo zongjiao zixun wang 全國宗教資訊網 [National Religion Information Network], accessed January 18, 2018, <https://religion.moi.gov.tw/Knowledge/Content?ci=2&cid=518>.

regulations (“Key Points for Commemorating and Making Offerings to Confucius, the Most Sagely Ancestral Master of Great Achievement”), every school must select a delegation of teachers and students to represent their school at the local Ceremony of Offering to Confucius (Shidian dianli 釋奠典禮).⁷⁹

Both the Confucian ritualists and their temples receive financial and symbolic support from the government. The Ceremony of Offering to Confucius consists of a carefully choreographed ceremonial offering to Confucius by the highest administrative officials at each level of government.⁸⁰ At the Taipei Confucian Temple, the Presidents’ Palace, the Five Yuan, and the highest-level agencies all participate.⁸¹ While the revised regulations do not restore the titles to all the former hereditary ritualists, they do singularly restore the title of Confucius’s official descendant: the “Official of the Rites of Offering to the Most Sagely Ancestral Master of Great Achievement” (Dacheng zhisheng xianshi fengsi guan 大成至聖先師奉祀官) and recognize his role in the Ceremony of Offering to Confucius as well as his role in propagating Confucian thought.⁸² The regulations do not restore the government salary for the Official of Rites of Offering, but

⁷⁹ Article 7, Dacheng zhisheng xianshi kongzi fengsi ji jinian yaodian 大成至聖先師孔子奉祀及紀念要點, [Key Points for Commemorating and Making Offerings to Confucius, the Most Sagely Ancestral Master of Great Achievement]. My translation.

⁸⁰ Article 5, *ibid.*

⁸¹ Article 6, *ibid.*

⁸² Article 3.

they do provide him with a budget to conduct research and propagate the culture of Confucius and Mencius.⁸³

With expanded government support following the educational and ritual reforms of 1968, two new temples were constructed in Taichung and Kaohsiung with construction completed in 1976. These projects likely would never have been completed without government support. In fact, of the twenty-four major Confucian temples in Taiwan, government bodies operate thirteen, while only eleven are private.⁸⁴ Although at least one provincial government publication recommended that the temples be placed under the jurisdiction of the local education authorities, the recommendation has not come to fruition.⁸⁵ Yet, the temples are home to the government mandated Confucian rituals in which all schools are required to participate.

The ceremony as well as the official recognition and financial support for Confucius' familial lineage demonstrates how entangled Taiwan's government is with Confucianism, and this entanglement is on display to the delegations of students and teachers from every school in Taiwan on Teacher's Day. In addition to these activities in which every school is required to participate, the government also promotes other

⁸³ Article 4.

⁸⁴ "Taiwan Zonggong You Jijian Kongmiao?" 台灣總共有幾間孔廟? Taipei Confucius Temple Governing Board (Taibei shi kongmiao guanli weiyuanhui 台北市孔廟管理委員會), accessed December 29, 2018, <https://tct.gov.taipei/cp.aspx?n=01E58F23555C2076>.

⁸⁵ Jochim, "Carrying Confucianism into the Modern World," 59-60.

extracurricular forms of Confucian education. In response to the Chinese Communist Party's Cultural Revolution, the Nationalist Party founded the Committee on the Restoration of Chinese Culture (Zhonghua wenhua fuxing wenyuanhui 中華文化復興委員會) in 1966. The committee promoted Confucian doctrine among other forms of Chinese culture, including creating new editions of the Confucian Classics with translations in modern Chinese. Later, the Committee was replaced by a semi-official organization called the National Cultural Association (Wenhua zonghui 文化總會). One of the activities that the Association supported was the recitation of classics. Following the 1987 end of martial law, conservative citizens started the Recitation of the Confucian Classics Movement (dujing yundong 讀經運動) in 1990. The movement soon received the support of the National Cultural Association and local governments, with many teachers bringing recitation to the classroom as well. The movement attracted millions of followers, and since 2000, the National Cultural Association holds an annual recitation competition modeled on the imperial exams at Confucian temples. Other similar award programs also promote proper Confucian behavior. For example, the government has long staged an annual award program called the National Award for Filial Deeds (Quanguo xiaoxing jiang 全國孝行獎). Thus, government-sponsored Confucian

education occurs inside and outside of the classroom with extracurricular award programs as incentives for extracurricular study.⁸⁶

While Confucianism is the only jiao the government *mandates* to be taught in schools, it is not the only jiao taught in schools. The Ministry of Education establishes the required curriculum, but local school administrators and teachers still have leeway to introduce additional content. Teachers also undergo continuing education, and continuing education opportunities are posted on the Ministry of Education's inSERVICE website. Both religious and nonreligious organizations offer these courses. Organizations by Buddhist organizations are particularly numerous. For example, Chen Chian-zong and Huang Long-min argue that in 2002 fifteen continuing education opportunities listed on the Changhua County Continuing Education Passport were religious in nature.⁸⁷ The appraisal of their religious character, however, was based on the personal judgment of the researchers, as the researchers were quite clear that teachers and administrators that endorsed these programs adamantly maintained that the programs were not religious. In fact, the school inspector's office itself took the

⁸⁶ The content of this paragraph draws from Tsai, Yen-zen. "Confucian Culture in Contemporary Taiwan and Religious Experiences." In *Religious Experience in Contemporary Taiwan and China*, edited by Yen-zen Tsai, 141-62. Taipei: Chengchi University Press, 2013.

⁸⁷ Chen Chien-zong 陳建榮 and Huang Long-min 黃隆民, "Woguo Guomin Jiaoyu Jieduan 'Zongjiao Yu Xuexiao Jiaoyu Fenji' Xiankuang De Pingxi" 我國國民教育階段「宗教與學校教育分際」現況的評析 [An Analysis on the Current Situation of "the Boundary between Religion and Schooling" in Elementary and Junior High Schooling]. *Taizhong shiyuan xuebao* 臺中師院學報 [Journal of Taichung Junior Teachers' College] 18, no. 1 (June 2004): 41-60.

initiative to organize a course on *Still Thoughts* at the Tzu Chi Taichung Branch and a seven-day chan meditation retreat for teachers at the Sanbaoshan Lingyan Temple in Chiayi County.

As mentioned earlier in the chapter, Tzu Chi is a Buddhist organization registered as a non-religious social organization not a religious organization. Five of the fifteen courses that Chen and Huang discussed were related to Tzu Chi's *Still Thoughts* curriculum. The curriculum is based on the book *Still Thoughts* (Jingsi yu 靜思語), which consists of proverb-style quotes of Tzu Chi's founder Cheng Yen. The proverbs represent an amalgam of Buddhist and Confucian moral teachings. The book was a best seller by the early 1990s,⁸⁸ and went through more than 200 editions in the 1990s alone.⁸⁹ Similarly, since at least the early 1990s, the book has been frequently used in primary and secondary schools.⁹⁰ In fact, a Tzu Chi group called the Tzu Chi Teachers' Association is dedicated to *Still Thoughts* pedagogical training. The historian Elise DeVido, who attended one of the association's three-day teacher training retreats, discovered that the training included little content (only one hour) about the book itself,

⁸⁸ Jones, *Buddhism in Taiwan*, 213.

⁸⁹ C. Julia Huang, *Charisma and Compassion: Cheng Yen and the Buddhist Tzu Chi Movement*, (Cambridge, Mass.: Harvard University Press, 2009), 304-5. Chapter 6, footnote 21.

⁹⁰ Lu Hwei-syin 盧蕙馨, "Fojiao Ciji Gongdehui 'Feisimiao Zhongxin' De Xiandai Fojiao Texing" 佛教慈濟功德會「非寺廟中心」的現代佛教特性, in *Simiao yu minjian wenhua yantaohui lunwen ji* 寺廟與民間文化研討會論文集, 725-50 (1995), 744.

and little critical discussion about how to use it in the classroom. Instead, she writes, “The main purpose of this, as other Ciji [Tzu Chi] retreats, is to initiate the participant, through choreographed manipulations of the emotions and strict discipline of the body, into Zhengyan’s [Cheng-yen’s] interpretation of Buddhism, the Ciji organization’s activities, and Ciji’s group identity.”⁹¹ While Chen and Huang admit that objections to the use of *Still Thoughts* in schools are rare, they present one parent’s anecdote involving complaints about violations of religious freedom that fall on deaf ears. The teacher and principal simply could not understand the contention that the book was religious in nature.⁹² These educators’ attitudes are typical, as the use of *Still Thoughts* is broadly accepted in Taiwan’s society.⁹³ In fact, as part of recovery efforts after 1999, Tzu Chi built 50 schools, and designed them in accord with their particular form of Buddhist aesthetics, so Tzu Chi is integrated into the education system in Taiwan beyond just course material, and many government officials and school administrators feel indebted to the organization.⁹⁴

While Chen and Huang argue that the continuing education courses with “religious” themes are virtually all Buddhist, they list at least one that denies being

⁹¹ DeVido, *Taiwan’s Buddhist Nuns*, 38. For DeVido’s experience at the camp, see 29-38.

⁹² Chen and Huang, “Woguo Guomin Jiaoyu Jieduan ‘Zongjiao Yu Xuexiao Jiaoyu Fenji’ Xiankuang De Pingxi, 57.

⁹³ DeVido, *Taiwan’s Buddhist Nuns*, 60.

⁹⁴ *Ibid*, chapter 3.

Buddhist or religious at all, Falun Gong 法輪功. While Chen and Huang claim that Falun Gong is both Buddhist and religious, they recognize that its practitioners deny that it is a religion. Falun Gong was founded in mainland China during the 1980s when the Chinese government was promoting the practice of qigong—traditional Chinese practices designed to cultivate control of energy (qi) in the body—as a form of Chinese traditional wellness training. The organization was banned from China and labeled a heterodox teaching (xiejiao 邪教) only when its membership increased to a size that the government deemed a threat to the political power of the Communist Party. As a result, it has never received any recognition as a religion in China, which only recognizes five official religions.⁹⁵ In 2002, in Taiwan, more than 3000 teachers participated in at least one of Falun Gong's continuing education course, and some of these teachers took the material from these courses and taught them in the classroom.⁹⁶ Chen and Huang argue that these teachings are religions because there is no objective standard to confirm the content. However, that same claim could easily be made for Confucianism as well as other content that is presumed secular such as human rights. The lack of intervention of the educational authorities and indeed the authorities' active promotion of education

⁹⁵ China only recognizes Buddhism, Daoism, Islam, Protestant Christianity, and Catholicism as religions. Each has a single authorized organization that is monitored by the government. For a more detailed history of Falun Gong, see David Ownby, "A History for Falun Gong: Popular Religion and the Chinese State since the Ming Dynasty," *Nova Religio* 6, no. 2 (June 2003): 223-43.

⁹⁶ Chen and Huang, "Woguo Guomin Jiaoyu Jieduan 'Zongjiao Yu Xuexiao Jiaoyu Fenji' Xiankuang De Pingxi, 50.

programs such as Tzu Chi's and Falun Gong's suggests that they believe these educational materials are appropriate for public schools. Indeed, the Falun Gong course was planned by an elementary school, not the Falun Gong organization itself, and the general lack of opposition from parents suggests at least indifference if not tacit agreement of the non-religious nature of these activities. At the time of writing, a simple search of Falun Gong 法輪功 and Tzu Chi 慈濟 on the Ministry of Education's official continuing education portal inSERVICE produced 27 courses planned by Falun Gong and 11 by Tzu Chi over the next few months, which does not include any Falun Gong or Tzu Chi activities that may be organized by another sponsor.⁹⁷

The primary space for schools and teachers to introduce these materials is a category of instruction called Life Education (shengming jiaoyu 生命教育). The Life Education curriculum was developed in 2001 in response to the high suicide rate in Taiwan in order to help students think about the value of life. Many educators thought religious education would be the best way to address these issues, but due to laws restricting religious education, the Ministry of Education developed a method to teach religion through the Life Education curriculum. While the intention was to present diverse religious viewpoints, the Ministry of Education did not provide detailed

⁹⁷ Quanguo jiaoshi zaizhi jinxiu zixun wang 全國教師在職進修資訊網 [inSERVICE], accessed January 13, 2019, <https://www1.inservice.edu.tw/>.

guidance on the curriculum. While religious education was a component of the Life Education curriculum, it was only one part of a broader curriculum to address the physical, mental, and spiritual needs of students.⁹⁸ The Ministry of Education currently defines three components to the curriculum:

1. to cultivate the knowledge and ability to deeply examine life's fundamental questions
 2. to enhance the ability and affective disposition to speculate about values
 3. to promote the cultivation of the integration of knowledge and action.
-
1. 培養深索生命根本課題的知能;
 2. 提升價值思辨的能力與情意;
 3. 增進知行合一的修養。⁹⁹

The MOE specifically cites the use of Confucian texts in the *Basic Teaching Materials in Chinese Culture* discussed above as a resource for Life Education,¹⁰⁰ but the MOE has given teachers and schools leeway in distributing Life Education lessons throughout the greater curriculum.¹⁰¹ Schools have thus invited guidance from outside organizations such as Tzu Chi and Falun Gong, and these and other organizations have independently developed continuing education curriculum to provide guidance. Four out of the fifteen

⁹⁸ For a discussion of Life Education, see Shu-Sum Ng and Wenko Chan, "Introducing 'Life Education' in Taiwan," in *Religious Education in Schools: School Education in Relation with Freedom of Religion and Belief, Tolerance, and Non-Discrimination*, ed. International Association for Religious Freedom (IARF), 39-42 (International Association for Religious Freedom (IARF), 2002). iarf.net/resources/publications/Religious Education in Schools.pdf

⁹⁹ Jiaoyubu, "Shier-Nian Guomin Jiben Jiaoyu Kecheng Wangyao, 33. My translation.

¹⁰⁰ *Ibid*, 23.

¹⁰¹ DeVido, *Taiwan's Buddhist Nuns*, 59 and endnote 59 on page 138.

continuing education courses listed by Chen and Huang included Life Education in the name of their course, with names such as “Still Thoughts Instruction and Life Education” (Jingsiyu jiaoxue and shengming jiaoyu 靜思語教學與生命教育) and “Buddhist Studies and Life Education” (Foxue yu shengming jiaoyu 佛學與生命教育). Other courses without Life Education in the course title may also provide guidance for the Life Education curriculum.

The pattern in education reflects the pattern for other policies on social and religious organizations. The government rewards charitable activities and moral education that contributes to public welfare. Thus, officials and educators that decry the lack of moral education in the curriculum appreciate that outside organizations help fill that gap. Chen and Huang argue that if the government does not regulate religions in the schools more clearly, the current policy will ignite a major conflict. They cite two examples: one in 1995 in which the Ministry of Education invited the Buddhist organization Buddha Light Mountain (Foguangshan 佛光山) to conduct a required standardized exam of Buddhist Studies (foxue huikao 佛學會考) in schools, and a second in 2001 when the Ministry of Education commissioned the Fu Jen Catholic University to develop a Life Education curriculum. In the first case, they argue that some parents did not want their children to participate in the exam, although they allowed them to participate anyway since everyone was participating. The Presbyterian Church also strongly opposed the exam. Buddha’s Light Mountain, however, claimed

that the exam was not related to religion. In the second case, some Buddhists objected to the way that the Life Education curriculum developed by the Catholic university misrepresented Buddhists and Buddhist practices. However, Chen and Huang admit that these controversies did not really ignite a major conflict. In fact, to accept their criticism, we must assume that Buddhist content is necessarily religious, which we have already seen many organizations, teachers, and principals deny. These examples further illustrate that the government is willing to sponsor and support organizations—social or religious—that contribute to public welfare. I have followed Chen and Huang’s arguments closely in this section because their analysis is a rare exception among the broad support for moral education such as that represented by the Still Thoughts material. Their minority opinion recognizes and reveals the greater trend in Taiwan’s governance and society, which is not as concerned about identifying and segregating religions as supporting moral education and charitable activities.

2.4 Conclusion

While Article 6 of the Education Basic Law and the Constitution requires religious neutrality, the Ministry of Interior does not define religion, and there is no case law history that might provide any clarification. Many organizations that provide continuing education courses and classroom education materials like Tzu Chi and Falun Gong are social organizations that claim to be non-religious. If the Ministry of Education did provide further guidance on what may be allowed, it would also need to justify why

state Confucianism is not a religion. If it was to exclude organizations like Tzu Chi and Falun Gong, it would need to describe what is different about Tzu Chi and Falun Gong from Confucianism. What distinguishes state-sponsored hereditary Confucian ritualists from shamans or priests? What distinguishes state-sponsored ceremonies that make offerings in veneration to ancestors from religious ritual? What distinguishes the “religious experiences” correlated with Confucian-influenced education from the “religious experiences” of the less educated? What distinguishes the role of Confucianism in Chinese society from the role of Christianity in European society? Neo-Confucianists often believe that Confucianism filled the same role as religion in other countries, but argue that Confucianism is not a religion even if its teachings are also transcendent.¹⁰² If we categorize teachings according to the logic of jiao, Confucianism is the prototype, and Daoism and Buddhism match closely enough to the prototype to fit the category. Then if Confucianism is not a religion, why is Buddhism? The answer *should* be that Buddhism is more similar to the prototype of religion, Christianity—that Buddhism focuses on the sacred or other worldly while Confucianism does not. The notion that Buddhism is more religious than Confucianism, however, is a modern one. As discussed in chapter 1, Jesuits thought that Confucianism was more like Christianity with Tian being the sacred, other worldly equivalent to God.

¹⁰² Jochim, “Carrying Confucianism in to the Modern World,” 65-66.

The establishment of Confucianism as a secular teaching exhibits many parallels to the invention of Shintō in Japan. Prior to the end of isolationist policies in Japan in the 1850s, worship of local deities or natural objects called *kami* was relatively diffuse and uninstitutionalized. In 1870, the Meiji government launched the Great Teaching Campaign (Taikyō senpu undo 大教宣布運動), or Great Jiao Campaign. While the Great Jiao became a national teaching (Japanese kokkyō, Chinese guojiao) by default, the terminology had to be changed when the government enshrined the freedom of religion in the Meiji Constitution in 1890. Thus, Shinkyō 神教 (Chinese, shenjiao), the “teaching of the kami,” became Shintō 神道 (Chinese, shendao), “the way of the kami.” With this re-branding, the government could argue that Shintō was not a religion but rather a secular ideology. Only when Japan was defeated in World War II did the Christian victors declare that the Japanese misunderstood the freedom of religion, and that Shintō was actually a religion. In other words, declaring Shintō a religion did not protect it as the freedom of religion may imply but rather suppressed its influence in the public sphere. Interestingly, it was the violence attributed to state Shintō by Christian occupiers that justified its demotion in political status.¹⁰³ Similarly, Neo-Confucians rebranded the

¹⁰³ For the story of the changing status of Shinto as a secular or religious up until World War II, see Thal, Sarah. “A Religion That Was Not a Religion: The Creation of Modern Shinto in Nineteenth-Century Japan.” In *The Invention of Religion: Rethinking Belief in Politics and History*, edited by Derek R. Peterson and Darren R. Walhof, 100-14. New Brunswick, N.J.: Rutgers University Press, 2002. For the role of the colonizers in recategorizing Shinto, see Thomas, “Japan's Preoccupation with Religious Freedom.”

prototypical jiao as a non-jiao to save it from the more limited status of religion. Rujiao, “the teaching of ru,” became Rujia 儒家, “the school of ru.” This rebranding and the associated academic justifications enabled the Nationalist Party to promote Confucianism, while suppressing teachings like Buddhism and Daoism with idol smashing and temple confiscations. This policy was transmitted down to the present day through the Act of Supervising Temples, which is partially still in effect even though the High Court declared parts of it unconstitutional in Judicial Yuan Interpretation 573.

The “religion school” that has emerged in the field of religious studies in the last 10-15 year argues that, historically, Confucianism and the Confucian governments were intimately connected to supporting and conducting all forms of ritual, many of which these scholars call religious. My case here, however, is not that Confucianism, Daoism, or Buddhism are religions. I have already split the concept of religion into first religions that are defined by monotheism, and second religions, that were primarily non-monotheistic teachings that challenged the hegemony of Christian colonizers. While second religions must be recognized as religions in the sense that European scholars added them to the category of world religions in the second half of the nineteenth century, truly understanding how they function requires the veil of religion to be lifted. In other words, we must suspend our belief in the category of religion, and consider two ontologies simultaneously. The “religion school” recognizes that the Chinese state was

not secular as Neo-Confucians claim, but it still applies the category of religion to understanding a system that did not divide the secular from the religious.

In Taiwan today, we can see that while the constitution embraces the concept of religion and the accompanying liberal idea of the freedom of religion, these terms do not fully describe the legal system that has developed. Instead, Confucianism, a religion in the European category of world religions, holds its traditional position in the seat of government and in the domain of power, including mandatory education, mandatory ritual offerings, and government sponsored ritualists. It would be hard to find any fundamental distinction that would distinguish it from Buddhism or Daoism. Only Christianity can be distinguished as religious by its monotheistic beliefs. The religion school has shown us that there is no sacred/mundane distinction in East Asian teachings. This reality is recognized in Taiwan's legal system, which does not relegate religion to the private sphere but rewards teachings for their engagement in charitable activities and moral education in the public sphere. This model recreates the model of jiao, in which non-Confucian jiao were not only tolerated but also integrated into power structures as long as they supported charitable activities and moral education. Only in this way can we understand the general apathy among the public and government officials for banning moral teachings from the classroom on the basis of religious freedom, as well as the government financial and symbolic support for teachings and practices that contribute to moral education and public welfare.

The concerns of scholars like Chen and Huang that differences among teachings may ignite major conflict is not entirely misplaced. They point to the case of Japan and how the violence of Shintō nationalism shaped attitudes and policies toward religion in the post-war era. They, however, do not address the fact that Japan had a robust system of freedom of religion during wartime and the period leading up to war. During that time state Shintō was not a religion, so any amount of freedom of religion would not have affected state Shintō policy. Instead, the case of Japan demonstrates how arbitrary and political the definition of religion is, for second religions in particular. In Taiwan, the teaching that is in the same political position as Shintō was in Japan is not Buddhism or Falun Gong but Confucianism, the secular essence of national culture. From that logic then, preventing violent nationalist imperialism would involve limiting the nationalist tendencies of Confucianism rather than enforcing religious freedom.

The nationalism-inspiring violent potential of Confucianism does not seem to be a major concern at this point in time in Taiwan (although it could present a greater concern in the PRC as it increasingly promotes Confucianism as a form of nationalist identity). The Confucian logic that integrates a rewards-based system for both social and religious organizations seems to be maintaining a peaceful order. More important is the hierarchical system that is created by a hybrid system of liberalism and Confucianism. Christianity has received preferential treatment under the current system, as it was not subject to the supervision of the Act of Supervising Temples and it was explicitly

advantaged in a variety of other policies. The advantages of Christianity are supported by an international system of human rights and religious freedom that was designed by Christian nations and is enforced by the international policy of Christian majority countries. Confucianism's advantage is state sponsorship at the domestic level. Buddhism and Daoism must operate in a system of liberalism designed to protect different forms and interests of Christianity, and a Confucian system designed to retain Confucian authority through mandatory education and enforced cultural identity.

The case of Taiwan demonstrates that no uniform modernity based on liberal values has totally succeeded in Taiwan. The debate of what religion is and how it can be adapted to Taiwan's society is still alive and unresolved, and academics have a major role in the political debate. The Ministry of Interior hired the Graduate Institute of Religious Studies at National Chengchi University to assist them with religion policy. Thus, academic discourse on religion is not just an anodyne concern in an ivory tower. In a liberal democracy that protects the freedom of religion, academic discourse has major consequences in defining what is a legitimate public teaching and what must be confined to the private sphere. A policy that does not define religion leaves the question open to political maneuvering. As the government provides more incentives to religious organizations such as numerous tax advantages and exemptions from the higher auditing standard of other non-profit organizations, it encourages organizations that may not have considered themselves as religious to register as religious organizations.

In the case of large organizations like Tzu Chi, if incentive structures encourage them to register as religious organizations even if they do not perceive themselves as one, it could have massive consequences in how they may deliver aid in places like mainland China. Non-monotheistic teaching in particular do not have a stable identity as religious or not. Neo-Confucians argued that Confucianism was not a religion at all, just as Imperial Japan argued that State Shinto was not a religion at all. On the other hand, liberalism itself has evaded the category of religion even though Christianity is woven into its fabric. Indeed, the dominant status of teachings such as Christianity or Confucianism pale in comparison to the influence of teachings such as liberalism and scientism. The next chapter will delve more deeply into the cosmologies of liberalism and scientism through the comparison of Lockean human equality with the Buddhist notion of the equality of life.

Chapter 3. The Non-ontology of Equality of Life

3.1 Background

The modern regime of human rights enjoys broad acceptance in global politics. However, as all forms of law and ethics, the origins and logic of human rights are contingent and historical. International organizations such as the United Nations Human Rights Council presume human rights to be an international norm and a universal set of values. In fact, the presumption of the universality of human rights is codified in the Universal Declaration of Human Rights. While on the surface level human rights are often presumed to be universally applicable, in actuality, the ontological assumptions that they represent derive from a Christian cosmology and do not necessarily represent the interests of all groups of people, especially those whose cosmology departs significantly from that of Christian monotheism. The philosopher with whom human equality may most be associated is John Locke. Locke argued that human equality derived from human rationality, a capacity that was provided by God in order to deduce the existence of God. While Anglophone culture has moved beyond expressing human rights in directly Christian terms, upon closer examination, the basis for the equality of humans cannot be assured without a theological basis. Alternative forms of equality, however, exist, and in this chapter, I introduce the “equality of life” as expounded by the Taiwanese Buddhist nun Shih Chao-hwei.

Chao-hwei is one of the most well-known Buddhist activists in Taiwan. Along with a group of her followers, activists, and business leaders, she founded the Life Conservationist Association (LCA, Guanhuai shengming xiehui 關懷生命協會) in 1993. At the core of LCA's mission is the promotion of the equality of life through political lobbying and education. In addition to their activism, both LCA and Chao-hwei paved the way for academic research and debate on animal protection in Taiwan by putting traditional Buddhist thought on equality of life in conversation with international discussions on animal welfare and animal rights. In particular, one of LCA's earliest projects was the translation of Peter Singer's 1975 book *Animal Liberation* into Chinese. The publication of the Chinese version in 1996 provided both academic and lay Chinese audiences access to the book widely considered to have laid the foundation for the modern animal protection movement. In 1994, shortly after founding LCA, Chao-hwei also began an academic career first at Fu Jen Catholic University and later at Hsuan Chuang University, where she is currently a professor of religious studies. Her scholarly work has focused on developing a modern applied Buddhist ethics through engaging with the style of philosophical discourse rooted in European traditions. In particular, she has maintained relationships with leading Anglophone animal welfare and animal rights theorists such as Peter Singer and Tom Regan and is currently working on project to publish a dialogue on a broad range of ethical issues with Peter Singer. As equality of life encompasses both human and nonhuman animals, both Chao-hwei's scholarly work

and activist endeavors extend beyond nonhuman animals and include topics that effect both human and nonhuman animals, such as gender equality, same-sex marriage, animal protection, gambling, and nuclear power. Chao-hwei has also been successful in forming international political alliances with organizations such as the World Society of for the Protection of Animals and the International Network of Engaged Buddhists in which she is one of four patrons, along with the Dalai Lama, Thich Nhat Hanh, and Maha Somchai Kusalacitto. Chao-hwei's combination of international political engagement and dialogue with European traditions makes equality of life a particularly relevant alternative form of equality to juxtapose with Lockean human equality.

Chao-hwei directly contrasts the "equality of life" with human rights and advocates for animal rights and environmental rights as legal tools for advancing the principle of the equality of life. She develops the equality of life according to the law of dependent arising, and upon this Buddhist basis for equality, both the concept of rights and the concept of nature fail to obtain. However, in a legal system created with a logic based on the language of rights and nature, Chao-hwei still adapts to make the legal protections of rights useful where their interests align with appropriate legal standards.

To fully tease out the differences between human equality and the equality of life, I take a deep look at the ontologies from which these notions of equality arise, and the power dynamics that the international legal system propagates. In so doing, I challenge the applicability of the categories of nature and religion in discussing Chinese

teachings by examining the Christian ontology that produced these categories. I demonstrate how the separation of church and state and the freedom of religion serve to suppress nontheistic teachings and propose applying the comparative methods of political ecology as a way to put various teachings on equal terms. Through analysis of Chao-hwei's exposition of equality of life, I show how an international politics based on Lockean rights force non-Christian cultures to adapt legal concepts on a provisional basis for the protection of their interests and that new legal approaches such as the rights of nature bring new opportunities for alternative forms of equality.

3.2 The Christian Ontology of Human Equality

In chapter 1 and 2 of Genesis, the Bible provides two narratives of creation. While the two narratives provide for continuity between the first and second, they actually are two separate accounts of the creation story. In chapter 1, God created the world in seven days. He created heaven and earth on the first day, plants on the third day, animals of the sea and sky on the fifth day, and animals of the earth on the sixth day. While God made humankind along with the other animals of the earth on the sixth day, humankind held a special place in creation:

Then God said, "Let us make humankind in our image, according to our likeness; and let them have dominion over the fish of the sea, and over the birds of the air, and over the cattle, and over all the wild animals of the earth, and over every creeping thing that creeps upon the earth."

So God created humankind in his image,
in the image of God he created them;
male and female he created them.

God blessed them, and God said to them, “Be fruitful and multiply, and fill the earth and subdue it; and have dominion over the fish of the sea and over the birds of the air and over every living thing that moves upon the earth.”¹

The first chapter ends with God’s day of rest on the seventh day.

We learn in chapter 2 that the heavens and the earth still need to be animated.

While the plants appeared to already be flourishing on the third day and humankind had already been created on the sixth day, in a partial retelling of what already happened in chapter 1, chapter 2 explains that no plants had yet sprouted and there was no man to cultivate them. God animated both plants and humans, but in a notably different way. God created rain so the plants could sprout, “then the Lord God formed man from the dust of the ground, and breathed into his nostrils the breath of life; and the man became a *living being*” [my emphasis].² The original Hebrew translated here as *living being* is *nephesh hayyah*, but when God created the garden of Eden, the same term *nephesh hayyah* when used in reference to nonhuman animals is translated as *living creature*:

Then the Lord God said, “It is not good that the man should be alone; I will make him a helper as his partner.” So out of the ground the Lord God formed every animal of the field and every bird of the air, and brought them to the man to see what he would call them; and whatever the man called every *living creature*, that was its name. The man gave names to all cattle, and to the birds of the air, and to

¹ Genesis 1:26-28. Michael D. Coogan, Marc Z. Brettler, Carol A. Newsom, and Pheme Perkins, eds. *The New Oxford Annotated Bible: New Revised Standard Version: With the Apocrypha: An Ecumenical Study Bible*. Fully Revised Fourth Edition (Oxford: Oxford University Press, 2010), 12-13.

² Genesis 2:7. Ibid, 13-14.

every animal of the field; but for the man there was not found a helper as his partner.”³ [my emphasis]

The New Revised Standard Version (1989) quoted here is the scholarly translation most often used by Anglophone scholars, but in the King James Version (1611), *nephesh hayyah* is translated as “living soul” for humans while also using “living creature” for the nonhuman animals that man named.⁴ The human being, here translated as “man,” is the dust that becomes *nephesh hayyah* when animated by the breath of God. In fact, the Hebrew words for human being *adam* and for soil *adamah* sound quite similar. The Hebrew highlights the earthly material composition of the human being and does not divide the human into an earthly body and a divine soul.⁵ Rather *nephesh hayyah*, which means “animated creature,” refers both to human and nonhuman animals, suggesting they both have the breath of God.⁶

In English, the word *animal* derives from the Latin *anima*, which means “soul” or “the breath of life.”⁷ Thus, from the Biblical perspective, animals—both human and nonhuman—are aptly named in English. However, the above passages also show distinctions between humans and other beings. Only humans are made “in our image”

³ Genesis 2:18-20. Ibid, 14.

⁴ Genesis 2:7 and 2:19, *Holy Bible*. King James Version, Reference ed., PDF Version of the Holy Bible, 2004, <https://archive.org/details/KingJamesBibleKJVBiblePDF>.

⁵ See Coogan, et al., *The New Oxford Annotated Bible*, 13 (footnote 7).

⁶ David L. Clough, *On Animals: Volume One Systematic Theology* (London: Bloomsbury, 2012), Chapter 2.

⁷ Clough, *On Animals*, xv.

(in which the plural may suggest multiple heavenly beings). Human beings (or more specifically “man”) are also given dominion over creation and the task to choose names for all of the other *nephesh hayyah*. In the early seventeenth century, the translators of the King James Version wanted to emphasize the ontological distinction between humans and other animals by only using the word “soul” for humans even if the Hebrew used the same term for human and nonhuman animals. Even in the late twentieth century when the New Revised Standard Version was published, the translators chose to distinguish between humans (“living beings”) and other animals (“living creatures”) even if the Hebrew was the same. While theological scholars such as David Clough— from whom I am drawing much of this Biblical interpretation—are doing the constructive work to reclaim the status of the animals in Christian discourse, the ontological distinctions that medieval and Enlightenment scholars constructed continue to have profound influence today.

Considering chapters 1 and 2 of Genesis, there are at least three types of beings. First was God, who is distinct from his creation. Second, there was all of God’s creation, including both plants and animals. Third, there was “man” later joined by “woman.” “Man” is set apart from the rest of creation in chapter 1 when God makes him in his image and offers him dominion over all that creeps on the earth. Similarly, translators recreated and enhanced the ontological distinction of “man” apart from the rest of creation in chapter 2 when God breathed life into him and he became a “living soul” or

“living being.” Thus, ontologically man is distinct from the rest of creation in at least two ways: in that he has dominion over the rest of creation and in that he is made in the image of the heavenly beings, with further distinction imparted by constructive translation. While many scholars note the inherent duality in Christianity, the duality of body and soul does not seem to appear in Genesis, and duality does not sufficiently describe the traditional trifold ontological structure of the Christianity of European traditions. God is distinct from creation. Within creation, human beings (or specially “man”) are distinct from the rest of creation. Certainly, the two chapters allow for even further distinctions, but the medieval and Enlightenment European scholars that constructed the intellectual foundation for the most popular forms of science and Christianity, found the differences between “fish of the sea,” “birds of the air,” and “wild animals of the earth” or between plants and animals only as secondary to the tri-fold distinction. Thus, a three-part division of God, humans, and the rest of creation represents the most ontologically distinct categories, and convention further separates the human from the rest of creation by shortening “the rest of creation” to simply “creation,” where the absence of the human in creation is presumed.

In the Bible, the distinction between humans and God is stressed repeatedly, especially in the story of Jesus himself, in which God descends to inhabit the body of a man. While in Jesus the distinction between God and man was breached, the breach of the boundary is exactly what provides salvation. The otherwise impermeability of the

boundary is a necessary condition for the exclusivity of the redemption that Christ offers. On the other hand, the distinction between man and animal was a subject of theological discussion in medieval and early modern Europe. While proofs of the distinction were various, the ontological distinction was not especially contested, and more often than not, simply presumed. Borrowing from Aristotle, the great Catholic scholar-saint Thomas Aquinas (1225-74) distinguished humans from other creatures by rationality, which in Aquinas's Christian ontology took the form of a rational soul. For Aquinas, non-human animals were irrational "instruments" or "slaves."⁸ Similarly, René Descartes (1596-1650) argued that animals are nothing more than machines, or "automata." Descartes succinctly concluded his observation with the description of two errors that implied the three-part ontology: "after the error of those who deny the existence of God, an error which I think I have already sufficiently refuted, there is none that is more powerful in leading feeble minds astray from the straight path of virtue than the supposition that the soul of the brutes is of the same nature with our own."⁹ For both Aquinas and Descartes, it was the "rational soul" that distinguished the human

⁸ Thomas Aquinas, "Summa Contra Gentiles," trans. Anton C. Pegis. In *Animal Rights: A Historical Anthology*, ed. Andrew Linzey and Paul Barry Clarke, 7-12. (New York: Columbia University Press, 2004).

⁹ René Descartes, "Animals as Automata," trans. John Veitch. In *Animal Rights: A Historical Anthology*, ed. Paul A. B. Clarke and Andrew Linzey, 14-17. (New York: Columbia University Press, 1990). Quote on page 17.

from the animal. Animals, as with all of creation, were instruments to be exploited by the rational souls of humans.

In the second half of the seventeenth century, the capacity of rationality that, for European Christians, distinguished humans from beasts became the theological basis for the new concept of human equality. At the time, human inequality, in which monarchs were by nature superior to their subjects, was the presumption in Europe. In that context, John Locke provided a radical concept of human equality that formed the intellectual basis for human rights and modern liberal democracy. For Locke, the capacity of rationality by which God's creatures could deduce God's existence was the criterion for equality, and the capacity for this sort of rationality was specific to the human:

For, though the comprehension of our understandings comes exceeding short of the vast extent of things; yet we shall have cause enough to magnify the bountiful author of our being, for that proportion and degree of knowledge he has bestowed on us, so far above all the rest of the inhabitants of this our mansion.¹⁰

Neither was the capacity for rationality an evolutionary accident, but rather, it was bestowed by God:

Men have reason to be well satisfied with what God hath thought fit for them, since he hath given them... whatsoever is necessary for the conveniences of life, and information of virtue; and has put within the reach of their discovery the comfortable provision for this life, and the way that leads to a better. How short

¹⁰ John Locke, "An Essay Concerning Human Understanding." In *The Works of John Locke in Nine Volumes*, Vol. 1 (London: Rivington, 1824), 38, <http://oll.libertyfund.org/title/761>.

soever their knowledge may come of an universal or perfect comprehension of whatsoever is, it yet secures their great concernments, that they have light enough to lead them to the knowledge of their maker, and the sight of their own duties...The candle, that is set up in us, shines bright enough for all our purposes.¹¹

Based on passages such as this one, Jeremy Waldron identifies rationality as a range property that in Locke's writing qualifies humans for equal rights. In other words, the capacity to deduce the existence of God is the minimum criterion for equality, and any intelligence beyond that capacity does not enhance the status of any human above any other. The knowledge of God is sufficient to understand that there is a divine power who enforces a divine law with divine rewards and punishments. This knowledge then is sufficient to ensure that a citizen will behave virtuously.¹²

However, the problem with this equality is that there is a major exception that Waldron himself carefully demonstrates. As discussed in chapter 1, toleration does not apply to atheists. While Locke argues that rationality is sufficient for equality, he seems to hedge on his own claim with atheists. Rationality is the tool that God gave humans to deduce the existence of God, but those who have not yet utilized this rational capacity to realize there is a greater power do not yet qualify for full equality. Perhaps, in Locke, the

¹¹ Ibid, 38-9.

¹² For Waldron's full argument about the basis of John Locke's equality, see Jeremy Waldron, *God, Locke, and Equality: Christian Foundations of John Locke's Political Thought* (Cambridge: Cambridge University Press, 2002), Chapter 3.

true range property is belief in God, not rationality. In either case, however, the privilege of humans is given by God, because rationality itself was given by God so that humans could recognize him.¹³

Waldron argues that, unlike in Locke's era, human equality is now taken for granted, and people rarely reflect on the basis of human equality. Additionally, for Waldron, Locke's argument for equality is the strongest available, but if we examine it closely Locke's basis for equality is fundamentally a Christian one. For Waldron, this fact is ultimately okay. He accepts that the basis for human equality derived from Locke and religion, as well as Locke's claim that "the atheist cannot really grasp the basis of the inalienability of human rights."¹⁴ Then we may suspect that a non-Christian or non-theistic ontology would produce a different type of equality all together.

While Locke is the key founding theorist of human equality and human rights, there is more at stake than just political theory because the cosmology that emerges in the Enlightenment also forms the basis for science. In fact, Descartes' argument that animals were nothing more than automata was groundbreaking because it postulated a mechanistic universe that paved the way for scientific study. Descartes' contemporary Nicolas Fontaine (1625-1709) provides a description of some early studies that resulted from this Cartesian ontology:

¹³ For Waldron's treatment of atheism, see Waldron, *God, Locke, and Equality*, Chapter 8.

¹⁴ Waldron, *God, Locke, and Equality*, 227.

They administered beatings to dogs with perfect indifference, and made fun of those who pitied the creatures as if they had felt pain. They said that animals were clocks; that the cries they emitted when struck, were only the noise of a little spring which had been touched, but that the whole body was without feeling. They nailed poor animals up on boards by their four paws to vivisect them and see the circulation of the blood which was a great subject of conversation.¹⁵

Descartes' rather radical view that nonhuman animals were incapable of feeling pain was not the only view, but the idea that there were irreconcilable differences between human and nonhuman animals was more common in Europe in Descartes' time. In fact, Locke did not reject the idea that nonhuman animals have feeling or even some limited ability to think. Instead, he maintained that they had no soul:

Though to me sensation be comprehended under thinking in general, yet, in the foregoing discourse, I have spoke of sense in brutes, as distinct from thinking; because your lordship, as I remember, speaks of sense in brutes. But here I take liberty to observe, that if your lordship allows brutes to have sensation, it will follow either that God can and doth give to some parcels of matter a power of perception and thinking; or that all animals have immaterial, and consequently, according to your lordship, immortal souls as well as men; and to say that fleas and mites, &c. have immortal souls as well as men, will possibly be looked on as going a great way to serve an hypothesis.¹⁶

For Locke, the limited ability of nonhuman animals to think was not sufficient to rise to the level of abstract thought or rationality, which was his criteria to know God and thus qualify for equality and human rights. Instead, Clough argues that the

¹⁵ In Leonora Cohen Rosenfield, *From Beast-Machine to Man-Machine; Animal Soul in French Letters from Descartes to La Mettrie* (New York: Octagon Books, 1968), 54.

¹⁶ Locke, John. *An Essay Concerning Human Understanding*. Vol. II, New York: Valentine Seaman, 1824. 76.

anthropocentrism in early modern Europe related more to the development of technology, and the imperial project of exploring unknown lands and acquiring knowledge in order to exercise dominion over nature, rather than to rigorous Biblical interpretation.¹⁷ Indeed, Locke's interpretation that only humans possessed souls corresponds with the contemporaneous translation of Genesis in the King James Version, but not the original Hebrew. The impulse for colonialism was a key motivation for Locke and his contemporaries as already demonstrated in chapter 1, and the acquisition of knowledge through science was inescapably entangled with the colonial project.

While the discussion of Locke's justification of human equality in this chapter superficially relates to jurisprudence, it is important to also keep in mind that it also implicates science. Functionally, by excluding nonhuman animals and even humans such as atheists from the protections of human equality, it enabled science by absolving scientists of ethical responsibility toward nonhuman subjects and even some human subjects, such as atheists. In other words, Locke's case for human equality was engineered to exclude certain humans and all nonhumans to facilitate both the imperialist and scientific projects. Lockean political theory enabled the mechanistic Cartesian cosmology to prevail for nonhumans, which continues to be reflected in

¹⁷ Clough, *On Animals*, Volume 1, chapter 1.

present-day scientific practice. For example, the fundamental principle of conservation biology to protect biodiversity is generally linked with sustainable development for the purpose of human flourishing and delinked from the individual interests of nonhuman beings such as animals. For Clough the failure to protect animals is a theological problem: “To fail to pause to attend to this part of God’s creation would be to judge that, unlike human beings, animals have significance only as part of the ecosystems to which they belong, rather than being worthy of attention as individuals, communities and species.”¹⁸ However, secular discourse now generally presumes human equality and human rights without examination of their Lockean Christian roots. Thus, these concerns extend beyond Christian theological concerns, and science cannot be delinked from them. At stake in considering the jurisprudence is also the foundations of science, and it is in this context that I examine Chao-hwei’s treatment of “equality of life.”

3.3 Equality of Life

Shi Chao-hwei, a Buddhist scholar-nun and activist in Taiwan, recognizes the three-part classification of beings, or three-part ontology of Christianity, and proposes a Buddhist alternative. In her words, “Compared to Christianity’s theory that God, humans, and animals have different statuses, the Buddhist theory of equality among

¹⁸ Clough, *On Animals*, Vol. 1, Introduction (electronic edition).

sentient beings provides a strong theoretical foundation for treating humans and animals with equal kindness.”¹⁹ Chao-hwei recognizes animals as part of a more inclusive category she calls “life” (shengming 生命), or “sentient beings” (zhongsheng 眾生). In particular, she advocates for the “equality of sentient beings” (zhongsheng pingdeng 眾生平等). This “equality of sentient beings” is not a concept particular to Chao-hwei. On the contrary, it is a common and well-known Buddhist concept in Taiwan, commonly called the “equality of life” (shengming pingdeng 生命平等). Chao-hwei is one of its most fervent advocates who both promotes it through her activism and develops it in her academic writing. The term *zhongsheng* 眾生 refers to “all living things,” but in the context of “equality of life” or “protecting life,” “living things” or “life” frequently refers to “all sentient beings”:

The word *life* in the term *protecting life* still primarily indicates the sentient beings with the capacity of awareness, i.e. animals. It is not at all the case that we do not need to protect and cherish plants and inanimate objects, but the capacity to be aware is not as strong as that of animals, and most have the capacity to grow back after being cut. Therefore, although the Buddhist precepts also require the monks and nuns to protect and cherish plants—not allowing them to be arbitrarily cut down—the precepts still primarily make animals with the capacity of awareness the object of ethical concern.²⁰

¹⁹ Shih, Chao-hwei, *Buddhist Normative Ethics* (Taoyuan, Taiwan: Dharma-Dhatu Publication, 2014), vi.
²⁰ Shih Chao-hwei, “An Exposition of the Buddhist Philosophy of Protecting Life and Animal Protection,” trans. by Jeffrey Nicolaisen. In *Chinese Environmental Humanities: Practices of Environing at the Margins*, ed. Chia-ju Chang (Basingstoke: Palgrave MacMillan, 2019).

“Life” in the above passage refers to “all animals with the capacity of awareness,” and I adopt this definition of life when I refer to the “equality of life.” In Chao-hwei’s writing and in the concept of equality of life in Taiwan, there is little distinction between “life” and “sentient beings.”²¹

Chao-hwei’s concept of equality is based on Buddhist principles, which she divides into three forms of equality:

1. Life uniformly has the capacity of awareness. We must equally respect the experience of suffering and joy, and the strong aspiration to escape suffering and achieve happiness. This is the essential meaning of *equality of sentient beings* (*zhongsheng pingdeng* 眾生平等).

2. All life also arises, ceases, changes, and transitions according to causes and conditions. This is nothing other than the fact that the many dharmas produced by causal conditions among distinctive elements have no self-nature and are equal and non-dual. This is the essential meaning of the *equality of the nature of all dharmas* (*faxing pingdeng* 法性平等).

3. Not only do the ordinary people inherit suffering and joy and transmigrate through birth and death according to causes and conditions, sages also attain nirvana and complete the path to Buddhahood according to causes and conditions. Under the law of dependent arising, the ordinary person has the possibility of liberation, and also has the possibility of becoming a Buddha. This is the essential meaning of *equality of Buddha-nature* (*foxing pingdeng* 佛性平等).²²

²¹ Chao-hwei consistently uses the term *zhongsheng pingdeng* 眾生平等, but as in the passage quoted below, she frequently uses *shengming* 生命 as the subject to which the concept of *zhongsheng pingdeng* applies. Other Buddhists in Taiwan use *shengming pingdeng* for the concept of *zhongsheng pingdeng*. The “equality of life” provides a somewhat more reader-friendly term in English, so I use that term.

²² Shih Chao-hwei, “An Exposition of the Buddhist Philosophy of Protecting Life and Animal Protection.” The original Chinese was a slightly modified quote from Shih Chaohwei 釋昭慧. *Fojiao Houshe Lunlixue* 佛教後設倫理學 [Buddhist Meta-Ethics]. (Taipei 臺北市: Dharma-Dhatu Publication 法界出版社, 2008), 60-1. Original Chinese:

一、生命均有感知能力，應平等尊重生命的苦樂感知，以及其離苦得樂的強烈意願，是即「眾生平等」之要義。

二、生命又都依因待緣而生滅變遷，是即緣生諸法在差別相中，無自性義平等無二，是為「法性平

While Locke's range property is rationality, Chao-hwei's range property is awareness. Awareness is the criterion for beings to qualify as sentient beings, or life. Thus, as an animal, a human, and any other sentient being including a god are all sentient, they do not require any distinction in status. They all meet the criterion of sentience. Chao-hwei's classification system only includes two types of beings, sentient and nonsentient, and as we will see below, even the distinction between these two types of beings is ultimately only provisional.

Unlike the Christian ontology that presents itself in the story of creation in Genesis, Chao-hwei flatly rejects any fundamental nature of beings, especially any form of original cause. In fact, Chao-hwei rejects any form of ontology whatsoever. To understand what she means by ontology, we must examine the genealogy of the Chinese gloss of ontology, *bentilun* 本體論. Taiwan's *Ministry of Education Chinese Dictionary* defines *bentilun* as:

One branch of philosophy. Founded by Aristotle in the fourth century B.C. Primarily researching the commonality of all things, and the special characteristics that this commonality possesses. Also called "metaphysics."²³

等」之要義。

三、不但凡夫依因待緣而承受苦樂、流轉生死，聖者也是依因待緣而證入涅槃、成就佛道。在此「緣起」法則之下，凡夫有解脫的可能性，也有成佛的可能性。後者即「佛性平等」之要義。

²³ "Bentilun" 本體論 [Ontology], *Jiaoyubu Chongbian Guoyu Cidian Xiudingben* 教育部重編國語辭典修訂本 [Ministry of Education Chinese Dictionary, Revised Edition], Republic of China Ministry of Education, 2015, <http://dict.revised.moe.edu.tw/cgi-bin/cbdic/gswweb.cgi?o=dcbdic&searchid=Z00000017041>. My translation. Original Chinese: 哲學的一部門。西元前四世紀由亞里斯多德首創。主要研究所有事物的共同點及此共同點所擁有的特性。也稱為「形而上學」。

As may appropriately fit this Aristotelian definition, the Chinese character compound for *bentilun* means the “discourse on original essence.” Aristotle’s theory of causality traces back to an “Unmoved Mover.” Drawing from Aristotle, Aquinas re-articulates the “Unmoved Mover” as the “Original Cause,” which for Aquinas is God. Thus, the “original essence” for Aristotle is the “Unmoved Mover,” and for Aquinas is God. Associating the imported concept of “ontology” with this genealogy, Chao-hwei rejects the premise of searching for an “original essence” or “original cause” entirely:

Among Aristotle’s “first cause” or “first principle,” Confucianism’s “mandate of heaven,” Daoism’s “way” or “spontaneity,” Moism’s “will of heaven,” the God of the Old and New Testament, Islam’s Allah and Brahmanism’s Prajāpati, or Mahā-Brahman, some possess personhood, while others are non-personal essences.²⁴ In this way, some come from tracing metaphysical origins through inference while others come from intuitive mystical experience...Among these various religions and philosophies, Buddhism appears very special. It is not built on a metaphysical substance, and it did not establish the authority of heavenly revelation, but rather ascertained the law of the arising and ceasing of all things: dependent arising. In this way, it of course avoided some of the blame that some ontologists must face. For example, why is it that everything needs to arise due to a cause, but the “first cause” can exist by itself with no cause?

如亞里斯多德的「第一因」（first cause）或「第一原理」（first principle）、儒家的「天命」、道家的「道」或「自然」、墨家的「天志」、新舊約的「上帝」（God）、伊斯蘭的阿拉（Allah）與婆羅門教的生主（梵Prajāpati）、大梵（梵Mahā-Brahman）。此中有的具足位格（Person），有的則是非位格的本體。這樣做，有的是出自於玄學上「溯源」的思維推想，有的則是出自於直覺的冥契經驗。

²⁴ The word Chao-hwei used for person here is *weige* 位格. This Chinese term is a technical term referring to person in the sense that the Christian Trinity is divided into three persons, different from the ordinary term for person *ren* 人.

佛教在此諸宗教或哲學思想中顯得極為特殊，它不建立形上實體，也不樹立「天啟」權威，而但歸納諸法生滅的法則為「緣起」。這樣當然免除了一些本體論者必須面對的詰難。例如：為何萬法須由因生，「第一因」卻可無因而自存？²⁵

Instead of employing an “original cause,” in her second form of equality, Chao-hwei declares that “All life also arises, ceases, changes, and transitions according to causes and conditions.” In Buddhist terms, the law that all things arise from causes and conditions is the law of dependent arising, the basis of the equality of all dharmas. According to this law, no being can hold a special ontological status above others as God does in Christianity because all beings arise in the same way.

The third form of equality—equality of Buddha Nature—introduces both a form of equality and a form of pragmatic hierarchy relevant to the obligation to protect life. “Since the term *life* in *protecting life* indicates sentient beings that have the capacity of awareness, even if animals other than humans are flying, squirming, or wriggling sentient bugs, each and every one fits into the scope of ethical concern, and it is not appropriate to favor one at the expense of another.” Sometimes, however, the interest of two or more sentient beings may come into conflict, and one must make a judgment about the weight of the relative interests of different forms of life:

Originally, in principle, all-encompassing compassion extends to all sentient beings, but in a situation in which causes and conditions are limited, practical

²⁵ Shih Chao-hwei 釋昭慧. *Fojiao Guifan Lunlixue* 佛教規範倫理學 (Taipei 臺北市: Dharma-Dhatu Publication 法界出版社, 2003), 47-49. My translation. A full English translation of the book is also available: Shih Chao-hwei, *Buddhist Normative Ethics* (Taoyuan, Taiwan: Dharma-Dhatu Publication, 2014).

work must have an order of priority. Even at times of necessity we still must assess values and make yes or no decisions. Therefore, Buddhist disciples can draw up a middle way principle starting from the near and small and expanding outward, according to the differences in value between animals and humans and between common people and sages.²⁶

In other words, all sentient beings are equal because they are capable of become buddhas, but the distance from Buddhahood is not the same for all beings. Non-human animals are at a lower realm of existence in which they must be reborn as a human to practice the teachings of Buddhism. Humans are capable of achieving Buddhahood, but sages are further along the path. Then in pragmatic terms, those closer to Buddhahood may deserve greater weight when the interests of two otherwise equal beings must be weighed against each other. Conversely, beings that are closer to Buddhahood also possess greater capacities for moral reasoning and compassion. The greatest sages may “abandon reasonable self-defense in order to protect others,” and the human sense of compassion obligates humans to protect non-human animals even if nonhuman animals do not have the capacity to return the favor.²⁷

Chao-hwei’s three equalities collapse the three-part classification consisting of animals, humans, and God in the Christian ontological model, but there appears to

²⁶ Shih Chao-hwei, “An Exposition of the Buddhist Philosophy of Protecting Life and Animal Protection.”

²⁷ Shih Chao-hwei, “An Exposition of the Buddhist Philosophy of Protecting Life and Animal Protection”: “A sage, having transcended self-views and self-love and attained the stage of no-self, of course can choose to abandon reasonable self-defense in order to protect others, but the ordinary person is limited by self-views and self-love... humans can expand and purify these strengths, perfect their enlightened nature, and be endowed with the Buddha’s great wisdom, great compassion, and great heroism.”

remain a two-part classification of sentient and nonsentient beings. Yet, consciousness itself is also subject to the law of dependent arising. "According to the theory of dependent arising, consciousness is not the most fundamental principle, and there is no way to prove that it comes from external divine revelation. Rather, it is the product of the reciprocal blending of subject and object."²⁸ Another way to think about dependent arising is "that every single sentient being is a body existing in the form of a network connected by infinite causes and conditions."²⁹ Thus, "all [dharma] are interdependently united with oneself, just like one body. At this stage, protecting life is not only simply a feeling, or a thought of benefitting others. It has become an enhancement of our consciousness."³⁰

Then Locke's concept of equality and Chao-hwei's concept of equality are incommensurable. Locke's concept of equality underlies the modern concept of human rights and remains the prototype for discourse on rights. Locke was one voice in a chorus of European intellectuals that promoted a natural theology, and natural rights. The natural theology evolved into the modern classification of disciplines that separated the human (humanities and social sciences) from the nature (natural sciences) and from God (theology). As the study of the natural world, transitioned from the study of God's

²⁸ Shih Chao-hwei, "An Exposition of the Buddhist Philosophy of Protecting Life and Animal Protection."

²⁹ Shih Chao-hwei, "An Exposition of the Buddhist Philosophy of Protecting Life and Animal Protection."

³⁰ Shih Chao-hwei, *Buddhist Normative Ethics*, 122.

creation to nature, the shift in terminology from “creation” to either “nature” or “environment” did not fundamentally change the three-part classification.³¹ Humans were separate from nature, just as they were separate from creation. While Locke’s separation of church and state, isolated theology to the private sphere, religion remained the realm of the “super-natural” or “super-human” — that which was separate and above nature or humans. Chao-hwei’s non-ontology, however, does not allow for a division between nature, humans, and the super-natural. For her dependent arising eliminates the ontological distinction between these categories.

In both Buddhist and Chinese cosmologies, there is no comparable concept to nature, as a realm of the mundane or the irrational distinct from the ensouled or rational human.³² As a result, Chao-hwei pushed back on a Lockean notion of equality. She borrows from Peter Singer’s *Animal Liberation*,³³ and explicitly rejects that rationality can serve as the range property for a concept of equality:

³¹ For an account of the transition from the concept of creation to that of nature in Europe, see Donald Worster, *Nature’s Economy: A History of Ecological Ideas* (Cambridge: Cambridge University Press, 1994): Chapter 1.

³² For the lack of a concept of nature in Buddhism, see Ian Harris. “Buddhism and the Discourse of Environmental Concern: Some Methodological Problems Considered.” In *Buddhism and Ecology: The Interconnection of Dharma and Deeds*, ed. Mary Evelyn Tucker and Duncan Ryūken Williams, 377-402 (Cambridge, MA: Harvard University Center for the Study of World Religions, 1997). For an account of the lack of a concept of nature in a traditional Chinese cosmology, see Chia-ju Chang, “The Practice of Environing at the Periphery: Imagining *Huanjing* as a Critical Concept,” in *Chinese Environmental Humanities: A Critical Reader*, edited by Chia-ju Chang, forthcoming. (Basingstoke: Palgrave MacMillan, forthcoming).

³³ Peter Singer, *Animal Liberation: A New Ethics for Our Treatment of Animals* (New York: New York Review, 1975).

Supposing that animals are a form of life, what reason do we have to equate these animals with plants and inanimate objects, only treat them as the background or the resources in an environment occupied by humans, and not conduct the principled ethical consideration described above? Supposing the criteria of use of ethical principles is based on special characteristics (such as rationality) that humans do not share with other animals, then how do we also face the sharp skepticism of the animal liberationists? Can the treatment of people that have an IQ approximately equal to (or less than) an orangutan, dog, or cat—fetuses, infants, the learning disabled, and mentally handicapped—compare with that of animals?³⁴

As Waldron noted, the concept of human equality has become so engrained that few even demand a justification for it. In fact, Locke's version of human equality is now embedded in international law. The 1948 Universal Declaration of Human Rights (UDHR) declares, "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."³⁵ Locke's range property of reason is defined as an endowment of the human species. The endowment of conscience also reflects the virtue that Locke argued derived from that rational capacity to deduce the existence of God. The direct inheritance of Locke's concept of equality is not essential to the argument here, but Waldron's fundamental argument in his defense of Locke is that there is no other basis for claiming rights endowed at birth without presuming a God that grants them. Singer's argument that not all humans are more rational than all non-human animals

³⁴ Shih Chao-hwei, "An Exposition of the Buddhist Philosophy of Protecting Life and Animal Protection."

³⁵ Article 1, UDHR of Human Rights, <http://www.un.org/en/universal-declaration-human-rights/>.

challenges the presumption in the UDHR that all humans and only humans are equal, especially in regard to the range property of rationality.

In the 2001 essay “Environmental Rights and Animal Rights,”³⁶ Chao-hwei both problematizes the foundations of rights and advocates for both environmental and animal rights. She begins by exploring natural rights, which in the standard Chinese gloss translates as *tianfu quanli* 天賦權利. As defined in the *Ministry of Education Chinese Dictionary*, *tianfu* means “God-given” (*shangtian fuyu* 上天賦與), so *tianfu quanli* translates directly as God-given rights.³⁷ In other words, the divine—and particularly Christian—provenance of natural rights is more explicit in the Chinese term than in the English term. This feature of Chinese is important because it plays out in the presumption that the rights-based system of thinking is fundamentally a relic of Christianity. Within that context, Chao-hwei argues that environmental rights formed in

³⁶ Shih Chao-hwei 釋昭慧, “Huanjingquan Yu Dongwuquan: ‘Renquan’ Guannian De Yanzhan Yu ‘Husheng’ Xinnian De Huiying” 環境權與動物權——「人權」觀念的延展與「護生」信念的回應. In *Fojiao Guifan Lunlixue* 佛教規範倫理學, ed. Shih Chao-hwei 釋昭慧, 305-24 (Taipei 臺北市: Dharma-Dhatu Publication 法界出版社, 2003). An English translation is available in Shih Chao-hwei, “Environmental Rights and Animal Rights: An Extension of the Concept of Human Rights and a Response to the Conviction of Protecting Life,” trans. Chong Aik Lim. In *Buddhist Normative Ethics*, ed. Chao-hwei Shih, 373-94 (Taoyuan, Taiwan: Dharma-Dhatu Publication, 2014). The article first appeared in Shih Chao-hwei 釋昭慧, “Huanjingquan Yu Dongwuquan: ‘Renquan’ Guannian De Yanzhan Yu ‘Husheng’ Xinnian De Huiying” 環境權與動物權——「人權」觀念的延展與「護生」信念的回應. *Huanzang Renwen Xuebao* 玄奘人文學報 4 (2001): 17-34.

³⁷ “Tianfu” 天賦 [God-given], *Jiaoyubu Chongbian Guoyu Cidian Xiudingben* 教育部重編國語辭典修訂本 [Ministry of Education Chinese Dictionary, Revised Edition], Republic of China Ministry of Education, 2015, <http://dict.revised.moe.edu.tw/cgi-bin/cbdict/gswweb.cgi?o=dcdbdic&searchid=Z00000017041>. My translation.

the context of human exceptionalism. Humans realized the threat of environmental issues to human health and sustainability, and while their interests were in human rights such as the right to health, they stated the new rights in the form of environmental rights. While she supports these protections, she also questions the conceptual feasibility of the attribution of rights to the environment since the environment does not possess the “rationality and conscience” that serve as the range property for natural rights. She also asks whether environmental rights must take the form of “the establishment of a contract between God and humans,”³⁸ and whether such a contract would be convincing to atheists. In answering these questions, Chao-hwei acknowledges the benevolent intentions of natural or God-given rights, but also holds that there is no proof that they exist. The concept of “God-given” (*Tianfu*) is associated with Creationism and can only be affirmed through faith.³⁹ Significantly, Chao-hwei describes Buddhism as atheist, and declares that the Buddhist value of the “protection of life” (*husheng* 護生) is not based on the concept of rights as it is not given by God but rather derives from dependent arising.⁴⁰

³⁸Shih, *Fojiao Guifan Lunlixue*, 316. My translation. Original Chinese: 人與神立約.

³⁹ Chao-hwei clearly addresses the UDHR of Human Rights (UDHR) in this passage, and the term for “endowed” in the official Chinese version of the UDHR is *fuyou* 賦有. The *fu* 賦 means “to give,” and is the same *fu* as in *tianfu quanli* 天賦權利 [God-given rights]. Thus, the connection between God-given, Creationism, and the language of the UDHR is much more explicit in Chinese than in English. See the Chinese version of the UDHR at <http://www.un.org/zh/universal-declaration-human-rights/>.

⁴⁰ For Chao-hui’s arguments in this paragraph, see Shih Chao-hwei, *Fojiao Guifan Lunlixue*, 308.

Chao-hwei's concern is that the hopes of animal rights activists to achieve legal personhood for animals will be thwarted by human-centric theories of ethics. If they believe human-centric philosophers, they will fall into a trap of thinking that animals do not deserve protection because they are not capable of rationality. Chao-hwei does not deny that humans on average have greater abilities for rationality and morality than other animals. Instead, she argues that reason and conscience are not the correct range property for ethical consideration. She believes that Christianity-influenced philosophers conflated the capacity for agency with the range property for ethical consideration. Despite her reference to Singer's argument that humans are not uniformly more intelligent than non-human animals, she is willing to accept that humans have a capacity for moral reasoning that non-human animals do not have. She thinks the mistake of philosophers such as Immanuel Kant is that they made the capacity for moral reasoning the range property for ethical consideration. Instead, Chao-hwei believes that the capacity of sentient beings to suffer is the correct criterion for moral consideration, but the obligation to protect sentient beings falls on humans, because humans are capable of moral reasoning. Non-human animals may cause other beings to suffer, but because they are not capable of moral reasoning, we cannot expect them to behave morally. In this regard, the Buddhist concept of the protection of life is quite different than human rights theory, and other European moral system such as deontology. Chao-hwei does not believe animal rights advocates should be discouraged from

implementing the protection of life, and while she distinguishes natural rights from the protection of life, she still supports animal rights in the legal sense of legal-person status for animals.

For Chao-hwei, animal rights are distinct from environmental rights. Non-human animals are sentient and thus equal with all forms of sentient life according to the equality of life. Environmental rights stem from a broader concept of dependent arising and no-self. The “environment” is the set of causes and conditions that support life. In fact, at the deepest level because of the interdependence of all things—the equality of all dharmas—none can exist without the others. They all form a single body in which there is no self distinct from an infinite network of causes and conditions. In this sense, the protection of life demands the protection of the environment. In particular, recognizing that all life depends on a multitude of causes and conditions requires that biodiversity be respected in order to support sentient life. Even though Chao-hwei argues that environmental rights originally stemmed from concerns for human interests, she acknowledges they still protected biodiversity. Thus, while she believes environmental protections such as those represented by the Convention on Biological Diversity, in large part, stemmed from human-centrism, she still supports the legal protections they provide. However, because environmental rights only protect the causes and conditions that support life, she argues that it should be second in status to animal rights, which directly protects sentient beings.

To fully understand Chao-hwei's position, it is important to draw a distinction between two types of rights that she places under the category of environmental rights. In the Anglophone legal literature, the term "environmental rights" has come to be associated with the "human right to a healthy environment."⁴¹ In other words, environmental rights protect the environment for the benefit of humans, particularly for the benefit of human health and sustainable development. Chao-hwei notes that the movement for the right to a healthy environment began in Germany around 1960, earlier than more eco-centric rights. While she supports this form of human rights because they still provide some protection to the environment, her essay aims to provide a Buddhist basis for the value of the environment independent of humans. She argues that the connotation of the word environmental rights changed from the anthropocentrism of sustainable development to the ecocentrism of radical environmental advocates in the 1970's. As she specifically mentions an early concern for plants, she appears to be referring to Christopher Stone's 1972 essay "Do Trees Have Standing—Toward Legal Rights for Natural Objects."⁴² In the essay, Stone provocatively asserts that nonhumans such as trees may have legal standing independent of their human use. In the Anglophone legal literature, the form of rights that recognizes the value of nonhumans

⁴¹ For a review of environmental rights, see David R. Boyd, *The Environmental Rights Revolution: A Global Study of Constitutions, Human Rights, and the Environment* (Vancouver: UBC Press, 2012).

⁴² Christopher D. Stone, "Should Trees Have Standing--Toward Legal Rights for Natural Objects," *Southern California Law Review* 45 (1972): 450-501.

independent of human use has come to be known as the “rights of nature.” While in her 2001 essay, Chao-hwei admits these environmental rights had not been very successful at the constitutional level, the rights of nature movement has achieved several victories since the publication of her essay: Ecuador’s 2008 constitution and Bolivia’s 2009 constitution both recognize the rights of nature. The ratification of Ecuador’s constitution in particular marked a major landmark in the rights of nature movement and served as a bellwether for a wave of legal changes at various levels of government from municipal ordinances in the United States to national laws in New Zealand.⁴³ Thus, the rights of nature have only emerged as a significant movement since around 2008 after Chao-hwei’s essay was published. Ironically, the “rights of nature” translates directly into Chinese as the exact same term used for the God-given human rights known as “natural rights” (*ziran quanli* 自然權利). Conversely, Chao-hwei’s term *huanjing quanli* 環境權利 can translate both as environmental rights (the human right to a healthy environment) and the rights of the environment (the rights of nature). Despite the dual meaning of the term, Chao-hwei clearly distinguishes between the two types of *huanjing quanli*, and builds a Buddhist case for the subjectivity and non-use value of components of the environment, i.e. “rights of nature.”

⁴³ For a review of the rights of nature, see David R. Boyd, *The Rights of Nature: A Legal Revolution That Could Save the World*, (Toronto: ECW Press, 2017). Chapter 10 discusses Ecuador’s constitution and chapter 11 discusses Bolivia’s constitution.

In the end, Chao-hwei only accepts animal rights and environmental rights in a provisional sense to support legal protections for animals and the environment, but she does not support the ontology underlying the concept of natural rights which produced the formulation not only from which human rights and the concept of legal rights derived but also that binds governments and states down to the present day. The translational problems are not simply a matter of linguistic inconvenience. They represent much deeper ontological difference, which merit brief consideration.

3.4 The Ontology of Nature

In China, the concept of *huanjing*, a term that has become synonymous with the English word environment, represents an ontological divide that did not exist in early modern China. The compound term “huanjing” 環境 combines the character for “ring” or “circle” (huan 環) with the character for “territory” (jing 境). In classical Chinese, it functioned as a noun which meant “the outer limits of a territory,” or as a verb “to enclose the outer boundaries of a domain.” As the term was used in the context of identifying who exercised dominion over an area, and strongly implied the active colonization of that domain. For example, the term appears in the “Yuan History, Biography of Yu Que” (Yuanshi, Yuque zhuan 元史·余闕傳):

After arriving and occupying [the territory] for ten days, bandits arrived, and [Yu Que’s forces] stood their ground and repelled them. Thus, [Yu Que] assembled the bureaucratic and military officials and discussed their strategy for fortification of the fields and military defense. [They] built berms and fences to

surround the territory [huanjing, my emphasis], chose shiny armor and external shields, and ploughed and planted the interior.

「抵官十日而寇至，拒卻之。乃集有司與諸將議屯田戰守計，環境築堡寨，選精甲外扞，而耕稼其中。」⁴⁴

The term did not represent a divide between humans and nature, but rather a divide between a settlement and the threat of that which was outside, a threat serious enough to require a barrier. By the first half of the twentieth century, the new imported definition in which huanjing describes surrounding natural conditions established itself in notable works such as the foreword to *Mr. Lu Xun's Complete Compilation* (1938; Luxun xiansheng quanji 魯迅先生全集) by Cai Yuan-pei 蔡元培:

Walking on the path of Shan-yin, the thousand rock-cliffs compete to be the most beautiful, the ten thousand gullies vie to flow, making people respond to their demands with no rest." There is this type of *environment* [huanjing, my emphasis]...

「行山陰道上，千岩競秀，萬壑爭流，令人迎應接不暇」有這種環境...⁴⁵

According to this usage of huanjing, the division that the term represents is not military barriers between the settlement inside and the threat outside, but the divide between the natural and the human. Huanjing in this regard is both awe-inspiring and threatening. Something separate from the human, but something on which humans must act to contain. In other words, in the first half of the twentieth century, Chinese culture began

⁴⁴ "Huanjing 環境," in *Hanyu dacidian* 漢語大辭典 4, ed. Hanyu dacidian bianzuanchu, Hanyu dacidian bianji weiyuanhui 漢語大辭典編輯委員會，漢語大辭典編纂處, 640 (Shanghai: Hanyu dacidian chubanshe, 2001). My translation.

⁴⁵ Ibid, 640. My translation.

to adopt the ontological distinction between humans and the rest of God's creation.

While the Christian distinction between humans and the rest of creation was recoded in terms of humans and the environment or humans and nature, the idea that there was a distinction between the two crept into the Chinese language and shared imagination.⁴⁶

The neologisms that formed to translate environment's close twin "nature" not only revealed that the human-nature distinction was new to China, but also that the human-God distinction, or mundane-sacred distinction, was also foreign to Chinese culture. As discussed in chapter 1, the influential 16th century Jesuit missionary Matteo Ricci interpreted the term "tian" 天 to mean a monotheistic God. However, as the anthropologist Robert Weller points out, until the last several decades, English translations of Chinese texts often rendered the term tian as "nature." Now the term is generally translated as "heaven."⁴⁷ Nonetheless, in compound form, it still refers to both God and nature. As mentioned earlier, the term for God in the Universal Declaration of Human Rights was "Shang-tian" 上天, while in the contemporary vernacular the term "tian-ran" 天然 means natural, as in the products at a natural foods store. Similarly, the currently most common gloss of the word nature in Mandarin Chinese is "ziran" 自然.

⁴⁶ This paragraph draws from Chiaju Chang, "Sketching a Field: Chinese Environmental Humanities (CEH)," in *Chinese Environmental Humanities: Practices of Environmental Inclusion and Exclusion at the Margins*, ed. Chia-ju Chang. (Basingstoke: Palgrave MacMillan, 2019 (expected)).

⁴⁷ Weller, *Discovering Nature*, 21

This term originally meant “spontaneous,” “free,” or “unencumbered” and functioned as one of the core concepts of Daoist teaching. For example, according to the Laozi 老子 (6th or 5th century B.C.), “Humans are ruled by the earth. The earth is ruled by heaven. Heaven is ruled by the Way. The Way is ruled by *ziran* [my emphasis].”⁴⁸ This line from the Laozi demonstrates how concepts such as nature as a realm separate from human civilization was foreign to premodern Han people. For Laozi, humans—along with the earth and heavens—were ruled by the spontaneous becoming called “*ziran*.” The Japanese coined the new usage of *ziran* (Japanese, *shizen*) to translate the English term nature in the late nineteenth century. In Japan, *tianran* (Japanese, *tenran*) and *ziran* were used interchangeably for several decades before *ziran* stabilized as the common translation of nature.⁴⁹ Then China imported the new usage of *ziran* along with the new term for religion (*zongjiao*) from Japan. In other words, it imported the human-nature distinction and natural-supernatural distinction simultaneously as a response to increased contact with European powers.

In his monograph on nature in China, Robert Weller asks, “Was there an equivalent to the English word ‘nature’ in Chinese before the twentieth century?” He

⁴⁸ My translation. Original Chinese: 人法地、地法天、天法道、道法自然。

⁴⁹ “Shizen 自然,” *Nihon kokugo daijiten* 日本国語大辞典, Shogakukan, accessed March 30, 2014, <https://japanknowledge.com/lib/display/?lid=200201e4120b4H4UG38C>.

concludes, “The monosyllabic answer is no, as we might expect for concepts carrying such a heavy cultural and historical load.”⁵⁰ Rather than the ontological split between God, humans, and nature, early Han cosmology understood all things to be composed of the same basic form of energy, known as “qi” 氣. From very early history to the Second Han dynasty (206-BCE-220 CE,) neither humans nor animals possessed a soul. Qi constituted animals, humans, deities, plants, and non-living objects equally. Humans were constituted by a single “hun” 魂 and a single “po” 魄. Qi generated both hun and po, but hun was a light intellectual energy that floated up after death, while po was a heavy bodily energy that sunk down after death. This cosmology was shared by both Daoists and Confucians, as well as other contemporaneous schools of thought. The ritual of offering food to ancestors, which came to be associated with Confucianism, provided sustenance to the ancestors’ disembodied qi, or gui 鬼. The gui would gradually dissolve back into unrefined qi, depending on how much food she ate during life and during the afterlife. As the common people did not have the means to eat as much as the aristocrats, they only made offerings to their ancestors for two generations, whereas the more well-fed aristocrats offered sacrifices for seven generations. According to a Confucian text called the “Meaning of Sacrifice” (Jiyi 祭義), “In the conversion of life [after death], the

⁵⁰ Robert P. Weller, *Discovering Nature: Globalization and Environmental Culture in China and Taiwan* (Cambridge: Cambridge University Press, 2006).

hun is called shen 神, and the po is called gui." "Shen" is generally translated as "god," and "gui" as "ghost," but these Anglicizing terms do not adequately represent the meaning in Chinese. Most significantly for the discussion here is that everyone possessed a shen [i.e. hun] that survived them after death. Of great interest to many ancient people were methods to make the shen survive longer, so that it could become an immortal [xian 仙]. While variations of these hun-po theories existed contemporaneously and developed over time, clearly there was no categorical ontological distinction between humans and gods. The shen was simply a continuation of a certain part of the energetic formation of the human, composed of qi like everything else.⁵¹

In the teachings of the present day, the hun-po theories are specialized knowledge of temple attendants and practitioners, but the cosmology lives on in everyday rituals, including offerings to ancestors, shen, and gui on the first and 15th day of the lunar month, in the month of gui, and during regular temple visits. Similarly, the distinction between nonhuman animals, humans, and shen remains quite flexible even in non-Buddhist terms. Currently, the most common hun-po theory is that each human

⁵¹ The discussion of hun and po relies on Ying-Shih Yu, "O Soul, Come Back! A Study in the Changing Conceptions of the Soul and Afterlife in Pre-Buddhist China," *Harvard Journal of Asiatic Studies* 47, no. 2 (1987): 363-95. The quote from the Ji-yi is on page 393-394, including footnote 80. My translation. Original Chinese: 改生之魂曰神，改生之魄曰鬼。

has three hun and seven po. Nonhuman animals are similar but lack one of the hun.⁵² As already demonstrated in chapter 2, one of the highest ranked deities in the imperial register of sacrifices (*sidian* 祀典) Guan-gong was originally a human that became a deity after he died. Wenchang-gong 文昌宮, a deity of similar rank, was originally a serpent.⁵³ Chinese deities are most often the continued life presence of deceased human or non-human animals, quite different from a monotheistic God. Even the Greek and Roman gods were different as they were embodied, immortal, powerful beings, not the energetic residual of previously embodied humans or animals, although these shen could also be quite powerful. Furthermore, the more general idea that qi forms all things is well-known and integrated in common practices such as Traditional Chinese Medicine, martial arts, and fengshui—the art of selecting locations and planning buildings based on the proper flow of qi.

The relatively similar ontology of humans, animals, and shen was reflected in their relationships. In his study of the early Chinese textual treatment of animals through early Imperial China, the anthropologist Roel Sterckx demonstrates that

⁵² The 3 hun and 7 po 三波七魂 theory is well-known in Taiwan. Discussion of the hun and po theory in relation to nonhuman animals, however, is less common. Where explanations exist on popular websites in Taiwan, people tend to agree that nonhuman animals lack one hun.

⁵³ For an account of the transformation of Wenchang 文昌, see Terry F. Kleeman, *A God's Own Tale: The Book of Transformations of Wenchang, the Divine Lord of Zitong* (Albany: State University of New York Press, 1994).

nonhuman animals could be held up as paragons of virtue and be treated as subjects of the state as well as demonized as immoral brutes:

...the classic Chinese perception of the world did not insist on clear categorical or ontological boundaries between animals, human beings, and other creatures such as ghosts and spirits. The demarcation of the human and animal realms was not perceived to be permanent or constant, and the fixity of the species was not self-evident or desirable. Instead animals were viewed as part of an organic whole in which the mutual relationships among the species were characterized as contingent, continuous, and interdependent...Through linking the comprehension of animals with the ruling of human society, the early Chinese presented the animal world as a normative model for the establishment of sociopolitical authority and the ideal of sage rulership.⁵⁴

Thus, not only did early Han civilization lack the distinction between animals, humans, and gods, but they also used the behaviors of nonhuman animals to inform their debates about society. As Mencius said, "The differences between humans and the birds and beasts are very small."⁵⁵ In fact, he exhorted his followers to "Love parents affectionately, and care for the people. Care for the people, and be fond of animals."⁵⁶ In the Confucian concentric theory, animals were valuable and deserving of compassion, but filiality to parents and concern for humans could easily outweigh the interests of animals. Zhuangzi outlined a more egalitarian ideal for the relationship between humans and nonhuman animals:

⁵⁴ Roel Sterckx. *The Animal and the Daemon in Early China*. (Albany: State University of New York Press, 2002), 5.

⁵⁵ Mencius 孟子, "Lilou" 離婁, Second part 下. My translation. Original Chinese: 人之異於禽獸者幾希.

⁵⁶ Mencius 孟子, "Jinxin" 盡心, First part 上. My translation. Original Chinese: 親親而仁民，仁民而愛物」.

The people have their constant innate nature. To weave for their clothing, to till for their food — this is the inner power (*de*) that they share. They are one in it and not partisan, and it is called the emancipation of the heavens (*tianfang*). Therefore, in a time of utmost inner power the gait of people is slow and ambling; their gaze is steady and mild. In such an age mountains have no paths or trails, lakes no boats or bridges. The ten thousand beings live species by species, one group settled close to another. Birds (*qin*) and wild animals (*shou*) form their flocks and herds, grass and trees grow to fullest height. So it happens that you can tie a cord to the birds and wild animals and lead them about, or bend down the limb and peer into the nest of the crow and the magpie. In this age of perfect inner power people live the same as birds and wild animals, group themselves side by side with the ten thousand beings. Who then knows anything about “superior” or “inferior person”? Abiding in nonknowing (*wuzhi*), their inner power does not depart from them. Abiding in desirelessness (*wuyu*) is called unadorned simplicity (*supu*). Through unadorned simplicity people realize their innate nature.⁵⁷

Zhuangzi’s non-knowing, desireless abiding was to live without effort as an animal.

Also notable in this passage is that the phrase “emancipation of heaven” could as easily be translated as “emancipation of nature,” again demonstrating the lack of distinction between these categories. The role of humans was neither to dominate nature nor nonhuman animals, rather it frequently was to learn from animals and emancipate them.

On the other hand, while they may not have tried to exercise Biblical dominion over nature, Han people tried to channel *qi* to their own advantage. Exotic plants, animals, and objects at the outer boundaries of homes or communities also possessed

⁵⁷ Zhuangzi, “Mati” 馬蹄. Translation from Louis Komjathy, *Taming the Wild Horse: An Annotated Translation and Study of the Daoist Horse Taming Pictures* (New York: Columbia University Press, 2017), 31.

special power, and animals and plants were sacrificed or consumed to benefit from their power. Weller reports on this phenomenon in detail from his own experiences including being served living fish (huoyu 活魚) and the endangered pangolin at Chinese banquets.⁵⁸ In Taiwan, even the meat of indigenous people was for sale at Taiwan's markets in the nineteenth and early twentieth century. Just as exotic animals, the meat of these exotic peoples was eaten for its special power. In the second half of the nineteenth century, the physician George Mackay reported observing Han people consuming the brains of an indigenous man to enhance their intellect and bravery and creating a bone jelly from another indigenous man to treat malaria.⁵⁹ The will of shen could also be bent toward human advantage through proper veneration and offerings. In present-day Taiwan, the most well-known ritual animal sacrifice is the annual Shen Pig Ritual (shenzhu jidian 神豬祭典).⁶⁰ The ritual is held at several temples that venerate Qingshui Zushi 清水祖師, a Buddhist monk who performed various great deeds.⁶¹ The ritual involves sacrificing fattened pigs called "shen pigs" to Qingshui Zushi on his birthday,

⁵⁸ Weller, *Discovering Nature*, Chapter 2.

⁵⁹ George Leslie Mackay, *From Far Formosa: The Island, Its People and Missions*, Fourth ed. (New York: Fleming H. Revell Company, 1895), 276-7.

⁶⁰ For an article about the history of the Shen Pig Ritual, see Kuo Tse 果澤. "Nothing Divine About Pig-Fattening." *Taipei Times*, Feb 27, 2018.

<http://www.taipeitimes.com/News/editorials/archives/2018/02/27/2003688324/1>.

⁶¹ For a more detailed description of Qingshui Zushi, see "Qingshui Zushi" 清水祖師. Ministry of Interior National Religion Information Network (Neizhengbu quanguo zongjiao zixun wang 內政部全國宗教資訊網), accessed January 28, 2019, <https://religion.moi.gov.tw/Knowledge/Content?ci=2&cid=285>.

the sixth day of the lunar new year. The local people believe that Qingshui Zushi blesses the pigs so that the pigs may eat especially well, and they hold a competition in which the participant who raises the fattest pig wins a medal. In 2018, the winning pig was 892 kg, seven to eight times the weight of a normal pig. The ceremony demonstrates how the idea that shen need to eat just as humans do is passed down from early hun-po theories, and that sacrifice—including the sacrifice of animals—is a method of veneration and accruing favor with shen. The particular irony of the Shen Pig Ritual, however, is that as a Buddhist monk, we can expect would have been vegetarian and opposed to killing animals. This counterintuitive entanglement of traditions demonstrates how inextricable the multiple traditions are from each other, and how it is difficult to make generalizations based on a particular category such as Buddhism or Daoism. Qingshui Zushi is not only both a shen and a bodhisattva (a Buddhist practitioner that forgoes enlightenment to save all beings), but also a tutelary shen of the Quanzhou region of Fujian Province. Both the cannibalization of indigenous people and the ritual sacrifice of shen pigs represent responses of Han settlers to threats to the lives of individual settlers, indigenous tribes protecting their territories and aggressive wild boars. In the case of swine sacrifice, the ceremony performs the victory of the Quanzhou settlers over the native wild boar through the traditional rituals associated with the Han cosmology.

Chao-hwei, LCA, and allies have actively documented, publicized, and protested the offering of shen pig and similar animal sacrifice rituals. In one notable example,

Chen Shui-bian, the president of Taiwan from 2000 to 2008, pledged to sacrifice a shen pig to the Hakka shen Yimin Ye 義民爺 if Yimin Ye would help him win the 2000 election and bring peace and prosperity to Taiwan. After election several farmers raised shen pigs for the president to sacrifice and called them “president pigs.” Chao-hwei led a movement to stop the ceremony arguing that violent rituals could not bring peace to the country, but rather only peaceful means such as a pledge of vegetarianism could bring peace to the country.⁶² However, despite a vocal opposition, Chen participated in the president pig sacrifice in 2003 to respect the ritual of the Hakka people.⁶³

Thus, the culture of blood sacrifice in Taiwan and China is strong to the present day. People consume exotic animals to accrue their power and sacrifice other animals to curry favor of the shen. Traditional Chinese cosmologies offer both idyllic visions of human harmony with the cosmos and methods of manipulation of energetic forces for human benefit. These cosmologies are actually intimately entangled and inseparable from Chinese Buddhism, but as we can see, even if we hold them apart, they do not reproduce the three-part Christian cosmology creation-human-Creator or its secular equivalent natural-human-supernatural.

⁶² Chao-hwei’s article imploring Chen not to participate in the ritual was originally published in the Liberty Times. See Shih Chao-hwei 釋昭慧, “Dao Bu Qingliu ‘Zongtong Zhu!’” 刀下請留「總統豬」!, *Hongshi shuangyue kan* 弘誓雙月刊, no. 65 (October 2003): 4-6, <https://doi.org/10.29665/HS.200310.0002>. For background, see

⁶³ Pinguo ribao 蘋果日報, “Zongtong Shenzhu Mimi Zai Le 總統神豬秘密宰了,” (August, 18, 2003), <https://tw.appledaily.com/headline/daily/20030818/281164/>.

Buddhism introduced new ideas that added to the array of cosmological possibilities in Chinese culture, but it similarly lacked the three-part cosmology brought by Europeans. The Buddhist studies scholar Ian Harris considered a variety of Indic terms as candidates for the term nature, including *saṃsāra*, *prakṛti*, *svabhāva*, *pratītya-samutpāda*, *dharmadhātu*, *dharmatā*, and *dhammajāti*, but found them all inadequate.⁶⁴ First, Harris noted that the distinction between nature and supernature arose in medieval Europe in the work of Thomas Aquinas and his contemporaries. These theologians believed that what could be observed in nature was not sufficient to explain the totality of the universe, and therefore they induced the existence of the supernatural. Second, Harris considered *saṃsāra* as a candidate for the term nature. *Saṃsāra* denotes a universe characterized by the continuous cycle of transmigration of all beings. All beings cycle between six categories of rebirth: hell beings, hungry ghosts, animals, humans, asuras and devas. While *deva* may be translated as god and may share etymological roots with the word divine, it does not represent the same concept as a Christian God. Deva die and are reborn in the cycle of transmigration. They have at one time in the past been animals and at another time humans and will be animals and humans again in the

⁶⁴ Ian Harris, "Buddhism and the Discourse of Environmental Concern: Some Methodological Problems Considered," in *Buddhism and Ecology: The Interconnection of Dharma and Deeds*, ed. Mary Evelyn Tucker and Duncan Ryuken Williams, 377-402 (Cambridge, MA: Harvard University Center for the Study of World Religions, 1997). The mention of the particular Indic candidate terms for nature is on pages 380-381.

future, just as the beings in all categories of rebirth continuously change between these categories. This cosmology in which all sentient beings are in the same state of samsara negates the possibility of a nature-supernature distinction. Harris concludes that the other Indic terms also fail a similar test of their equivalency to the concept of nature.

After Buddhism arrived in China around the first century A.D., it became extremely influential, as many Chinese people accepted the idea of transmigration, its accompanying concept of karma, and the teachings of compassion for all sentient beings. Karmic theory asserted that one's actions not only affected one's current and future lives but also the direction of the collective cosmos. Karma shared some affinities with the Chinese concept of sympathetic resonance (*ganying* 感應). Sympathetic resonance involved a universe that responded to human behavior, as represented by expressions such as "Tian and humans are joined together as one" (*tianren heyi* 天人合一). Thus, in both Buddhism and native Chinese traditions including Confucianism and Daoism, the universe was in a reciprocal relationship with humans, and behavior and intention co-created the universe. There was no divine being interceding from outside of the system. The concept of transmigration was new for Chinese people when Buddhism arrived in China, and the teachings of compassion for all sentient beings offered a new cosmological emphasis on concern for non-humans. I have found that in my own interactions with Han people in present-day Taiwan, transmigration is the common default way of apprehending life and death, although it is entangled with the traditions

developed from hun-po theories. The concept of the universe resonating with or responding to moral behavior is also one of the most strongly held beliefs. One college student at a “religion and social movements” training camp I attended summarized the shared cosmology as “Evil has evil consequences, good has good consequences” (e you e bao, shan you shan bao 惡有惡報，善有善報). Other participants at the retreat agreed with this formulation. This shared cosmology also explains why, as discussed in chapter 2, those with higher levels of education and more formal exposure to Confucian teachings may begin not only to affirm experiences with Confucian concepts but also Buddhist concepts such as karma.

This recompensatory system included concern for nonhuman animals. From the Han period, as traditions of the Daoist masters developed, Daoists opposed the profligacy of eating meat and ritual sacrifice. In the period from the first century to the fifth century CE, the Daoists codified these practices, and the government began to see abstention from meat rather than animal sacrifice as a way to produce positive cosmic resonances. Some Confucians were also committed to care for animals, including the sixth-century Emperor Wu of Liang (Liang wu di 梁武帝, 464-549 BC; r. 502-549BC), who committed himself to vegetarianism as part of Confucian practices of mourning. The Buddhist sutra called the Brahma Net Sutra (Fanwang jing 梵網經, app. fifth century BC) appeared in China at this time, and included a precept prohibiting eating meat. Emperor Wu himself took the precepts and forbid Buddhist monks and nuns from eating meat.

Thus, vegetarianism solidified as a way of gaining cosmic or karmic merit through multiple Chinese traditions, even though it came to be especially associated with Buddhism. This early history produced a foundation for Buddhist vegetarianism as well as the Vegetarian Jiao (Zhaijiao 齋教) that became popular in Taiwan during the Qing Dynasty. The practice of vegetarianism remains a common method of gaining merit in Taiwan. For example, in my own experience, at a retirement event for a Legislative Yuan representative with a history of sponsoring legislation for people with disabilities, I met a man on the board of an autism association. He became vegetarian as a way to help his son who had a severe form of autism. He was not Buddhist but saw vegetarianism as a way of reaping cosmic merits that he could transfer to his son. This form of practicing vegetarianism is exactly what Chao-hwei proposed to Chen Shui-bian as an alternative to sacrificing the President's pig. While the prescription of vegetarianism was a Chinese innovation, Buddhist theories of transmigration and karma provided the strongest foundation for compassion toward nonhuman animals, as illustrated by practices such as the prohibition on killing and the "release of life" ceremony.⁶⁵

Thus, Chinese cosmologies including those of Daoism, Buddhism, and Confucianism lacked an all-powerful God that created and existed outside of creation.

⁶⁵ For a more detailed discussion of the development of vegetarianism in China, see Lisa Grumbach, "Sacrifice and Salvation in Medieval Japan: Hunting and Meat in Religious Practice at Suwa Jinja" (Ph.D. diss., Stanford University, 2005), 57-70.

The shen and bodhisattvas were an integral part of a cosmos that responded to moral behavior and ritual, and they themselves generally had been nonhuman animals or humans in previous lives. Humans equally could not be held apart from the system as the rulers over a nonhuman nature, because they were in a reciprocal relationship integrating humans with tian. Nonhuman animals were part of the same energetic or cosmic universe and worthy of moral consideration. Thus, there was no native concept of “environment” or “nature” that correspond with a nature-human-supernature distinction. Implicitly, then, when Chao-hwei uses the term “environment,” she is adapting a North Atlantic concept to a Buddhist cosmology, just as she is doing with the term “rights.” Chao-hwei clearly explains the theological provenance of natural rights, and rejects the idea that God granted rights. She explicitly asks whether the concept of rights can be salvaged without the theological basis, and defends two new forms of rights—animal rights and environmental rights—based on the Buddhist principle of equality of life. While she is very explicit about reformulating the concepts of rights, she is less explicit about reformulating the concept of environment. Considering that I have already shown that the concept of the natural environment does not draw on a premodern Chinese cosmology, we can also identify how Chao-hwei reformulates the modern notion of environment. First, Chao-hwei took the animals out of the concept of the environment completely, making the boundary of “huanjing” expand to encompass all sentient beings. Second, she claimed the subjectivity of all nonsentient things as they

are the causes and conditions for all sentient beings, joining with them as a single body.

The environment, then, is the collective karma of all sentient beings.

3.5 The Ontology of Religion

Considering the failure of the tri-part nature-human-supernature ontology to describe Chinese cosmologies, there is one more significant issue to consider. As Harris observed, the distinction between the nature and supernatural arose in the theory of Aquinas and his contemporaries. It is a Christian theological distinction between what is empirically verifiable and what belongs to the unexplainable realm of God. As J.Z. Smith argues, in the transition from the theological study of religion to the anthropological study of religions, definitions evolved from those based on a single supreme deity to definitions distinguished by the “supernatural” or “superhuman.” He cites Melford Spiro’s 1966 definition as representative: “an institution consisting of culturally patterned interaction with culturally postulated superhuman beings,” with the further qualification that “religion can be differentiated from other culturally constituted institutions by virtue only of its reference to superhuman beings.”⁶⁶ Whether the terms “superhuman” or “supernatural” are employed, they both rely on the hierarchical construction of the three-part nature-human-supernatural ontology, where humans

⁶⁶ Melford E. Spiro, "Religion: Problems of Definition and Explanation," in *Anthropological Approaches to the Study of Religion*, ed. Michael Banton (London: Tavistock, 1966), 96 and 98. As quoted in Smith, *Religion, Religions, Religious*, 1998.

dominate and are above nature and God dominates and is above both humans and nature. Thus, “super-human” (above humans) and “super-natural” (above nature) both refer to the position of God in the nature-human-God cosmology.

Furthermore, Aaron Gross demonstrates that secular religious studies theorists confine even the realization of religion to humans. He examines Emile Durkheim, Ernst Cassirer, Mircea Eliade, and Jonathon Z. Smith, and identifies how they equate the emergence of rational or symbolic thought with the emergence of religion. In other words, just as in Locke and his contemporaries, rationality is what distinguishes humans from nonhuman animals. Gross writes, “One could even argue that Smith and those who advanced this direction of theory before him have failed to shift religion from the sphere of the divine sciences. After all, it is exceedingly difficult—and I tend to think impossible—to argue for an ontological distinction between humans and all other life that would justify limiting the study of religion to the sphere of the human without an appeal that extends beyond the domain of reason.”⁶⁷ Thus, religion is about the supernatural, but the capacity to create it is what distinguishes humans from nature.

These arguments fail when there is no nature-human-supernature ontology, as in the case of all Chinese teachings. The Christian cosmology, thus, must be superscribed

⁶⁷ Aaron Gross, *The Question of the Animal and Religion: Theoretical Stakes, Practical Implications* (New York: Columbia University Press, 2014), 85.

on non-Christian teachings in order to produce religion. In other words, cosmologies that do not include the same three-part ontology cannot be reliably classified as secular or religious because they do not include the relevant distinctions.

Smith is quite open about the flexibility of the definition of religion. Considering James H. Leuba's accounting of more than fifty definitions of religion, Smith concludes that all are equally valid: "'Religion' is not a native term; it is a term created by scholars for their intellectual purposes and therefore is theirs to define." This statement may be correct, but it does not fully address the political consequences involved in defining religion. As already demonstrated in chapter 2, the definition of religion has real political significance, determining, for example, what organizations get tax benefits, whether an organization is subject to strict or loose accounting regulations, and what teachings may be a part of the compulsory curriculum. Additionally, how scholars define religion is directly implicated in the resolution of these questions, just as in how Taiwan's Ministry of Interior hired National Chengchi University's Graduate Institute of Religious Studies to consult them on how to define religion. According to Kuo, the Graduate Institute evoked the philosophy of John Locke in recommending a policy not to define religion. Now, having reviewed John Locke's theory of human equality in this chapter and his theory of religious toleration in chapter 1, we can see that not only is the concept of religion based on a Christian cosmology, but the institution of human rights that protects the freedom of religion is also built on a Christian cosmology. Furthermore,

as we recognize that Locke created religious freedom only for monotheists and that, as Waldron argues, the only defensible basis for human equality lies in Lockean Christian theology, then we also must recognize that the institution of human rights is an ontologically Christian institution. The political implications of this problem are probably the major issue with which the field of religious studies must grapple.

For example, as described in chapter 2, Chen and Huang argued that Falun Gong should not be taught in schools because there is no objective standard to confirm the content of the teachings. However, if we apply that same standard to the curriculum on human rights and human equality, we would not only have to conclude that there is no objective standard to confirm these teachings, but also that they are also a religion and should be prohibited from the schools. In fact, we have already seen they rely on a Christian ontology, so this conclusion is stronger than the conclusion about Falun Gong. Natural rights are based on the endowment of the Creator, which fits the original definition of supernatural and superhuman, so the basis of these rights fit both Smith's theological definition of religion and his anthropological definition. Falun Gong, on the other hand, developed as a form of qigong, so it relies primarily on Chinese cosmology that lacks the nature-supernature distinction. Thus, it does not easily fit either the theological or the anthropological definition of religion. However, while organizations such as Falun-gong and Tzu Chi compete for access to Life Education curriculum through the indirect means of continuing education courses for teachers, human rights

are a required part of the curriculum just as Confucianism.⁶⁸ They of course are also enshrined in Taiwan's constitution, so no legal argument can be made to eliminate human rights from the curriculum. Furthermore, this discussion of the educational curriculum is much more than a peripheral topic in regard to the interests of teachings, or jiao, because the function of teachings is to be taught. The privilege to teach is the privilege to survive as a teaching. Human rights enjoy this privilege in the mandatory curriculum, while Chinese teachings like Buddhism and Daoism do not.

Even Chao-hwei believes that human equality and human rights were a step in the right direction, but she argues for an expansion of the concept of equality to include all sentient beings. To be able to fairly consider an alternative form of equality as represented by the equality of life, however, we need to put it on equal terms with the existing form of equality. Since human equality is already enshrined in constitutional law and required as a part of mandatory curriculum across the world, it is unquestionably the hegemonic form of equality. The best we can do to maintain symmetry with the hegemonic form of equality is to make existing power relationships transparent. By demonstrating the Christian roots of human equality and exposing the power advantages it enjoys is not to denigrate its value, but rather a necessary step to

⁶⁸ See Jiaoyubu. "Shier-Nian Guomin Jiben Jiaoyu Kecheng Wangyao," 36-38.0

compare it with an alternative that does not enjoy the same advantages—in other words, to put them in symmetrical relationship to the extent possible.

Research on alternative ontologies has been a trend in the field of political ecology in the past ten to fifteen years, with roots that go back even farther,⁶⁹ but there may be some reasons that this approach has been much more limited in the study of religion. The most productive area of scholarship has been the Amazonian basin. Anthropologists such as Phillippe Descola, Eduardo Viveiros de Castro, and Arturo Escobar have pioneered this new approach in that region, with later contribution from scholars such as Eduardo Kohn and Marissa de la Cadena. Notable scholars in other geographic areas such as Elizabeth Povinelli and Deborah Bird Rose in Australia have also made significant contributions. My point is not to list all the significant scholars in this field or review their scholarship, but rather to simply note that these scholars work on the ethnography of indigenous communities that cluster in certain geographical areas. As Smith noted, a world religion is “a tradition that has achieved sufficient power and numbers to enter our history to form it, interact with it, or thwart it,” while all “‘primitives,’ by way of contrast, may be lumped together, as may the ‘minor religions,’ because they do not confront our history in any direct fashion. From the point of view of

⁶⁹ For a review, see Arturo Escobar, "Postconstructivist Political Ecologies." In *International Handbook of Environmental Sociology*, edited by Michael Redclift and Graham Woodgate, 91-105. Cheltenham, UK: Elgar, 2010.

power, they are invisible.”⁷⁰ This invisibility may have been exactly what allowed anthropologists to take indigenous ontologies seriously, while the power of world religions may threaten existing power structures. According to the logic of the freedom of religion, taking religion seriously is theology (a misnomer for Chinese teachings) and thus not allowed in the public sphere. In the case of China, many minor traditions were destroyed as superstitions in the first half of the twentieth century, so major teachings such as Buddhism and Daoism had every reason to convince the government they were religions as a matter of survival. That status, however, locked them out of the domain of power and the public sphere, and tacitly prohibited what religion theory considered “theological” scholarship in the public domain.

In the same period that ontology scholarship has grown in popularity among indigenous people, the “religion school” has grown in influence in Chinese religions. While these scholars recognize the lack of a mundane-sacred binary (natural-supernatural) binary in Chinese teaching, they still retain the category of religion and the restrictions on scholarship that corresponds with the category. Some have even reasserted the category to show that Chinese traditions are not merely secular.⁷¹ These

⁷⁰ Smith, *Religion, Religions, Religious*, 280.

⁷¹ The highly regarded survey of Chinese religions by Goossaert and Palmer recognizes the problems with the category, but opts to apply to term anyway. See Vincent Goossaert and David A. Palmer, *The Religious Question in Modern China* (Chicago: University of Chicago Press, 2011), Introduction, especially 9-11. On the other hand, Lagerwey (*China: A Religious State*) who was discussed in detail in chapter 1, reasserted religion

approaches have shed light on the problems with categories of religion and the secular, but have not moved so far as to reject these categories themselves. Because the assignment of Buddhism and Daoism to the category of religion has been so broadly accepted, especially in the West, I created the category of “second religions” to recognize this broad acceptance while simultaneously holding them apart as ultimately to recognize that they can neither truly fit in the category of religion nor the category of the secular. In many ways the “religion school” has produced the basis for a transition to a new approach.

The religious studies theorist Robert Orsi has been a leader in advancing a new ontological approach in religious studies scholarship. In his 2016 book *History and Presence*, he argues that during the Protestant reformation, Huldrych Zwingli started a process that would ultimately lead to “God’s absence from the world.” Zwingli developed the doctrine that Christ was only in the Eucharist symbolically, not literally. The Protestant ontology formed the basis of what is called “modernity” through the colonial project, so that the “divide between presence and absence, the literal and the metaphorical, the real and the symbolic, the natural and supernatural, defines the modern temperament.”⁷² As Protestants developed a symbolic understanding of

as a category for government Confucianism as a way to show that the Chinese government was not secular as Confucian scholars have tried to claim.

⁷² Robert A. Orsi, *History and Presence* (Cambridge, MA: The Belknap Press of Harvard University Press, 2016), 37.

religious phenomena, Catholics persisted in their conviction that not only was God in the Eucharist, but also that he broke into the mundane world through various forms such as the apparition of Mary at Lourdes. Orsi believes to fully understand the history of other peoples, we must allow an ontological “vertigo.” “Constraints on the scholar’s imagination become, by means of his or her scholarship, constraints on the imaginations of others, specifically those whose lives the scholar aims to represent and understand. There is a double intellectual tragedy here, for once their reality is constrained by ours, they no longer have the capacity to enlarge our understandings or our imaginations. This is the price of ontological safety.”⁷³

In the case of Chinese religions, in many ways the case to open our scholarship to multiple ontologies is even stronger. Rather than starting the process of disenchantment with Zwingli, it could be traced to Catholics themselves when Aquinas and his contemporaries created the nature-supernature divide. Since Catholics created the category of the supernatural, Catholics at least acknowledged the category when modern scholarship under Protestant influence rejected the actual presence of God in the mundane world. On the other hand, recognizing the “presence of God” in Chinese teachings was completely nonsensical, as God in the Christian sense did not even exist in these teachings. As this natural-supernatural divide did not exist, colonizers and their

⁷³ Orsi, *History and Presence*, 64.

local collaborators could define what was natural and supernatural by superscribing these categories on local teachings. By assigning Buddhism, Daoism, Confucianism and other teachings to the category of religion, they made a judgment that these teachings were supernatural, thus rejecting their legitimacy in contributing to the understanding of nature. Where any truth value broke through to the secular, it needed to be authorized by mediators of truth who would appropriately “naturalize” the knowledge with secular ritual, as in the experiments involved in the scientific study of mindfulness and meditation. Even then, reference to the original teachings with terms such as “Buddhist” would need to be erased to allow the knowledge to enter the public sphere. Yet, the political conditions that mediated these processes such as human equality, human rights, the separation of church and state, and the freedom of religion belonged to the Lockean Christian ontology of the European Enlightenment.

The use of an approach which suspends the category of religion in order to take Chinese teachings on their own terms is just beginning. One pioneering work is James Miller’s 2017 book *China’s Green Religion*. Miller recognizes the three-part ontology I discuss in this chapter: “in this modern imagination, the realms of the supernatural, the natural, and the human are fundamentally distinct from one another, and the three disciplines of religion, science, and philosophy focus on each of these three realms

respectively.”⁷⁴ From that starting point, he presents Daoism as an alternative way of apprehending the pressing issue of sustainability, and argues that a Daoist cosmology offers a better way of approaching sustainability:

The Daoist approach is better in three respects: first, as a basic paradigm for apprehending the world we live in, it fits better with the findings of evolutionary science, ecological science, and environmental science. Second, as a basic paradigm for orienting human life toward the world we live in, it provides a spirituality and a worldview that is creative and life sustaining. Third, as a mode of practical engagement with our world, it is profoundly relevant for the global quest to create an ethical framework that produces a flourishing world for the betterment of human life and the sustainability of the planet humans depend on for their survival.⁷⁵

In relation to the goal of sustainability, Miller clearly believes that Daoism is not only better politically but also better scientifically. In particular, Locke and his contemporaries formulated a concept of the human individual that was set apart and above nature. This model did not allow for the human to be fully engaged in a reciprocal relationship with an active and subjective nature, but rather situated the human in dominion over a passive and objective nature. In this doctrine, the human individual was not only “buffered” from the environment but also from other human individuals. Human rights doctrine is just one example of this buffering. As unalienable rights were endowed by the Creator, the rights of the individual did not depend on relationships

⁷⁴ James Miller, *China's Green Religion: Daoism and the Quest for a Sustainable Future* (New York: Columbia University Press, 2017), 12.

⁷⁵ Miller, *China's Green Religion*, 18.

with other humans or nonhumans in the world, and thus rights conceptually buffered the individual from social relationships as well as the environment. Charles Taylor calls this model of the human the “buffered self.” As opposed to the Enlightenment model of an objective nature and a buffered self, Miller presents Daoist alternatives such as the “subjectivity of nature” and the “porous self.” In this dissertation, I do not take a constructive approach as Miller does, but rather an anthropological approach in which I let my informants speak for themselves. In this chapter, I demonstrated how Chao-hwei also presented an alternative model to a buffered self and objective nature. She defended the subjectivity of nature and pushed not only beyond the buffered self but also beyond the porous self to the Buddhist concept of no self as a basis for the rights of the environment.

3.6 Conclusion

John Locke’s model of human equality carries with it a three-part creation-human-Creator ontology, which transforms to a natural-human-supernatural ontology in secular parlance. While the distinction between animals and humans that the cosmology creates seems to be grounded more in imperial and scientific aspirations than in rigorous Biblical interpretations, the Christian model that Locke and his European contemporaries created is the inheritance of the modern liberal order. However, human-nature, human-supernatural, and nature-supernature divides did not exist in East Asia prior to contact with European colonial powers. Thus, the assignment of native Chinese

teachings to the category of religion not only violated their own categories of knowledge but also isolated these teachings from the domain of power and restricted their power to make truth claims in the public sphere. These restrictions all occurred under a liberal order modeled on a European Christian cosmology. Chao-hwei presents an alternative to Locke's human equality that attempts to restructure these boundaries on Buddhist terms, reclaiming the equality of all sentient beings and the subjectivity of nature. However, in order to adapt these concepts to prevailing legal structures, she reformulates Buddhist teachings in the non-native liberal notions of "rights" and "environment." In order to put Lockean human equality on equal terms with Chao-hwei's equality of life, I use ontological analysis to sidestep the power relationships that serve to repress teachings through the liberal logic of the separation of church and state and the freedom of religion.

While my approach is not constructive or prescriptive, I am struck by the fact that the places where anthropologists have been most active in taking ontological approaches to political ecology correspond geographically with some of the places where the most legal innovation has been made. As I noted earlier, some of the most influential scholarship in political ecology has come out of the Amazon basin, and the Amazon basin is the home to both Ecuador and Bolivia, the first two countries that have enshrined the rights of nature in their constitutions. Similarly, notable political ecology scholarship in Oceania also coincided with the treaty negotiations that resulted in the

recognition of the legal personhood of the Whanganui River and the Te Urewera National Park in New Zealand. The rights of nature in Ecuador, Bolivia, and New Zealand all grew from indigenous movements and resulted in the legal expression of indigenous cosmologies. I am not inferring any particular form of causality between academic scholarship and particular political movements, but there certainly is a potential for complementarity between scholarship and political movements. Miller's work on theorizing Daoism as a model for sustainability is partially a response to the ecological civilization platform that was added to the Constitution of the Chinese Communist Party. The ecological civilization campaign aims to incorporate traditional teachings such as Daoism in its approach to sustainability.

Chao-hwei herself supports the rights of the environment as a legal tool. In 1996, the Taiwanese legislator Liu Ming-long 劉銘龍 campaigned on adding the rights of the environment to the Taiwanese constitution, but after his election, the idea gained little traction. In her 2001 essay on the rights of the environment and animal rights, Chao-hwei argued that Taiwan must "solidify a larger social consensus"⁷⁶ in order to succeed in putting the rights of the environment into law. Chao-hwei would like to see both animal rights and the rights of the environment realize legal protections. Chao-hwei, LCA, and other environmental NGOs are aligned on implementing the rights of the

⁷⁶ Shih Chao-hwei, "Huanjingquan yu Dongwuquan," 316.

environment, but in order to move forward, the interested parties must face the challenge of negotiating a broader social consensus. One of the interest groups with whom the equality of life and its corollary, the prohibition on killing, has experienced the most conflict are the indigenous people with traditional hunting practices. Thus, just as Lockean human equality, equality of life can also be seen as a tool of colonialism. My approach is different from the constructive approach because I do not intend to show how equality of life is superior to Lockean human equality or the cosmologies of the indigenous mountain peoples. Rather, my intent is to put it in symmetrical relationship with these other cosmologies and consider how it impacts both human and nonhuman interest groups. In the next chapter, I examine how the concept of equality of life has developed in LCA, the political advocacy group that Chao-hwei and her collaborators founded. Then, in chapter 5, I examine the conflict between equality of life and the indigenous people's tradition of hunting.

Part Two

Chapter 4. Life Conservationist Association

4.1 Background

At first glance the Anglophone appellation, Life Conservationist Association (LCA) may not elicit much surprise. In English, the politics of *conservation* generally evokes the concept of the conservation of the “environment” or “nature,” as in the name of such famous conservation organizations as Conservation International or the Nature Conservancy. Without more than a first impression, a reader may suspect that this association works toward the discernable goal of environmental conservation—that is, assuming that we gloss over the word *life*. On closer thought the word *life* may seem a bit extraneous or even nebulous. Instead of the “environment” or “nature” that the term *conservation* implicitly evokes, deeper thought about the name reveals a conundrum. What does it mean to *conserve life*? *Life* is not a landscape or an ecosystem, not necessarily part of nature or the environment. In fact, in English, the politics of *life* evokes the debate around abortion. To be “pro-*life*” is to oppose abortion. Thus, *conserving life* seems to be a bit indecipherable and requires further decoding. This conundrum is a reframing at the ontological level. Thinking about *conserving life* makes the “environment” and “life” collide in an ontologically disorienting way. In the politics of the pro-life movement, the “environment” that is normally *conserved*, is exactly what the *life* of an “unborn baby” is not. The “pro-*life*” position is generally the Christian position that a fetus is not a fetus but a fully ensouled “unborn baby.” To kill the baby is

nothing less than the murder of a human person, not merely the termination of a pregnancy. Thus, while an English speaker may feel comfortable with something as familiar as *conservation*, *life conservation* implies something much more radical, a collapse of the ontological divide between humans and nature or between humans and creation, a divide that English contains in its semiotic structure. In Chinese, the name is different. Guanhuai Shengming Xiehui 關懷生命協會 literally means the “Caring for Life Association.” The semiotic vertigo in English translation is not the beginner’s mistake of a novice translator, but the tip of a cosmological iceberg in which an entire cosmology must be translated into another. The language has a double appeal, both to ally with the influence of the environmental movement and to reframe environmental conservation into the terms of “equality of life.”

The name of the organization was carefully selected both to emphasize the equal status of the life of animals and the life of humans, and in recognition of this fact, to leave the door open to addressing human issues as well as non-human animal issues.

Chao-hwei is very clear on how the Chinese version of the name was constructed:

Calling [the organization] the Caring for Animals Association was discussed. I think that, speaking in terms of near-term plans, [we] still would focus on animals, but in the mid- to long-term, perhaps if the association’s influence expanded, at the point that it had the ability to address other things, [we] would not want to be limited because it was called the Caring for Animals Association. This is the first point.

The second point is that we also wanted to let the people of society know that animals are life. You cannot always not take animals as life, right? We thus called

[the organization] the Caring for Life Association in order to stress “animals are equal to life” ...this type of...this type of concept. Therefore, it was called the Caring for Life Association.

要不要叫做關懷動物協會，是討論過的。我們認為說，以近程計畫來講，還是要以動物為主，那麼到中遠程的話，也許如果協會將來力量壯大了，有能力再處理其他的時候，不要因為它叫做關懷動物協會而受侷限，這是第一點。

第二點，也要讓社會人士知道動物就是生命，你不要老是不把動物當生命，對不對，我們就叫關懷生命協會，而強化「動物等於生命」，這樣的一個，這樣的一個觀念，所以叫關懷生命協會。¹

While the Chinese name emphasized that animals were life, the English name served a second purpose. The English name Life Conservationist Association also needed to appeal to foreign power brokers who were accustomed to liberal Lockean human equality and the accompanying cosmology that separates humans from nature.

This double purpose of promoting the “equality of life” while allying with the political power of an incommensurable liberal cosmology does not only present itself in LCA’s name. A similar translational maneuver occurs in the mission of the organization. My intentionally literal translation of the Chinese version of the organization’s mission from the website is as follows:

Based on [our] conviction in the “equality of life,” [our] mission is to conserve wild animals and protect ecological balance by promoting animal rights and fighting for the welfare of animals. Through legislation, education, and action at

¹ April 15, 2012 interview of Chao-hwei as quoted in Wang Yingli 汪盈利, "Yi Guanhuai Shengming Xiehui Fazhan Wei Zhuzhou De Taiwan Dongwu Baohu Yundong Shi" 以關懷生命協會發展為主軸的台灣動物保護運動史：1992-1999 [The Development and Central Role of the Life Conservationist Association (LCA) in Taiwan's Animal Protection Movement's History: 1992-1999] (MA thesis, National Chiao Tung University 國立交通大學, 2012), 52.

each appropriate time, [we] rescue animals to spare them from captivity, abuse, abandonment, injury, slaughter, and the tragic fate of extinction. [We] enable the “individual life” of every animal to possess the minimum dignity of life and the right to survive.

基於「眾生平等」之信念，以提倡動物權、為動物爭取福利，保育野生動物與維護生態平衡為宗旨。透過立法、教育及各項適時行動，以拯救動物免於囚禁、虐待、遺棄、傷害、殘殺或滅種的悲慘命運。讓每隻動物的「個體生命」，都能擁有最起碼的生命尊嚴與生存權利。²

Clearly, this language has already adopted liberal concepts such as rights and conservation, but the mission from the English version of LCA’s website adopts even more striking language that evokes a liberal cosmology:

Life Conservationist Association (LCA)'s mission is to promote animal rights, strive for animal welfare, conserve wildlife and maintain ecological balance. LCA strongly believe that *all living creatures are created equal*; with this, we aim to protect animals from captivity, abuse, abandonment, or slaughter through the promotion of legislation and education. Our movement is to establish basic rights to live and respect for every animal.³ (emphasis in original)

The content is the same, but the cosmology evoked is quite different. Specifically, LCA’s Buddhist organizing principle, the “equality of life,” is restated in a modification of Thomas Jefferson’s famous phrase from the American Declaration of Independence: “all Men are created equal” becomes “all living creatures are created equal,” and the website

² "Guanyu Benhui" 關於本會, Life Conservationist Association, accessed February 27, 2019, <https://www.lca.org.tw/about/76>.

³ Lin Jun-han 林均翰, "About LCA," Life Conservationist Association, submitted March 3, 2014, <https://www.lca.org.tw/en/content/1829>.

even italicizes the phrase for emphasis. The original phrase is one of the most recognizable expressions of Enlightenment liberalism. The use of variations of the word *create*, both in “creatures” and “create,” also implies the Christian cosmology on which liberalism was founded, the creation-human-Creator cosmology, but the modified version of the phrase in LCA’s mission statement reframes the cosmology to collapse the creation-human distinction.

Using the logic of the separation of church and state, Buddhist ideas must be restricted to the private sphere and private organizations, but that logic only applies if we accept the system of liberal democracy established by and for Christians. A more complete way to see LCA is a location of “controlled equivocation.”⁴ The anthropologist Eduardo Viveiros De Castro used this term to represent the intentional enactment of two different worlds at their boundaries. The liberal system is built on a cosmology of human equality, where the equality of life does not make sense. Without insight into the cosmology enacted by the equality of life, some liberal humanists exercise uncontrolled equivocation when they encounter the Buddhist cosmology. Yet, Chao-hwei’s careful thought about conservation, human rights, and other elements of the creation-human-Creator or nature-human-supernature cosmology reveals that she has carefully

⁴ Eduardo Viveiros de Castro, “Perspectival Anthropology and the Method of Controlled Equivocation,” *Tipiti: Journal of the Society for the Anthropology of Lowland South America* 2, no. 1 (2004): 3-22.

considered the ontology of human equality, and through her activism, learned to function in a liberal democracy and even enact the world of that cosmology. LCA's equivocation between liberal humanism and Buddhism is controlled because it operates within the world of human equality to advocate for the world of equality of life, simultaneously enacting both. LCA is registered as a non-religious social organization, while its sister organization the Buddhist Hongshi College is registered as a religious organization. However, to recognize LCA as secular and Buddhist Hongshi College as religious is to recognize the logic of human equality and religion, and not the logic of equality of life and jiao. While LCA must enact liberal humanism to function in society, it only does so to advocate for the Buddhist incommensurable alternative. Thus, as I introduce the organization in this chapter, I highlight how it manifests this controlled equivocation.

In a political world that is dominated by liberalism, LCA's political efficacy has depended on allying with the legal force of laws and the political influence of organizations that are founded on the shared cosmology of Christianity and liberalism. This political negotiation requires Buddhist principles, and specifically the "equality of life," to constantly be reframed in Christian and liberal principles to gain legitimacy. The influence of the liberal values of the separation of church and state and the freedom of religion are both central to this power dynamic. It is exactly the separation of church and state that requires teachings that are assigned to the category of religion to depend on

the cosmology of liberalism to legitimize themselves. This dynamic creates a quicksand in which teachings that present alternatives to liberal values find themselves sinking into the sands of a liberal cosmology as they must actually appeal to and reinforce liberal values while trying to replace them. This quicksand power dynamic reveals itself in the history and politics of LCA. At the beginning of this chapter, I review the history of Taiwan's conservation and animal-related legislation prior to the formation of LCA, demonstrating how it emulated international standards and adopted a view of nature that I call "bare nature."⁵ By bare nature, I refer to Descarte's nature, a mechanistic nature with no rational soul, bare of any legal protection beyond those that protect its utility to humans. Bare nature is the counterpart to liberal humanism in the nature-human-supernature cosmology as all the components of nature were excluded from the liberal protections of human equality and human rights. Then I review the Protect the Teaching campaign. This movement that re-asserted Buddhist identity as martial law was lifted laid the groundwork for the formation of LCA and the expression of the Buddhist teachings in Taiwan's politics. Next, I present the story of how LCA was established, focusing on how it reformulated Buddhist values to operate in a liberal

⁵ Giorgio Agamben coined the term *bare life*, which is a form of life suspended between status as a human and status as an animal. My term *bare nature* derives inspiration from Agamben, but does not match his framework exactly. In Cartesian thought, nature lacks humanness entirely. What "bare" suggests here is that nature is bare of Chao-hwei's form of sentient life, which does not involve an implication of being human. For a full development of bare life, see Giorgio Agamben, *The Open: Man and Animal* (Stanford, Calif.: Stanford University Press, 2004).

democracy as a secular organization. The goal is not to present a comprehensive history or comprehensive survey of the organization and activities , but rather to highlight the collision of teachings, cosmologies, and ontologies and the power dynamics involved in that collision. I will show that the equality of life must operate in a global framework that arises from human equality within a bare nature, but that equality of life has also been resilient in finding spaces to flourish despite the restrictions imposed by liberal jurisprudence.

4.2 History

4.2.1 Political Background

Before LCA was founded, law related to non-human animals in the Republic of China (ROC) passed through three phases. The first phase was the imperialist phase, focused exclusively on efficient human use of non-human animals. The second phase, which began in 1972 with the passage of the National Park Law, enacted the model of American romanticism in response to dwindling populations of wildlife. The third phase, foreshadowed by the National Park Law and to a greater extent by the 1982 Cultural Heritage Preservation Act, imported the concept of sustainable development. This phase was not fully expressed in law until the Wildlife Conservation Act was passed in 1989. All three forms of animal law treated non-human animals as resources for human consumption, and legal changes were strongly influenced by international

pressure, particularly exercised through Taiwan's indispensable alliance with the United States.

The ROC passed the earliest laws related to non-human animal issues while Taiwan was still a colony of Japan. The 1931 Hunting Law (Shoulie fa 狩獵法) did little more than to categorize animals according to which species could be hunted, but without any concept of modern sustainable population management practices. Unsurprisingly, after the Nationalist Party brought this hunting law to Taiwan, by the 1970s, many populations of wildlife had suffered from overhunting and loss of habitat. As a result, in 1972, the government issued two executive orders: a three year moratorium on all hunting (Jinlie ling 禁獵令) and a National Park Law that banned all hunting in national parks (Guojia gongyuan fa 國家公園法). The National Park Law and the subsequent designation of national parks conformed closely to the recommendations in a report compiled by the former Chief Park Naturalist of the U.S. National Park Service, George Ruhle. A Tourism Bureau employee Hunter H.T. Eu (You Hanting), who had received Park Ranger training at the Grand Canyon, subsequently advocated for the legislation.⁶ Then, in 1982, the ROC government issued the Cultural Heritage Preservation Act (Wenhua ziyuan baozun fa 文化資產保存法), which protected endangered species and nature preserves. These three executive orders contained

⁶ See Weller, *Discovering Nature*, 56.

language that introduced the second phase of law relating to non-human animals and adopted the U.S. conceptual model of romanticism in wildlife management practices. Rather than concern for the value of individual animals, these laws enacted conservation practices primarily to protect and promote tourism.⁷

The second type of law relating to non-human animals focused on domestic animals. These laws primarily regulated the registration, sanitation, and transportation of livestock to facilitate orderly economic transactions and prevent the spread of disease. Early laws such as the 1949 Bovine Registration Management (Niuji guanli 牛籍管理), the 1952 Program for Strengthening Cattle Protection (Jiaqiang gengniu baohu 加強耕牛保護方案), and the 1954 Horse Registration Management (Maji guanli 馬籍管理) laws standardized protocols for ownership and economic transactions. While the Program for Strengthening Cattle Protection sounds like it might have protected cattle, it primarily regulated the slaughter, sale, and transportation of the animals. These early laws that applied only to cattle and horses were expanded to include dogs, cats, and rabbits in the 1960s. Other laws such as the Livestock Law (Xumu fa 畜牧法), the Statutes on the Prevention and Treatment of Communicable Livestock Diseases (Jiachu chuanran bing fangzhi tiaoli 家畜傳染病防治條例), the Veterinarian Law (Shouyishi fa 獸醫師法), and

⁷ Other than the information about George Ruhle and Hunter H.T. Eu obtained from Weller, the content of this paragraph is based on Wang, "Yi Guanhuai Shengming Xiehui Fazhan Wei Zhuzhou De Taiwan Dongwu Baohu Yundong Shi," 43.

some rules in the Law for the Protection of Social Order (Shehui zhixu weihu fa 社會秩序維護法) aimed to prevent the spread of disease and promote food safety. Like the laws governing wildlife, these laws treated domestic animals merely as economic resources, but unlike the laws on wildlife, they did not advance to a second stage of romanticism or a third stage of sustainable development in the 1970s and 1980s.⁸

In response to international pressure, the government established one organization each for the categories of animal protection and environmental protection. The Statute on the Organization of Civil Associations discussed in the context of religious organizations in chapter 2 also applied to other forms of public interest groups. Thus, just as with non-Christian religious organizations, not only were the number of organizations restricted to one per category per jurisdiction, but the approved organizations also often functioned as quasi-governmental bodies advancing government policy initiatives.

At the time of its founding, the animal protection organization was called the Livestock Protection Association of the Republic of China (Zhonghua minguo baohu shengmu xiehui 中華民國保護牲畜協會). Chiang Kai-shek officially established the organization in 1960 to respond to reports of abuse of animals, but at least one Taiwan

⁸ Wang, "Yi Guanhuai Shengming Xiehui Fazhan Wei Zhuzhou De Taiwan Dongwu Baohu Yundong Shi," 42-43.

Council of Agriculture official reported that the organization was actually established as a condition for cooperation with the United States. In response to international trends and following Taiwan's own ban on hunting in 1972, the organization changed its name to the Animal Protection Association of the Republic of China (Zhonghua minguo baohu dongwu xiehui 中華民國保護動物協會) in 1973. In 1988, citizens interested in helping stray animals approached the organization to establish a subsidiary to provide services for stray animals. Once established, this subsidiary opened a shelter in Tamsui. Thus, the mission of the organization expanded with time, largely in response to international forces, but also in response to some local interest in stray animals.⁹

The environmental protection organization was called the Society for Wildlife and Nature¹⁰ (Zhonghua minguo shengtai baoyu xiehui 中華民國自然生態保育協會). A group of government officials and academics founded the organization in 1982, and the Nationalist Party welcomed the groups mission and activities. The group specifically aimed to appeal to the government for the establishment of an official environmental protection agency, to advocate for a wildlife conservation law, and to promote the concept of conservation among the general population. In cooperation with the Animal Protection Association, the Society for Wildlife and Nature successfully advocated for

⁹ Ibid, 45.

¹⁰ The English name on the organization's website is the Society for Wildlife and Nature, but the literal translation of the Chinese is the Republic of China Natural Ecology Conservation Association.

the Wildlife Conservation Act. Both the Animal Protection Association and the Society for Wildlife and Nature were developed by government officials with the support or approval of the Nationalist Party, so they operated as quasi-governmental organizations rather than independent lobbying groups. Both still exist today, but within a much more diversified field of activist organizations that operate independently from the government.¹¹

One other form of organization is also worth mentioning. Bird watching organizations also played a significant role in introducing concepts of habitat conservation and animal protection to Taiwan. Hunter Eu, the official at the Tourist Bureau mentioned above for his role in the National Park Law, along with several American scientists formed the first bird watching organization in 1975. The Taipei Bird Watching Society consisted mainly of Americans, especially from the military bases located in Taiwan. However, Eu exercised his influence at the National Tourism Bureau to establish Taiwan's first bird sanctuary, which preceded the establishment of the first national park. He also took a lead role in acquiring the first government budget allocation for conservation, and in time, he rose to become the Deputy Director-General of the National Tourism Bureau. Other bird watching organizations also arose at the

¹¹ See Wang, "Yi Guanhuai Shengming Xiehui Fazhan Wei Zhuzhou De Taiwan Dongwu Baohu Yundong Shi," 45-46.

local level and pioneered nature tourism in Taiwan. As apparent in Eu's experiences and influences, the new nature aesthetic that propelled the rise of nature tourism was imported from the United States.¹²

In the mid 1980's, the ecological conservation movement and government priorities aligned to draft legislation on ecological conservation. Incidents such as the culling of animals including migratory birds and tigers in Taiwan garnered international attention, so the Ministry of Foreign Affairs and the Tourist Bureau sought to restore Taiwan's international reputation by advancing conservation legislation. In 1984, the Executive Yuan issued a six-year fourteen-point development plan in which nature conservation was one of the fourteen points. The task of nature conservation was assigned to the Council of Agriculture, a new committee formed by combining the Agricultural Department of the Ministry of Economic Affairs and the Agricultural Development Committee of the Executive Yuan. In the same year, the Society for Wildlife and Nature and the Animal Protection Association began to collaborate with scholars to craft a proposed wildlife conservation law. The Ministry of Foreign Affairs and Tourist Bureau took the draft that the quasi-governmental organizations created, revised it in consultation with experts, and submitted it to the Executive Yuan in 1986. The Legislative Yuan finally passed the Wildlife Conservation Act in 1989.

¹² See Weller, *Discovering Nature*, 70.

The Wildlife Conservation Act served as a substitute for participation in the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The United States hosted a meeting of 80 nations in Washington, D.C. in 1973 for the signing of CITES. For the United States, the meeting fulfilled the requirement of its own Endangered Species Conservation Act¹³ (1966, amended in 1969) to hold an international conference to agree on an international convention for conserving endangered species. Following the Washington signing of CITES, the United States passed the Endangered Species Act of 1973. Because Taiwan was not a member of the United Nations, it was not able to sign CITES, but the 1989 Wildlife Conservation Act provided a mechanism to participate informally. Taiwan informally sent government officials to the CITES meetings as non-governmental representatives of the Society for Wildlife and Nature. Thus, Taiwan's conservation model was adopted based on the international convention designed under the leadership of the United States.¹⁴

As this brief history demonstrates, prior to LCA's founding in 1993, Taiwan's law and its organizations related to animal protection and wildlife conservation were nearly

¹³ Originally called the Endangered Species Preservation Act when it was passed in 1966, the Act was renamed the Endangered Species Conservation Act when it was amended in 1969.

¹⁴ The content of this paragraph comes from Govindasamy Agoramoorthy and Minna J. Hsu, "CITES Implementation through the Wildlife Conservation Law of Taiwan," *Journal of International Wildlife Law and Policy* 2, no. 1 (1999): 64-68, and U.S. Fish & Wildlife Service, "A History of the Endangered Species Act of 1973" (Arlington, VA: U.S. Fish & Wildlife Service, 2011), https://www.fws.gov/endangered/esa-library/pdf/history_ESA.pdf.

exclusively formed in response to international political pressure as expressed through the concerns and advocacy of Taiwan's Ministry of Foreign Affairs and Tourist Bureau. All of the legislation was built upon the bare nature ontology, but while the structure of the cosmology remained fundamentally the same, the way it was understood evolved with time. In the United States, an early pioneer in these historical shifts, the historical development moved from a nineteenth-century romantic model to a twentieth century sustainability model. These two models are not mutually exclusive. In fact, they dovetail quite seamlessly, but they are represented in two phases of conservation legislation that reached Taiwan in the 1970s and 1980s.

The romantic model of conservation expressed itself through the earliest conservation legislation in Taiwan, the National Park Law. The American model of national parks expressed a romantic wilderness aesthetic in which nature was imagined as devoid of all humans and valuable for its own sake, as opposed to a Chinese aesthetic that almost always included humans in representations of landscapes.¹⁵ Thus, early American legislation that pioneered the idea of national parks, such as the Yosemite Act of 1864 and the Yellowstone National Park Protection Act of 1872, prohibited settlement within designated boundaries.¹⁶ This romantic aesthetic guided George Ruhle's

¹⁵ For a discussion of foreign concepts of nature such as romanticism in relation to Taiwan and China, see Weller, *Discovering Nature*, chapters 3 and 4.

¹⁶ "Birth of a National Park," National Park Service, accessed March 10, 2019, <https://www.nps.gov/yell/learn/historyculture/yellowstoneestablishment.htm>.

recommendations as he proposed three areas of wilderness sparsely inhabited by humans. However, even these areas were already inhabited by indigenous people as well as some Han people, both of whom were erased from the park's own representation of the landscape. In interviewing park administrative officials and employees in Taiwan, the anthropologist Robert Weller found that many of the officials were trained in the United States and could identify few differences between Taiwan's national parks and the American national park model.¹⁷ Thus, while the first national park was established in Kending in 1984, more than 100 years after its early predecessors in the United States, Taiwan's new national park system still adopted the American romantic aesthetic. As of 1997, six national parks, 18 nature reserves, and 24 nature protection areas occupied 12.1% of Taiwan's land area.¹⁸

On the other hand, the 1982 Cultural Heritage Preservation Act and the 1989 Wildlife Conservation Act ushered in yet another new conservation ethic. Different than the American romantic aesthetic of an untrammelled wilderness, conservation based on the ethic of sustainability arose from the realization that humans indeed had an impact on nature and natural resources were actually limited. The imperial attitude toward nature that European Enlightenment scholars such as Descartes and Locke developed

¹⁷ For a discussion of the American influence on Taiwan's national parks, see Weller, *Discovering Nature*, 65-74.

¹⁸ Agoramoorthy and Hsu, "CITES Implementation through the Wildlife Conservation Law of Taiwan," 64.

according to their interpretation of Christianity suggested nature could be dominated by humans and science. The attitude was fed by a general assumption that humans could not deplete or spoil the plentiful resources of nature. Rachel Carson's publication of *Silent Spring* in 1962 is generally considered the watershed moment that altered the trajectory of that European imperialist form of thinking. The book addressed the impact of pesticides such as DDT on nature, and raised awareness of how human science and technology could impact the limited resources of a finite world.¹⁹ Of course, the book relied on earlier biological research and existing trends that represented a nascent concept of conservation, but the book pioneered the new concept of conservation in a way that was accessible to the public. This emerging paradigm ignited a global movement. It was the following year, in 1963 that delegates of the 8th Congress of the International Union for the Conservation of Nature (IUCN) adopted a resolution to draft a convention for the trade of threatened or endangered species. In 1964, the IUCN released the first Red Data Book, a forerunner to the IUCN Red List of Threatened Species, which categorized the level of risk to the conservation of each species.²⁰ In fulfillment of the 1963 IUCN resolution, CITES was adopted at a meeting of 80 countries in Washington, D.C. in 1973, and entered into force in 1975. While Taiwan could not

¹⁹ Rachel Carson, *Silent Spring* (Boston: Houghton Mifflin, 2002 [c. 1962]).

²⁰ For a brief history of CITES, see Willem Wijnstekers, *The Evolution of Cites*, 9th ed. (Budapest: International Council for Game and Wildlife Conservation, 2011), 31-33.

participate in CITES, the convention established a rubric for its own Wildlife Conservation Act.

CITES did not prescribe legislation for participating states, but it did list required elements such as the designation of at least one management authority to administer the requirements of the treaty and at least one scientific authority to provide appropriate scientific advice. The Wildlife Conservation Act named the Council of Agriculture as the management authority, and the Act required the establishment of an animal research institute, which was located in Nantou County and called the Endemic Species Research Institute (Taiwan sheng teyou shengwu yanjiu baoyu zhongxin 台灣省特有生物研究保育中心). The Act also established three categories of protected wildlife that very closely aligned with the three categories established by CITES: endangered species (binlin zhuezhong 瀕臨絕種), rare and valuable species (zhengui xiyou 珍貴稀有), and other conservation-deserving wildlife (qita ying yu baoyu zhi yesheng dongwu 其他應予保育之野生動物).²¹ As CITES was only intended to regulate trade in protected species, the Act also extended beyond CITES requirements, but in ways that also emulated similar legislation in other countries. For example, it provided the management authority the power to designate wildlife refuges²² and to commission research organizations and

²¹ Article 4.

²² Article 12.

non-governmental organizations to perform surveys, research, conservation, education, and other services.²³ While CITES guidelines allowed for classification to respond to the particular needs of each member state, Taiwan's Endemic Species Research Institute recommended it take IUCN Red List classifications as the baseline with reference to the local and global subdivisions of British Columbia and Canada, as well as the American non-profit the Nature Conservancy and the New Zealand Department of Conservation's 1992 assessment standards.²⁴ Thus, Taiwan's system mirrored a system developed by the IUCN, and favored the implementation system of Anglophone countries.

With the vision "A just world that values and conserves nature," the IUCN codifies bare nature into international norms. The IUCN was founded in 1948, just after the Second World War, and holds United Nations Observer Status. The organization is a membership organization constituted by both governments and non-governmental organizations. CITES—an agreement now counting nearly every government in the world (183 parties) as a member—is only one international convention negotiated through IUCN's congresses. Two other examples of major conventions negotiated under the aegis of the IUCN are the 1972 World Heritage Convention and the 1993 Convention

²³ Article 8.

²⁴ Peng Guodong 彭國棟, "Wuzhong Binwei Dengji Ji Baoyu Youxian Cixu Zhi Pinggu 物種瀕危等級及保育優先次序之評估" (Nantou County, Taiwan: Taiwan sheng teyou shengwu yanjiu baoyu zhongxin 台灣省特有生物研究保育中心, 1999). <https://conservation.forest.gov.tw/File.aspx?fno=65362>.

on Biological Diversity (CBD). According to IUCN's own description, it is clear how it separates human progress from the conservation of nature:

It provides public, private and nongovernmental organisations with the knowledge and tools that enable human progress, economic development and nature conservation to take place together.²⁵

The IUCN also claims credit for defining the terms for the sustainability ethic of conservation that grew out of the post-war period:

IUCN provides governments and institutions at all levels with the impetus to achieve universal goals, including on biodiversity, climate change and sustainable development, which IUCN was instrumental in defining.²⁶

It also highlights improvement to human well-being, while eliding the well-being of non-human members of the ecosystems it seeks to restore:

IUCN's expertise and extensive network provide a solid foundation for a large and diverse portfolio of conservation projects around the world. Combining the latest science with the traditional knowledge of local communities, these projects work to reverse habitat loss, restore ecosystems and improve people's well-being.²⁷

The system IUCN and related conventions established is one in which non-human species are relevant only for their function in an ecosystem, not for the individual value of individual animals, plants, or other forms of life. In CITES, the IUCN Red List, and related conventions and policies, the value of an organism is largely determined by its

²⁵ "About," International Union for Conservation of Nature (IUCN), accessed March 12, 2019, <https://www.iucn.org/about>.

²⁶ Ibid.

²⁷ Ibid.

scarcity, whether it is endangered or threatened and by extension whether the balance of the ecosystem is also threatened. The well-being of the individual non-human organism is not a consideration. Additionally, the global system of conservation that IUCN, CITES, and CBD established entangles the practice of biological science with public policy in a way that each informs and monitors the other. Conservation research is funded and directed by governments that are informed by the scientific advice that results. These international conservation standards that bind the human concerns of European Enlightenment liberalism to the utilitarian resource management approach of conservation policy reveals why, as mentioned in chapter 3, Chao-hwei suggested that the CBD stemmed from an anthropocentric perspective.

In order to conform to international agreements and respond to the political pressure of its international allies, Taiwan's approach to non-human animals also reflected the bare nature ontology. This approach is evident both in how laws were enacted and in the nature of the content. In terms of how they were enacted, the Tourism Bureau advocated for adopting American models of conservation for the purpose of human consumption, and their advocacy efforts were joined by the Ministry of Foreign Affairs who was concerned about international reputation. In terms of content, the National Park Law replicated the U.S. romantic ethic of conservation, and the Wildlife Conservation Act built the sustainability ethic on top of the romantic ethic.

I have not discussed the Cultural Heritage Preservation Act in as much detail, because as its name suggests it focused more on the preservation of human culture. Its early version resembled a Japanese model of protecting cultural resources focusing on monument preservation, but it included provisions to protect environmental resources as a form of cultural resources. Thus, environmental conservation was a peripheral interest, but to meet the international standards set by the United Nations Educational, Scientific, and Cultural Organization (UNESCO), Taiwan passed amendments in 2005: “culture was divided from natural landscapes so that human intervention can be completely eliminated from natural landscapes, and the cultural landscape item referred to by the World Heritage Convention was added.”²⁸ Thus, the bare nature ontology was similarly adopted from the international system in Cultural Heritage Preservation Act as well.

By embedding a bare nature ethos, these laws violated a variety of native cosmologies. As already is evident, all of these laws failed to recognize the equality of life that LCA and Chao-hwei would later promote. Bans or restrictions on killing certain categories of non-human animals were enacted for conservation purposes, not for the protection of equality of individuals. For example, the Wildlife Conservation Act

²⁸ For a discussion of the Cultural Heritage Preservation Act, see Chen Chien-chung, and Fu Chao-ching, "Globalization and Localization of Heritage Preservation in Taiwan - An Analysis Perspective under the Cultural Heritage Preservation Act," 65-72 (Gottingen: Copernicus GmbH, 2015). The quote is on page 70.

prohibited the unauthorized killing of protected wildlife, but not the unauthorized killing of species that were sufficiently abundant so as not to make the lists. Laws that purported to protect animals, such as the Program for Strengthening Cattle Protection, really only set standards to reduce economic loss and provide for orderly livestock markets. Bans on abuse did not take into account the subjectivity of the animals. Abuse in the Wildlife Protection Law was defined as “behavior involving the use of violence or other methods so that wild animals cannot maintain their ordinary physiological condition.”²⁹ Thus, the prohibition on abuse was structured to prevent human behavior from impacting wildlife populations, not the welfare of individual animals. Until the end of the 1980s, Taiwan’s laws on animals protected species that were scarce, for the purpose of maintaining sustainable development, ecological balance, and the aesthetic beauty of nature, as well as to set rules for well-functioning animal markets. A Buddhist cosmology based on the equality of life was not a consideration.

The Buddhist teaching was not the only teaching to be ignored. Many indigenous tribes still relied on hunting and gathering for food and as a way of life. Both the romantic ethic of the National Park Law and the sustainability ethic of the Wildlife Conservation Act strictly separated nature from human culture. Bans on hunting including the 1972 moratorium on hunting, the National Park Law’s prohibition of

²⁹ Article 3. My translation. Original Chinese: 虐待：謂以暴力或其他方法，致野生動物無法維持正常生理狀態之行為。

hunting in national parks, and the Wildlife Conservation Act's prohibition of hunting protected species were untenable for the indigenous people. While lax enforcement or an inability to enforce laws in Taiwan's mountain areas allowed indigenous people to continue hunting and gathering, these laws also made them vulnerable to arbitrary enforcement. The indigenous tradition of hunting not only conflicted with the ontological separation of humans and nature and associated regulations imported from globalized European Enlightenment liberalism, but it perhaps even more starkly contrasted with Buddhist cosmologies of the equality of life and no killing. This three-way incommensurability shaped the future debate on the Wildlife Conservation Act and associated legislation. While liberal humanism and the bare nature of conservation biology also conflicted with other native teachings, other teachings were less prominent in subsequent controversies.

In summary, to satisfy its international allies, particularly the United States, Taiwan adopted policies on nonhuman animals that reflected a bare nature ontology. While the ethos of bare nature came in different varieties including imperialism, romanticism, and sustainability, all these varieties still evaluated nature according to its utility for the human. Imperialism saw nature as something to be conquered, and this attitude prevailed prior to the National Park Law. Romanticism saw nature as something to be aesthetically enjoyed. This attitude, as most eloquently expressed in the National Park Law, did not supercede the imperialist view, but actually supplemented it

by sectioning off special spaces from the imperialism of industrialization to promote the industry of nature tourism. Sustainability saw nature as something to be managed. Again this new paradigm did not supercede imperialism and romanticism, but drew on both while recognizing that human use of natural resources required organized human management (reminiscent of the dominion over Creation in Genesis) in order to achieve sustainable development for the benefit of humans. All of these views clearly partitioned nature apart from human society, and none recognized the interest of non-human individuals. At most, romanticism and sustainability may recognize the value of nature as God's creation, as nature in and of itself, or as an intricately balanced earth system. All of these concepts diverge very little from the natural theology and liberal humanism that developed in the Enlightenment period. Just as animals were no more than clock-like machines for Descartes, the constellation of international conservation treaties and organizations on which Taiwan modeled its legislation on nonhuman animals valued nonhuman species for little more than their role as cogs in the clock of the earth system. Similarly, just as John Locke denied full human equality to indigenous peoples without "religion," Taiwan's early conservation legislation denied Taiwan's indigenous people a place in nature. Thus, the foundation of Taiwan's conservation legislation was built on the cosmology of bare nature and liberal humanism, if not European Enlightenment-inflected Christian theology.

4.2.2 Protecting the Teaching

Before advancing the equality of life through the work of LCA, Chao-hwei's first step into the political sphere was to defend the Buddhist teachings. This campaign was called the Protect the Teaching (hujiao 護教) campaign. This starting point makes sense in the history of the Republic of China, especially when seen in the light of the politics of liberal humanism. Human rights presume that religion addresses the supernatural, and as a result, it separates the human affairs of the state from the supernatural concerns of religion. When the Republic of China declared teachings such as Buddhism religions, it limited their domain to the supernatural, while making their legitimacy contingent on state approval. It then applied official tools of suppression to second religions, particularly Buddhism and Daoism, through the 1929 Act of Supervising Temples, while granting special privileges to Christianity. Thus, Chao-hwei and her Buddhist collaborators needed to recover Buddhism's legitimacy in order to actually apply the Buddhist teachings in society. Even then, if the Buddhist teachings were to be confined to the supernatural domain, they would be restricted from impacting the politics of the human and the politics of nature, where the Christianity-inspired secularism of human equality and liberal humanism was the teaching that predetermined the rules of constitutional secularity. Even with the challenges of presenting an alternative to the constitutionally enshrined form of equality, the work of advocating for the equality of

life as an alternative to human equality could only come after the Buddhist teaching overcame its official suppression.

The Protect the Teaching campaign must be understood in the political context of the 1980s and early 1990s. Taiwan experienced rapid post-war economic growth, accompanied by the implementation of universal education. Thus, by the high-growth period of the 1980s, a substantial educated middle class mobilized a variety of movements. Democracy and human rights movements were the first to arise. Movements for the rights of labor, students, farmers, women, indigenous people, consumers, teachers, and many other groups formed at this time. At the same time, early environmental rights movements such as those opposing pollution and nuclear power also organized in the 1980s. While these movements were still significantly limited by restrictive government policies, they paved the way for future political activism following the end to martial law. The concepts of human rights and environmental protection gained currency in this period. While grounded in an ethos of liberal humanism and bare nature, the entrance of human rights and environmental protection into the popular imagination also pre-ordained that the language and concepts that they provided would be the ones that LCA would need to adopt in its activism.

With official political favor, Christians—particularly the Protestants—were especially active in democracy movements, which were eventually successful when martial law ended in 1987. By the 1980's, the Act of Supervising Temples and related

policies had suppressed Buddhist and Daoist organizations for more than fifty years. Years of suppression and surveillance of the Buddhist Association of the Republic of China (BAROC) produced a compliant ally to the authoritarian government. As the BAROC served as the only official voice for Buddhists, not only did BAROC leaders officially support the government, they also often took a critical position toward democratic social movements. Since the government did not surveil churches and did not force them to comply with the limitation of one organization per category, Christian churches, and especially the Presbyterian church, had well-established traditions of activism prior to 1987. The loosening of the surveillance state at the end of martial law in 1987 provided an opening for Chao-hwei to develop her style of Buddhist activism and defend the reputation of Buddhism against a backdrop of historical suppression. The amendment that eliminated the one organization per category rule to the Statute on the Organization of Civil Associations did not pass until 1989, so she temporarily worked within the organizational structure of the BAROC. LCA and the Buddhist Hongshi College (Fojiao hongshi xueyuan 佛教弘誓學院), the Buddhist organization that Chao-hwei co-founded, would not be formed until after 1989. Nonetheless, early campaigns

functioned as a Petri dish for a new form of Buddhist advocacy that tested techniques for future, more formally organized activism.³⁰

Just as the dissolution of martial law provided an opening, the Protect the Teaching campaign organized a group under the Youth Committee of the BAROC called the Protect the Teaching Team (Hujiao zu 護教組). The team was formally established on June 27, 1988 with the support and advice of the head of the BAROC Shi Liao-zhong (Shi Liao-zhong 釋了中). Chao-hwei was elected the chair of the new team. The team formed in response to several events starting in 1987. The magazine *The World of Chinese Language and Literature* (Guowen tiandi 國文天地) published an article about the Kunqu opera called *The Nun Thinks the Ordinary* (Nigu sifan 尼姑思凡). Some Buddhists considered the sexual content of the article to slander Buddhist nuns. Then on October 19 of the same year, the Central Daily News (Zhongyang ribao 中央日報) published a long-form article that claimed more than half of the nuns in Kaohsiung became nuns because of divorce or failed intimate relationships. At the time, the Buddhist nun Shih Shing-kuang (Shi Xing-guang 釋性廣) led a study group of lay practitioners called the Hongshi Buddhist Study Group. Chao-hwei enlisted the support of Shing-kuang and

³⁰ For more information about the events in this paragraph, see Shih Chuan-fa 釋傳法 and Shih Shing-kuang 釋性廣, "Sheyun Langchao Zhong Zhi Huzhao Yundong--Yi Zhongguo Fojiao Hui Hujiao Zu Wei Tantai Hexin 社運浪潮中之護教運動—以中國佛教會護教組為探討核心." *Xuanzang foxue yanjiu 玄奘佛學研究*, no. 11 (2009): 55-86. <https://doi.org/10.29955/HCJBS.200903.0002>, and Wang, "Yi Guanhuai Shengming Xiehui Fazhan Wei Zhuzhou De Taiwan Dongwu Baohu Yundong Shi," 37-38.

her lay students to protest the two media outlets by telephone and letter writing campaigns. In the case of the Central Daily News, under threat of a Buddhist-led boycott, the newspaper agreed to publish a Buddhist response to their previous article. Following these protests, Chao-hwei worked with the BAROC to establish a team that could organize future Protect the Teaching campaigns as the need arose, and the BAROC formed the Protect the Teaching Team.

The first large-scale action of the Protect the Teaching Team was a protest of the Kunqu opera *Thinking the Ordinary*. The National Arts Institute planned a performance of the opera at the Keelung City Culture Center on January 27-29, 1989, but the Protect the Teaching Team began planning a multi-pronged campaign to protest the performance at the beginning of the month. The campaign began with petitions from a variety of Buddhist groups, and expanded to reach out to various media outlets. With the help of the Buddhist organization Buddha Light Mountain, the Team registered 5000 people to participate in a protest during the performance. The television news program *China TV News Public Square* (Huashi xinwen guangchang 華視新聞廣場) broadcast a debate about *Thinking the Ordinary* between Chao-hwei and the chair of the dance department at the National Art Institute on January 22. The show swayed public opinion to the Buddhist perspective. With increasing pressure on the National Art Institute prior to the performance, all parties were able to reach a compromise in which the Ministry of Education would reassess and revise the script with a committee selected with Buddhist

input and include an explanation of the opera on the program. The Buddhists agreed to cancel the protest under the condition that they would be allowed to distribute flyers about monastic vows and the proper rules for nuns returning to lay life. The event provided the first precedent for organizing Buddhists for large-scale activism in Taiwan, and the proactive approach also differentiated it from earlier largely reactive campaigns.³¹

As the Protect the Teaching movement evolved, the Protect the Teaching Campaign was pulled into a position of protesting groups internal to Buddhism. Starting in 1987, a Buddhist temple called the Mercy Association (Cibei jingshe 慈悲精舍) began placing advertisements in Taiwan's newspapers advertising a service called "Offering to Departed Infants" (yingling gongyang 嬰靈供養). By 1988 they were taking out full page advertisements in multiple newspapers on a single day. The Offering for Departed Infants was a ceremony the temple performed for women that had abortions. Many in the Buddhist community strongly objected to the practice, as the temple charged a high fee to women that were vulnerable after making a very emotionally heavy decision. On July 1, 1988, one of these critics Huang Renhe 黃仁和, a member of the Hongfa Temple (Hongfa si 弘法寺), published an article in *Cien Magazine* (Cien zazhi

³¹ For further details about the *Thinking the Ordinary* campaign, see Shih and Shih, "Sheyun Langchao Zhong Zhi Huzhao Yundong," 67-74.

慈恩雜誌) excoriating the Mercy Association for the Offering for the Departed Infants ceremony, claiming the practice was merely the profit-seeking nonsense of a fake religion. He followed the article with a letter to the Mercy Association urging them to relent, but rather than changing their practice, they sued Huang for slander. Although the Protect the Teaching Team was inundated with letters, they were hesitant to use their resources to protest a Buddhist organization. However, the committee decided to censure the Mercy Association, and Chao-hwei wrote a statement rejecting that there was any practice of Offering to the Departed Infant in Buddhism. After Chao-hwei's statement was published in the *United Evening Paper* (Lianhe wanbao 聯合晚報) on November 30, 1988, the Mercy Association desisted from taking out any more advertisements for the ceremony.

Despite the fact that the Mercy Association refrained from buying more advertisements for the Offering to the Departed Infant, they continued to pursue the slander case against Huang Renhe and won in the High Court in March of 1990. Huang was sentenced to three years in prison with two years of probation. Following the High Court Decision, the Buddhist community organized protests against the Court's decision. The Mahayana Dharma Protection Association (Dacheng hufa hui 大乘護法會) organized a single-day, multi-site event called the "Purify the Heart of the People Movement" (Jinghua minxin yundong 淨化民心運動) in Taipei, Tainan, and Kaohsiung on May 6, 1990. They invited the Protect the Teaching Team to join the event, and

collected signatures for a petition protesting both the Court's decision and Mercy Association's advertisements for the Offering to the Departed Infant. Then on June 3, the Protect the Teaching Team staged a sit-in protest in which they chanted the Buddha's name in front of the Mercy Association, concluding with the delivery of a petition in opposition to the Court's verdict. On June 10, a group of temples planned the "Purify the Heart of the People Demonstration" and attracted 500-600 participants. Two forums on the Mercy Association advertisements and slander case followed in the same year. The Purify the Heart of the People campaign inspired media outlets to continue to expose similar schemes that profited by claiming affiliations to Buddhism or performing rituals purported to be Buddhist. Since the *Thinking the Ordinary* protest was cancelled, the Purify the Heart of the People protests marked the first time that Buddhists actually took to the street to protest.³²

The Protect the Teaching campaigns pushed Chao-hwei into the media spotlight in such a way that the media began to see her as a spokesperson for Buddhism, and this new role pushed her into political activism beyond the Protect the Teaching movement and beyond the limits that the conservative membership of the BAROC could tolerate. The particular case that strained the tolerance of the BAROC was that of Ma Xiao-bin 馬

³² For details about the Purify the Heart of the People campaign, see Shih and Shih, "Sheyun Langchao Zhong Zhi Huzhao Yundong," 74-78.

曉濱. Ma was a political refugee who fled to South Korea from his hometown of Xiamen in the People's Republic of China (PRC). South Korea then sent him to Taiwan, where Taiwan's government compelled him to present himself as an anti-communist political dissident. Then he was sent to a refugee camp in Taiwan's Penghu Islands. As part of his plan to escape and return to South Korea, he was drawn into a plot to kidnap the son of a rich airline magnate for ransom money. The group of three kidnapers received a 50,000,000 Taiwanese dollar ransom (nearly 500,000 USD) and returned the hostage. After the two other hostage-takers were captured, Ma turned himself in. All three were sentenced to death as that was the legal minimum sentence for kidnapping for ransom. Human rights groups challenged the death penalty in court, highlighting how Ma was exploited for political purposes and denied the basic resources to survive in Taiwan. In June 1990, during the street demonstrations of the Purify the Heart of the People Campaign, Chao-hwei was not following the Ma case closely, but a reporter from the *Liberty Times* (Ziyou shibao 自由時報) informed Chao-hwei that the High Court rejected Ma's appeal and Ma was scheduled for execution by firing squad three days later. Asked for her opinion about the decision as a representative of Buddhism, Chao-hwei firmly stated her opposition to the verdict, and subsequently organized Buddhists to join human rights advocates, Catholics, and Protestants to petition the president for amnesty. The president refused, and Ma and his two co-conspirators were executed. While many Buddhist organizations supported the campaign, many of the elders in the

BAROC vehemently objected to involving Buddhism in politics. Thus, Chao-hwei dissolved the Protect the Teaching Team on July 7, 1990. The event was not only significant because it led to the dissolution of the Protect the Teaching Team, but it also highlighted the significance of the protection of life and the Buddhist proscription on killing in Chao-hwei's politics. In other words, it was an early expression of the politics of the equality of life, even if it was first instantiated through an incident involving a human life.

While Buddhist principles motivated Chao-hwei, the Ma Xiao-bin event was spearheaded by human rights groups, and Chao-hwei was only pulled into it in the final days of the campaign. Thus, in her first instance of social activism, she joined an existing campaign founded on human equality and human rights as it fit within her framework of equality of life. Her next major campaign—the first social campaign she launched on her own initiative outside the narrow confines of the interests of the BAROC—demonstrated the equality of life beyond the human. The Protect the Teaching campaign was not only critical in honing Chao-hwei and her colleagues' skills in activism, but it also demonstrated Chao-hwei's priorities. Additionally, it must be understood in the context of the time. At the time, the Ministry of Education officially reviewed and approved content under a government censorship program, so the programming that disparaged Buddhism also represented official approval of a government that privileged Christianity and closely monitored Buddhism. Debates and activism about artistic

programming such as *Thinking the Ordinary* occurred in a political environment that did not protect freedom of speech, but the end of martial law in 1987 allowed the Buddhist community to challenge the authorities for the first time as the society was experimenting with the liberal humanist principles expressed in its constitution for the first time. While Chao-hwei's cohort of Buddhists welcomed freedom of speech and the freedom of religion, the Protect the Teaching movement operated in a political environment that was constructed to suppress both. Their protests aimed in some ways to inhibit free speech and freedom of religion in order to break free from long-term oppression that traced to pre-Republican times. The *Thinking the Ordinary* campaign could be viewed as a movement to restrict the speech of the National Art Institute, and the Purify the Heart of the People Campaign can be viewed as restricting the freedom of religion of the Mercy Association. However, these two Protect the Teaching movements used the peaceful methods of protest pioneered by oppressed people worldwide, which were enabled by the early stages of the implementation of constitutional liberal democracy. They protested the norms and standards that an illiberal government produced through censorship and court decisions. Both campaigns were instrumental in forming the particular role Buddhism would play in Taiwan's emerging liberal democracy.

The Protect the Teaching campaign did not end when the committee dissolved. Instead, Buddhist organizations diversified after 1989 when the Statute on the

Organization of Civil Associations released restrictions on forming organizations. In the new less restrictive political environment, Chao-hwei and her close collaborator Shingkuang established a group of organizations called the Hongshi Academic Group (Hongshi xuetuan 弘誓學團) in order to promote Buddhist research and education. The group of organizations evolved from a study group called the Hongshi Association (Hongshi xiehui 弘誓協會), which was founded in the home of a member in 1986. By 1989, the group had grown to approximately two hundred students and relocated to Shandao Temple (Shandao si 善導寺) to accommodate its growing student body. At Shandao Temple, the group adopted the name Shandao Temple Hongshi Buddhist Study Group (Shandao si hongshi xuefo ban 善導寺弘誓學佛班). By 1992, the group once again outgrew its classroom facilities, and when it leased space at the National Taiwan University, it changed its name to its present name the Buddhist Hongshi College. Finally, the college opened its own campus located in Taoyuan City in 1999. The college is not an accredited institution, but does grant degrees upon completion of programs composed of lifelong learning classes about Buddhism. It functions as a Buddhist temple with an academic focus, and divides its programs into undergraduate and graduate-level programs. The college follows the teachings of Chao-hwei's and Shing-guang's teacher Shih Yinshun 釋印順. Yinshun was the chief intellectual architect of the Humanistic Buddhism that shaped Buddhism in Taiwan today. Drawing from the influential thought of Chinese Buddhist reformer monk Shi Taixu 釋太虛, Humanistic

Buddhism placed the focus of Buddhist practice on the present life rather than future lives, as represented through a greater emphasis on service and activism. In addition to the college, the Hongshi group included a publisher called Dharma-Dhatu Publications (Fajie chuban she 法界出版社) and a foundation called the Hongshi Culture and Education Foundation (Hongshi wenjiao jijin hui 弘誓文教基金會). The Hongshi group, thus, became Chao-hwei's platform for continued activism and academic work, including its close collaboration with LCA.³³

Several of the most notable Protect the Teaching campaigns that occurred after the dissolution of the Protect the Teaching Team include the 1994 Guanyin Statue Incident and the 1999 Buddha's Birthday National Holiday campaign. The Guanyin Statue Incident began in 1992 when the Taipei City government began to demolish existing structures to create a space for what would become Da'an Park. The only structure that they preserved was a statue of the bodhisattva Guanyin. The Bread of Life Christian Church of Taipei (Jidujiao lingliang tang 基督教靈糧堂) strongly objected that the city preserved the statue. After some debate, on June 3, 1993, someone defaced the statue with feces and sulfuric acid, increasing the intensity of the controversy. In January of 1994, the city government, on order of the Legislative Yuan, requested that the owner

³³ "Zongzhi Yange" 宗旨沿革, Fojiao Hongshi Xueyuan 佛教弘誓學院, last modified June 27, 2006, <http://www.hongshi.org.tw/introB.aspx>.

of the statue, Daxiong Temple (Daxiong jingshe 大雄精舍), remove the statue by the beginning of March, but Chao-hwei and the Legislative Yuan representative Lin Zheng-jie 林正杰 conducted a six-day sit-in and hunger strike. The Buddhist community and greater public rallied around them, and they were able to negotiate an agreement to transfer ownership of the statue to the city for preservation in the park as long as no one performed any ritual or worship at the statue in the park.³⁴

The Buddha's Birthday National Holiday campaign was a campaign Chao-hwei led in 1999 to make the Buddha's birthday a holiday. At the time, the government reassessed national holidays in order to reduce the number of lost workdays. According to the original plan, one of the national holidays to be eliminated was Constitution Day (Xingxian jinian ri 行憲紀念日), which commemorated the day that the constitution took effect. When the government ratified the constitution on December 25, 1946, they delayed its implementation one year until Christmas Day of 1947. Many people have suspected that Christmas day was selected because of the Christian predilections of those in power at the time. These predilections were expressed on Shanghai Gospel

³⁴ For details of the Guanin Statue Incident, see "Taiwan Fojiao Cidian Xuankan 《臺灣佛教辭典》選刊," *Miaoxin zazhi* 妙心雜誌, November 1, 2005, <http://www.mst.org.tw/Magazine/magazinep/TaiwanBuddhish/90-002%E5%8F%B0%E7%81%A3%E4%BD%9B%E6%95%99.pdf>. See also, Wang Xin-ren 王信人, "Shi Zhao-Hui Lingdao Fandu: Yi Xiao Bo Da 釋昭慧領導反賭：以小搏大," *Gongshang shibao* 工商時報, March 3, 2010, D1, <http://hongshi.org.tw/closeupBview.aspx?nono=2>.

Radio by the head of the National Party government Chairman Chiang Kai-shek on

December 21, 1947:

Year 36 of the Republic of China is the Christmas of the 1947th year since the birth of Jesus, and it will be the day that our Republic of China and all its people reveal the new-born opportunity to unite as independent, equal and free. The special feature of our new constitution is that it guarantees to take the fundamental elements of Christian doctrine, specifically, the dignity and freedom of the individual, and universally give them to our countrymen throughout the nation. This new constitution confirms the various freedoms and rights of the citizens of the entire nation, and it is nurtured and born in the spirit of a free people under the unity and freedom of the nation.

We think the implementation of the new constitution merely completes the first step toward our final objective of building a new China. But this is an era-defining step forward from our 3000 years of China's autocratic political system and feudalistic society. I hope our fellow countrymen throughout the nation rely on faith and piety to strive toward progress with collaborative unanimity.

中華民國三十六年就是耶穌降生一九四七年的聖誕節，將是我們中華民國和全體人民統一獨立平等自由新生機運啟示的一天。我們新憲法特點，就是它保證要把基督教理的基本要素即個人的尊嚴和自由，普遍的給予我們全國的同胞。這個新憲法確認了全國國民的各種自由權利，它在國家統一與自由之下，於一個自由人民的精神中孕育誕生。

我們認為新憲法的實施，只是完成我們建設新中國的最後目標的初步。但這對我們中國三千年來專制政體和封建社會是一個劃時代的進步。我願我們全國同胞，憑著信仰和虔誠，共同一致，努力前進。³⁵

While Chiang does not directly say that Christmas was intentionally selected for the ratification and implementation of the constitution, he directly relates the content of the constitution to the "fundamental elements of Christian doctrine, specifically, the dignity

³⁵ Chiang Kai-shek 蔣介石, "Jiang Zhuxi Shengdanjie Guangbo 蔣主席聖誕節廣播," *Zhongyang ribao* 中央日報, December 22, 1947. My translation.

and freedom of the individual.” Thus, while modern constitutional democracies purport to be the expression of secular liberal values, Chiang identified the underlying Christian structure of liberal humanism, including the buffered individual of human rights doctrine as already discussed in chapter 3. As Constitution Day became a national holiday, it also became an expression of the structural preferences for Christianity in Taiwan.

At the beginning of 1998, the government announced a plan to re-classify Constitution Day from a national holiday with time off to a political holiday with no time off. At the time, Catholics and Protestants, with the support of some politicians and public interest groups, objected. In particular the Catholic Bishops' Conference, released a statement that time off on Christmas was an international trend, and Taiwan should follow “international trends” (guoji chaoliu 國際潮流) and provide time off on Christmas day. In particular, the Bishops’ Conference argued that there were 400,000 indigenous people and more than 300,000 foreign guest workers in Taiwan, many of whom saw the Christmas holiday as equally valuable as the Han people saw the Lunar New Year. Under pressure from the Christian community, in August of 1988, the

government re-evaluated their previous announcement and decided to retain Constitution Day as a national holiday with time off.³⁶

In response, in 1999, Chao-hwei and her supporters launched a Protect the Teaching campaign to make Buddha's birthday a national holiday with time off. In an article published on April 3, 1999 in the *Liberty Times*, Chao-hwei proposed that April 8 be called Compassion Day (Cibei ri 慈悲日) in commemoration of the Buddha's birthday and that the government suspend all animal slaughter on April 6, 7, and 8. She framed the Compassion Day proposal as a response to a systematic suppression of non-Christian teachings:

It is merely that the previous authorities in power privileged a single religion, and in order to prevent other religions from making requests according to precedent, [they] used their political power to cunningly designate Christmas as Constitution Day. Therefore, in the last 30 years, Buddhist elders have fought several times for treatment in accord with religious equality to make Buddha's birthday a holiday with time off from work, but to no avail. Although this is the case, from 1929 to the present, two teachings, Buddhism and Daoism, are the only two religions that are restricted by the Act of Supervising Temples—a type of Unequal Treaty! It can be said that these native religions receive the unequal and irrational treatment of subtle political suppression. Furthermore, this also proves that the largest religion, claiming nearly 10 million followers, actually is an unconditionally vulnerable organization.

³⁶ For details about the process of changing the status of Constitution Day, see Hsueh Pei-yu 薛佩玉, "Taiwan 1950-2004 Nian Guoding Jiari De Shehui Xue Fenxi" 台灣1950-2004年國定假日的社會學分析 [A Sociological Analysis of National Holidays in Taiwan from 1950 to 2004] (Master's thesis, National Sun Yat-Sen University, 2004), 68-69.
<http://ir.lib.kuas.edu.tw/ir/bitstream/987654321/13101/2/%E5%8F%B0%E7%81%A31950-2010%E5%B9%B4%E5%9C%8B%E5%AE%9A%E5%81%87%E6%97%A5%E7%9A%84%E7%A4%BE%E6%9C%83%E5%AD%B8%E5%88%86%E6%9E%90.pdf>.

這只是過去的執政當局獨厚單一宗教，又為避免其他宗教要求「比照辦理」，才會運用政治勢力，巧妙地把耶誕日訂為「行憲紀念日」。此所以三十餘年來，佛教長老屢次爭取佛誕放假之「宗教平等」待遇而未果；不但如此，自民國十八年以迄於今，佛道二教是「唯二」被「監督寺廟條例」這種「不平等條約」束縛的宗教！可以說，這些都是本土宗教受到政治勢力微妙打壓的，不公平、不合理的待遇；而這也證明了：號稱「信徒近千萬」的最大宗教，其實是一個不折不扣的「弱勢團體」。³⁷

Chao-hwei argued that previous appeals for a national holiday on Buddha's birthday were rejected because the government claimed that Constitution Day celebrated the implementation of the Constitution, not Christmas, but that the reversal of the decision to eliminate the time off from work for the holiday revealed the true meaning of the holiday. The government claimed they reinstated the time off of work because of "international trends." These "international trends," however, did not celebrate the implementation of Taiwan's constitution but rather Christmas. As a resolution, Chao-hwei proposed that both Christmas and Buddha's birthday be recognized with time off from work, but that the fifty-year deceptive practice of privileging Christianity by recognizing Constitution Day be ended. At the time, Hong Kong, Singapore, South Korea, and Malaysia all recognized Buddha's birthday with time off from work, so Chao-hwei asked whether the government could recognize "Asian trends" as well. Even

³⁷ Shih Chao-hwei 釋昭慧, "Fodan Fangjia Yundong Zhi Yiyi 佛誕放假運動之意義," *Hongshi shuangyue kan* 弘誓雙月刊, no. 38 (1999): 11-12. <https://doi.org/10.29665/hs.199904.0002>

the business community was near united in opposing time off for Constitution Day, seeing the reversal as an overture to a special interest.³⁸ Despite broad opposition, the Nationalist Party administration of Lee Teng-hui—himself a Presbyterian—continued to grant time off for Constitution Day until the end of its term. The Democratic Progressive Party (DPP; Minzhu jinbu dang 民主進步黨) took power for the first time in 2000 under President Chen Shui-bian (Chen shui-bian 陳水扁), and in 2001, the government cancelled time off for Constitution Day as part of its implementation of a two-day weekend for government employees. It, however, did not create a holiday for the Buddha’s birthday either.

Chao-hwei was the Director-General of LCA from 1993-1999, so the 1994 Guanyin Statue Incident and the 1999 Buddha’s Birthday National Holiday campaign, occurred while she was the leader of LCA. These campaigns were not LCA campaigns, but from a broader angle their goals aligned. LCA aimed to promote the protection of life through the Buddhist concept of the equality of life, but if Buddhist concepts were to receive recognition, the Buddhist community needed to push back against systematic suppression as well. Chao-hwei clearly understood the effect of the Act of Supervising Temples and other policies that privileged Christianity, and fought against them directly. She even recognized that “international trends” often meant conformity with

³⁸ See footnote 173, Hsueh, "Taiwan 1950-2004 Nian Guoding Jiari De Shehui Xue Fenxi," 71.

Christian ways of being in the world. However, Christianity and its counterpart, liberal humanism, held a position of power both locally in Taiwan, and in the international community. To be effective, LCA needed to work within a liberal Christian international order while promoting Buddhist principles. In the next section, as I introduce LCA, we will see how LCA arose from the Protect the Teaching campaign, even while the rules of liberalism compelled it to establish itself separately from the Buddhist organizational infrastructure.

4.2.3 The Making of Life Conservationist Association

In June 1990, the Ma Xiao-bin event unexpectedly drew Chao-hwei out of the narrow mandate of the Protect the Teaching Team and the bounded interests of BAROC. The campaign was not one that she and the committee selected through deliberation, but an existing campaign for which a journalist's question about the Buddhist position spurred Chao-hwei to action. After objections of BAROC leaders regarding her involvement in social politics and the dissolution of the Protect the Teaching Team, Chao-hwei was left to follow her path independent of the BAROC. At this critical point, Chao-hwei chose the issue of fish-hooking, and the Anti-Fish Hooking campaign led to the establishment of LCA.

Two years passed between the Ma Xiao-bin case and the Anti-Fish Hooking campaign, and activism became more difficult in the interim period. Nominated by President Lee Teng-hui, Hau Pei-tsun (Hao Bocun 郝柏村) took office as Premier of

Taiwan on June 1, 1990, just prior to the High Court's decision on the Ma Xiao-bin case. Hau, the former Chief of the General Staff of the Armed Forces during the martial law period, reinstated the heavy-handed policies used to suppress social movements, dealing a setback to the democratization movement. However, he proved to be an ally for Chao-hwei's Anti-Fish Hooking Campaign.

In the spring of 1992, Chao-hwei heard from other Buddhists about a growing recreational fad in Taiwan. Fish-hooking establishments stocked fish in an indoor pond and charged guests to spear fish with an unbaited hook. The captive fish suffered from multiple hook wounds. Chao-hwei felt compassion for the suffering of the fish, and on February 11, 1992, Chao-hwei publicly condemned the practice of fish-hooking. She wrote letters, collected signatures, held press conferences, and organized religious leaders and other members of society. In May, Premier Hau responded to public opinion by issuing an administrative order prohibiting the practice. The administrative order marked the first legal action in the interest of the welfare of non-human animals in contemporary Taiwan. As she had developed a reputation as a spokesperson for non-human animals through the successful campaign, many people contacted Chao-hwei about other animal abuses. However, the number of cases of animal abuse was more than she could handle, so she started to talk with the activists involved in the Anti-Fish

Hooking campaign about starting an organization that specialized in protecting animals.³⁹

Under Hau's suppressive policies, activists involved in social movements forged stronger connections to the activists of the earlier democratic movement and the DPP. The heavy handed techniques Hau tested under martial law did not translate well into the new political environment of the emerging democracy. Instead they fomented a backlash, and in the election in the fall of 1992, the DPP won a third of the seats in the Legislative Yuan. While President Lee and the Nationalist Party retained power, the government reacted to the growing opposition by replacing Hau, who formally left office in February 27, 1993. As Hau stepped down, Taiwan's political climate liberalized, ushering in an era in which social movements flourished for the first time in Taiwan. As part of a viable opposition in the DPP, a new coalition of democratic and social activists developed stronger ties and a more sophisticated organizational infrastructure. In

³⁹ For information about the Anti-Fish Hooking campaign, see Shih, Chao-hwei 釋昭慧. "Renjian Fojiao Xingzhe De 'Xianshen Shuofa': Cong Tichang Dongwu Quan Dao Tichang Fomen Nüqun" 人間佛教行者的「現身說法」—從提倡動物權到提倡佛門女權. Paper presented at the Renjian fojiao yu dangdai duihua 人間佛教與當代對話 (Taipei, April 20, 2002), B2; Wang, "Yi Guanhuai Shengming Xiehui Fazhan Wei Zhuzhou De Taiwan Dongwu Baohu Yundong Shi," 10 and 49-50; and Lin, "The Environmental Beliefs and Practices of Taiwanese Buddhists," 235-236. For details of the specific timeline, see "Xuetuan Rizhi" 學團日誌, Fojiao Hongshi Xueyuan 佛教弘誓學院, accessed April 1, 2019. <http://www.hongshi.org.tw/viewjournal.aspx?nono=117>.

January 1993, exactly at the inception of this new period, the group of activists involved in the Anti-Fish Hooking campaign founded LCA.⁴⁰

Just as a liberal democratic system was emerging in Taiwan, Chao-hwei identified an imbalance in the democratic system itself. As the etymology of the word suggests, democracy (*demos* + *-kratia*) means “rule of the common people.” As “people” here refers to humans, it essentially refers to the human portion of the nature-human-supernature cosmology. At a conference in 2002, Chao-hwei looked back on her concerns when launching the animal protection campaign in Taiwan:

Originally, the accomplices that allowed animals to be ensnared by their tragic fate existed in the business world, in the academic world, in consumers and in the noncommittal bureaucratic system. Their numbers and power were too large, and animals still did not have a vote, nor did they have a way to express power in the democratic activities of the social domain in order to fight for the improvement of their fate...

原來，讓動物深陷於悲慘命運的共犯，存在於業界、學界、消費者與半推半就的官僚體系，他們的人數與勢力過於龐大；而動物又沒有選票，無法在民主運作的社會場域展現實力，以爭取命運的改善。 。 。 。 。 。⁴¹

Thus, LCA sought to promote the equality of life through legislation in a system that privileged the human.

While Chao-hwei was a key spokesperson for the emerging movement, she did not act alone. The nun Shing-kuang was Chao-hwei's ally and co-activist from the

⁴⁰ For information about the social resistance in the period 1990-1993, see Wang, “Yi Guanhuai Shengming Xiehui Fazhan Wei Zhuzhou De Taiwan Dongwu Baohu Yundong Shi,” 22-23.

⁴¹ Shih Chao-hwei, “Renjian Fojiao Xingzhe De 'Xianshen Shuofa,’” B-2.

earliest Protect the Teaching campaign. Shing-kuang led the Hongshi Buddhist Study Group, of which Chao-hwei was an integral part. The two later cofounded the Buddhist Hongshi College where they promoted the thought of their teacher Yin-shun. While Chao-hwei served two consecutive three-year terms as the first Director-General of LCA, Shing-kuang served two consecutive three-year terms as the second Director-General.

Another student of Yin-shun, the monk Shih Chuan-dao was also a notable figure in the animal protection movement. He was associated with Miaoxin Temple in Tainan (Miaoxin si 妙心寺), where he became abbot in 1992. In the 1980s, Chuan-dao pioneered Buddhist activism during the martial law period. Learning from anti-nuclear power and ecological conservation activists, he crafted a Buddhist activism based on the teachings of Yin-shun's Humanistic Buddhism. His early activism focused on education, including lectures, informational displays, and training camps. However, as the political environment liberalized, he joined or led many grass-roots campaigns. In 1988, he experimented with grass-roots methods such as press-conferences directed against the pollution of the petro-chemical industry. In their counter-attack, petro-chemical companies bribed the media, elected officials, and police forces. They branded him a troublemaker, and personally threaten him with letters and phone calls. While the petro-chemical companies succeeded in dampening public opposition to their pollution, Chuan-dao responded by re-focusing his attention on the problem of corruption. In August 1990, in the run-up to the 1991 Legislative Yuan election, Chuan-dao founded

the Buddhist Committee for the Advancement of Clean Elections (Fojiao jinghua xuanfeng cujin weiyuanhui 佛教淨化選風促進委員會). He recruited Christian organizations and other public interest groups to join the cause, establishing local groups in each county and city to monitor elections. The Clean Election campaign continued through 1993, and included petitions, press conferences, and open letters to the political parties. Chuan-dao, along with Chao-hwei, also was a central figure in the Ma Xiao-bin campaign and the Purify the Heart of the People campaign, and when the anti-nuclear power campaigns heated up in 1992, both Chao-hwei and Chuan-dao played important public roles. Having collaborated with Chao-hwei on many campaigns, he stood behind her animal protection movement. In 2005, he became the third Director-General of LCA, serving for two consecutive three-year terms.⁴²

⁴² For a short biographical description of Chuan-dao, see Shih Chao-hwei 釋昭慧, *Haodang Fu Qiancheng* 浩蕩赴前程, (Banqiao, Taiwan: Dharma-Dhatu [Fajie 法界], 1994). Excerpt quoted at Miaoxin Temple, accessed March 29, 2019, <http://www.mst.org.tw:8080/Temple/%E7%AC%AC%E5%9B%9B%E4%BB%A3%E4%BD%8F%E6%8C%81.htm>, or Shih Chao-hwei 釋昭慧, "Chuan-Dao Fashi Jianjie" 傳道法師簡介, Miaoxin Temple, accessed March 29, 2019, <http://www.mst.org.tw:8080/Temple/%E7%AC%AC%E5%9B%9B%E4%BB%A3%E4%BD%8F%E6%8C%81.htm>.

Chao-hwei wrote several n the For information about Chuan-dao's environmental movements, see Wang, "Yi Guanhuai Shengming Xiehui Fazhan Wei Zhuzhou De Taiwan Dongwu Baohu Yundong Shi," 39-41. For Chuan-dao's involvement in the Purify the Heart of the People campaign, see Shih and Shih, "Sheyun Langchao Zhong Zhi Huzhao Yundong," 76-77. For Chuan-dao's involvement in the Ma Xiao-bin case, see Shih and Shih, "Sheyun Langchao Zhong Zhi Huzhao Yundong," 79.

The fourth Director-General of LCA Shi Jian-an 釋見岸, who also served two consecutive three-year terms, is a student of Chao-hwei's. She is abbess of the Fayin Lecture Hall (Fayin jiangtan 法印講堂), where she also directs the Kaohsiung branch of Buddhist Hongshi College. Thus, the first four directors of LCA were all Buddhist monastics in close orbit around Chao-hwei, each playing a role in advancing Yin-shun's vision of a Buddhism engaged with the human realm.⁴³ Jian-an was the Director-General while I conducted my primary participant-observation in 2015 and 2016. However, I never met her in person as she was located in Kao-hsiung, in the south of Taiwan, while LCA's main headquarters are located in Taipei, in the north of Taiwan. LCA's daily operations are conducted by a group of lay-people that follow a much more diverse set of teachings than the Buddhist community of the Buddhist Hongshi College. As of the time of my field research, LCA maintained a leadership of Buddhist monastics to direct the organization. As we shall see, it also appealed to Christianity, conservation biology, and rights discourse, and reformulated these elements to support the equality of life.

Some of Chao-hwei's earliest and most fervent allies came from the Hongshi Buddhist Study Group, the predecessor to the Buddhist Hongshi College. While they studied Buddhism in the study group, Shing-kuang and Chao-hwei recruited them to

⁴³ For a short biography description of Jian-an, see Li Mei-juan 李美鵬. "Tianxiang Yan Yun Miao Chu Chen: Yi Chen Kuo Ran Shi Jian-an" 天祥煙雲妙出塵：一塵廓然始見岸. *Dacheng bao* 大成報. Accessed March 29, 2019. https://www.ctworld.org.tw/disciple/mind/b/an0033_01.htm.

support their various campaigns. The two members that had the greatest impact on LCA were Su Pei-fen 蘇佩芬 and Shih Wu Hung (Shi Wu-hong 釋悟泓). After Pei graduated from college, she joined an Australian trade company, and through connections there, she met Wu Hung. Wu Hung introduced Pei to Chao-hwei. In 1987, Pei joined the Hongshi Buddhist Study Group. At the time, there were four ten-person classes, and Pei attended one of them on Wednesday evenings at Shandao Temple. When I interviewed Pei, she described how Chao-hwei introduced her to various campaigns. She told me how they tried to change the media narrative in the Ma Xiao-bin case to draw attention to focus on the abuse Ma suffered at the hands of his employer, the abuse that caused Ma to commit kidnapping. In the case of the Offerings to Departed Infants, she described how organizations took advantage of vulnerable women. In a society that was still quite socially conservative in relation to abortion, she described how Buddho-Daoist groups charged 300-400 USD for rituals to atone for the abortion. Her description of these issues evoked a much more personal concern, than the more academic narratives. She did not frame these issues in the context of the Protect the Teaching campaign at all. Without mention of the Protect the Teaching campaign, she talked about these issues in terms of labor rights and women's rights. Pei worked for the Australian trading company for four years, and took classes on floristry as a hobby. In 1992, she decided to leave the trading company. She found a partner and opened a floristry salon, just as Chao-hwei began to spearhead the Anti-Fish Hooking campaign. When LCA formed in

January of 1993, Pei became the Director of Operations (xingzheng mishu 行政秘書). She stayed with the floristry shop for more than two years, but as time passed, she spent more and more time working on animal protection. After a while she felt her lack of attention to the business was not fair to her partner, so she sold her share of the floristry shop to her partner and devoted herself full time to animal protection.

From the beginning, Wu Hung, a Buddhist monk, served as the the Secretary-General of LCA. He and Pei handled the day-to-day affairs, and Chao-hwei managed the higher level affairs, making public appearances and assisting with operations as required. Hongshi Buddhist Study Group also provided other members, such as Wu Ling, who assisted with operations, and Wang Jian-lin who served as a volunteer.⁴⁴

Aside from the Hongshi Buddhist Study Group, there was one other important locus of support, the Yanping Rotary Club. Chao-hwei knew a corporate accountant named Wu Wu-fu 吳武夫 through the Eastern Religion Forum (Dongfang zongjiao yantaohui 東方宗教研討會), an organization Wu founded. As a member of the Yanping Rotary Club, Wu helped introduce Chao-hwei to the club to raise money for her Anti-Fish Hooking campaign. In 1991, Rai Hau-min (Lai Hao-min 賴浩敏), the Rotary Club President, formed the Caring for Life Committee (Guanhuai shengming committee 關懷

⁴⁴ Wang, "Yi Guanhuai Shengming Xiehui Fazhan Wei Zhuzhou De Taiwan Dongwu Baohu Yundong Shi," 51.

生命委員會)。Rai was an influential attorney who cofounded Formosa Transnational Attorneys at Law in 1974 and later served as the Chief Justice and President of the Judicial Yuan. The support of his fellow Rotarians for animal issues drew the interest of another Yanping Rotarian Zhang Zhang-de 張章得, a construction magnate specializing in urban landscape design. Because of Zhang's particular interest in Buddhism and animal protection, Wu introduced Zhang to Chao-hwei, and the two began to discuss organizing an animal protection organization. On September 19, 1992, Chao-hwei, Shing-kuan, and some of their Hongshi students met with the three Rotarians Wu, Rai, and Zhang at the He-ping Vegetarian Restaurant to develop a strategy for a new organization. When LCA was officially established on January 16, 1993, Wu, Rai, and Zhang all became members of the first Board of Directors along with several other Rotarians. Zhang, in particular, played an indispensable role in working with Chao-hwei to organize the group, contribute funds, and coordinate fundraising. Over time, Zhang gradually shifted from his more removed role on the Board of Directors to the daily operation of the organization. He became Chief Operations Officer, Assistant Director-General, and finally the first lay Director-General of LCA in 2017.⁴⁵

⁴⁵ For more information about the formation of LCA, see Wang, "Yi Guanhuai Shengming Xiehui Fazhan Wei Zhuzhou De Taiwan Dongwu Baohu Yundong Shi" 50-52; Zhou Pei-hong 周佩虹, "Jianzhu Shi Bianshen Dongbao Tianshi: Zhang Zhangde Jianchi Shijian Dongwu Quan" 建築師變身動保天使：張章得堅持實踐動物權, January 4, 2014, <https://www.ettoday.net/news/20140104/312403.htm#ixzz2pZxBffEl>; and "Xuetuan Rizhi" 學團日誌, Fojiao Hongshi Xueyuan 佛教弘誓學院, accessed April 1, 2019, <http://www.hongshi.org.tw/viewjournal.aspx?nono=117>.

One more group must also be mentioned. Chao-hwei recruited several other social elites to join the Board of Directors, including the Catholic priest Zhang Chunsheng 張春生 and the Protestant pastors Lu Jun-yi 盧俊義 and Gao Jian-min 高建民. In fact, the Presbyterian Pastor Lu Jun-yi served as a permanent member of the Board for twenty years. Thus, in the beginning, the core of the group was Buddhist. Even the Rotary Club, with Buddhist members such as Wu and Zhang, had inclinations toward Buddhism. However, the group wanted to appeal to a broader audience. As Chief Justice Rai put it, “The first post of Secretary-General was held by the Buddhist community’s Venerable Shi Chao-hwei, but to maintain inclusivity and respect all religions, in addition to the Buddhist master, there were also Catholic priests and Protestant pastors in the organization.”⁴⁶

When the Hongshi Buddhism Study Group and the Rotary Club structured LCA, the Rotarians considered launching an independent foundation to separate their Caring for Life project from the various other initiatives that the Rotarians undertook. However, the social climate of the time was averse to not-for-profit organizations that appeared to be involved in making money. Indeed, Chuan-dao and Chao-hwei’s anti-corruption and

⁴⁶ Rai Hau-min 賴浩敏, “Lai Haomin Yuanzhang Tan Dongwu Guanhuai Dui Shehui De Zhongyao” 賴浩敏院長談動物關懷對社會的重要, ed. Chen Ping-hao 陳平浩, Life Conservationist Association, last modified March 12, 2013, <https://www.lca.org.tw/avot/3550>. My translation. Original Chinese: 第一任理事長是由佛教界的釋昭慧法師擔任。而為了秉持包容、尊重所有宗教，協會裡除了佛教的師父，也有神父、牧師。

Protect the Teaching campaigns contributed to that atmosphere. Thus, the group chose to use a public interest group structure in which the founders contributed both the funding and effort. In terms of both funding and human resources, the organization was well-endowed. The Rotarians provided sufficient funding, as well as legal and business expertise and connections. The Hongshi Buddhist Study Group provided skilled labor, including Chao-hwei's experience in activism and Wu Hung and Su Pei-fen's experience in business management. With these resources, they formed the first organization in Taiwan dedicated to policy advocacy for non-humans, just as Premier Hau's repressive tenure was coming to an end and Taiwan's political climate was opening to political activism.

The role of Christianity is, however, worth exploring more carefully, especially as it is linked to liberal humanism. The idea of inclusivity to which Rai alluded is a signpost in a major shift from Chao-hwei and the Buddhist community's strategy. As described above, the Ma Xiao-bin case marked a rupture in the Buddhist communities approach to activism. Chao-hwei's activism prior to that point focused exclusively on defending Buddhism, but the Ma Xiao-bin case drew her in to a human rights case based on the convictions of her Buddhist values. The Anti-Fish Hooking campaign was the first major case in which Chao-hwei promoted a form of Buddhist compassion that did not correspond with the liberal humanist values of human equality, but rather the broader Buddhist principle of equality of life. At the same time, the founders of LCA

also had learned to utilize liberal institutions, including the institutions of freedom of religion and free speech, even if these human rights were forged in the Christian liberal cosmology of the Enlightenment. Operating within a system of human equality, they used the logic of that system to promote its alternative. In the logic of this system, a Buddhist organization was limited because the “church” was to be separated from the state, but by including other religions, the organization could be recognized as secular and appeal to the purportedly “universal” values of liberal humanism. However, it is worth noting that inclusivity only involved including Christianity, a religion that only claimed approximately 5% of the population. Other perspectives such as Confucianism, Daoism, and other indigenous teachings were not represented at all.

Perhaps one reason for this preferential treatment of Christianity was that Buddhism, Daoism, and Confucianism were so integrated that Buddhism was seen to represent the interests of the other two teachings as well. A second reason is that Christianity was privileged in Taiwan, and the inclusion of Christianity brought a type of inclusivity that offered a domestic and international legitimacy that the inclusion of other local teachings could not provide. What are suggestive of both these explanations are Chao-hwei’s Protect the Teaching campaigns. Both the 1994 Guanyin Statue Incident and the 1999 Buddha’s Birthday National Holiday campaign involved disputes with Christian groups or Christian privilege while Chao-hwei was Director-General of LCA.

In the Buddha's Birthday campaign, Chao-hwei recognized the close links of Buddhism and Daoism:

Because the two teachings of Buddha and the Dao have forever been close and intimate, the folk believer even more universally does not separate Buddhism and Daoism. No matter whether who they worship is Wangye or Mazu, all families still make offerings to the Bodhisattva Guanyin.

因為佛道二教向來親近，民間信仰者更是普遍佛道不分，不管他們拜的是王爺還是媽祖，家家還是供奉觀世音菩薩。⁴⁷

From this statement, we can see that Chao-hwei claimed to fight the Buddha's Birthday National Holiday campaign for more than a narrowly defined Buddhism. We can also see that she saw Guanyin, for whom she fought in the Guanyin Statue Incident, as inseparable from Daoism as well. Nevertheless, considering the much greater following for the mixed indigenous teachings, LCA could have brought in some Daoists or Confucians for the purpose of inclusivity. Yet, both of these Protect the Teaching campaigns demonstrate that Christianity defined the terms of these debates, as a Christian church was the plaintiff in the Guanyin Statue Incident and Christianity was the religion privileged with a Christmas holiday in the Buddha's Birthday National Holiday campaign. Thus, a strategy for inclusivity may suggest that bringing in the group that not only has political privileges but that also would otherwise be the most likely opposed to LCA's initiative would be most advantageous. As the government still

⁴⁷ Shih Chao-hwei, "Fodan Fangjia Yundong Zhi Yiyi."

avored Christianity, voices of support from the Christian community could only help the Buddhist cause. In addition, as a first religion—the very prototype of religion—Christianity may be the only religion that could positively represent the inclusion of another religion. Daoism and Confucianism’s status as second religions could only offer some ambiguous and context-dependent status of religious inclusion, so that LCA’s status as “secular” and “inclusive” could be challenged. In short, the domestic and international privilege of Christianity in the liberal humanist order made it the best choice for inclusion.

Whatever the political benefits that the inclusion of Christianity may have garnered, I do not intend to deny the real personal relationships that Chao-hwei and other Buddhist activists had with Christian priests and pastors. In my first interview with Chao-hwei, she talked about the Presbyterian pastor Lu Jun-yi 盧俊義 as a good friend. Similarly, Lu and other Christians involved in LCA would not have served the organization if they did not support its values. As described earlier, Christians, especially Presbyterians were some of the earliest activists for democracy and human rights. At the time that restrictions on non-Christian organizations loosened in the 1980s and early 1990s and Buddhists such as Chuan-dao and Chao-hwei started experimenting with activism, Christians were some of the most experienced activists. In many cases, Buddhist activists were often natural allies with Christian activists. Chao-hwei partnered with both Protestant and Catholic activists when she first ventured into

social activism with the Ma Xiao-bin case. She brought Christians into her Anti-Fish Hooking campaign. Even in the Buddha's Birthday National Holiday campaign, she claimed support from Christians and was careful only to attack government policies that privileged Christianity, not Christians themselves. After a dialogue with a Catholic Archbishop in 2008, Chao-hwei expressed her respect for Christians:

Just as Mahayana Buddhists sees Christians that possess deep love and virtue as bodhisattvas and firmly believe that the numerous and diverse living things can all become buddhas, in the same way, open-minded and open-hearted Christians see the numerous and diverse living things outside the gates of the church as the sons and daughters of God. The author's close friend Pastor Lu Jun-yi, once told her, that once when giving a sermon, he said, "God loves the people of the world. Of course, he loves my friend the Ven. Shih Chao-hwei."

就像大乘佛教徒將深具愛德的基督徒視同「菩薩」，並堅信芸芸眾生皆可成佛；同樣的，心胸開闊的基督徒，也將教會門牆之外的芸芸眾生，視同「天主的兒女」。筆者的摯友盧俊義牧師，就曾告訴筆者，他有一次在講道時說：「上帝愛世人，當然也愛我的朋友釋昭慧法師。」⁴⁸

Chao-hwei and Lu had a genuine and meaningful friendship, as Chao-hwei had with many Christians. At the same time, this quote also shows a certain "controlled equivocation" in action. By using the word, "living things" 眾生, Chao-hwei is framing Christianity with a Buddhist term that generally refers to "all sentient beings." Some contemporary theologians, such as David Clough (see chapter 3), are currently

⁴⁸ Shih Chao-hwei 釋昭慧, "Zai Zhe Jiaohui Shi Hufang De Guangmang: Yu Hong Shanchuan Zongzhujiao De Shenhou Fayuan" 在這交會時互放的光芒：與洪山川總主教的深厚法緣, *Hongshi shuangyue kan* 弘誓雙月刊, no. 95 (October 2008), <http://www.hongshi.org.tw/writings.aspx?code=301E2378AFB9CF35E5A9011A1C08DC69>.

reinterpreting the Bible in a way that recognizes all living things in a way much closer to what Chao-hwei suggests here, but the Christianity forged in the European Enlightenment still dominates Christianity worldwide and in Taiwan. As already demonstrated, the creation-human-Creator cosmology shaped international human rights and conservations law, which represented exactly what Chao-hwei and LCA aimed to change.

As LCA's core mission was to promote Buddhism's equality of life, the Christian perspective of LCA's Christian members was outside of the mainstream of the Christian tradition. In the beginning, just after LCA was formed, few people in Taiwan were familiar with animal rights. The democracy and human rights movements of the 1980s were at the vanguard of activism, so changing and expanding the conversation to non-human animals involved breaking new grounds. Even if a Buddhist cosmology provided for the equality of sentient beings, the government had already suppressed indigenous teachings in favor of Christianity, liberal humanism, and the science of North Atlantic traditions. Thus, one of the major tasks of LCA, was to explain animal protection in a way that was familiar to modern people, which involved taking cues from liberal humanism and Christianity. LCA published its first newsletters in 1993, and the early issues explained what concepts such as animal rights were. In the second issue,

an article called “Promoting Animal Rights” (tichang dongwu quan 提倡動物權)⁴⁹ provided three justifications for the concept of animals rights: one Buddhist, one Catholic, and one based on the philosophy of ecological conservation. The Buddhist justification was a summary of Chao-hwei’s arguments regarding dependent arising as described in chapter 3. The Catholic perspective, speaking for all of Christianity, drew from the first chapter of Genesis, recognizing that humans were made in God’s image and given dominion over the land. While this status allowed humans to kill animals for food and otherwise exploit them, it did not allow humans to cause unnecessary suffering. The justification emphasized that, “Of the countries that have started to draft animal protection laws, most are countries that traditionally are primarily of the Christian faith. They are promulgated in deference to this type of inspiration.”⁵⁰ In particular, the article explained that this thinking comes from the idea that God required humans to appropriately manage all things in order to maintain order. In other words, this justification closely corresponds with the ethic of sustainable development, and animal protection laws that extended beyond sustainable development in traditionally Christian countries primarily only sought to minimize suffering for select animals, rather than eliminate killing or exploitation of non-human animals more generally.

⁴⁹ *Guanhuai shengming huixun* 關懷生命會訊, “Tichang Dongwu Quan” 提倡動物權, November 15, 1993.

⁵⁰ My translation. Original Chinese: 開始訂「動物保護法」的國家，大都是傳統上以基督信仰為主的國家，它們是秉持這種精神而立法的。

While the third justification may have been called the ecological protection perspective, it appears to have been chosen to represent Protestantism. The subtitle read “The Life Protection Theory in Ecological Protection Philosophy: (obtained from the Presbyterian Church’s *Taiwan Church Bulletin*: Zhou Yi-hong: Animal Rights No. 2136: February 7, 1993).” In other words, the parenthetical in the subtitle suggested to the reader that the justification may have been Protestant, but the actual content did not use any language suggestive of Protestant theology. The passage listed six justifications based on anthropocentric values—scientific; spiritual, religious, or sacred; aesthetic; historical heritage; psychological; and cultural—and a final justification based on intrinsic value:

7. Intrinsic value: Not the value defined by anthropocentrism as in the six items above, but rather the intrinsic value and right to survive inherent in the original world itself. This perspective reminds us that humans are just one part within the community of life, not the master [of it all]. Humans and other organisms are equal, and all the concepts of rights should not only stop with human-human relationships, but should extend to the equal relationship of humans and other organisms.

7. 內在價值：不是像前面六項以人中心所界定出來的價值，而是原始世界本身與生來的內在價值及生存權利。這個觀點提醒我們人類只是生命族群中的一份子，而不是主人。人和其它生物是平等的，且所有的權利觀念也不應該只止於人與人之間的關係，而應該再擴展到人與其它生物的平等關係。

LCA’s article was attributed to the editorial team, so it is unclear who selected this passage, but it likely could have been one of the Protestant pastors on LCA’s board, Lu Jun-yi or Gao Jian-min. In any case, the Presbyterian Church was open enough to

include the perspective of the intrinsic value of nature in its bulletin, so it may give some insight on how some of the animal rights-oriented Christians thought about animal equality, even if it did not draw directly on Church doctrine. In the end, however, the article elided Daoism and Confucianism, demonstrating how the Buddhist founders of LCA tended to highlight connections with Christianity over other Asian teachings. In fact, if the third justification drawn from the *Taiwan Church Bulletin* is counted as Christian, then the newsletter gave twice the space to Christianity as it did to Buddhism.

This tendency to highlight Christianity may be explained by the fact that LCA aimed for a universal message. In addition to the inclusion of Christianity, one of LCA's early initiatives was to translate Peter Singer's book *Animal Liberation*, which was translated by Meng Xiang-sen 孟祥森 and Chien Yeong-Shyang (Qian Yong-xiang 錢永祥) and published in 1996. In a 2015 interview with me, Cho-hwei explained why LCA undertook this translation project as LCA was establishing itself:

I personally wrote *Buddhist Ethics*. I also personally discussed the whole systematic theory from the perspective of Buddhism. In the same way, why don't we have a systemic theory for caring for animals? However, when we advocated for Life Conservationist Association, we still wanted to have participation from more vantage points—not limiting ourselves from the beginning by saying that this was a Buddhist organization. Therefore, because the West already had much discussion about animal theory and animal ethics, we decided to translate one of the West's seminal classics, Peter Singer's book. Then, in this way, just as we got started, we let everyone feel that our project, in theory, was not limited to...How do I say it?...These are universal values. We still wanted to establish that we represented universal values. In this way, we could bring in people of different beliefs at different levels of Taiwan's society to take action for animals together.

我自己有寫那個 **Buddhist Ethics**。喔，那我自己也有…在…從佛法的立場來整個談那個系統理論，就是為什麼我們沒有關懷動物的系統理論？那但是呢，在推動關懷生命協會的時候呢，我們還是希望說有更多層面的參與，不要一開始就認為說，喔，這是佛教的團體。那所以我們因為西方對動物理論、動物倫理已經做過很多討論，那所以我們就決定先翻一本西方的經典名著，就是 **Peter Singer** 的著作。那這樣的話呢，一開始起步就讓大家感覺到我們這個在理論上不局限在…怎麼講…它是一個普世價值。我們還是希望定調我們是一個普世價值。那這樣的話，在台灣的社會層面就比較帶進其他的一些不同信仰的人一起來為動物行動。

Chao-hwei's point here is definitely not that she thought Buddhist theory was insufficient, rather the point was that *Animal Liberation* may be accepted by non-Buddhists. For Chao-hwei, Peter Singer's utilitarianism was close to but not the same as Buddhist ethics. In the same way, she also endorsed Tom Regan's classic on animal rights *Empty Cages*. LCA thought that Peter Singer's book was easier to read, so they translated his book first. At the time I spoke to Chao-hwei in 2015, Tom Regan had just gotten permission from the publisher for LCA to translate and publish *Empty Cages*, so it had just been translated and was finally published in Taiwan in 2016. Chao-hwei was not interested in splitting hairs over the philosophical differences between Buddhism, utilitarianism, and animal rights. She was more interested in convincing more people to care for animals and advocating for caring for animals as part of a universal ethics.

Chao-hwei, Singer, and Regan, however, were keenly aware of the differences in their approaches. Singer's *Animal Liberation*, first published in 1975, advocated for the "principle of equal consideration of interests" for both human and non-human animals. This principle is based on a utilitarian view that Singer traced to Jeremy Bentham, who

argued that “The question is not, Can they *reason*? nor Can they *talk*? but, Can they *suffer*?”⁵¹ This logic worked to deconstruct the animal-human distinction by focusing on suffering rather than rationality as the criterion for moral consideration. Singer traced the animal-human distinction to both Greek and Jewish thought, which he demonstrated were combined in and expressed through Christianity and elaborated in the humanism of the European Enlightenment. However, his focus was on Western thought exactly because of its universality:

I concentrate on the “West” not because other cultures are inferior—the reverse is true, so far as attitudes to animals are concerned—but because Western ideas have, over the past two or three centuries, spread out from Europe until today they set the mode of thought for most human societies, whether capitalist or communist.⁵²

Singer’s statement essentially encapsulates the irony of why Chao-hwei sought to partner with him, Tom Regan, Catholics, and Presbyterians, rather than Daoists and Confucians. As Singer suggests, non-Western teachings may have been superior as far as attitudes toward animals were concerned, but they were not universal in the way that Western ideas were.

Singer was intrigued to work with a Buddhist nun Chao-hwei, but the two also did not see eye-to-eye on all issues. Singer came to Taiwan in 2016 for an extended three-

⁵¹ Jeremy Bentham, *Introduction to the Principles of Morals and Legislation*, chapter 17, as quoted in Singer, *Animal Liberation*, 36.

⁵² Singer, *Animal Liberation*, 271.

day dialogue with Chao-hwei, followed by an international academic conference. Following the dialogue, Singer still struggled with some parts of Chao-hwei's thought. At the 2016 conference, Singer said he was still "grappling" with the concept of no-self, and that he thought that individualism was still much more convincing to Western people. He rejected the self-transcendence that forms the core of Buddhist thought, in favor of the buffered self that stems from the philosophy of the European Enlightenment. Singer also warned of the risk of empathy because it may cause people to make decisions that do not optimize collective utility, even while Chao-hwei emphasized developing compassion through empathic identification with others. Similarly, both Chao-hwei and Singer took issue with Regan's concept of rights, as they believed that a strict interpretation of rights may require the presupposition of a higher power that grants these rights. Chao-hwei conceded that philosophically there are differences between Buddhist theory, utilitarianism, and rights discourse, but she argued that Buddhism does not need to completely correspond with utilitarianism or rights discourse as long as the various philosophical approaches can agree on the need to protect non-human animals.

4.3 Conclusion

Modern Catholicism, Protestantism, utilitarianism, and rights are all legacies of the European Enlightenment. While these traditions are diverse, and have changed with time, they follow from the development of a common cultural discourse with

variations on a shared cosmology. As these traditions responded and adapted to different geographies over time, scholars like Singer and Regan challenged fundamental distinctions within the shared cosmology. Others such as the Catholic and Presbyterian clergy who joined LCA's board also opened themselves to the possibilities of a Buddhist form of equality. The repeated pattern of Chao-hwei and LCA to partner with traditions with European roots appears to be strategic rather than coincidental. The universalization of the systems that promoted Christianity and liberal humanism—including constitutional democracy, human rights, and international conservation conventions—made these systems the language that both Taiwan's people and the rest of the world understood. Thus, counterintuitively, Buddhists reasserted their realities by formulating them in the language of those by whom they had been oppressed. Buddhism's connections with teachings such as Daoism and Confucianism were still deep enough that they did not need to be foregrounded. For LCA, controlled equivocation involved making its commitment to the equality of life, and then reformulating the language of Buddhism with that of liberal humanism and environmental conservation. They chose to promote "animal rights" even though they knew that a defense of rights failed without a Creator being. Provisionally, "animal rights" extended the human rights that Taiwan's people had learned to respect and demand through protest, and these rights also built on the environmental movement that had reached Taiwan from the United States and its international allies. Even human

rights and environmentalism were new concepts that really only achieved significant political expression in Taiwan in the 1980's, so even the roots of these concepts were not deep. The secret of this controlled equivocation, however, was that these new concepts only needed to serve the purpose of reawakening the cosmologies of China's traditional teachings, which still lingered under the surface or even out in the open. Animal protection rode the wave of a Buddhist renaissance that was unleashed at the end of martial law. The new liberal democracy, through freedom of religion and its other freedoms, allowed Buddhism to flourish in new ways, even while it limited it in others.

Yet, like stepping into quicksand, reframing all Buddhist terms into the Christian liberalism of the Enlightenment reinforced the concepts of rights. Despite all its alliances with scholars such as Peter Singer and Tom Regan, the core of LCA's mission is the equality of life, and while Peter Singer's "principle of equal consideration of interests" and Tom Regan's "animals rights" approach the values of equality of life, they are not the same. They rest on alternative European traditions of utilitarianism and rights. To find a treatment of equality of life, one can read Chao-hwei's *Buddhist Normative Ethics* or other works of Chao-hwei and her Buddhist colleagues. Because of the separation of church and state, ironically, it is Peter Singer's *Animal Liberation* and Tom Regan's *Empty Cages* that are published under LCA's name, while *Buddhist Normative Ethics* is published by Dharma-Dhatu Publications. The European traditions are foregrounded for their

universalism, while the Asian tradition is concealed behind the name of a second publisher. Yet, equality of life remains at the core of LCA's mission.

Does the centrality of the equality of life mean that LCA is a religious organization? LCA answers this question on its website:

No, this association was not started by a specific organization, nor was it started by a particular type of organization, and much less does it take promoting religious doctrine as its purpose.

All the members of this association were drawn from each class of people that support the idea of Animal Rights. Thus, regardless of whether you have religious convictions and what type of religious conviction you may have, as long as you agree to care for life according to the Equality of Life, we welcome you to join the ranks of our organization!

不是的，本會不是由特定團體所發起，也不是由某一類團體發起的，更不是以宣傳宗教教義為目的。

本會所有成員，都是由具有「動物權」理念的各階層人士所組成。所以，無論您有沒有宗教信仰，有什麼樣的宗教信仰，只要您認同「眾生平等」的生命關懷，歡迎您加入本會的行列！⁵³

LCA was not formed by a specific organization or a particular type of organization. It was formed by the Hongshi Buddhist Study Group and the Yanping Rotary Club, with some Christians invited to assure its secular and universal character. Yet, even in LCA's

⁵³ The question on the website was "Is this association a religious organization?" Original Chinese: 本會是一個宗教團體嗎？ My translation. Life Conservationist Association (Guanhuai shengming xiehui 關懷生命協會), "Guanhuai Shengming De Si Yu Yan" 關懷生命的思與言, accessed May 10, 2019, <https://www.lca.org.tw/about/we-concern>.

explanation that it is not a religious organization, Equality of Life is at the core, while the explanation also mentions Animal Rights to emphasize the many classes of people involved. This navigation of the intersection of two cosmologies is the controlled equivocation which enables LCA to function in a world of liberal humanism and Christian privilege.

Prior to the formation of LCA, almost all of the legislation related to animals and the environment was modeled on or dictated by international actors. The IUCN in particular provides a forum for scientists and policymakers to negotiate international conventions such as CITES and to provide classification systems for protecting endangered species. The United States and its developed country allies exercise disproportionate influence over the direction of IUNR and conventions such as CITES as they command greater political and scientific authority than developing countries. Taiwan's influence is particularly limited because it does not enjoy recognition as a sovereign state in the United Nations, and thus, is unable to participate directly in IUCN negotiations. However, to present itself as a state and maintain its alliances, it participates informally to the extent possible. Thus, it is no surprise that key animal legislation such as the 1989 Wildlife Conservation Act reflected norms established by IUCN, CITES, and the domestic law of Taiwan's allies. It is also not a surprise, then, that Taiwan law reflected the liberal humanism that European colonialism established as the standard for international law and scientific convention. Two of LCA's earliest

campaigns were to amend the Wildlife Conservation Act to reflect the value of non-human animals as life and to pass the Animal Protection Law.

While LCA was successful in both of these campaigns, this chapter focused on the establishment of LCA itself. To properly contextualize its founding, I included not only its history, but also the greater history of the larger group that founded it. The Protect the Teaching Campaign not only preceded the establishment of LCA, but from a broader perspective, the Protect the Teaching Campaign encompasses LCA. The early Protect the Teaching campaign focused on establishing the legitimacy of Buddhism by resisting systematic suppression. However, the equality of life is also a Buddhist principle. While the early Protect the Teaching campaign can be seen as an effort to establish Buddhism as a legitimate religion deserving equal protection, the establishment of LCA can be seen as an effort to establish principles of a Buddhist cosmology as a legitimate form of secularity. Thus, LCA protected the teachings of Buddhism in the domain of liberal humanism. By this suggestion, I do not intend to suggest that there was any form of duplicity involved. In fact, it parallels the original establishment of the religious-secular binary itself.

When John Locke and his contemporaries established the secular domain apart from the religious domain, they did not in any way intend to deny the cosmology of their religion. In fact the cosmology of Christianity was assumed to be common among all religions and the secular as well, because it was presumed to be the structure of

reality. Without God granting rationality to humans, there could be no human equality, and without God enforcing moral behavior through divine punishment, there could be no virtue. The functioning of the secular domain relied on the same cosmology as religion. Similarly, then, as Buddhists recognized the logic of the religion-secular distinction, they not only wanted to acquire the protections of religious freedom, but also to establish the Buddhist secular. Recent scholarship has termed the Buddhist secular *stealth Buddhism*, which makes Buddhism sound duplicitous and reinforces the oppressive presumptions of the separation of church and state, which isolates teachings deemed religions from the domain of power. I am not aware of any scholarship that applies the corresponding term *stealth Christianity* to describe the Christian secular that underlies the international world order. Instead, Lynn White used the term *post-Christian* to refer to the Christian structural assumptions in the way that secular knowledge is constructed.⁵⁴ This temporal terminology, however, does not lend itself to comparative analysis, but thinking about a *Christian secularity* and *Buddhist secularity* is useful because it allows for comparison at the same time that it challenges the religion-secular distinction that was created by Christian secularity. This distinction between a Christian secular and a Buddhist secular finds its expression in the competing interests

⁵⁴ Lynn White, Jr., "The Historical Roots of Our Ecologic Crisis," *Science* 155, no. 3767 (1967): 1203-07.

of LCA and Catholic organizations to establish a secular compulsory Life Education curriculum in Taiwan, a topic to which I turn in the next chapter.

Chapter 5. Educating Taiwan

5.1 Background

The confluence of the Yanping Rotary Club's financial and political resources and the Buddhist Hongshi Institute's human resources provided a solid foundation that would be enviable to many non-profit organizations, but educating Taiwan about animal protection was not easy in the early years. LCA was a brand new type of organization. The only national animal protection group that preceded LCA was the Animal Protection Association of the Republic of China, which Su Pei-fen called a "governmental" NGO. It received funding from the government, and the government selected its leaders and staff. LCA was the first animal protection organization focused on political lobbying and education.

In the beginning, education was a prominent goal. Effective political lobbying required some baseline of knowledge about animal issues both among politicians and their constituents, so education served two interrelated purposes: (1) developing a baseline of knowledge for the purpose of political lobbying and (2) educating the general public about practicing animal protection in their daily lives. In translating Peter Singer's book *Animal Liberation*, LCA claimed credit for introducing the academic discourse on animal protection to Taiwan. Of course, Buddhism and other local teachings already had their own discourse on animal protection, but *Animal Liberation* took animal protection discourse beyond religion to something that, according to the

liberal rules of a secular-religious divide, could claim universality. Even in the beginning when ignorance of the concept of animal protection was almost universal, achieving universal recognition was a long-term objective, so winning a place in Taiwan's universal curriculum, or compulsory curriculum, was a natural goal. The opportunity arose in 1996 when LCA received information about the introduction of a Life Education curriculum that the government planned to launch the following year. However, the Life Education curriculum that inspired the Ministry of Education's initiative was developed by Catholic organizations with a different definition of life. Although LCA developed a curriculum with a broader concept of life, the Catholic curriculum succeeded in garnering governmental sponsorship and gaining a place in the government's official curriculum.

This chapter introduces the various media and modes of education that LCA developed to educate people in Taiwan about animal protection. Compared to LCA's early years when animal protection was a virtually unknown idea, LCA and the increasingly diverse animal protection movement have made remarkable gains in public knowledge, but as of yet, they still have yet to achieve admittance into the compulsory curriculum. Instead, I show how Catholic organizations and scholars received priority in creating the Ministry of Education's Life Education curriculum, and that LCA, Buddhist organizations, and other organizations remained on the margins of the official curriculum. I argue that the curriculum of Catholic organizations succeeded not only

because of explicit favoritism for Christian organizations in Taiwan's government, but also because their concept of life also fit the international standards on secular education better than Buddhist ones, as Catholic and international liberal cosmologies ultimately have common origins.

5.2 Planting the Seeds for Animal Protection Consciousness

In the beginning, LCA's core team consisted of Chao-hwei, Wu Hung, and Su Pei-fen. Chao-hwei and Wu Hung were Buddhist monastics, so they received a level of respect and understanding even without earning an income. However, Su Pei-fen needed to make a living, and Taiwan's society was not yet accustomed to non-governmental organizations (NGOs). Pei opened a floral shop in 1992, just before LCA was formed. She also volunteered as a counselor for juvenile offenders in her spare time, but after joining LCA, she gradually devoted more and more time to the organization, until she felt she needed to sell her share of the floral shop to her partner. At that time, her mother and father had already passed away, so her older sister was the matriarch of the family. For three months, she did not tell her sister that she sold the floral shop. Her family could not understand why she dedicated so much time to "animal protection." In fact, she told people that she worked in "environmental protection" because people did not have any inkling of what animal protection was. Even then, charitable organizations were new to Taiwan in this period of democratization, so many people did not even

understand what an NGO was. Even Pei's older sister could not understand how Pei could make a living protecting animals.

Education needed to start at the most basic level, defining terms like "animal protection," "animal welfare," and "animal rights" for the public. For the task of educating all of Taiwan on animal protection, LCA's staff was very limited. Pei worked a grueling schedule. She typically worked from 10:00 am in the morning to 4:00-5:00 am the next morning. On an early day, she would go home at 10:00 or 11:00 pm at night. Pei also found that as a woman, few people listened to her. According to Pei, as a male monastic, Wu Hung drew greater respect, and even while Chao-hwei was a woman, she still held the esteem of a monastic. However, a female lay activist like Pei struggled to find a platform for her message in Taiwan. After four years of this strenuous work, she felt "fed up" and "looked down on," as if she was not an individual." After four years, she left Taiwan, and eventually found a place as an international activist. Her story is significant not only because it demonstrates the climate for animal activism in Taiwan, but also because Pei is now playing a role in bringing the equality of life to the Chinese mainland and internationalizing the equality of life more generally.

LCA used a wide variety of methods to educate the public about the issues related to non-human animals. These methods included conferences, training workshops, volunteer training courses, publishing print resources, producing documentaries, translating foreign language animal protection books, publishing and

promoting educational materials in public schools, and promoting campaigns such as the Trap, Neuter, Release (TNR) campaign for stray animals. In its initial year, LCA conducted 28 public lectures on animal rights; launched a newsletter, the forerunner to the current magazine *Animal's Voice of Taiwan* (Taiwan dongwu zhi sheng 台灣動物之聲); and released their first video documentary *Crying Life* (Shengming de nahan 生命的吶喊), which promoted vegetarianism by exposing animal suffering in the production of food. Since the first year, LCA has continued to hold educational events and produce multi-media educational materials.¹

In 1996, LCA released four more documentary films. *The Contemptible Silence* (Beiwei de chenmo 卑微的沉默) documented the various forms of suffering of stray animals, agricultural animals, wild animals, and circus animals. *Free and Unfettered Travels* (Xiaoyao you 逍遙遊) juxtaposed the inhumane treatment of animals with the inhumane conditions of humans in the aftermath of a typhoon in Taiwan. *The Theory of Organizing Things* (Qiwu lun 齊物論) told the story of how stray dogs that a local woman cared for in a make-shift dog shelter under a bridge were deemed garbage as part of a Taipei County demolition project. The documentary showed how LCA and the local

¹ For an overview of LCA's activities, see Wang Yingli 汪盈利, *Dongbao Zulu Guanhuai Ershi Nian 動保足履關懷二十年* [*The Animal Protection Movement's History of the Life Conservationist Association (LCA): 1992-2012*] (Taipei: Guanhuai shengming xiehui 關懷生命協會, 2013), 293-298.

woman subsequently sued the county. *Caretaker of Life* (Yangsheng zhu 養生主) showed how LCA and several local citizens responded to a case where dogs were eating other dogs at an animal shelter.²

More recently, following the 2008 Olympics in Beijing, LCA partnered with WildAid to produce a series of 30-60 second advertisements featuring celebrities. The program started with Olympic athletes and then expanded to include some of Asia's most popular celebrities. The advertisements have featured the celebrity couple Jay Chou (Zhou Jielun 周杰倫) and Hannah Quinlivan (Kun Ling 昆凌), the movie producer Ang Lee (Li An 李安), and the actor Jackie Chan (Chenglong 成龍). The short spots all focus on animals endangered by trade in animal parts such as elephant ivory for ornamentals, shark fin for shark-fin soup, and rhinoceros horn for Chinese medicine. The principle message is conveyed by the slogan "When the buying stops, the killing can too" (meiyou maimai jiu meiyou shahai 沒有買賣 就沒有殺害).³

The books that LCA has published on the philosophy of animal welfare, animal rights, and animal protection are primarily translations of English books on these topics. LCA published Peter Singer's *Animal Liberation* in 1996 and Tom Regan's *Empty Cages* in 2016. In addition to these two books, LCA also published a translation of Michael Allen

² For a description of the documentaries, see Wang, *Dongbao Zulu Guanhuai Ershi Nian*, 302-321.

³ To see the "When the buying stops, the killing can too" series of advertisements, see "Yingyin" 影音, Life Conservationist Association, accessed April 9, 2019, <https://www.lca.org.tw/publish/video>. The English translations of the titles of the documentaries are mine.

Fox's *Deep Vegetarianism* in 2005. The fact that LCA has primarily published translations of English books as comprehensive explanations of animal protection philosophy highlights its strategy to use European traditions to universalize the movement. Chao-hwei provides comprehensive treatments of the Buddhist philosophy of equality of life, but these are published under Hongshi's publishing arm Dharma-Dhatu Publications. Both *Buddhist Meta-Ethics* (2008; Fojiao houshe lunlixue 佛教後設倫理學) and *Buddhist Normative Ethics* (2003, Fojiao guifan lunlixue 佛教規範倫理學) provide treatments of the equality of life and animal protection. While both are published by Dharma-Dhatu Publications, a part of the Hongshi group, Dharma-Dhatu shares an office with LCA. In order to follow liberal rules of separating the religious and the secular, at a corporate level these organizations are separate, but at a practical level, they are nearly inseparable.

LCA publishes original work for the purposes of outreach and training. It reaches the public through its periodical *Animal's Voice of Taiwan*, and in 2013, it published *The Animal Protection Movement's History of the Life Conservationist Association (LCA), 1992-2012* (Dongbao zulu 20 nian 動保足履 20 年) by Wang Ying-li 汪盈利. In the book, Wang provides a comprehensive history of LCA, placing it in the context of Taiwan's political history and the greater animal protection movement. LCA has also produced several training books and DVDs. The book *Let it Live* (Rang ta huo xia qu 讓他活下去) and the DVD *Let the Suffering End with Him* (Rang tongku dao ta weizhi 讓痛苦

苦到牠為止) provide information about the situation of stray animals and explain how to implement TNR programs. A separate *Let it Live* policy book provides data about the effectiveness of the implementation of the zero euthanasia programs at stray animal shelters in different counties and municipalities in Taiwan. LCA also publishes classroom materials for K-12 students, which I will discuss later in the context of compulsory education.⁴

Another major medium of education, as well as scholarly exchange, are direct outreach programs that include lectures, seminars, workshops, and conferences. While these take many forms, I will briefly mention a few of the major ones. One of the major events is the annual meeting of the Campus Animal Protection Network (CAPN; Daxue dongbao shetuan lianxian 大學動保社團連線). CAPN is an alliance of 53 campus animal protection groups. These student groups generally developed organically at their local college campuses, and most are composed of students interested in helping stray dogs on campus. In 2000, LCA began to investigate the status of stray dogs at campuses and to plan opportunities for inter-university exchange and training. In 2004, LCA began to organize an annual conference for these groups, and in 2009, it formed CAPN. LCA now provides administrative support for a committee of students that organize the annual

⁴ For a list of LCA's books and DVDs, see "Shuji/Guangdie 書籍/光碟," Life Conservationist Association (Guanhuai shengming xiehui 關懷生命協會), accessed April 9, 2019, <https://www.lca.org.tw/publish/book>. *Let the Suffering End with Him* is my translation. The other English titles are the published English titles.

conference and related activities. The annual conference is held in the Buddha Hall at Buddhist Hongshi College and includes vegetarian meals with recitations of Buddhist reflections before and after each meal, again demonstrating the close connections between LCA and the Hongshi group. They invite scholars and activists to give presentations and plan other interactive activities such as debates and networking activities. The members of CAPN are also a source of employees for LCA.⁵

LCA is also closely involved with academic exchange on the topic of animal protection. It credits the publication of the Chinese translation of *Animal Liberation* in 1996 with starting an academic discourse on animal protection in Taiwan. In 2014, LCA, the Hongshi Buddhist Cultural and Educational Foundation, and Hsuan Chuang University organized an international conference called “Animal Liberation, Animal Rights, and Equal Ecological Rights: Dialogues Between Eastern and Western Philosophies and Religions.” (Dongwu jiefang, dongwu quan yu shengtai pingquan: dong, xifang zhexue yu zongjiao duihua guoji huiyi 動物解放、動物權與生態平權——東、西方哲學與宗教對話」國際會議). The keynote speakers included Tom Regan, Peter Singer, and Sulak Sivaraksa, the founder of the International Network of Engaged Buddhists. With Chao-hwei representing Buddhist thought along with Sulak Sivaraksa,

⁵ “Guanyu Women Daxue Dongbao Shetuan Lianxian” 【關於我們】大學動保社團連線, Life Conservationist Association, accessed April 9, 2019, <https://www.lca.org.tw/news/node/5423>. The English title of the 2014 conference is the official title. The other two English conference titles are my translation of the Chinese.

this conference put Buddhism in conversation with Anglophone animal protection scholarship. Two years later, Chao-hwei invited Peter Singer again for a second conference called the International Conference on Altruism and Bodhisattva Thought (Litazhuyi yu pusa sixiang guoji xueshu huiyi 「利他主義與菩薩思想」國際學術會議), in which Peter Singer once again gave the keynote address. The conference was held in conjunction with the Fourteenth Cross-strait Conference on the Theory and Practice of Master Yin-shun's Thought (Di shisi jie yinshun daoshi sixiang zhi lilun yu shijian liangan yantaohui 第十四屆「印順導師思想之理論與實踐」兩岸研討會), so the conference once again involved a close dialogue between Asian scholars of Buddhism and international scholars of European philosophical traditions. Singer and Chao-hwei also plan to publish an edited transcript of the three-day dialogue they held before the 2016 conference as a book with both an English- and a Chinese-language version.⁶

Over the years since the publication of the Chinese-language version of Peter Singer's *Animal Liberation*, the academic discourse in Taiwan has expanded considerably. In 2013, Wu Zong-xian 吳宗憲, an associate professor in the College of Management of National University of Tainan (Guoli tainan daxue guanli xueyuan 國立台南大學管理學院), founded a study group called Contemporary Thoughts on Animals (Dongwu

⁶ A complete list of Buddhist Hongshi College's academic conferences with their descriptions can be found at "Lijie Xueshu Huiyi 歷屆學術會議." Foijiao Hongshi Xueyuan 佛教弘誓學院, accessed April 11, 2019, <http://www.hongshi.org.tw/action.aspx>.

dangdai sichao 動物當代思潮). The original intent was to assemble a group of scholars to translate academic works related to animal protection policy. The group, however, diversified and got funding from the Ministry of Science and Technology (Kejibu 科技部), as well as the Yongling Foundation (Yongling jijinhui 永齡基金會) and the National Taiwan University School of Veterinary Medicine (Taiwan daxue shouyi zhuan ye xue yuan 臺灣大學獸醫專業學院). It now holds regular conferences on a variety of policy issues related to animal protection. The group promotes dialogue between activist groups and scholars in a variety of disciplines, including veterinary science, law, conservation biology, and public policy. Forum topics include current issues such as management of stray animals, indigenous hunting, and animal abuse. In the future, the study group aims to establish an academic association on the topic of animal protection, a scholarly journal, and even a think tank. While LCA is not an official sponsor of the study group, it works closely with Wu Zong-xian and frequently presents at its conferences.⁷

⁷ The Contemporary Thoughts on Animals website is <https://thought-of-animal.com/> with an introduction of the study group at "Dongwu Dangdai Sichao Jieshao" 動物當代思潮介紹, Contemporary Thoughts on Animals (Dongwu dangdai sichao 動物當代思潮), accessed April 11, 2019, <https://thought-of-animal.com/index.php/introduce.html>. The title Contemporary Thoughts on Animals is the English title of the study group on their website. My translation of the Chinese would be "Modern Trends in Thinking about Animals."

Compared to when LCA first began to introduce the concepts of animal rights and animal welfare to Taiwan in the early 1990s, awareness of animal protection is now quite high. The abbreviated term for animal protection *dongbao* 動保 is not yet universally known, but many people now understand animal protection as falling under the related category of environmental protection *huanbao* 環保. Additionally, the resurgence of Buddhism has also led Taiwan's people to understand a need to protect animals through the equality of life, a term that is well-known in Taiwan, especially among people familiar with Buddhist teachings. Animal protection practices such as vegetarianism are widely known and accepted. Additionally, there is virtually no organized movement against the animal protection movement, although there are different views of how to protect animals.⁸

LCA also helped build an academic discourse on animal protection in Taiwan. This change in awareness is a result of the use of liberal freedoms, particularly the freedom of speech and the freedom of religion. LCA and other public-interest groups promoting equality of life have embraced these freedoms which are associated with human rights and human equality. With these freedoms, they have advanced their agenda much more effectively than under the previous regime of martial law. However,

⁸ The indigenous people's rights movement, in particular, has clashed with the Buddhist view of equality of life on the issue of hunting.

the forms of voluntary grassroots education that freedom of speech allows are much less universal than compulsory curriculum. The striking feature of LCA's strategy is that it has largely elided the Buddhist roots on which the mission to promote the equality of life was founded. This strategy results in a conundrum in which "controlled equivocation" functions as a quicksand. Chao-hwei and her collaborators promoted the philosophies of the Enlightenment through their secular organizational arm, LCA, while reinforcing the judgment of nineteenth-century European scholars that Buddhism is a religion by separating LCA from the registered religious organizations of the Hongshi group. At the same time, Chao-hwei, LCA, and the Hongshi group have reformulated their discourse to dialogue with the "secular" traditions of Europe as represented by scholars such as Peter Singer and Tom Regan.

5.3 Animal Protection in Compulsory Education

While the human equality of human rights is part of the compulsory curriculum, the equality of life still must seek indirect methods to access school curriculum. In this regard, the separation of "church" and state still privileges the human rights rooted in the Christian doctrine of the European Enlightenment over the Asian teachings that until the introduction of religious organization laws afforded no church separate from the state. Since 1968, compulsory education comprises nine years of education, consisting of six years of elementary school and three years of junior high school. Three years of senior high school is not compulsory, but are still regulated by the state and

nearly universal. The Ministry of Education issues a mandatory curriculum for all twelve years of education, and as this curriculum is administered universally in Taiwan, it forms the foundation of social and political culture. Prior to the restructuring of society after World War II, education was not uniform and universal in the Republic of China, so not all people had access to formal education. The teachings of local temples, monasteries, and informal local schools were much more influential in educating community members. With the advent of compulsory education, the state began to authorize a baseline of education, and thus, the voluntary teachings of local temples and informal schools became secondary to the compulsory curriculum. While Chao-hwei, LCA, and other organizations may have achieved greater public awareness of animal protection through the benefits of a liberal society, the educational outcomes that they have been able to achieve are only supplemental to the state mandated curriculum. As already detailed in the review of religion law in chapter 2, the key area where the law stipulates a separation of religion and the state is in this compulsory curriculum (Article 6, Education Basic Law), but there is a persistent problem in the execution of this law because many Asian teachings offer training and materials that claim to be non-religious. In this regard, Confucianism has achieved some success as the Ministry of Education maintains it as part of the mandatory curriculum, while forms of Buddhism and other Asian teachings seek access to schools through the Life Education curriculum. Similarly, human rights are part of the mandatory curriculum, even though the human

equality on which they are founded is based in Christianity. If the equality of life is to achieve the universality that LCA seeks, it is the compulsory curriculum where it is most likely to achieve its goal.

LCA has created a complete curriculum for public schools called Dongbao Zhagen Jiaoyu 動保扎根教育, Education for Planting the Roots of Animal Protection. In terms of gaining access to public schools, this curriculum, at present takes the same approach as the Buddhist organization Tzu Chi's Still Thoughts curriculum or Falun Gong's curriculum. LCA offers continuing education courses which they list on the Ministry of Education's inSERVICE portal. Teachers interested in animal protection may take the courses and teach their content as part of the Life Education curriculum. Similar to Tzu Chi and Falun Gong, LCA is not registered as a religious organization. However, as already seen in this section, LCA has gone beyond registration as a non-religious organization to erase references to the Buddhist basis of the equality of life. In this regard, it is much closer to how human rights activists have attempted to erase the Christian basis of human equality.

The curriculum is accessible from a website called the Animal Protection Education Platform (Dongbao zhagen jiaoyu pingtai 動保扎根教育平台).⁹ LCA

⁹ Animal Protection Education Platform (Dongbao zhagen jiaoyu pingtai 動保扎根教育平台), accessed April 22, 2019, <http://awep.org.tw/>.

originally developed the Education for Planting the Roots of Animal Protection curriculum in 2007 in a multi-media DVD format, which it distributed for free. In 2016, it reformatted the materials for distribution through the website platform, so the materials are accessible for free download. The platform provides two types of resources, teaching sets and lesson plans. The teaching sets include teacher lesson plans and student handouts that accompany ten-minute cartoons. The lesson plans include such materials as teacher lesson plans, PowerPoint presentations, and student handouts. While the teaching sets are professionally produced, the lesson plans are designed by platform community members. The platform provides a section for teachers to post their lesson plans and holds a competition for the best ones. The platform also provides a forum for teachers to discuss their animal protection activities.

LCA produces and promotes materials on the platform with the support of two committees that provide expert advice and practical experience. The first committee is a consulting committee consisting primarily of professors, veterinarians, and other public officials and researchers. As of April 2019, the committee had fourteen members represented by multiple disciplines ranging from law and public health to ecology and veterinary science. The scholars were divided into eight areas of expertise: companion animals, commercial animals, wild animals, laboratory animals, performance animals, environmental education, law and administration, and disease prevention and quarantine. The second committee is composed of ten elementary school teachers and a

graduate student who focus on the promotion of education. The two committees provide the knowledge and expertise both to produce educational materials and to provide training to teachers through teacher continuing education programs. The committees also collaborate with Taiwan's Environmental Protection Agency's four Environmental Education Regional Centers and related organizations.

The curriculum is divided both by age appropriateness and topic. The platform content is intended to integrate with the nine-year compulsory curriculum, so it is divided into five age levels for first through ninth graders. The curriculum is designed to teach animal rights, animal welfare, and animal protection. These forms of ethics relate directly to human interaction with and human use of animals, so the platform divides the curriculum according to the ways that humans relate to or use animals. The five categories of animals that serve as the five topics are companion animals, wild animals, commercial animals, laboratory animals, and performance animals. While the curriculum is designed to integrate with the compulsory curriculum, it does so more as a correction to the curriculum than a supplement to it. This relationship is evident in how LCA described the necessity for launching the Project for Planting the Roots of Animal Protection:

This year, upon inspecting textbooks, academic specialists found that most of the curriculum related to animals stressed knowledge about animals, while applying an anthropocentric ideology to present a dominator-dominated relationship between humans and animals. [These textbooks] neglected concepts such as animal rights, animal welfare, and animal protection, even including many

illustrations and passages containing inappropriate treatment, while also neglecting care for animals. However, only by building appropriate affect and skills in the learning process can children develop care for animals that extends into animal protection.

The Planting the Roots Project aims to plant the roots of animal protection in classroom education. Therefore, it blends animal protection education into classroom topics by directing research and development toward animal protection lesson plans and course materials that blend into the Nine-Year Integrated Curriculum.

近年，專家學者對教課書的檢視，發現與動物有關的課程，大多著重於動物的知識面向，仍以「人類中心」的意識形態，呈現人與動物間宰制與被宰制的關係，缺乏動物權、動物福利、動物保護等概念，甚至出現很多不當對待的圖片與內容，欠缺對動物的關懷。然而，孩童在學習過程更需要適當的情意與技能的建構，才能發展出對動物的關懷延伸到對動物保護。

扎根計畫期將動保教育扎根於學校教育中，因此，朝向研發融入九年一貫課綱之動物保護教育教案及教材，將動物保護教育融入教學議題。¹⁰

The Nine-Year Integrated Curriculum is the Ministry of Education's official curriculum for compulsory education, so this aspirational statement clearly identifies how LCA aims to correct an anthropocentric bias to the official curriculum. Rather than a purely knowledge-based mode of instruction, LCA's model seeks to integrate three modes of instruction: Action (xingwei 行為), Affect (qingyi 情意), and Cognition (renzhi 認知).

While LCA's goal is to correct an anthropocentric bias in the curriculum and it has produced a curriculum to fulfill its goal, the use of the curriculum is limited because

¹⁰ "Jiaocai Yu Jiaohan" 教材與教案, Dongwu Baohu Zhagen Jihua 動物保護扎根計畫, Life Conservationist Association (Guanhuai shengming xiehui 關懷生命協會), accessed May 1, 2019, <https://www.lca.org.tw/implant/269>. My translation.

the Ministry of Education has not yet recognized its curriculum as part of the Nine-Year Integrated Curriculum. Rather, the use of the curriculum is propagated through voluntary continuing education training and the work of the community of teachers that use and promote the Animal Protection Education Platform. The continuing education programs called Seed Teacher Training Camps (Zhongzi jiaoshi yanxi ying 種籽教師研習營) are two-day training camps held at various locations throughout Taiwan. In 2013, LCA trained 216 teachers in three summer training camps, one camp each in the north, middle, and south of Taiwan. In 2014, it trained 136 teachers at four training camps, adding one camp in the east of the island. In 2015, LCA expanded the number of camps to six, but the number trained was not available at the time I checked the website.¹¹ Thus, the training is incremental, but the training programs have been offered every year since the beginning of the Planting the Roots Project in 2008.

LCA is a public interest group, and although it has the right to lobby the government or the Ministry of Education regarding educational policy, it certainly is not the only public interest group that is interested in gaining access to school classrooms. To truly understand LCA's relationship to the curriculum, and especially the particular ontologies and cosmologies that are represented in the Nine-Year Integrated

¹¹ Annual reports on the results of the training camps can be found at "Zhongzi Jiaoshi" 種籽教師, Dongwu Baohu Jiaoyu Zhagen Jihua 動物保護教育扎根計畫, Life Conservationist Association (Guanhuai shengming xiehui 關懷生命協會), accessed April 30, 2019. <https://www.lca.org.tw/implant/267/list/249>.

Curriculum, it is important to understand more about Life Education, since that is the particular category of curriculum through which LCA and other public interest groups compete to access students.¹²

Life Education is a form of curriculum that started at one Catholic high school in the center of Taiwan. Stella Matutina Girls' High School (Xiaoming nüzhong 曉明女中) in Taichung City is a girls' high school founded by the Catholic Church of the Sacred Heart of Mary. Stella Matutina and the Catholic publisher Kuangchi Press (Guangqi chuban she 光啟出版社)¹³ organized a group of educators to adapt the ethics curriculum of the Hong Kong Catholic priest Rev. Luke Tsui (Xu Jin-yao 徐錦堯) to the needs of Taiwan's schools. Among the working group was Sun Hsiao-chih (Sun Xiao-zhi 孫效智) a Catholic theologian and philosopher who led the development of Life Education in Taiwan. Sun is now a professor of philosophy and the director of the Life Education Center at National Taiwan University. In addition to his Ph.D. training in philosophy at Ludwig-Maximilians-Universität München Universität in

¹² The following description of the development of the Life Education curriculum in Taiwan largely draws from Chen Li-yen 陳立言, "Shengming Jiaoyu Zai Taiwan Zhi Fazhan Gaikuang" 生命教育在台灣之發展概況 [the Development of Life Education in Taiwan], *Zhexue yu wenhua 哲學與文化 [Universitas: Monthly Review of Philosophy and Culture]* 31, no. 9 (2004): 21-46.

¹³ Kuangchi Press changed its name to Kuangchi Cultural Group (Guangqi wenhua shiye 光啟文華實業) in 2001 after it developed a Life Education Workshop in 2000. The new name represented a focus on diversifying the methods in which it spread the teachings of the Church. For more details, see "Guanyu Guangqi Wenhua" 關於光啟文化, Kuangchi Cultural Group (Guangqi wenhua shiye 光啟文華實業), accessed May 2, 2019, http://www.kcg.org.tw/about_kcg.php.

Germany, he also trained in Catholic theology at Fu Jen Catholic University's Faculty of Theology of St. Bellarmine. He has maintained a close relationship with Fu Jen Catholic University, which has played a major role in the development of the Life Education curriculum.¹⁴

In 1997, the Director of the now-defunct Taiwan Province Department of Education (Taiwan sheng jiaoyu ting 台灣省教育廳), Chen Ying-hao 陳英豪 launched an initiative to develop Life Education for secondary schools in Taiwan and officially recognized Stella Matutina as the center of development. Stella Matutina, in turn, established the Center for Life Education Research. Beginning in 1998, Sun along with two other leading Catholic scholars—the education scholar Lucia Lin (Lin Si-ling 林思伶), and the social work scholar Frank Tsen-Yung Wang (Wang Zeng-yong 王增勇)—led a team of teachers to develop the inaugural twelve-unit Life Education curriculum. At this early stage of development, nearly all the teachers and schools that participated in the development of the Life Education curriculum were Catholic. While they tried to maintain impartiality, the content did not include the diverse perspectives of Taiwan's society. Nonetheless, for the early period of Life Education

¹⁴ For a short description of Sun Hsiao-chih's academic background, see "Cong Diannao Gongchengshi Dao Zhexue Jiaoshou" 從電腦工程師到哲學教授, Taiwan Life Education Association (Shetuan faren taiwan shengming jiaoyu xuehui 社團法人台灣生命教育學會), accessed October 15, 2013, https://web.archive.org/web/20131015155142/http://www.tlea.org.tw/print_academic.php?code=b&sn=16.

until around the year 2000, Stella Matutina' twelve-unit curriculum was the primary instruction material for Life Education in Taiwan. A website was set up in 1998 to distribute course materials, but until the Ministry of Education made a firmer commitment to Life Education in 2000 and 2001, only a few Catholic schools provided complete Life Education courses, while other non-Catholic schools provided some Life Education activities.

After the Department of Education endorsed Life Education in 1997, many authors published on the subject. Chen Li-yen found 234 publications on the topic in 2004.¹⁵ However, each author presented different ideas on what Life Education should be. At the same time, the media and the public began to see Life Education as a countermeasure to the suicide epidemic. In 1997, the same year that the Department of Education launched its Life Education initiative, the public was shocked by the large number of suicides that year, and many people called for Life Education as an antidote to the disturbing trend. While students were overwhelmed with the high pressure of preparing for competitive entrance exams, Taiwan's exam-focused curriculum neglected topics such as religion and ethics, failing to provide classroom time or teacher training for these topics. Rather than providing suicide-prevention programs that did not

¹⁵ Chen Li-yen, "Shengming Jiaoyu Zai Taiwan Zhi Fazhan Gaikuang," 24.

address the root of the program, some Life Education scholars believed that “preventive methods included the establishment of a positive and deep view of human life and the formation of relationships of mutual love and support with peers, family, and society.”¹⁶ In the academic community, an opinion emerged that the concept of “life” was too broad, and the scope of Life Education should be narrowed to address human life. Sun, himself, argued that the term *life* should be retained and remain open to interpretation.

By 2001, the suicide rate had increased to seven or eight per day in Taiwan, and the concerns regarding suicide and the pressures that caused it were some of the main factors motivating Taiwan’s Minister of Education Ovid Tzeng (Zeng Zhi-lang 曾志朗) to declare 2001 “Life Education Year” in January 2001. Just a few months earlier, in July of 2000, Tzeng instituted the “Intermediate Range Program of Promoting ‘Life Education’” (2001-2004), which required all schools to offer Life Education. In the following month, the Ministry of Education formed a Life Education Committee to develop the curriculum. Then, in 2003, Sun Hsiao-chih organized a working group of twenty-two scholars to promote the Life Education Teaching Resources Development Project (Shengming jiaoyu jiaoxue ziyuan jiangou jihua 生命教育教學資源建構計畫). In the same year, the Ministry of Education invited the group to assist in revising the senior

¹⁶ Ibid, 27. My translation. Original Chinese: 防患未然的方法包含了正面而深刻人生觀的建立，以及同儕、家庭及社會互愛互助關係的形成。

high school Life Education curriculum outline. Together with Sun's working group, the Ministry of Education designed eight 2-credit-hour elective courses for high school students:

1. Introduction to Life Education (Shengming jiaoyu gailun 生命教育概論)
2. Philosophy and Human Life (Zhexue yu rensheng 哲學與人生)
3. Religion and Human Life (Zongjiao yu rensheng 宗教與人生)
4. Caring for Life and Death (Shengsi guanhuai 生死關懷)
5. Ethical Thinking and Decision-making (Daode sikao yu jueze 道德思考與抉擇)
6. Ethics of Sex and Marriage (Xing'ai yu hunyin lunli 性愛與婚姻倫理)
7. Ethics of Life, Science, and Technology (Shengming yu keji lunli 生命與科技倫理)
8. Human Character and Spiritual Development (Renge yu lingxing fazhan 人格與靈性發展)

Thus, Life Education proponents achieved the goal of creating an official curriculum.

However, while Sun had previously defended the need to leave the definition of the word *life* open to the interpretation of different teachings and the students' own personal reflection, the actual course topics focused on human life.

Sun's new committee certainly better represented non-Catholic interests than previous committees. When the Ministry of Education commissioned Fu Jen Catholic University to design a Life Education curriculum in 2001, the Buddhist community strongly pushed back against the curriculum for disparaging Buddhism. For example, the curriculum illustrated superstition with an example of Buddhists who ate the ash of incense and used words for Buddhist monks and nuns that Buddhists considered

demeaning.¹⁷ Sun's Life Education Teaching Resources Development Project represented a wide range of disciplines including nursing, psychology, religion, and philosophy. It also represented a wider array of universities, but it still over-represented Catholics and other Christians: four members from Fu Jen Catholic University, a fifth member from another Catholic university, and a sixth from a Presbyterian university. On the other hand, one member was a monk from the Buddhist school Nanhua University, and another member was from a school that promoted Chinese culture, while the rest were primarily from public universities.¹⁸ Of course, since Christians were allowed to establish universities in the martial law period while Buddhist and Daoist organizations were not, there were many more Christian universities from which to draw at the time. However, the Fu Jen representatives were particularly invested in theology and evangelism. In addition to scholars that directed the early Catholic-led development of Life Education curriculum, such as Sun Hsiao-chih and Lucia Lin, the working group also included the President of Fu Jen Catholic University, Bernard Li (Li Jian-qiu 黎建

¹⁷ See Chen and Huang, 'Woguo Guomin Jiaoyu Jieduan 'Zongjiao Yu Xuexiao Jiaoyu Fenji' Xiankuang De Pingxi,' 51.

¹⁸ The other Catholic school was Providence University (Jingyi daxue 靜宜大學). The Presbyterian University was Alethia University (Zhenli daxue 真理大學). The Buddhist university was Nanhua University (Nanhua daxue 南華大學). The Chinese cultural university was Chinese Cultural University (Zhongguo wenhua daxue 中國文化大學). Twelve members were from public universities, anone member was also from Chang Gung University (Changgeng daxue 長庚大學), a private school founded by an industrialist, and another from Kao Yuan University, 高苑科技大學, a private technical school.

球), a professor of philosophy. In 2004, the year following the establishment of Sun's project group, Li launched the Fu Jen School (Fu Jen 輔仁學派). The Fu Jen School is a group of thinkers and a philosophical system that seeks to adapt traditional Catholic teachings to Chinese culture in order to promote mainstream Catholic theology in East Asia. The Fu Jen School integrates this system into a comprehensive mode of teaching for the mind, body, and soul, with an emphasis on human dignity, justice, and peace.¹⁹ As discussed in Chapter 1, the dignity of the human person was the concept that the Vatican produced in 1938 to form the intellectual basis for the Catholic endorsement of human rights. This particular emphasis on human dignity and the integration of mind, body, and soul mirrors the trajectory of development of Life Education in Taiwan.

In 2004, the leaders of the Life Education Teaching Resources Development Project, convener Sun Hsiao-chih and executive secretary Chen Li-yen (Chen Li-yan 陳立言), then formed the Taiwan Life Education Association (Taiwan shengming jiaoyu xuehui 社團法人台灣生命教育學會).²⁰ While the association was formed to be an academic association, the two founders were both devout Catholics, and all the

¹⁹ For a description of the mission of the Fu Jen School, see Zheng Wei-liang 鄭維亮, "Chutan Furen Xuepai Shiming: Cong Jidu Zongjiao Zhongji Licheng Qieru" 初探輔仁學派使命：從基督宗教終極歷程切入, *Furen zongjiao yanjiu* 輔仁宗教研究, no. 21 (2010): 129-55. Information about the Fu Jen School is also available at the website: Furen daxue 輔仁大學, "Fujen Xuepai" 輔仁學派, accessed May 3, 2019, <http://www.rdo.fju.edu.tw/sect/index.html>.

²⁰ Taiwan Life Education Association (Shetuan faren taiwan shengming jiaoyu xuehui 社團法人台灣生命教育學會), accessed May 4, 2019, <http://www.tlea.org.tw/>.

permanent members of the Board of Directors represent Catholic universities.²¹ As the 2003 working group had already developed the official elective curriculum, the early goal of the group was to develop teacher training programs, for which Sun's group at National Taiwan University collaborated with Fu Jen Catholic University. Many other public-interest groups focused on advocating for Life Education. Chen Li-yen listed fifteen of the most active including Taiwan Life Education Association in his 2004 article about the development of Life Education in Taiwan.²² These groups included Buddhist, Catholic, and Presbyterian groups. For example, the Tzu Chi organizations that promoted the *Still Thoughts* curriculum discussed in chapter 2 were among them, as was LCA. While many of these groups, including Tzu Chi and LCA, produced their own Life Education materials, Chen considered these course materials partial and unsystematic. As these other groups did not get the official recognition that Sun's project group did, they were left to convince individual teachers to use their materials through continuing education programs or other methods.

²¹ The permanent members of the board of directors are Chou Shieu-ming (Zhou Shou-min 周守民), president of Wenzao Ursuline University of Languages (Wenzao waiyu daxue 文藻外語大學 校長); Chen Li-yen, executive vice president of Wenzao Ursuline University of Languages; and Xie Chang-ren 謝昌任, Director of the Life Education Center at Chung-Jen College of Nursing, Health Sciences and Management (Chongren yihu guanli zhuanke xuexiao 崇仁醫護管理專科學校). Sun Hsiao-chih is likely a permanent member of the board as well, but since he was listed as Director-General, he was not listed as a permanent board member. See "Lijianshi Mingdan" 理監事名單, Taiwan Life Education Association (Shetuan faren taiwan shengming jiaoyu xuehui 社團法人台灣 生命教育學會), accessed May 4, 2019, http://www.tlea.org.tw/index.php/about/about_supervisors.

²² See Chen, "Shengming Jiaoyu Zai Taiwan Zhi Fazhan Gaikuang," 40-41.

Relative to the official curriculum, LCA's curriculum offered a more expansive interpretation of life. In 1996, LCA was aware that the Department of Education would be starting to liberalize education policy and introduce the Life Education curriculum in the following year. They also were aware that Taiwan's compulsory curriculum did not value the protection of non-human animals. The Department of Education's plans for the Life Education curriculum did not address non-human animal issues such as Taiwan's stray animal problem. Thus, LCA began to prepare supplemental materials for the Life Education curriculum prior to its preliminary roll-out in 1997. In 1996, they assembled a team of education scholars, veterinarians, animal scholars, animal activists, and elementary school teachers to design supplementary course materials. The team created two teachers' manuals designed to integrate with the recently revised elementary school course materials: *Loving and Protecting Animals—Caring for Stray Dogs* 《愛護動物——關懷流浪狗》 (1996) and *Where did Xiao-bai and A-hua Go? Teacher's Manual for Caring for Stray Animals* 《小白、阿花何處去——關懷流浪動物教師手冊》 (1997). The books did not only address the stray animal issue, but more fundamentally taught appropriate human-pet interactions based on human and non-human animal behavior and psychology.²³ While the Stella Matutina Catholic group's early efforts

²³ For a discussion of the introduction of LCA's Life Education materials to the compulsory nine-year curriculum, see Wang, *Dongbao Zulu Guanhuai Ershi Nian*, 329-332.

focused on creating Life Education courses for secondary schools, LCAs early efforts supplemented the elementary school curriculum. The Nine-Year Integrated Curriculum was announced in 1999, and implemented in 2001, and it included a variety of Life Education topics for the elementary to junior high school age group. However, while Stella Matutina's Catholic curriculum initiatives received official support and funding from the Department of Education, LCA's curriculum was not officially included in the Nine-Year Integrated Curriculum.

Beginning in 2007, the Project for Planting the Roots of Animal Protection Education expanded on the early course materials to make a more comprehensive education platform for non-human life. The multi-media DVDs published in 2007, the annual training camps launched across Taiwan in 2008, and the website platform that expanded accessibility and interactivity in 2016 all built on the foundations of the earlier curriculum. With this infrastructure in place, LCA still needed to reach teachers individually and compete with other organizations for Life Education classroom time. The primary obstacle to reaching a greater proportion of Taiwan's population still was the exclusion from the compulsory curriculum.

On August 27-28, 2016, the Contemporary Thoughts on Animals Study Group, with LCA's sponsorship, held a two-day conference called Possibilities for Multiple

Policies for the Source Management of Stray Animals.²⁴ On the second day of the conference, Lin I-shan (Lin Yi-shan 林憶珊) gave a talk called “The Unseen Source: The Starting Point and Objective for Animal Protection Education.”²⁵ I-shan worked at LCA for six years before co-founding her own organization, the Taiwan Animal Equality Association (TAEA; Taiwan dongwu pingquan cujin hui 台灣動物平權促進會), in 2013. At LCA, I-shan focused on government lobbying, but at TAEA, she changed her focus to educational outreach. In her talk at the conference, she called for a concerted effort among the animal protection community to lobby the government to put animal protection in the compulsory curriculum.

In 2016, two disturbing events shocked the animal protection community in Taiwan. In the first, Chien Chih-cheng, (Jian Zhi-cheng 簡稚澄) a veterinarian at an animal shelter in Taoyuan committed suicide. Chien, who received the highest score on her civil service exam, chose to help animals by working at the shelter, but because of insufficient resources to house shelter dogs, she had to euthanize 700 dogs in a two-year period. On May 5, 2016, she euthanized herself with the same drugs she used to euthanize dogs to bring attention to the stray animal problem. She explained her actions in a letter: "I hope my departure will let all of you know stray animals are also life. I

²⁴ My translation. Original Chinese: 流浪犬源頭管理多元政策之可能.

²⁵ My translation. Original Chinese: 看不見的源頭-動保教育之起點與目標.

hope the government knows the importance of controlling the source [of the problem]... Please value life."²⁶

In the second case, Chan Ho-yeung (Chen Hao-yang 陳皓揚), a National Taiwan University student from Macau, killed two cats, Big Orange (Dajuzi 大橘子) and Banban 斑斑. He was expelled from National Taiwan University where he had already completed the requirements for a degree in chemistry. He was also suspected of killing three cats in Macau during the Chinese New Year celebration. Chan confessed in court, "I have a psychological problem and I could not control the compulsion to kill a cat. So when I saw Big Orange passing by, I could not restrain myself from committing the crime."²⁷ Banban was the cat at About Animals, a vegetarian restaurant started by animal protectionists, so Banban was particularly well-known by the animal protection community. Chan beat the cat and threw it in the river.²⁸

In her talk, I-shan quoted a teacher who said, "Seeing abuse cases such as Big Orange's, I think that our Life Education has failed."²⁹ I-shan declared, "We have not

²⁶ Cindy Sui, "The Vet Who 'Euthanised' Herself in Taiwan," BBC, February 2, 2017.

²⁷ Jason Pan, "Former NTU Student Charged with Killing Second Cat in Taipei," Taipei Times, September 3, 2016.

²⁸ Sun Hsin Hsuan, "NTU Student Kills Second Cat since Jan," The China Post, August 12, 2016.

²⁹ Lin I-shan 林憶珊, Chen Yi-ling 陳奕伶, and Zuo Du-shou 佐渡守, "Jiaoyu, Shi Guanli Liulang Dongwu Shi Kanbujian De Yuantou" 教育，是管理流浪動物時看不見的源頭, *Duli pinglun @ tianxia* 獨立評論@天下, November 15, 2016. My translation. Original Chinese: 看到大橘子這類虐殺案件，就覺得我們的生命教育很失敗。

pushed for Animal Equality Education in the schools. Of course, we have failed!"³⁰ I-shan described how Life Education included Seven Major Topics: information education, environmental education, gender equality education, human rights education, career development education, home economics education, and ocean education.³¹ The Nine-Year Integrated Curriculum designates these topics as themes that should suffuse the entire curriculum. She proposed, "We can use the next ten years to try and see if it is possible to incorporate animal equality education into the system and integrate it with teacher education and student learning, so that it is not only the teachers that care about animals who teach it."³²

In her talk, I-shan gave several examples of how animal equality education can be integrated into the curriculum:

Currently, the environmental education in schools is commonly directed by the Academic Affairs Office. Life Education is directed by the Counseling Unit. What is Life Education? Suicide prevention, depression, fire drills, senior care, etc. Most involves the topic of human interaction. Only rarely is there animal protection education because teachers lack experience with it, unless teachers that especially care about animal protection are willing to integrate it into their teaching. In terms of TAEA, we are more frequently invited by the teachers in the Counseling Unit who also care about animals, so the schools themselves need active courting.

³⁰ Ibid. My translation. Original Chinese: 我們沒有在學校推動動物平權教育，當然會失敗啊

³¹ See Jiaoyubu 教育部 [Ministry of Education], "Guomin Zhong Xiaoxue Jiunian Yiguan Kecheng Gangyao" Zonggang 國民中小學九年一貫課程綱要總綱 [National Middle and Elementary School Nine-Year Integrated Curriculum Outline Master Outline], (2008), 13.

³² Ibid. My translation. Original Chinese: 我們試試用10年時間看有沒有可能把動物平權教育納入體制，融入師生的教育學習上，而不是只有關心動物的老師才教。

What is the content of animal protection education in the schools? It is not just everyone always shouting about the equal rights of animals and animal welfare. Educators also need proper knowledge. For example, a junior high school textbook has a chapter in which the students use a microscope to observe the flow of red blood cells in the caudal fin of a fish. The fish, consequently, almost always dies. One teacher, Shan Meng-xian, possesses an exceptional animal protection consciousness and uses a video to substitute for the experiment with the live specimen.

目前校園裡的環境教育普遍由學務處負責，生命教育由輔導室負責，生命教育教什麼？自殺防治、憂鬱症、消防演習、老人關懷等等，多半是人際互動方面，幾乎少有動物保護教育，因為老師缺乏這部分經驗，除非特別關心動保的老師才願意融入教學。以動平會來說，我們比較常被輔導室關心動保的老師邀請，所以學校這個區塊需要積極爭取。

校園裡的動物保護教育內容是什麼？並非大家一直喊動物平權、動物福利就可以，教育者也需要有正確的知識。舉例來說，國中教科書有一章，要學生用顯微鏡觀察魚尾鰭紅血球的流動，魚因此常常會死掉，有一位山夢嫻老師非常具動保意識，就用影片取代活體實驗。

What is remarkable about both the division of labor between environmental education and Life Education and the example of the study of the blood flow of fish is how both reflect so intimately the nature-human-supernature or creation-human-God cosmology. First, in terms of the fish study, the resemblance to Nicolas Fontaine's 17th century description of how the followers of Descartes conducted experiments (already quoted in greater length in chapter 3) is quite striking: "They nailed poor animals up on boards by their four paws to vivisect them and see the circulation of the blood which was a great subject of conversation." Through this type of activity, the cosmology is not merely

taught conceptually, but the human domination of nature is performed through scientific inquiry.

The cosmology is further reflected in the division of environmental education and Life Education. Environmental education is merely an academic affair that can be assigned to the Academic Affairs Office, but Life Education, which addresses the affective and ethical component of human life and human relationships, is addressed in the Counseling Unit. All students must study non-human life from the mechanistic perspective of Descartes, but only when a teacher in the Counseling Unit has a particular interest in relationships with non-human animals are non-human animals studied along with humans from the perspective of affect and ethics. As I-shan continued:

Thus, proper knowledge is very important. It's not that the curriculum simply mentions animals and that's called animal protection education. For example, taking students to the ecological farm to touch and feed animals and watch them perform is a very negative example of education. What is important is not knowledge, but rather the proper attitude and system of values regarding animals. Animal protection is a very affective form of education, using empathy to feel the predicaments in which animals find themselves. Interactive experience most easily produces this effect, so it is best if schools can raise a school dog, but this activity needs many conditions to align for it to come to fruition. In particular, a responsible and involved teacher is necessary.

所以正確知識很重要，並不是課程提到動物就叫動保教育。例如帶學生去生態農場觸摸餵食動物、看動物表演，就是非常負面的教學案例。重要的不是知識，而是對動物正確的態度與價值觀。動保是非常情意性的教育，用同理心感受動物的處境，互動經驗最容易引發這個效果，所以學校最好可以養校犬，可是這件事需要很多條件的組成才能夠促成，尤其必須有負責關心的老師才行。

Just like Chao-hwei, I-shan proposed that animals be taken out of the mechanistic category of the environment, and be brought into the affective and ethical category of life. She proposed using school dogs for that purpose. These dogs are companion animals that are cared for collectively by the students and teachers to serve the purpose of teaching children how to relate to non-human animals. Some schools or classrooms in Taiwan already have school dogs, but I-shan also warned that the affective and ethical ways of relating that the students learn should not be limited to companion animals:

Additionally, animal protection education must tear down the framework involving only dogs and cats, and show concern for each type of animal. Human society touches so many faces of animals, but at present, they seem to all focus on companion animals. That's because Taiwan's stray animal problem is really too serious, so when we go to schools, we are sure to advocate from the perspective of equal rights for animals. When the students apply the concept of equal rights to think, even if we make companion animals the main topic, regardless of whether animals are laboratory animals, animals on the dinner table, or wild animals, they all evoke the concern of students. This is the main point behind TAEA's efforts.

另外，動保教育必須要打破只有犬貓的框架，各種動物都要關心。人類社會接觸這麼多動物的面向，可是目前好像都集中在同伴動物上，那是因為台灣的流浪動物問題實在太嚴重了，所以我們去學校一定會用動物平權的角度來宣導，當學生會用平權的觀念去思考時，就算我們以同伴動物為主題，不管實驗動物、餐桌上的動物、野生動物，還是能引發學生的關心，這也是動平會致力的重點。

In her conclusion, I-shan offers the story of Yeh Yung-chih (Ye Yong-zhi 葉永誌). Yeh was a boy that was considered effeminate by his peers. Bullies frequently pulled off his pants in the restroom at school, but despite the fact that Yeh reported the bullying on multiple occasions, the school administration failed to take action to protect him. On

April 20, 2000, at the age of 15, he went to the restroom before the end of class and only moments later was found dead in a pool of blood. Although he showed trauma to the head, forensics analysis concluded that the trauma resulted from falling after having a heart attack. The analysis, however, was disputed, and the controversial case remains the subject of books and documentaries. In 2006, the school administrators were found guilty of criminal negligence for not appropriately taking action to protect Yeh. By creating a greater awareness around the prejudice against non-binary gender types, the case shaped the Gender Equity Education Act (Xingbie pingdeng jiaoyu fa 性別平等教育法), which passed in 2004. Now gender equality education is one of the Seven Major Topics that are integrated in the Nine-Year Integrated Curriculum, and the Gender Equity Education Committees have the authority to review the entire curriculum to assure its compliance with standards of gender equity.³³

I-shan called for the animal protection community to make the suicide of the veterinarian Chien Chih-cheng and the serial killing of Big Orange and Banban into the watershed moment that the case of Yeh Yung-chih was for the gender equality movement. Her vision for animal protection was to achieve what gender equality had achieved, not only to become one of the major topics integrated into the curriculum, but

³³ For a description of the case of Yeh Yung-chih, see Eddy Chang, "Taipei Watcher: Gone but Not Forgotten," *Taipei Times*, January 31, 2016.

also for the animal protection community to have a committee with the authority to assure that the entire curriculum complied with standards of equal rights for animals. Following her talk, her message was broadly distributed through various media portals, including LCA's website.

5.4 Conclusion

The case of gender equality as a point of reference is particularly poignant, because it is, like human equality and the equality of life, another form of equality. It is a form of equality that can be entirely subsumed within human equality, but which also pushes the boundaries of the intentions of Enlightenment philosophers and American statesman. In the English version of LCA's mission was the italicized statement "*all living creatures are created equal,*" a riff on Jefferson's statement "all men are created equal." In fact, Jefferson's original statement did not only leave out non-human animals, but also all non-male humans. The issue of non-binary gender equality raised by the case of Yeh still reverberates in Taiwan today. Christian activists have led the opposition to same-sex marriage. The issue splits the Christian community, as many liberal Christians support same-sex marriage. If the statement "all men are created equal" can expand to "all humans are created equal," perhaps the gender equality movement also provides a blueprint for LCA and the animal protection movement to move toward the realization of the statement "all living creatures are created equal." However, just like in the case of gender equality, this movement involves overcoming the entrenched

interests of Christian liberalism, as represented by the Christian interests that designed the Life Education curriculum.

In some ways, the strategy that LCA used to form a secular organization are similar to the strategy that Sun Hsiao-chih used to form the Taiwan Life Education Association. However, his concerns about secularization were much more limited. The early Life Education curriculum was overtly Catholic, and centered at the Catholic secondary school Stella Matutina. Even then, the Catholic curriculum was sponsored and promoted by the government beginning in 1997. The government also commissioned Fu Jen Catholic University to craft a Life Education curriculum, even though, when it was released in 2001, it offended the Buddhist community and labeled some folk practices as superstitious. By 2003, Sun diversified the team that the government used to create the official secondary school Life Education curriculum, but the structure was still heavily Catholic. While Catholics represented approximately 1-2% of the population in Taiwan, nearly all the religion specialists designing the curriculum were Catholic. Of the five religion specialists, four were Catholic theologians and one was a Buddhist monk. Even many of the scholars of topics other than religion were Catholic including two that became high-level administrators at Catholic schools (Chen Li-yen and Lucia Lin). As the curriculum team evolved into the Taiwan Life Education Association, all permanent members of the board were Catholic. In contrast, LCA

included three Christian scholars on its board from its inception, including at least one who was a permanent member.

The selection of members other than religion specialists, however, likely had the decisive impact on the curriculum. While Sun argued to keep the definition of “life” open for students to define, he appears to have meant to keep it open merely as an intellectual exercise. As he organized the Life Education Teaching Resources Development Project group, he did not include any specialist of non-human life. His group included four nursing scholars and one medical scholar but no veterinarians. There were scholars on human development and psychology but no specialists on non-human animal development or animal behavior. In contrast, LCA’s Animal Education Platform Consultation Committee consisted primarily of scholars of non-human animals, biology, and environmental studies, ranging from veterinarians to agriculture specialists. For LCA, this focus on non-human animals does not suggest that LCA is not interested in the human issues that Life Education addresses, but merely that it sees its curriculum as a corrective to an official curriculum that neglects non-human life in favor of human life.

From the beginning of the Life Education project in Taiwan, Catholic interests were privileged, and we can draw multiple reasons for this bias. First, because Taiwan restricted non-Christians from opening schools during the martial law period, Catholics had an academic infrastructure that a start-up organization tied to Buddhism could not

match. Catholic scholars had several established universities that could lead the development of the curriculum, most notably Fu Jen Catholic University. Secondly, in 1997, when the Department of Education first endorsed the Life Education project, the president was the Presbyterian Lee Teng-hui. Not only was he Christian himself, but even though he was Taiwan's first elected president, he also was a member of the Nationalist Party and a former vice president during the period of martial law. His administration's preference for Christianity can be seen as a continuation of martial law period policies. Thirdly, the Catholic interests in Life Education more closely matched the Christian-defined norms for secularity. The focus on human interests was enshrined in the Republic of China's constitution and reflected in international norms for liberal democracy.

By thinking about the Christian secular, we can understand why Christianity receives so many privileges in the liberal humanist or liberal democratic system. The Republic of China's constitution enumerates the rights of the people in "Chapter II: The Rights of Duty of the People." Human equality is established in Article 7: "All citizens of the Republic of China, irrespective of sex, religion, race, class, or party affiliation, shall be equal before the law." Human rights are also one of the Seven Major Topics in the Nine-Year Integrated Curriculum. Thus, human equality is guaranteed by the highest law, and taught to all citizens as a compulsory topic. On the other hand, the constitution neglects to bestow any rights to non-humans. As the drafting of the constitution

precedes the environmental movement, the constitution is nearly silent on the environment with only some limited language regarding human use of resources such as land and water. However, environmental education is one of the Seven Major Topics in the Nine-Year Integrated Curriculum. Thus, both the constitution and the compulsory curriculum elevate human exceptionalism through human rights. Additionally, as I-shan illustrated, the compulsory curriculum neglects the affective and moral component of education regarding relationships with non-human animals. Instead, they are treated as part of bare nature. Thus, it is clear that when Catholics designed a Life Education curriculum that implicitly defined life as human life, it perfectly conformed with the liberal cosmology already taught in the curriculum. Because the Catholics were operating in a Christian secular democracy and Christian secular educational system, a Catholic cosmology based on the dignity of the human person could function nearly unaltered in the school curriculum.

On the other hand, a Buddhist secularity based on the equality of life lacks the support of the political system as set forth in the constitution and the compulsory curriculum. Recognizing the elements of a Christian secularity in the political system, it is not surprising then that LCA would feel the need to recruit Christian members to its board of directors to demonstrate that it was a secular organization. Furthermore, it also explains why they would use the work of scholars such as Peter Singer and Tom Regan to promote their work. These scholars had already been recognized as secular scholars

in their respective Christian secular countries. Their radical messages that sought to deconstruct and reconfigure the Christian cosmology also came from inside the cultural system that adhered to that cosmology. The irony that this reality produced was that the prototypical religion that created the nature-supernature distinction and recognized a divine being could more easily circumvent the requirement for religious neutrality in Article 6 of the Education Basic Law than local teachings such as Buddhism and Daoism. Catholic curriculum could look more secular, because it was not contrary to the established Christian secular curriculum nor the human rights of the Christian secular constitution. The Buddhist secular curriculum that LCA advocated would require more comprehensive changes to the curriculum, and therefore looked more foreign to the Christian secular educational system. Even though Buddhism—lacking a supernatural Creator deity—does not properly conform to the prototype of religion, it was more disadvantaged in influencing the curriculum, even after LCA made efforts to produce a universal secular message through alliances with Christians and secular philosophers in the European tradition. Erasing LCA's Buddhist identity was not sufficient.

This case is an example of how the Christian liberal value of separation of church and state serves to reinforce Christian normativity. The Life Education curriculum, the human rights curriculum, the environmental curriculum, and the natural science curriculum all reinforce the Christian liberal cosmology. The primary Asian teaching that has been successful in establishing itself as a secular teaching in the compulsory

education is Confucianism, but the future status of the Confucian content in the compulsory curriculum is uncertain. In September of 2010, the Ministry of Education announced that Confucianism (as represented by the *Basic Teaching Materials in Chinese Culture*) would no longer be a required course, but in response to backlash, in February 2011, the Ministry of Education announced that one unit per semester would be required in senior high-school. Following the announcement, members of the curriculum outline revision committee resigned in protest. Some members of the public wanted more ethics content in the curriculum due to problems such as bullying, gangs, and drugs, but committee members were frustrated with the inconsistency of the Ministry of Education's decisions.³⁴ The Confucian curriculum encompasses the basis of traditional ethical education in Taiwan, but the Life Education curriculum presents a Christian designed alternative that has gained a foot-hold in the system while the future of Confucian curriculum remains controversial. Since the constitution, international norms, and the greater curriculum support liberal humanism, it is difficult to predict to what extent traditional Chinese teachings will be able to maintain their role in the curriculum. LCA is working within Christian secularity to present an alternative, both in the educational system and the legal system. Even the idea of a Buddhist secularity already

³⁴ For more information about the changes in the course requirement for *Basic Teaching Materials in Chinese Culture*, see Lin Zhi-cheng 林志成, "Sishu Lie Gaozhong Bixuan Kegang Weiyuan Quzhi Kangyi" 四書列高中必選課綱委員去職抗議, *Zhongshi dianzi bao* 中時電子報 [China Times], February 8, 2011.

places Buddhism within the Christian liberal division between the secular and the religious. As LCA and Taiwan navigate these questions, perhaps they will construct an alternative that does not require, or ignores, the religious-secular binary, but they would need to overcome the powerful forces invested in maintaining the Christian liberal humanism.

Part Three

Chapter 6. The Tayal Nation and Ontology of the Animal

6.1 Background

On April 18, 2019, a short animated film called *The Rainbow's Judgment* was posted on YouTube.¹ The animated film follows a young Tayal boy named Tayaw and his family from the city of Taipei to his father's childhood hamlet in the mountains. Upon arriving, Tayaw's grandma explains the law of the Tayal, "Gaga." The legendary leader of the Tayal, Buta, not only was a great hunter that could fight a bear with his bare hands, but he was also a diligent observer of Gaga, who helped others resolve disputes. When he died, he transformed into a rainbow that served as a bridge to the land of ancestral spirits. Only men who followed Gaga and proved themselves as brave hunters and women who followed Gaga and proved themselves as diligent weavers could pass Buta's judgment and cross the rainbow bridge at the time of death. Tayaw listens to his grandmother's stories and is amazed.

On a starry night, Tayaw wearing a t-shirt and baseball cap calls to his mother from outside a concrete house in the hamlet and tells her that he is going to visit Yumin. His mother reminds him to take a flashlight, but he doesn't listen to her and heads out without one. On the way to Yumin's, he steps on a snake and gets bit on the leg. After

¹ Dafeng shuwei chuanbo youxian gongsi 大風數位傳播有限公司, *Caihongqiao De Shen Pan (Guoyu Ban)* 彩虹橋的審判(國語版) [*Gaga' Na Hongu' Utux*] (Youtube, April 18, 2019), <https://www.youtube.com/watch?v=NuvCUGZvoDI>.

passing out, he wakes up in a sunny grass field with bamboo thatched-roof houses. As Tayaw regains consciousness, a young girl wearing a red bandanna and striped Tayal traditional garb asks him who he is. Just at that moment, Rimuy's grandfather calls her, and she says, "My grandfather Buta caught a wild boar. Do you want to come and see it?"² She grabs the still-dazed Tayaw, and takes him to her grandfather.

Buta welcomes Tayaw to the hamlet. As Rimuy and Tayaw look on, Buta holds his machete in his left hand and strokes the head of a deceased boar with his right hand. He tells the boar, "We thank you for your sacrifice to nourish us. Thank you."³

Tayaw asks why Buta thanks the boar, and Buta explains, "We and all lives alike are equal. In order to live, we pray to God to give us game. Today, this boar sacrificed his life and became our food, nourishing us. Of course, we need to thank him. Come, you and Rimuy take this meat and give it to Grandma Ciwas and Mama Yukan?"⁴

At the astonishment of Rimuy, Tayaw questions why they need to share. Buta responds with a chuckle, "'Hunt together, share together' is the Gaga of us Tayal. As Grandma Ciwas has gotten old, we need to take care of her together. We are all one

² My translation. Original Chinese: 我阿公 Buta 獵到一隻山豬。你要不要 過來一起看？

³ My translation. Original Chinese: 我們感謝你的犧牲餵養我們。感謝你啊。

⁴ My translation. Original Chinese: 我們和所有的生命都是一樣是平等的。為了要活下去，我們祈求上天給我們獵物。今天這頭豬啊，犧牲了他的生命成為我們的食物餵養我們。我們當然要謝謝他啊，來．．．你和 Rimuy 帶著這些肉去送給 yaki Ciwas 和 mama Yukan。

family.”⁵ As Tayaw expresses his appreciation of Gaga, Buta continues, “Of course! As long as everyone respects Gaga, the world is glorious. Quickly go back... Your mom is worried about you.”⁶

A confused Tayaw wakes up in a hospital bed with a swollen leg. His worried mother explains that he’s been bitten by a snake, and he’s been in a coma for a whole day. As his mom rushes to get the doctor, thunder rumbles and outside the window a rainbow forms. Looking out at the rainbow, Tayaw vows to Buta to uphold Gaga.

The film uses a simple modern day plot to teach the lessons of Gaga to young people. It draws from an earlier picture book by Rimuy Aki, which told several key Tayal stories but without the fictional modern plot of Tayaw.⁷ In addition to embedding the stories of Gaga in a story of a modern family, the film also adds to the interpretation of the Tayal stories. The picture book never mentions the equality of life, but in the film, Buta says, “We and all lives alike are equal.” The relationship between Tayal and the equality of life involves much more than this animated film. The hunting culture of the indigenous people and the Buddhist-inspired animal protection movement have been at odds since near the time of the founding of LCA. According to Chao-hwei’s

⁵ My translation. Original Chinese: 一起打獵一起分享是我們泰雅族的 gaga 啊。像 yaki Civas 老了，我們就要一起照顧他啊。我們都是一家人。

⁶ My translation. Original Chinese: 當然啊，只要大家都遵守 gaga，世界就很美好啊。你要趕快回去喔．．．你媽媽會擔心你了

⁷ Rimuy Aki 里基伊·阿紀, *Caihongqiao De Shenpan* 彩虹橋的審判 [The Rainbow's Judgment], trans. Robin J. Winkler (Taipei: Xin ziran zhuyi 新自然主義, 2016).

interpretation of the equality of life, the Buddhist prohibition against killing is paramount, and since its founding, LCA has aimed to limit hunting as much as possible. In chapter 7, I will examine how the Buddhism-inspired version of equality of life directly collides with the ecology of the Tayal people, but in order to understand how two different ontologies of the animal interact with each other, in this chapter I introduce the Tayal cosmology, with a particular focus on the ontology of the animal.

The Tayal cosmology is contested because the Tayal identity itself is a construction of colonial powers. Prior to Japanese occupation, the people now called Tayal organized themselves in local bands, and geographical alliances loosely based on watershed boundaries. Japanese ethnographers grouped these alliances together as a single Tayal ethnolinguistic group. These egalitarian alliances not only did not have centralized systems of governance, but they also often were in conflict with each other. As Japanese authorities occupied the Tayal territories, they imposed rules that denied central features of Gaga, such as rites of passage that involved headhunting and tattooing. In the decades following the collapse of these traditional practices, many Tayal people converted to Christianity. Then, near the end of the twentieth century, as the global indigenous rights movement emerged, Tayal people accepted a new identity as “indigenous people.” In the last several decades, Taiwan’s indigenous peoples have embraced global networks of Christianity and the indigenous rights movement to resist colonialism. The restoration of Gaga occurs in the context of new laws put in place by

the indigenous rights movement for the protection of indigenous culture, as well as the predominance of Christian churches in indigenous communities. Within this context, the Tayal and other tribes are establishing new identities as indigenous nations, and Gaga is re-emerging as part of this identity.

In this chapter, I begin by introducing the Tayal Nation and providing a description of how their pre-Christian cosmology may have looked. With a generic cosmology as background, I introduce the particular community of Chienshih Township in the northern Taiwan county of Hsinchu. Through an ethnographic description of the community, I examine how a charismatic Christian revival movement has affected the community's approach to Gaga. Christianity protects an indigenous identity distinct from Han culture, while Presbyterian pastors seek to restore Gaga within the confines of Christian doctrine. I argue that the historical and geographic diversity of Gaga provides a framework for creative adaptation of Gaga, both to accommodate naturalistic Christian views of the animal, as well as to produce alternative equalities of life that respond to Taiwanese discourses on animal protection. I consider how these contested versions of Gaga may produce new theologies and ecologies that provide alternatives to naturalistic animal ontologies of mainstream North Atlantic Christian theology.

6.2 Who are the Tayal?

The indigenous people occupied the island of Taiwan before the Dutch East India Company established small coastal settlements on the island in 1624. Shortly after,

the Spanish also briefly established a short-lived settlement, but were expelled by the Dutch. The Ming loyalist military general Zheng Chenggong 鄭成功 expelled the Dutch in 1661. In 1683, the Manchu forces of the Qing empire supplanted Zheng's short-lived occupation. The Qing occupied the lowlands on Taiwan's west coast, but neither the Qing nor the colonizers that preceded them were able to conquer the rugged central mountains and the narrow east coast. While a small number of Sinitic people reached Taiwan prior to the seventeenth century, the process of colonization greatly accelerated in the seventeenth century when colonial powers established settlements. During the Qing Dynasty, primarily two Sinitic ethnic groups embarked on establishing permanent settlements in Taiwan, the Hokkien (or Minnan 閩南) people and the Hakka (or Kejia 客家). These largely male settlers displaced indigenous people, but also married indigenous women. The Japanese empire imposed the first strong centralized state for both Han and indigenous peoples.

Prior to Japanese occupation, the indigenous mountain people represented diverse linguistic and ethnic communities. While bands or networks of bands protected certain territories and use privileges, there was no concept of land ownership. The Japanese colonizers impose the imperial system on the indigenous people beginning in 1910, when they launched a five-year campaign to occupy Taiwan's central mountains and east coast. In 1925, the Japanese declared their campaign a success, and in 1928, they imposed a reservation system modelled on the U.S. reservation system through the

Rules for the Forestry Project.⁸ At the same time, the Japanese colonizers restricted access of Han to the central mountains, so indigenous cultures remained protected to varying degrees from Han cultural influences. In addition to introducing reservations, the Japanese also classified the indigenous people into nine nations based on ethnological classification systems developed by Japanese scholars. In 1948, after the Nationalist Party gained control of Taiwan, the Regulations for Highland Reservation Management for each County in Taiwan Province⁹ adopted the same general structure as the Japanese reservation system.

As of 2017, Taiwan's Ministry of Interior reported the population of all indigenous people in Taiwan was 560,000.¹⁰ The government of Taiwan now recognizes sixteen indigenous nations primarily located in the mountains of Taiwan. However, the government does not recognize ten indigenous nations in the lowlands. These lowland indigenous people constitute an additional 400,000 people.¹¹ Including the lowland indigenous people, Taiwan's indigenous population comprises more than 4% of the

⁸ My translation. Original Chinese: 森林計畫事業規程. Order 81 訓令第 81 號. See Sasala, Taiban, Chiung Hsi Liu, and Tzu-Ming Liu. "The Change and Continuity of Hunting Culture: Our Observations and Discoveries through GIS in Kucapungane." *Yuanzhumin ziran renwen qikan* 原住民自然人文期刊 [Journal of Natural and Human Environment of Indigenous Peoples], no. 2 (2010): 123-58.

⁹ My translation. Original Chinese: 台灣省各縣山地保留地管理辦法.

¹⁰ "107 Nian Disan Zhou Neizheng Tongji Tongbao" 107 年第 3 週內政統計通報, Ministry of Interior Department of Statistics (Neizhengbu tongjichu 內政部統計處), last modified January 20, 2018, https://www.moi.gov.tw/stat/news_detail.aspx?sn=13334.

¹¹ International Working Group for Indigenous Affairs. "Indigenous Peoples in Taiwan." Accessed August 11, 2019. <https://www.iwgia.org/en/taiwan>.

population. Until reforms in the legal language in the 1990s, all government documents from the constitution to regulations referred to indigenous people as “mountain compatriots” (shanbao 山胞), a term now considered discriminatory. While the Japanese Kominka 皇民化 movement aimed to make Taiwan’s lowland people Japanese through education and development, Japan’s governance in the mountain areas consisted of a policy called “Managing Foreigners” (Lifan 理蕃). The police directly administered the region without guaranteeing the same legal protection of the Japanese constitutional rule of law that was enjoyed by lowland citizens. While this severe system enabled abuses, it also minimized the imposition of Japanese culture on highland people relative to the Kominka assimilation policies in the lowlands. After the Nationalist Party obtained power and declared martial law, it launched a project governed by the “Regulations for a Campaign to Improve the Life of Taiwan’s Mountain People,”¹² which aimed to assimilate indigenous people by replacing cultural customs in six areas: language, clothing, food, lodging, everyday life, and social customs such as marriage and funerals. The indigenous people needed to learn Chinese and take Chinese names, and reject many aspects of their cultures. Following several decades of this policy to “Sinify” the indigenous people, the indigenous people organized and launched an

¹² My translation. Original Chinese: 臺灣省山地人民生活改進運動辦法.

indigenous rights movement in the 1980s corresponding with the launch of the global indigenous rights movement.¹³

The Tayal nation comprises one ethnolinguistic group according to early Japanese classification, but the government now recognizes three nations within the older ethnolinguistic group. The Truku, comprised of the people on the east mountain areas of central Taiwan, received legal recognition as an independent nation in 2004, and the Sediq, located in central Taiwan on the western side of the central mountains, received recognition as an independent nation in 2008. The northern Tayal, who migrated north from the central mountains, retain the Tayal name. The Tayal now number 91,619 people; the Truku, 32,083; and the Sediq, 10,305. Together their population is 134,007, which is 24% of the officially recognized indigenous population in Taiwan.¹⁴

The translation of “indigenous peoples” is *yuanzhuminzu* 原住民族, and this term is one that the indigenous people of Taiwan’s indigenous rights movement selected to replace the old term for “mountain compatriots” — *shandi tongbao* 山地同胞 or *shanbao* 山

¹³ For the legal developments of policies toward indigenous peoples, see Lin Wei Tang. “Renquan Luntan-Yuanzhuminzu Jibenfa Zhi Lifa Guocheng (Shang)” 人權論壇-原住民族基本法之立法過程（上）, Shetuan faren zhonghua renquan xiehui 社團法人中華人權協會 [Chinese Association for Human Rights], posted August 3, 2009, <https://www.cahr.org.tw/2009/08/03/27773/>.

¹⁴ These numbers were up-to-date as of July 2019. Population data is posted monthly at “Yuanzhumin Renkou Shu Tongjiziliao” 原住民族人口數統計資料, Council of Indigenous Peoples (Yuanzhuminzu weiyuanhui 原住民族委員會), accessed August 12, 2019, <https://www.apc.gov.tw/portal/docList.html?CID=940F9579765AC6A0>.

胞. The term *minzu* in *yuanzhuminzu* is the common translation for nation, and in Canadian English *yuanzhuminzu* could just as easily be translated as “first nations.” This term created a common identity with the global indigenous rights movement. In my field work, I have found that when identifying their nationality, rather than identifying as “Taiwanese” or even their own ethnic group, many indigenous people first identify themselves as *yuanzhumin*—as an indigenous person. The way that the concept of nation is applied is still evolving, but when Japanese anthropologists first developed ethnolinguistic classifications, the Tayal had no concept of ethnicity or nation. Instead, dialectical variations of the official tribal names—Tayal, Tayal, Tayen, and Tayal, as well as Sediq, Seejiq, and Seediq—all meant human. The anthropologist Scott Simon observes that identification as human, not identification as a particular ethnicity, was central to Tayal people who first encountered Japanese anthropologists:

The difference between humans and animals is fundamental to Seejiq identity. Elders say that when Japanese colonial-era anthropologists asked people who they were, eliciting the response “seejiq,” their ancestors had no concept of ethnicity. They did not mean they were members of a yet-to-be-imagined Seejiq or Truku “Tribe” or “Nation” but that they were seejiq (humans) in contrast to dogs, pigs, deer, or other animals. Seejiq Nippon means “Japanese person,” and seejiq truku (referring to a local dialect group) means “person from Truku (terraced land).” Adding balay (truly, really) creates seejiq balay, connoting strong and courageous warriors, morally upstanding persons, or—nowadays—“indigenous people.” With huling (dog), as in “huling balay,” it denotes indigenous dogs of the mountains—brave hunting dogs of the Seejiq.¹⁵

¹⁵ Scott Simon, “Real People, Real Dogs, and Pigs for the Ancestors: The Moral Universe of “Domestication” in Indigenous Taiwan,” *American Anthropologist* 117, no. 4 (2015): 695.

Thus, Tayal means human, Seejiq means human, and Truku means “terraced land.”

Prior to contact with the Japanese, the Tayal had no ethnic consciousness.

Prior to Japanese colonization and the development of the introduction of the concept of nation, a Tayal band, which was called a “qalang,” consisted of an average of fifty members. The Japanese anthropologists Mabuchi Toichi identified more than thirty geographical alliances of qalang, which the indigenous communities called “big rivers” or “small creeks,” because they organized geographically by watershed.¹⁶ As there was no class of leaders, the Tayal have been classified as big-man or egalitarian societies. Members gained status with age, and the demonstration of skill according to the vocations assigned by sex. Men gained status by headhunting, and women gained status by weaving. The qalang recognized men as adults ready for marriage when they participated in a successful headhunting mission and recognized women as adults and ready for marriage when they demonstrated proficiency in weaving. For both men and women, the qalang recognized these respective achievements through facial tattoos. Upon death, the tattoos were the minimum requirement for Tayal to demonstrate to Buta that they upheld Gaga during their lifetime. If one member of the group tried to differentiate themselves as a leader, other members of the group were free to leave and form a new qalang, which was not uncommon. Thus, the fundamental unit of Tayal

¹⁶ Wang Mei-hsia, “The Reinvention of Ethnicity and Culture: A Comparative Study on the Tayal and the Truku in Taiwan,” *Journal of Archaeology and Anthropology* 68 (2008): 1-44. See, especially, pages 8-9.

communities was not the nation, but the qalang, and its fluid geographical alliances at the level of the watershed.

To be Tayal was to follow Gaga. Only those that followed Gaga were “real humans.” Using “Gaya,” the Truku term for Gaga, Simon explains what constituted a “real human”:

In all cases, some Sejiq emerge as Sejiq balay ('real humans') opposed to Japanese, Chinese, or Taiwanese outsiders who do not follow Gaya and cannot be fully human; and even as opposed to members of their own group accused of immorality.¹⁷

While the Japanese, Chinese, and Taiwanese may not have been Seejiq “balay,” the anthropologist Kwang-ok Kim reports that they were still called Seejiq, but the Truku did not even call Ami, Bunun, Tsou, and other indigenous groups Seejiq, but rather *pais*, or “enemies.”¹⁸ While Tayal shared language, culture, and even possibly kinship relationships with nearby Tayal groups, Tayal qalangs in different watersheds or part of different alliances could also be considered enemies, especially due to disputes over the use of hunting grounds. Furthermore, the way of implementing Gaga was headhunting. The word for headhunting in Tayal is “mGaga,” which means to implement Gaga. In a cosmos in which ancestral spirits manipulated all things based on Gaga, success in headhunting was not only proof of the prowess of the hunting group but also an

¹⁷ Scott Simon, "Politics and Headhunting among the Formosan Sejiq: Ethnohistorical Perspectives," *Oceania* 82, no. 2 (2012): 164-85.

¹⁸ Kim Kwang-ok, "The Taruko and Their Belief System" (Ph.D. diss., Oxford University, 1980), 8.

affirmation of the group's faithfulness to Gaga, and thus their status as real humans, "Seejiq balay" (using the Truku dialect). Prowess in headhunting, as well as hunting of nonhuman animals, was both the proof of and the performance of proper conduct.¹⁹

6.3 Tayal Cosmology

To understand how Gaga and headhunting functioned, it is necessary to understand a bit more about the cosmology. For an eighteen month period from 1977-1979, Kwang-uk Kim conducted an ethnography of the Truku people of Hsulin village in Hualien county focusing explicitly on religious ideas, producing a detailed description of their cosmology. He observed that Truku did not distinguish between sacred and profane:

...the Taruko [Truku] do not acknowledge that any super-natural quality interferes with the course of their lives. It seems to me that the Taruko do not distinguish the world in terms of 'natural' and 'super-natural', and thus do not recognize 'super-natural' beings or powers. They regard spiritual being as living in the nature which human can conceive by experience. In this respect, it would be better if these are called 'super-human' beings or powers. The essence of Taruko religion does not lie in that they try to achieve by resorting to super-human power what they cannot achieve by ordinary means. The main hypothesis of the present thesis is that religious ideas and practices of the Taruko aim to define and maintain the ordinary, which the people regard as the 'natural order of things.'...Another characteristic feature of Taruko religion is that it is difficult to discern from their ideas certain cognitive dichotomies often found in other societies such as the distinction between the 'sacred' and 'profane', 'super-natural' and 'natural', or 'rational' and 'irrational'.²⁰

²⁰. Kim, "The Taruko and Their System of Belief," 3-4.

Kim rejects the idea of the “super-natural,” but does accept the term “super-human.” He presents two possible interpretations that the Truku are either non-religious because their rituals pertain only to this world, or their world is completely religious because their rituals pertain only to this world. In either case, he affirmatively states that the Truku themselves do not discern between these cognitive dichotomies. Thus, if superhuman is taken as something that is unexplainable by science, we introduce a category that was not native to the Truku, as Kim demonstrates:

I asked Beidang, who is the leader of the Christian church in the village, why the Taruko do not believe in any Chinese religion, such as Buddhism, Taoism, or Confucianism. He said, 'Because those religions are mere superstitions and not proper religions. Christianity is the only scientific religion.'²¹

Kim points out that the Truku use the Chinese words for “superstition” (mixin 迷信) and “scientific”(kexue 科學) because there are no equivalents in the Truku dialect. As already addressed in Part I, these distinctions were introduced to East Asia by Europeans and Christians, so while Kim appears to use categories such as super-human and religion, his overall hypothesis reflects the idea that these categories do not completely fit the Truku case. Borrowing from more recent terminology in post-human scholarship, perhaps “superhuman” could be recast as “beyond the human.”

²¹ Kim, “The Taruko and Their System of Belief,” 20.

Reconstructing the cosmology of the Tayal is an abstract endeavor for several reasons. First, from the earliest Japanese ethnographies to the Republic of China era ethnographies, the Tayal were already in conversation with other teachings that affected the way they understood and described their own teachings. The advent of compulsory education and Christianity were both particularly influential. Second, the Tayal nation itself did not exist prior to contact with the Japanese, and since its construction in the imagination of Japanese anthropologists, it has been revised and reconstructed into three separate nations. Until recently, elders transmitted oral histories at the level of the qalang, so there are as many traditions as there were qalangs. Nonetheless, prior to the northern migration of the northern Tayal approximately 300 years ago, there was some shared oral tradition that still connects the Tayal today, and it is useful to reconstruct some cosmological framework to examine how Gaga interacted with Christianity and other teachings, particularly in relation to the concept of life. Kim provides the most detailed explanation I have seen, even though it was based on his field work with the Truku, rather than the northern Tayal with whom I conducted my field work. While Kim's explanation may deviate from that of the Chienshih Township with whom I worked, it provides a comprehensive framework in comparison to which we can identify differences.

The world is divided into "Alang Seejiq" — the country of humans, and "Alang Utux" — the country of the deceased ancestors "utux," as well as the ocean or river in

between.²² There is no God, no heaven, and no hell. The sky is nothing more than a material dome, and beneath the earth is merely a tunnel in which the sun and the moon crawl from where they set in the west to where they rise in the east. There is no story about how the world came into existence as it existed before the first seejiq, although there are various stories about how seejiq came into existence. In one story that Kim's informants told him, the first two women emerged from swine excrement. One of the women married a dog, and this woman and dog became the common ancestors of all humans.²³

Alang Utux generally reproduces Alang Seejiq except for some key characteristics. A giant tree on the top of the tallest mountain supports the sky and shades the country, making a mild climate. The soil is fertile and productive. However, the game is not as tasty as in Alang Seejiq, and wild boar are scarce.²⁴ While seejiq cannot visit Alang Utux before they die, utux can freely visit Alang Seejiq. While often invisible, they do not fly or float, but walk and run like seejiq. They like to visit their relatives, but they do not invade their homes. The utux keep an eye on their family and enforce Gaya. They can manipulate many phenomena from thunder and lightning to

²² Kim employed a different orthography, so he spelled these terms "alang sajek" and "alang uduh." I have altered the orthography for consistency.

²³ For more detailed versions of these and other stories, see Kim, "The Taruko and Their System of Belief," chapter 5.

²⁴ For a detailed description of Alang Utux, see Kim, "The Taruko and Their System of Belief," 166-71.

hunting success, diseases, and accidents. Gaya is the law of everything without regard to categories such as natural, cultural, or divine, and as long as people do not violate Gaya, things proceed in an orderly manner. However, when something unusual happens, it is likely that the utux interceded. To prevent punishment for a misdeed, seejiq can offer meat to the utux, especially the pork which is rare and tasteless in Alang Utux. To earn rewards, seejiq just need to uphold Gaya.²⁵

The pig, for its tastelessness and scarcity in Alang Utux, is the ideal animal for offerings to ancestors both in order to redress violations of Gaya and in order to curry the favor of ancestors for the future, such as for successful harvests at the time of planting ceremonies or for successful marriages at the time of weddings. The Truku distinguish between pigs “babuy” and wild boar “bowyak.” Proper babuy offerings provide the conditions for successful hunting for bowyak. Pigs are the quintessential, but not exclusive, animal for ritual offering.

The sisil, which Simon has identified as the Grey-cheeked Fulvetta (*Alcippe morrisonia*), is the bird that communicates with humans on behalf of the ancestors.²⁶

²⁵ For a complete description of this cosmology, see Kim, “The Taruko and Their System of Belief,” chapter 6.

²⁶ The online Truku dictionary identifies the sisil as the Japanese white-eye (*Zosterops japonicus*, lüxiuyan 綠繡眼). It could be possible that the sisil did not correspond with linnaean classification, crossing species boundaries. For Simon’s discussion of the bird, see “Émissaires Des Ancêtres: les Oiseaux Dans La Vie Et Dans La Cosmologie Des Truku De Taïwan.” *Anthropologie et Sociétés* 39, no. 1-2 (2015): 181.

Skilled hunters could interpret the patterns in which it flew, either predicting success or disaster, and may terminate a hunt if the sisil foretold disaster. In one story, the sisil won a contest to move a rock or boulder, either by using patience and cooperation or their ability to predict an earthquake.²⁷ Thus, they are not simply Cartesian machines, but rather skilled beings with intelligence and agency. Along with birds such as owls, sisil form a category of birds called “qbhni utux,” or utux birds. These birds not only communicate with Alang Utux, but also possess utux themselves.²⁸ Hunters rarely rely on sisil today, and Simon suggests that interpreting the flight patterns of these diurnal birds lost their efficacy when laws banning hunting forced hunters to conceal their hunting activities in the dark of night when the sisil were inactive.²⁹

Prior to the Japanese prohibition on its practice, headhunting was the way to implement Gaya. The anthropologist Masaw Mowna—a Truku himself—conducted a thorough study on the phenomenon of headhunting. He explained that headhunting falls into two types, “ngdeleolon” and “mesibo.” Ngdeleolon was the type of headhunting to which mGaya—implementing Gaya—referred. It was something like a trial in court, because it could determine guilt or innocence. If someone was honestly and correctly upholding Gaya, the ancestors would reward that person with successful

²⁷ Simon, “Émissaires Des Ancêtres,” 188-9.

²⁸ Ibid, 191.

²⁹ Ibid, 194.

headhunting. If someone was not upholding Gaya, the ancestors would not provide that person with successful headhunting. Normally, a person involved in the dispute recruited men to participate in a headhunting party, and the person involved in the dispute was not even required to be part of the party. In these cases, the qalang would then be split into two competing factions, so this form of dispute resolution was a method of last resort.³⁰

Mowna found five reasons for mesibo headhunting: (1) harvest rituals, (2) reaping a form of power from the head, (3) earning the privilege to receive tattoos or adorn ornaments, (4) retribution, (5) resolving epidemics, and (6) courting a bride or expressing anger. Headhunting was a requirement for entering Alang Utux. It was part of becoming a qualified man, not only for earning passage across the rainbow bridge, but also for getting facial tattoos (reason 3) and getting married (reason 6). Headhunting could also be used as a request where ancestor intervention was desired as in resolving epidemics (reason 5) or harvest rituals (reason 1). Reaping power from the head (reason 2) speaks to something about the transferability of the power of life and may provide a basis for us to infer what life power is, whether it is unique to seejiq, or whether non-human animals also possess it.

³⁰ Scott, "Headhunting among the Formosan Sejiq," 175-6.

Mesibo rituals typically involved 3 to 5 men. The successful hunter put the head in a net, and after escaping to a pre-built shelter nearby, the party washed the head, tied the hair in a braid, and cut some locks of hair as talismans. Any boy who carried the net with the head on the way back from the village was eligible to get facial tattoos and get married. He did not necessarily have to take a head himself.³¹ Upon returning to the *alang*, the entire community held a festival. They offered the head rice and made offerings of pigs and chickens. They gave the head liquor to drink, and they collected the liquor that mixed with the blood and drained out of the head. By drinking the blood liquor, they could obtain power which would enhance their hunting skills. The skull was placed on display first in a rack in front of the successful hunter's dwelling, and then on a community skull rack. During the four-day ceremony, the community asked the head and his brothers to join and protect their community, and left on display on a community rack.

Seejiq used nonhumans animals to replace humans in similar ceremonies. Covell began his twenty years of missionary work in the early 1950's, so he spent a considerable amount of time with the Seejiq not long after the practice of headhunting ended. According to his account, the Tayal and Seejiq practiced human headhunting until around

³¹ See Ralph R. Covell, *Pentecost of the Hills in Taiwan: The Christian Faith among the Original Inhabitants* (Pasadena, Calif.: Hope, 1998), 26; or Simon, "Politics of Headhunting among the Formosan Seejiq," 178.

1930, after which they used monkeys, boars, and deer to perform similar rituals.³² The practice of headhunting dwindled precipitously after 1920 due to contradictory Japanese policies. After the major five-year campaign to subjugate the mountain indigenous people ended in 1914, the Japanese exploited existing rivalries between indigenous communities by coercing individuals to conduct headhunting as a method of neutralizing potential uprisings, while at the same time discouraging headhunting and prohibiting the tattoos that were associated with headhunting. Because of how Japanese authorities used their power to manipulate indigenous people, some indigenous people felt compelled to comply with Japanese headhunting demands, but as coercion rather than Gaya drove these policies, headhunting became a shameful act rather than an honorable practice. According to Simon's analysis, this shift in the prestige associated with headhunting is likely what caused the practice to end so precipitously. "Nowadays, young men claim that hunting for animals has replaced headhunting as an affirmation of masculinity."³³

In 2016, I visited Alang Gluban (Qingliu buluo 清流部落; Japanese, Kawanakajima, 川中島), one of two hamlets where survivors of the Musha Incident were relocated. Along with two colleagues, I visited the only man I have met who still wears facial tattoos, but he was too young to have earned them by headhunting. He took us to the local museum,

³² Covell, *Pentecost of the Hills in Taiwan*, 27.

³³ Simon, "Politics and Headhunting among the Formosan Sejiq," 180.

which describes the Musha Incident, and showed us pictures of his father seated behind a head he had taken. He said instead of headhunting, he earned his facial tattoos by hunting three animals: a Formosan serow, a wild boar, and a bear. Hunting nonhuman animals replaced hunting human heads as the measure of adulthood for men.

Rather than human skulls, indigenous people now frequently display the jawbone of game, especially boar, in their home.³⁴ In some indigenous nations, this practice is considered a part of the laws with which they must comply to succeed in hunting.³⁵ Fang, Hu, and Lee interviewed seven Tayal hunters in a two year period between 2012 and 2014. According to their interviews, the soul of the animals follow and protects the hunter. The hunters had a ceremony to “invite the soul of the hunted animals to become a friend.”³⁶ Some Seejiq carry bags of boar tusks or other animal parts with them when hunting as talismans, just as headhunters carried locks of hair.³⁷ These practices emulate the practices associated with head hunting, and some of these practices recognize that nonhuman

³⁴ For example, the practice of displaying jawbones of game is common among the Rukai, who display prominent arrangements of boar jaws in their home.

³⁵ The geographer Lin Yih-ren was invited to see jawbones in the house of a Tsou hunter. The Tsou display the bones in a private corner that is usually not open to guests. When Lin asked the hunter why he displayed the bones, he replied that, if he did not display them, he would not be successful in future hunts. In the case of Tsou in particular, Lin emphasized that since the racks are not on public display, they are not used to showcase the hunter's prowess, but rather preserved to revere the sacredness of the animal. Lin Yih-ren 林益仁, "Yuanzhu Minzu Weihe Shang Kaidao? Cong Tudi Lunli Kan Yuanzhumin Chuantong Lingyu Zhili" 原住民族為何上凱道？從土地倫理看原住民傳統領域治理, (lecture, Yilan, Taiwan, June 10, 2017).

³⁶ Wei-Ta Fang, Hsin-Wen Hu, and Chien-Shing Lee, "Atayal's Identification of Sustainability: Traditional Ecological Knowledge and Indigenous Science of a Hunting Culture," *Sustainability Science* 11, no. 1 (2016): 39.

³⁷ Scott Simon, "Of Boars and Men: Indigenous Knowledge and Co-Management in Taiwan," *Human Organization* 72, no. 3 (2013): 225.

animals have a soul and transferrable life energy just like human heads did. The ability to substitute a nonhuman animal for a human suggests a certain type of equality of life.

From this perspective, the major difference between the Buddhism-inspired equality of life and the Gaga-inspired equality of life is that Buddhism's equality of life is actualized through nonkilling while Gaga's equality of life is actualized through hunting. In a 2010 article that aimed to find common ground between the animal liberation movement led by Chao-hwei, the conservation movement, and the indigenous rights movement, Lin Yih-ren found a point of Tayal cosmology that may help to reconcile the seemingly incommensurable positions. A Tayal elder named Masa Tuhui told Lin, that when Tayal people cross the rainbow bridge, "if the person is a hunter, then the spirits of all the animals they have killed cross the bridge with them. When they get to the other side, they can live forever."³⁸ However, this cosmology is not universally reported in the literature. Specifically, it diverges with the Truku cosmology described in Kim and Simon. Kim argues that animals "in the Taruko mind have basically a subordinate position to man."³⁹ Only humans can cross the rainbow bridge, so they are the only species with utux capable of crossing the rainbow bridge. On the other hand, Simon identified a class of birds called the qbhni utux, who also possess a utux, and are able to cross over to

³⁸ Lin Yih-ren, "Indigenous People's Hunting Issues and Environmental Ethics: A Contextual Observation in Taiwan," in *Sustainability and Quality of Life*, ed. Jack Lee, 255-94. (Palo Alto, Calif.: Ria University Press, 2010), 286.

³⁹ Kim, "The Taruko and Their Belief System," 183.

Alang Utux by flying. Simon and Kim's communities were Truku, while Masa Tuhui is a member of the northern Tayal community of Qalang Keihui in Qyunam Msbtunux (Dakekan qun 大科崁群 in Taoyuan County). My field work investigates the ontology of the animal in Qyunam Mrqwang-Mknazi of Chienshih County. I will first introduce the site and methods, and then present the perspective of Tayal elders and teachers in Chienshih County on the question of the ontology of the animal, which also requires an introduction of how Christianity has impacted the Tayal teachings and cosmology.

6.4 Site and Methods

In the Tayal language, Mrqwang and Mknazi are two separate "qyunam." Qyunam are watersheds, but also refer to the alliance of qalangs within them. While they occupy separate watersheds, the Mrqwang and the Mknazi share a close lineage. The Mknazi watershed resources are more limited, so the Mrqwang allow the Mknazi to share in the resources of their watershed. Within the Mknazi community, my field work focused on the community of Tbahu, with visits to other Mrqwang-Mknazi communities as well. In terms of the Republic of China official boundaries, Tbahu is located in Chienshih Township (Jianshi xiang 尖石鄉), Hsinchu County (Xinzhu xian 新竹縣). The hamlet lies in the northern mountains of Taiwan at an altitude of 1050-1200 m, and is split into upper Tbahu (Qolu) and lower Tbahu (Qyuws).

Tbahu specializes in the cultivation of tomatoes, but also grows cabbage, peaches, pears, and persimmons. According to local residents, there was no road that accessed the

area until approximately 1978, so until at least forty years prior to my field work, Qalang Tbahu subsisted on farming, hunting, and gathering. Before the road was built, walking to the nearest market in Neiwan 內灣 to get rice took 10 hours, so they needed to rely on what they had in the village. Many of the older generation are illiterate because of limited schooling. The road brought significant change in lifestyles, and the majority of the population spends the weekdays in the lowlands working or going to school. The community of 145 households and approximately 446 residents now has electricity and running water. Many indigenous people work as laborers in industries such as construction, so now they build their own homes in the hamlet according to similar standards as in the lowland cities.

The Tbahu Presbyterian Church is the center of community activities, with a smaller Catholic Church across the road. One Tbahu resident reported that 70-80% of the qalang's people are Christian, which refers to members of the Presbyterian church. Most of the remaining members of the community are Catholic. Non-believers may keep a low profile, as so much of community life revolves around the church. There are also two general stores that provide snacks and limited household supplies, and provide a place for people to meet and have drinks outside of the church.

I conducted my fieldwork in the northern Tayal Mrqwang-Mknazi community from 2016 to 2017, I took nine trips of one to three days to conduct participant-observation in activities including agricultural work, cultural and religious ceremonies, and church

worship services. I also sent a research assistant named Hank Lin to the village for a two-week stay with a local family. We primarily conducted interviews informally during our field work, but we also conducted two formal interviews of Tayal elders.

6.5 The Charismatic Revival Movement of the Mrqwang-Mknazi

The people of Mrqwang-Mknazi are strongly influenced by both Gaga and Christianity, so to understand their current ontology of the animal and how Gaga interacts with Christianity, it is important to understand the impact of the Charismatic Revival Movement. Covell places the first wave of Christian missionary activity in Taiwan between 1929-1960:

Christianity was a type of ‘functional substitute’ for the old practice of headhunting. Its form was far different—a decision to make peace with God and to live within a Christian community—but it performed the same function. The Christian faith gave to the people a way of coping with their new environment and restored to them a sense of the identity, lost with their defeat by the Japanese.”⁴⁰

The Japanese prohibited Christian belief, and implored the indigenous people not to believe in the “American God,” but as the Americans defeated the Japanese, the American god appeared more powerful than the Japanese “kami.” As the Nationalist Party of China usurped the power of the Japanese, they executed political opponents in what came to be known as the White Terror. The Nationalist Party maintained the separate administrative region in the mountains and tightly controlled access to the mountain region so that

⁴⁰ Covell, *Pentecost of the Hills in Taiwan*, 164.

opposition parties could not organize in the mountains. Maintaining mountain access to foreign Christian missionaries, however, was a matter of diplomacy with the United States. Foreign Christian missionaries provided food and medical supplies, some of which they conveyed on behalf of the U.S. government. This material assistance persuaded many indigenous people to convert to Christianity. However, the actual level of belief depended on the community. Kim found that Truku accommodated Christianity by elaborating on their existing cosmology and practices,⁴¹ and Huang argued that the Ami community she studied in Taitung used Christianity to recreate indigenous identity associated with powerful others such as the United States and the political founders of the Republic of China.⁴²

Identity is an important aspect of Christianity in Tbahu, but Christianity is now also fully localized and integrated into Tbahu culture. The first wave of the Charismatic Revival Movement (Lingun fuxing yundong 靈恩復興運動) occurred in 1972. The current pastor at Tbahu Presbyterian Church Huang Zhihong 黃至宏 recounted the Movement in his master's thesis.⁴³ In the 1940s and 1950s, Tbahu and the surrounding community were

⁴¹ Kim, "The Taruko and their System of Belief," 387-8.

⁴² Huang Shiun-wei, "Accepting the Best, Revealing the Difference: Borrowing and Identity in an Ami Village," in *Religion in Modern Taiwan: Tradition and Innovation in a Changing Society*, ed. Philip Clart and Charles Brewer Jones, 257-79. (Honolulu: University of Hawai'i Press, 2003).

⁴³ Huang Zhi-hong 黃志宏, "Cong Yiwei Taiyazu Nüxing Xianzhizhe De Xinyang Shengming Shi Qiantan Zai Tiayazu Tianpu Jiaohui Ling'en Gongzuo Zhi Yingxiang Ji Fazhan Yi Luoqian Zhi Jiemei (Ciwas Nawiy) Wei Li" 從一位泰雅族女性先知者的信仰生命史，淺談在泰雅族田埔教會靈恩工作之影響及發展以羅千枝姐妹 (Ciwas Nawiy) 為例 (Master's thesis, Taiwan Graduate School of Theology 台灣神學研究學院, 2008).

in dire conditions as an amebic dysentery epidemic struck the area. Missionaries from abroad arrived with clothing, flour, and other food products. They provided free medical treatment, funds for building churches, and assistance with opening children's day care centers. "In the early days, there were a few Tayal pastors and even some believers that, in terms of the Christian belief of Tayal people, held a liberal perspective: as long as they could fill their stomachs, whatever the Western Religion may be, they were willing to believe it and join the Church."⁴⁴ However, by the 1960s, the Tbahu Church and other Tayal churches were in crisis. With diminished support from the missionaries, the congregations were apathetic and unwilling to donate much money. Most churches did not have enough money to support a pastor. Some churches completely stopped operating and were using the church as stables for cattle and pigs.

Then, in July 1972, four Tbahu women returned home after attending a spirituality workshop at Hsinchu Bible College. The Holy Spirit led them to the house of Zhou Jingguo 周靜國 for discussion and prayer. At her house, the Holy Spirit moved them to repent, weep, shout, and confess their sins. Then they witnessed to the grace of God at Tbahu church and inspiring many others to repent. Between July and September, they visited many qalangs throughout the Mrqwang-Mknazi alliance. The message of God

⁴⁴ Huang, "Cong Yiwei Taiyazu Nüxing Xianzhizhe De Xinyang Shengming Shi," 29. My translation. Original Chinese: 早期有些泰雅族牧者，甚至是信徒，對於泰雅族人在基督教信仰上，抱持著一種開放的角度，只要能夠吃得飽，管它是什麼西方宗教，他們都願意相信，並且加入基督教。

spread like a wildfire throughout the region. Many people repented and returned to God. Filled with new inspiration, believers not only attended church on the sabbath, but began to meet during the week. Some of them even attended morning prayer meetings at between 3:00 and 4:00 am. They also began to accept communion and tithe 10% of their income.

In addition to the original four prophets, three more female prophets appeared later. Among the later three prophets was Ciwas Nawiy (Luo qianzhi 羅千枝), the most prolific prophet of them all. At the time that sister Ciwas began her prophecy, she was a 38-year-old illiterate mother of five. She had little education and had been sickly for most of her life. God filled sister Ciwas with the Holy Spirit at the same time that he possessed her with an evil spirit. He inspired her to fast for 40 days while she faced the temptations of the evil spirit. After the ordeal, the two spirits stayed with her. Channeling the spirits lifted her illness, but if she refused to submit to the spirits, she would fall ill again. Both spoke to her, and took turns taking control of her body. Huang describes how he witnessed her peculiar condition when he was a young boy:

There was an elder woman, who would suddenly cry out. Next, her entire body would tremble uncontrollably, forgetting its ordinary condition. Then she would stand up or sit down, sometimes kneel and sometimes lie down, shake her head, lie prostrate, crawl, or roll—making movements, a body language of human limbs, and, as if wielding power, she spoke in front of everyone's onlooking faces—prophesying, making accusations, reprimanding, warning, encouraging, consoling, and instructing.

有一位年長的婦人，突然驚叫，然後渾身戰抖身不由己，失去常態。接著，或站立或坐下，時跪著時躺臥、搖搖頭、伏地、爬行及翻滾動作等肢體語言。並且似乎帶著能力般的在眾人面前說預言、指責、勸戒、警告、勉勵、安慰以及教導的話。⁴⁵

Even while Huang interviewed her for his thesis, she occasionally started trembling. Just as the other female prophets, Ciwas maintained a humble attitude. The prophets refused to guarantee the accuracy of their prophecies, and no one of them tried to establish herself as unique or special. While they received the gift of inspiration, they also submitted to the scriptural knowledge and guidance of the pastors. They were compelled to pray every morning at Prayer Mountain (Daogao shan 禱告山) behind the Tbahu Presbyterian Church. If they did not go, they would fall ill. Many others in the community were inspired to join them. The Holy Spirit inspired the seven prophets to select twelve disciples as successors to their work. These female seers of Mrqwang-Mknazi prophesied a Second Wave Charismatic Revival Movement that will spread across the whole world. The Tayal people moved from accepting an American God for the material benefits that His missionaries offered, to becoming the prophetic center of a charismatic revival that would bring the one and only god Utux's message to the entire world.

The meaning of the movement also extended into the more mundane concerns of cultural preservation. According to Huang: "Once belief in the church wanes, the term 'indigenous people' will inevitably and rapidly become history, and the indigenous

⁴⁵ My translation. Huang, "Cong Yiwei Taiyazu Nüxing Xianzhizhe De Xinyang Shengming Shi," 21.

people themselves will prematurely face a crisis of ethnic extinction!”⁴⁶ The church is the vehicle of resisting Han colonialism and restoring Gaga:

In just the last 100 years, social change has been extremely violent, which has led to an increasingly fuzzy recognition of Tayal religion and Gaga, even to the extent that they have been forgotten. Additionally, the biggest change in religious perspective has been the admittance of Christianity, but what is special is that the acceptance of Christianity and Tayal traditional religious belief can be integrated together.

只是在近百年來，社會變遷非常劇烈，導致泰雅族在宗教與Gaga的確認上漸漸模糊，甚至被遺忘。除此之外，宗教觀最大的改變在於基督教的進入，但很特別的一件事是基督教的傳入，和泰雅族傳統的宗教信仰可以結合在一起。⁴⁷

Following the First Wave Charismatic Movement, most Tayal of Mrqwang-Mknazi accept Christianity. Now Gaga must accommodate the new system. Since the key element of headhunting was largely lost by 1930, the current accommodation involves a reconsideration of the relationship with the ancestors. The ancestors now must be remembered or commemorated, but for many devout Christians, they cannot be venerated or worshipped as false idols. This reconsideration requires a transformation in the idea of what “utux” is:

But in recent years because Christianity entered the qalang, a Tayal monotheistic perspective of only Utux appeared, which is also to say that the Tayal religious perspective translated into a single God. The explanation that they assert is that when the Tayal people speak to all living things or to the ancestors, they are not seeing them as deities, but rather are making them into the nostalgia and

⁴⁶ My translation. Huang, "Cong Yiwei Taiyazu Nüxing Xianzhizhe De Xinyang Shengming Shi," 21. Original Chinese: 一旦教會信仰沒落，原住民這個名詞也一定迅速變成歷史名詞。因而提早面臨族群滅亡的危機！

⁴⁷ My translation. Huang, "Cong Yiwei Taiyazu Nüxing Xianzhizhe De Xinyang Shengming Shi," 24.

connections between recipients of a tradition and those that transmitted the tradition.

但是近年因為基督教的進入部落，出現了泰雅族只有Utux的一神觀，也就是將泰雅族宗教觀轉譯成惟一的神。他們所持的理由，泰雅族對萬物或者對祖先說話，不是把它當作神明來看，而是作為一種被傳承者與傳承者的思念與聯繫。⁴⁸

According to Huang, Tayal people now accept a reimagining of Utux as omnipotent and omnipresent in everyday life.

In a new context in which Christianity has become fully naturalized in Tayal culture, young pastors are considering how to revitalize Gaga through Christianity. This revitalization must occur within God's plan for salvation in which Jesus is savior and the Holy Spirit has renewed the Church. Yet, these pastors aim to fully integrate Tayal traditional culture with God's plan for salvation, which can mean resurrecting rituals, commemorating ancestors, and making local adaptations to the communion. This undertaking to revive Gaga is greeted with the urgency of social survival:

In terms of what has influenced Tayal culture the most and the longest, there is nothing that exceeds the influence of the culture of the Han people. But this invasive culture is comprehensive and compulsory, putting Tayal traditional culture under great pressure. Under circumstances such as these, the Gospel takes the posture of "salvation" to create a Tayal culture just on the brink of extinction and imbue it with new meaning.

對泰雅族文化影響最大最長的莫過於漢人的文化。但是這些外來的文化是全面性且具強迫性的，致使泰雅族傳統文化受到很大的壓力。在此情形下，福音以『拯救』的姿態創造正瀕臨滅絕的泰雅族文化，使其注入新的內涵。⁴⁹

⁴⁸ 25

⁴⁹ My translation. Huang, "Cong Yiwei Taiyazu Nüxing Xianzhizhe De Xinyang Shengming Shi," 28.

According to Huang, the Tayal people do not currently recognize Gaga as animism or the teaching of the ancestral spirits (Zuling jiao 祖靈教). Pastor Tali Behuy of Qalang Cinsbu (Zhenxibao 鎮西堡) says Gaga is the “natural law” (ziran fa), a term which evokes both the universal laws of God’s creation and the empirical laws of nature.

In Tbahu village, I did not find the pig pens where women raise the pigs to offer to the ancestors. When I attended a wedding, the ceremony was held in the church, nearly identical to the Protestant weddings in the United States. Rather than ritually sharing the pig with the ancestors and kin, the wedding banquet was a catered multi-course meal differentiated from Han banquets only in that it was held in the open air of the indigenous mountain church. The traditional Tayal culture made its appearance in the entertainment. Local women adorned with traditional Tayal clothing performed traditional dances, along with the karaoke and comedic routines of other local performers. The form that ceremonies such as weddings take depends on the local qalang. There are still Tayal people that hold more traditional weddings. A younger non-Tayal man who married a Tayal woman in another qyunam described to me how in his wife’s qalang they offered five pigs for his wedding. The negotiation, or controlled equivocation, between Christianity and gaga depends on local pastors and communities, which is also true in regard to how Tayal think of animals.

6.6 What is an Animal?

In Tayal culture, the elders are the authorities on Gaga, so I conducted two formal interviews with elders in the Mrkwang-Mknazi watershed. Kuan Da-wei (Guan Dawei 官大偉) is a geographer at National Chengchi University who researches the Tayal traditional territory in Chienshih township. Kuan is also a Tayal member of the Chienshih township community himself. I asked him which elders he may recommend for me to interview about Gaga. He recommended two elders that he consults in his own research: Yumin Hayong, a chief at Qalang Llyung, (Maliguang buluo 馬里光部落), and Tali Behuy, a retired pastor in Qalang Cinsbu (Zhenxibao 鎮西堡). Hank Lin and I interviewed both of these elders in July 2017.

We met Yumin at a Sunday church service, and interviewed him at his home following the church program. We asked him about how hunters and the animals they captured meet at the rainbow and cross together, he told us only about how humans that lived a good life were permitted to cross the rainbow bridge, and then changed the topic. He did not directly answer what happens to nonhuman animals when they die. Yumin displayed some jaw bones in his home, and we asked why he displayed them. He said there is no Gaga regarding displaying jawbones. He merely displays them so the children can see them.

Following the interview with Yumin, we met Tali in his home. Tali responded in a similarly ambiguous way but elaborated to a greater degree. He said that only humans

may cross the rainbow bridge, but since the other side is a hunting ground, there are animals there as well. He presented both views that animals have a soul that goes to suffer in hell when they die, and another view that animals have no soul. As to the terrifying animals that await those souls that are overturned and fall from the rainbow bridge, he said he was not sure whether those animals have souls. Tali also had several jawbones displayed in his home, and explained the practice of displaying them in a similar way as Yumin. Displaying the jawbones is not to flaunt one's prowess, but it also does not have any particular meaning.

As a pastor, Tali affirmed that there are no conflicts between Gaga and Christianity, and that Gaga did not change with the introduction of Christianity. He also made it clear that crossing the rainbow bridge is equivalent to going to heaven in Christianity, and falling from the rainbow is equivalent to going to hell. Humans and their ancestors all have souls, but ancestor souls cannot be called "utux." They protect their descendants when their descendants commemorate them, but this form of commemoration is very different from ancestor worship. He said Tayal reserve the term "Utux" to refer only to the greatest God, the God that created the universe. Because Gaga and Christianity are the same, his views on animals are representative of both Gaga and his Christian theology. The multiple possibilities for the ontology of the animals suggests that there remains room for debate on the topic. While Tali stated emphatically that Gaga has not changed, he said that in many qalang, they have

accepted Christianity as their sole practice, neglecting Gaga. In particular, it is the younger generation that have neglected Gaga.

Clearly, Yumin's and Tali's Gaga functions differently than the Masa Tuhui's. Only humans have "souls." In this sense, their Gaga is more like the Truku Gaya that Kim described, but the "utux" are very different. Tali's "Utux" is the Creator of the Universe, while the Truku "utux" Kim described were the life spirit of each seejiq and ancestor. Kim's study provides a historical reference point forty years earlier than my interview with Yumin, when Kim suggests Christianity was only accepted at a superficial level. The Charismatic Revival Movement deeply integrated Christianity into the Mrqwang-Mknazi branch of the Tayal, and Huang affirmatively recognizes the experimentation involved in restoring Gaga that are compatible with Christianity. Of course, Tali is clear that Gaga has not changed, and certainly the deep version at the level of natural law may be immutable. However, at the social level, how Gaga is presented and practiced is changing. As Tali admits, many young people are forgetting or neglecting Gaga, so it is also important to consider how Gaga is presented to young people.

Rimuy Aki represents a new form of education for the younger generation. She is a native of Chienshih Township, and a teacher of the Tayal language at Sanxia

Elementary School in New Taipei City. She is an award-winning author,⁵⁰ who wrote the children's picture book *The Rainbow's Judgment*. As Taiwan's government now supports teaching the Tayal language and culture to Tayal youth, the locus of education is shifting from fireside story-telling to formal training in schools. Aki's Gaga is a public facing Gaga, published in a children's book and adapted into an animated film available on Youtube. While the school where she teaches is an urban elementary school rather than a local Tayal school, she teaches to the next generation.

Aki is a member of Qalang Mklapay of the Qyunam Mklapay. The Mklapay watershed is adjacent to the Mrkwang and Mknazi watersheds. These three watersheds are the three Tayal branches that share Chienshih Township. The road that connects the Mrkwang-Mknazi traditional territories to the lowlands also passes through the Mklapay watershed, so the branches are closely connected. Aki compiled a set of some of the key stories of the Tayal people in the book *The Rainbow's Judgment*, which inspired the film. Her materials make Chienshih Township's Gaga available to both Tayal and non-Tayal youth on a larger platform. Her descriptions of Gaga may be suggestive of the Gaga that the younger generation is learning, so her depictions of nonhuman animals are also significant in evaluating the ontology of the animal in Gaga.

⁵⁰ "Shanghai Wenxue Lieren 山海文學獵人," Ministry of Culture (Wenhuabu 文化部), accessed August 9, 2019, <https://aborigine.moc.gov.tw/home/zh-tw/writer/4563>.

One key difference with Kim's telling of the Truku stories is that Aki tells how the first humans emerged from a cliff in the center of Taiwan's central mountains, rather than the excrement of a boar. A woman and two men emerged from the cliff, but in fear, one man jumped back into the crack from which they had emerged.⁵¹ In this version of the story of the origin of humans, humans did not need to procreate with dogs. Simon, however, recognizes both stories, acknowledging that the earliest humans emerged from a rock, and also that people—or perhaps the Seejiq specifically—descend from the union of a human woman and a dog. Simon explains that these stories have changed due to “modern education, Christianity, and electronic media.”⁵²

Aki never uses the words equality that are used in the film, but her stories do provide narratives suggestive of equality. According to one story, in the early days, a single hair of a boar would transform into just enough pork for a family to get full but not more, so boar were happy to come when people called and offer them a hair. One day, a greedy woman thought that if she took more than a hair, it would produce more than just enough. Just as that thought occurred to her, a boar was passing by. She grabbed a knife and cut off an ear. The boar ran deep into the mountains and told the

⁵¹ Aki, *The Rainbow's Judgment*, Chapter 1.

⁵² Simon, “Real People, Real Dogs, and Pigs for the Ancestors.” The reference to humans emerging from a rock occurs on page 706, while the story of humans descending from the union of a human woman and a male dog and the short quote occur on page 694. Simon confirms that some elderly heard the story of the woman and the dog as described in Kim, even though he does not accept it as the common account today.

other animals about the woman's cruelty, and they decided they would never help the humans again. The humans would have to seek the animals in the forest and risk their lives to obtain meat. In the early days, it was not only animals that helped the humans. Water, rice, and firewood also actively responded to human calls. Aki shared similar stories about rice and firewood. Human greed ended the cooperative relationship between the forest and the humans in these stories too. These stories depict the elements of the forest are active agents that originally cared for humans. For the earliest Tayal ancestors, killing or even injuring animals was never necessary because the nonhuman animals, rice, water, and firewood cared for humans.⁵³

According to Aki's *The Rainbow's Judgment*, once killing became necessary, killing actually became a method of bringing souls together:

If a male had lived his life by the principles and teachings of the gaga, when he died, the souls of all the animals and people that he had killed would gather together and accompany his spirit in a grand march into the realm of the spirits.⁵⁴

This passage is remarkable because it clearly acknowledges that nonhuman animals possess souls. Even more remarkable is that animal souls earn passage to the afterlife through a hunter. The hunter who lives by Gaga leads both human and nonhuman souls over the rainbow bridge. On this occasion, it is quite easy to infer that all life is equal.

⁵³ For the stories in this paragraph, see Aki, *The Rainbow's Judgment*, Chapter 2.

⁵⁴ Aki, *The Rainbow's Judgment*, 84.

Each human and nonhuman animal are equal in that they possess a soul capable of crossing over the rainbow bridge, as long as the animal is killed by a qualified hunter.

This communion of human and nonhuman animals after death may also be seen as a return to an original state of harmony between living things, before human greed disturbed human-nonhuman animal relationships. A sense of equality of life can also be felt in Aki's description of the time of the early ancestors:

Although they did not need to labor long hours or struggle to survive, the ancestors of the *Atayal* [Tayal] during this time had a great respect and reverence for all things. Nothing was wasted, nothing taken for granted. And thus did the *Atayal* ancestors pass their days in a state of harmony and happiness.⁵⁵

In this earlier state, humans held deep respect for all living things, and killing was not necessary at all. People received just what they needed, and the beings of the forest were willing to give it to them exactly because humans did not seek to harm nonhuman animals or ask for more than just enough.

Yet, the communion of hunter and prey at the time of the hunter's death does not appear to be quite as complete as the early communion. Not all animals, but only those that the hunter killed meet him at the rainbow to cross over to Qalang Utux. There are also some animals that remain enemies to the people, the ones that eat unqualified souls. Aki lists poisonous snakes, pythons, and crocodiles as the species that await those that

⁵⁵ Aki, *The Rainbow's Judgment*, 52.

fail the judgment of the rainbow. The northern Tayal hero Buta transformed into the rainbow bridge when he died. When a hunter that was not faithful to Gaga during his lifetime tries to cross the rainbow bridge, Buta overturns him and sends him falling into the waters below. The poisonous snakes, pythons, and crocodiles devour these unfortunate souls.

Aki's Gaga differs with Tali's description of Gaga, but it resembles Masa Tuhui's description. Geographically, Masa's and Aki's qalangs are farther apart than Aki's and Tali's, but their stories both reflect an ontology of the animal that more closely resembles an equality of life. The equality of life in the film *The Rainbow's Judgment* derives from Aki's Gaga, but it is not one person's Gaga. Apang Bway wrote the screenplay, and the Tayal production team included three Tayal language consultants. Apang is the Secretary-General of the Taiwan Tayal Language and Culture Research and Development Association.⁵⁶ The mission of the association is to recover and restore the Tayal language and culture for all Tayal people, which includes making educational materials for people of all ages.⁵⁷ Aki's book and Apang's work to preserve Tayal

⁵⁶ Apang Bway was listed as the Secretary General as of May 5, 2018, according to the Taiwan Tayal Language and Culture Research and Development Association Facebook page. My translation of the name of the association. Original Chinese: 台灣泰雅族語言文化研究發展學會. Indigenous Views, Facebook Post, May 5, 2018, <https://www.facebook.com/Tribalperspectives/posts/2053901458183744>.

⁵⁷ It is also notable that the mission is described in terms of the international movement to preserve languages by referencing the Tayal language status as vulnerable according to the United Nations Educational, Scientific, and Cultural Organization (UNESCO). "Guanyu" 關於 [About], Taiwan taiya zu yuyan wenhua yanjiu fazhan xuehui 台灣泰雅族語言文化研究發展學會, accessed October 6, 2019, https://www.facebook.com/pg/gagatayal/about/?ref=page_internal.

culture, but in so doing, they also produce a unified modern cosmology for an emerging Tayal nation.

In this greater context, a key line in the film *The Rainbow's Judgment* reveals key insights into the form in which Tayal cosmology is being resurrected. In the pivotal moment in which Buta explains why he thanks the boar for his sacrifice, he tells Tayaw, "We and all lives alike are equal. In order to live, we pray to God to give us game." The cosmology is not the godless cosmology with no heaven above that Kim described in 1980. Rather, it is a cosmology in which God is central. Buta does not pray to his own ancestors, but rather the unitary deity Utux. Just as Tali described, there is no conflict between Christianity and Gaga, but this cosmology of Gaga is also not the naturalistic cosmology of the European Enlightenment in which animals were nothing but machines. In this cosmology, all life, including the life of wild boars, is equal.

6.7 Conclusion

The film *The Rainbow's Judgment* claims all life is equal, but does not describe why life is equal. The constellation of relationships in Gaga is vastly different than in Buddhism. While non-killing is so essential to Buddhists, killing is essential to the relationships in Gaga. Prior to Japan's success in occupying the mountains and prohibiting headhunting, killing was exactly how Gaga was implemented. This killing, however, did not necessarily preclude equality, killing both humans and non-human species according to the rules of Gaga could be considered a form of equality.

Headhunting ended nearly a century ago, and following the Charismatic Revival Movement, Christianity is now deeply rooted in Qyunam Mrqwang-Mknazi. A young generation of pastors is now promoting a Gaga that is completely compatible with Christianity. The European history of Christianity from Aquinas to Descartes created a Christianity with animals that lacked the souls required to enter Heaven, even calling animals nothing more than mechanical clocks. Tbahu and the Mrqwang-Mknazi people are now negotiating what nonhuman animals are in their Christian Gaga. Yumin Hayong and Tali Behuy offer one answer, and Rimuy Aki and Apang Bway offer another.

Tayal culture is neither unitary nor uniform. As the government has recognized them as a nation, the Tayal must build this new nation even while factions such as the Truku and Sediq secede and build their own nations. The Tayal nation is currently being built with the previously isolated qalangs and qyunams. The national Tayal identity is still forming, so it is not surprising that each local Tayal community has both commonality and differences with the others. Then it is not surprising that Rimuy Aki's Gaga may differ with Tali's, just as both differ with the Gaya of the Truku communities that Kim studied in the 1970s. These notions not only vary geographically but also change with time, and Gaga must respond to Christianity, Han culture, new technologies, and new forms of education. Tali's Gaga will likely continue to pass down to his local community, as the Gaga of other qalang pass down to their local

communities, but at the same time, books, video, and other media now allow Aki and Apang's Gaga to simultaneously reach many Tayal qalang and beyond the qalang to the greater Han society. Education on Gaga will certainly continue to negotiate these competing modes of transmission and continue to adapt to a changing world. The reference to equality of life in the *Rainbow's Judgment* may be an effort to find common ground, another form of controlled equivocation that extends an olive branch to the Buddhist community, a place to start dialogue by showing that Gaga cares for all life.

The film the *Rainbow's Judgment* shows Buta speaking to a boar who was already dead, thanking it for its sacrifice. He explains to Tayaw that he must thank the boar because all life is equal. In this story, we can imagine all life is equal because the same life energy adheres to the boar as humans. According to some Tayal hunters, in death, the boar can protect the hunter just as the utux of a human head brought home from an enemy qalang can protect the hunter's qalang. According to Aki's Tayal stories, all the souls of the animals a hunter has captured will meet him at the rainbow bridge to cross over together after he dies. Aki draws a picture of interspecies harmony for early humans, an image that could be interpreted to resemble the Garden of Eden.

Rather than offering pigs for the utux of the ancestors, the people of Tbahu now go to Prayer Mountain to pray to the one and only Utux, the one that missionaries came to tell them about and the one that compelled Ciwas Nawiy to tremble and make prophesies. Christianity and human rights may have come from abroad, but these

teachings are what protects the indigenous people from the colonization by the Han people. Even if Buta did not have Christianity and human rights, they are exactly what Tayal people need now to protect Gaga. The right to hunt in particular is the right to practice Gaga. Chao-hwei, along with LCA and the animal protection movement, have been outspoken critic of indigenous hunting. To fully understand the relationship of the indigenous people to the equality of life, we must understand how Chao-hwei's Buddhism-inspired equality of life collides with indigenous ways of life in the mountains of Taiwan, which we will turn to in the next chapter.

Chapter 7. The Collision of Cosmologies: Tayal Hunting and the Buddhist Release of Life Ceremony

7.1 Background

Buta's declaration of the equality of life in the film *The Rainbow's Judgment* is not merely an explanation of Gaga. It is also a form of controlled equivocation. The indigenous people must convince the Han majority that they are qualified to serve as managers of the land, even while, historically, Han people have blamed indigenous hunting for the precipitous decline in native wildlife populations. The equality of life of Gaga functions in a fundamentally different way than the equality of life of the Buddha-Dharma. Both protect all life, but the primary way that Gaga protects life is through the implementation of proper and appropriate methods of the killing involved in hunting, while the primary way that the Buddha-Dharma protects life is by refraining from killing. On this point of the incommensurable view of killing, Gaga violates the Dharma, and Dharma violates the Gaga. As both "Dharma" and "Gaga" mean "law," these systems of law contradict each other, and the collision of these two systems of laws in the mountains of Taiwan involves a political dispute about the state laws on hunting. LCA's early activism set the stage for how this dispute would play out.

LCA has achieved a number of legislative successes. Most notable are the 1994 amendment to the Wildlife Conservation Act and the passage of the 1998 Animal Protection Act. The 1994 amendment to the Wildlife Conservation Act is not only

notable because it is LCA's first major legislative achievement, but also because of how it reveals the colonial aspect of the implementation of law based on the equality of life. I have already shown in Parts I and II how human equality, through the separation of church and state and the freedom of religion, suppressed alternative teachings and alternative forms of equality such as the equality of life. To maintain a symmetry in my analysis of the equality of life, it is also necessary to examine how the equality of life may suppress alternative teachings and forms of equality. The impact of the Buddha-Dharma's equality of life on the indigenous people's traditional culture of hunting is exactly the type of case that reveals this colonial relationship.

People in Chienshih not only see the animal protection movement encroaching on their hunting, but they also argue that the Buddhist "release of life" (fangsheng 放生) ceremony is altering the balance of Taiwan's ecosystems. Thus, in addition to comparing the legal battle over hunting, I examine the practice of the "release of life" ceremony with a focus on the cobra, as the release of cobras near human communities has been the most controversial. Even though LCA also opposes what it considers to be the improper implementation of the release of life, hunting and the release of life place the two forms of equality of life that Buddha-Dharma and Gaga represent into contrast. Buddha-Dharma focuses on liberating nonhuman animals by releasing them, while Gaga focuses on harvesting nonhuman animals by hunting.

The collision of these two differing ontologies of life occurs in a particular context in which Christian liberal humanism creates the terms of a debate as dictated by the institutions of human equality. In this chapter, I argue, first, that by seeking to substitute the “equality of life” for “human equality,” LCA aims to liberate sentient beings from the constraints of liberal humanism, but in doing so, they also propagate Han colonial policies toward indigenous peoples. Second, I argue that as the indigenous people ally with the indigenous rights movement and Christian churches to which they have converted, they rely on the institutions of liberal humanism and Christianity to resist Han colonialism. Rather than constraining Buddhist and indigenous teachings by the liberal humanist assumptions entangled with the category of religion, I deploy ethnographic data and the methods of political ecology to compare different ontologies of life that collide in the mountains of Taiwan, and show how Taiwan’s Buddhists and indigenous peoples are both forced to appeal to and reinforce institutions based on human equality, institutions by which both were suppressed. I begin the chapter by explaining how the identity of indigenous peoples was forged in the institution of liberal humanist colonialism and how the power relations produced in that encounter dictate the terms in which different ontologies of life are authorized to engage with each other.

7.2 Liberal Humanist Colonialism and the Need for Indigenous Rights

7.2.1 Tayal Colonialism

The 2007 United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the preceding international agreements established a human rights basis for the protection of indigenous culture. These human rights rested on the human right of minority communities to preserve their cultures. The recognition that many minority cultures or colonized peoples have cultural practices and knowledge that have allowed them to preserve biodiversity better than the majority capitalist liberal democratic system has bolstered claims to the right to cultural preservation. However, the international human rights system stems from a different teaching and a different cosmology than the teachings that indigenous people aim to preserve. The implementation of Gaga through headhunting did not consider the human rights of people in neighboring watersheds, and grant smaller ethnic groups protected minority status. In fact, the founding story of the northern Tayal people is a story of colonizing new lands.

Approximately 350 years ago, the northern Tayal ancestors lived in central Taiwan in the area of Pinsbukan (Faxiang Village, Ren'ai Township, Nantou County), but the area had become overpopulated. Buta, the great leader of the Tayal people, told his kin that if they stayed at Pinsbukan, they would starve to death, so they needed to

leave and look for a new place to live. Over nearly a 125-year period, the Tayal moved north. Various branches of the Tayal in this great migration reached different locations, including Yilan, Taipei, Hsinchu, and Taoyuan. The details of this migration, as transmitted by the oral tradition, establishes the common origin of the Tayal people but also differentiates each qalang according to the unique ending to its own migration story. The land that the Tayal occupied, however, was previously occupied by a group of indigenous people.

The Goagan branch of the Tayal tell a story of how they expelled the indigenous people who they called the Xikamafu 希卡,馬甫 when they colonized their present territory. One day, Buta went hunting. On the way, he realized he could not find one of the dogs that had been with them. He was concerned the dog wandered into Xikamafu territory. Buta told his son Yab Buta to go find the dog. Yab Buta took another hunter with him, and went to look for the dog in Xikamafu territory, but as soon as they got there, the Xikamafu attacked them. Yab Buta and his companion tried to escape, but they were both killed. When Buta learned that his son had been killed, he sent a party of his men to counterattack. The Tayal warriors pushed a great number of Xikamafu north to what is now called Banqiao 板橋 in Taipei. After successfully subduing the Xikamafu,

Buta realized how much fertile land there was at Goagan. He returned to Pinsbukan, and told his people about the excellent farmland there.¹

The idea that the Tayal should protect the indigenous rights of the Xikamafu does not occur in this story, nor was there any apparent common identity between the Xikamafu and the Tayal as “indigenous people.” Gaga did not function according to UNDRIP or any other international standard. If the Tayal followed Gaga, the utux would reward them with success in headhunting and hunting, without regard to any idea about the inalienable human rights of the headhunted or the animal rights of the hunted. Instead, the idea for indigenous rights is contingent on a specific historical context.

7.2.2 Liberal Humanist Colonialism

On December 8, 2007, Nationalist Party presidential candidate and future two-term president Ma Ying-jeou 馬英九 attended a meeting with Xizhou hamlet (Xizhou buluo 溪州部落), an indigenous Amis Nation community south of Taipei. Due to flood risk, the Taipei County government planned to relocate the hamlet. In his response to a request to build a levee instead, Ma said, “As you have come to our city, you are one of

¹ Fuxing Xiang Zhi Bianji Weiyuanhui 復興鄉志編輯委員會, ed. Fuxing Xiang Zhi 復興鄉志 (Fuxing, Taiwan: Civil Affairs Office of Fuxing District, 2000): 80. Obtained from “Zaoqi Taiyazu de Buluo” 早期泰雅族的部落, Yabit, accessed September 20, 2019, <http://yabit.org.tw/celeb/honor/C0336330085/page/dayah-3.htm>

us. You came to Taipei, so you are Taipei people. I see you as people. I see you as citizens of the city. I will properly educate you, and properly provide opportunities for you.”² In the same meeting, he also said, “I just told him he doesn’t have a problem with genes. He has a problem with opportunity. I’ll give him opportunity.”³ These statements angered many indigenous people, evoking historical prejudices that suggest indigenous people are less than human. Even while Ma may have intended to say that he would help indigenous people, many people took his language as paternalistic. The Democratic Progressive Party called Ma a Han chauvinist and called for an apology. Ma claimed that his comments were taken out of context. Whatever Ma’s intentions may have been, the controversy that ensued reveals a deep historical precarity and uncertainty about the humanity and equality of indigenous people.⁴

The term “indigenous peoples” is not defined in Taiwan’s Indigenous Peoples Basic Law or in UNDRIP. In Taiwan, the government must approve the application of any nation that applies for status as an indigenous nation. So far, it has not recognized

² “Ma Yingjiu: ‘Wo Ba Ni Dang Ren Kan! Wo Jiaoyu Ni! Ni De Jiyin Mei Wenti! Wo Gei Ni Jihui! Ni Yao Anzhao Wo De Youxi Guize Zou!’” 馬英九：『我把你當人看！我教育你！你的基因沒問題！我給你機會！你要按照我的遊戲規則走！』, YouTube, posted October 30, 2014, <https://www.youtube.com/watch?v=qWcACl0YdaA>. My translation. Original Chinese: 你既然來到了我們的城市，就是我們的人，你來到台北就台北人，我把你當人看，我把你當市民看，要好好的把你教育，好好的提供機會給你。

³ Ibid. My translation. Original Chinese: 我剛剛講他的基因沒有問題，他機會有問題，我給他機會。

⁴ For more information about this Ma Ying-jeou controversy, see Huang Zhong-rong 黃忠榮, Li Xin-fang 李欣芳, Luo Tian-bin 羅添斌, and Fu Chao-biao 傅潮標, “Ba Yuanmin Dang Ren Kan’ Ma Fayan Aipi” 「把原民當人看」馬發言挨批. Ziyou shibao 自由時報 [Liberty Times], December 27 2007, <https://news.ltn.com.tw/news/politics/paper/178072>.

any group other than the mountain people, the people that previously lived in the “Fan” District (fanqu 蕃區)--- the area administered by the Japanese police outside of constitutional law. The Japanese colonized the “Fan,” but they also colonized the Han people and the lowland indigenous peoples that lived outside of the “Fan” district. The act of colonization seems necessary but not sufficient to qualify as an indigenous person.

There are many peoples in the world that are “indigenous” to a region that are not “indigenous peoples.” At a Tayal church in the Mrkwang-Mknazi area, I once had a conversation about indigeneity with some Tayal and some Han people. The Tayal pastor had visited Korea, but he said the Koreans could not understand what an indigenous person was. Koreans were indigenous to Korea, so they could not see why they would not be an “indigenous people.” Similarly, we observed that China had many ethnic minorities, but they also are not considered indigenous people. They are considered “minority nations” (shaoshu minzu 少數民族). There is something else that defines indigenous people in our collective imagination.

Beginning from Pinsbukan in central Taiwan, the Tayal people colonized the northern territory that they currently occupy around the end of the Ming Dynasty and the beginning of the Qing Dynasty. They displaced the indigenous Xikamafu people at approximately the same time period that Han people increasingly came to Taiwan and colonized the lowlands. The Indigenous Peoples Basic Law grants the right to reclaim traditional territories. However, efforts to draw these territories tend to focus on the

territories at the time the Japanese reservation system was formed, and the claims to traditional territory of lowland indigenous peoples located outside of Japanese “Fan” districts are ignored. The concept of indigeneity and traditional territory implicitly points to the specific type of colonization of imperial powers that claimed either Christian or liberal constitutional forms of governments. These imperial systems tended to be European, but Imperial Japan and the Republic of China adopted these North Atlantic models.

The key defining feature of indigenous people is that who we now call indigenous people were not only colonized, but also denied the rights of the colonizers. The Japanese and the Nationalist Party that followed them were constitutional governments, modeled on a liberal democratic system. They guaranteed rights even if they failed to always make good on these guarantees. In particular, they denied these rights to specific minorities. In the Taiwanese case, the minorities were the mountain peoples. This feature of indigenous peoples seemed to be built into liberal humanism from the time that John Locke proposed the fundamental principles of liberalism and human rights. Locke’s rights were only available to rational people that were able to reason that God exists. Rights only truly belonged to people that acted virtuously because they knew there was a higher power who would mete out rewards and punishments. For Locke, the peoples of the Americas and Africa knew no God, and, thus, knew no religion. It was these “primitives” that needed the guiding hand of

Christians and enlightenment of a liberal government. Thus, indigenous people were often denied rights and forced to assimilate into Christian liberal societies.

During nineteenth-century colonialism, the “Law of the Nations” that set international standards among European colonial powers divided countries into primitive, uncivilized, and civilized. The civilized countries were Christian and fully sovereign constitutional forms of government. The primitive countries were fully open to colonization and denied sovereignty. Some degree of limited sovereignty was allowed for uncivilized nations. The teachings in these uncivilized countries needed to emulate Christianity to prove their credentials as religions, but the primitive teachings needed to be destroyed as superstitions. Initially classified as an uncivilized country, Japan sought to meet these European standards of the “Law of Nations” to achieve recognition as a civilized nation.⁵

In the case of Taiwan, the Japanese adopted the models set by the “Law of Nations,” and imposed a reservation system modeled after the United States for the “primitive” mountain people. They tried to impose State Shinto instead of Christianity, but the implication that the “Fan” were less than fully human was implicit in the denial of rights of these “primitive” people. Later, under the Nationalist Party government, the Regulations for a Campaign to Improve the Life of Taiwan’s Mountain People attempted

⁵ See Isomae, “The Conceptual Formation of the Category “Religion” in Modern Japan.”

to assimilate “mountain people” into Han culture. Also emulating United States law, laws like the National Parks Law and the Wildlife Conservations Law imagined a nature absent humans, which implicitly denied the humanity of the people that lived in “nature.”

Of course, liberalism continued to evolve, and the indigenous peoples movement aimed to redress this feature of Locke’s liberal philosophy and its legal implementation over centuries of colonization. The provisions of UNDRIP only really make sense when the historical denial of the humanity of indigenous people is presumed. Article 1 affirms that indigenous peoples enjoy the full rights of other international human rights law such as the Universal Declaration of Human Rights Law. Article 2 states that “Indigenous People are free and equal to all other peoples.” Article 6 guarantees the right to a nationality. These rights simply affirm that indigenous people are human just like other humans.

UNDRIP also affirms a right to self-determination, which included autonomy and self-government. However, in practice, these rights remain aspirational. If they were granted, they would impair state sovereignty, so states have committed more resources to protecting indigenous culture without making significant concessions on sovereignty. In Taiwan, efforts at drafting a bill for indigenous self-rule have stalled as the government has been unwilling to meet the indigenous peoples’ specific demands for autonomy. The Forestry Bureau is in discussion with indigenous groups about co-

management schemes for hunting, fishing, and gathering of forest resources, but in these schemes, the government generally retains final decision-making authority after consideration of recommendations by joint committees of indigenous people and local authorities. The result is that the principle gains of the indigenous rights movement has been government support and financial subsidy of cultural preservation, but any promises regarding self-determination are provisional and subordinate to the interests of the state.⁶

These legal frameworks protecting indigenous culture are material gains relative to the deprivation of human rights and forced assimilation, but they do not eliminate the category of the “primitive.” The category is renamed “indigenous peoples” as this has been the name that the nations formerly called “primitive peoples” have selected for themselves, but rather than gaining true autonomy, the indigenous people must make cultural arguments to retain their traditional teachings and practices. For the Tayal, this arrangement means that they can only protect Gaga by claiming it as a cultural system. The areas where its cultural authority is recognized is in the area of hunting, fishing, and gathering as a type of “traditional ecological knowledge.” What was previously a complete system of governance, a complete cosmology, and a comprehensive teaching about the next life is reduced to a culturally specific way of relating to nature. Any

⁶ For a more detailed discussion of indigenous rights in Taiwan, see Gao, Charlton, and Takahashi, “The Legal Recognition of Indigenous Interests in Japan and Taiwan.”

expression of Gaga must still be authorized by a system of human rights, so political appeals for the expression of Gaga reinforce the hegemony of liberalism.

The system of hierarchy of teachings still remains. The “superstitions” of “primitive peoples” have become the “traditional ecological knowledge” of “indigenous peoples.” Religions receive the protection of the “freedom of religions,” but are separated from the domain of power by the “separation of church and state.” The “secular” teachings of liberalism remain in the seat of power as an expression of a human equality supported by Christian cosmology. In many ways, the ancestor veneration of Gaga resembles the ancestor veneration of Confucianism, but because of hierarchies of power, Confucianism has successfully integrated its teachings, rituals, temples, and ritualists into the operations of the secular state and the compulsory curriculum for all people in Taiwan, while Gaga has been reduced to a “traditional ecological knowledge” whose practice is conditioned on the approval of the state and taught only to a single minority ethnic group.

When considered from the perspective of the Christian liberal cosmology that created these categories, there is a very clear relationship. The three-part supernature-human-nature ontology corresponds with these three categories. Religion relates to the supernatural; the secular relates to the human, and traditional ecological knowledge relates to nature. The “primitive”-cum-“indigenous person” was always considered somehow part of nature, and somehow less than human, so indigenous teaching are

assigned to the category of nature. Yet, governments such as Taiwan's are still reluctant to grant the secular authority of self-determination to these indigenous peoples to manage human affairs. The colonialism involved in the release of life ceremony and hunting must be understood in the context of this colonial backdrop, because rights given to nonhuman animals are a reminder of the human rights denied to indigenous peoples for the reason that they were not fully human.

7.3 The Release of Life

The Mrqwang-Mknazi people see Gaga as the way to protect all life in the forest, and the common sentiment among the Tayal is that they themselves are the experts in conservation of the forest and the protectors of all the multi-species inhabitants of the forest. The threat to the balance of the forest ecosystem and the livelihood of the Tayal that I heard most frequently mentioned in Tbahu and the Mrqwang-Mknazi qyunam was the release of life ceremony. When I asked about various species such as macaques and dogs, I heard a very similar story. People from the cities and the lowlands bring animals to the mountains to release them. The species that I heard mentioned most frequently were dogs, macaques, and cobras.

Dogs are not considered wild animals in Taiwan, but they do pose a threat to the balance of the ecosystem. As predators, they are a threat to other species, and a large long-term stray animal population has led to a feral breeding population in some areas. These dogs feed on everything from rabbits to macaques, and pose a threat both to the

well-being of individuals and to the stability of populations of species. For example, the conservation biologist Kurtis Pei reported to me that feral dogs decimated the native rabbit population in the Yangmingshan National Park area, and animal protection activists reported that stray dogs often maul macaques in the Shoushan National Nature Park. Neither of these parks are near Tbahu, but they demonstrate some documented impacts that stray or feral dogs can have. The stray dog problem is a major issue that LCA and other animal protection organizations have been working on for years. Han animal activists have also told me that pet abandonment is a major problem and are engaged in campaigns to educate pet owners prior to adopting an animal they cannot care for. Many families buy or adopt dogs without being fully aware of the time and resources involved in taking care of animals. When they find the burden of taking care of a dog overwhelming, they may release the dog to fend for itself. This tendency to release unwanted pets can be inspired by Buddhist prohibitions against killing and the idea that every individual animal must live out its own karma. Tbahu residents say that some lowland people feel that the mountain forests are a suitable place to release animals, so they release their dogs in the mountains. While Tbahu residents used the term “release of life” (fangsheng) for dogs, they did not represent the release of dogs as a formal Buddhist ceremony. Nonetheless, they feel that they, the mountain residents, are the ones that must deal with the mountain stray dog population.

The stories regarding the release of life of chimpanzees, monkeys, and cobras are more perplexing. In 2016, one Tbahu farmer told me that monkeys had increasingly come down from the mountains into the orchards in the previous five to six years. Previously, monkeys were afraid of humans, but religious groups had been releasing monkeys into the mountains. These new monkeys were accustomed to humans, and they would come down and play with the fruits and destroy the crop. Many other local residents confirmed that religious organizations were coming to the mountains and releasing monkeys. Some people alleged that religious organizations were releasing chimpanzees or monkeys the size of chimpanzees. Several Tbahu residents also alleged that members of Tzu Chi released the chimpanzees or monkeys. My research assistant Hank discussed this form of release of life with two Tbahu residents that personally saw religious organizations release chimpanzees or chimpanzee-size monkeys. One of them also described in detail how another member of the qalang had seen Tzu Chi release poisonous snakes at Qalang Uraw (yulao buluo 宇老部落).

Uraw, just a ten minute drive from Tbahu, is a small hamlet of approximately 200 people located at a ridge which separates the “front mountain” region from the “back mountain” region of the Mrqwang river valley. Because of the high-altitude view looking out on the mountain valley, the hamlet has a platform for tourists to enjoy the view, as well as a restaurant that also looks out into the valley. Tourists on the way to popular tourist destinations such as Qalang Smangus must pass through Uraw, so it is a

common stopping place with many cars parked alongside the road. The platform for viewing the scenery is at the center of the hamlet and the focal point for tourism. It is exactly at this platform where the Tbahu residents' account of the release of poison snakes took place.

Hank attended a Tzu Chi high school and was familiar with the organization, although not a member. Tzu Chi is not known for the release of life, but primarily for human-centered charitable projects such as disaster relief. Tzu Chi practitioners wear a "blue sky, white cloud" uniform when they participate in Tzu Chi activities. Tzu Chi is perhaps the highest profile Buddhist organization in Taiwan, and the general population is familiar with the uniforms. It is plausible that a local person could see an outsider wearing a Tzu Chi uniform and identify them as a Tzu Chi member, but when Hank asked about whether the people releasing animals wore "blue sky, white cloud" Tzu Chi uniforms, the residents were uncertain about whether the releasers were wearing uniforms when they released poisonous snakes. Since they were not the eyewitnesses of the release of poisonous snakes themselves, we could not confirm how the snake releasers were identified as Tzu Chi members. We called the Uraw police station, but they did not have any records that a release of poisonous snakes was reported to the station. The chief, who is also a local resident, heard rumors about the incident and carefully asked his source about the details. According to the rumors, a car arrived at the hamlet repeatedly over several days. Passengers in the car released snakes, and drove

off as soon as they were done. While the rumor has spread through the area, the chief was not able to locate an eyewitness. Although no police records corroborated the rumors, stories of a variety of incidents are certainly widespread in the Mrqwang-Mknazi area, including alleged incidents that involve Tzu Chi, religious organizations, or Buddhists releasing poisonous snakes at Uraw, as well as other locations such as Miaoli 苗栗 and Yilan 宜蘭.

While we could not identify police records or media reports of any cases of releasing poisonous snakes in Qyunam Mrqwang-Mknazi, we did find reporting on cases in Yilan and Miaoli. The Yilan case was unique because the practitioners provoked widespread condemnation by posting what they did online. According to media reports, a group of six practitioners bought 70 kg of snakes for 517 NTD/kg (17.27 USD/kg). They obtained the snakes from another release of life organization, so that they could get a reasonable price. Among them was a snake releasing expert who had been releasing snakes for more than twenty years and had even released snakes in Thailand and mainland China. He normally bought snakes from providers in the south of Taiwan or in the mountain districts, which demonstrates that there is an existing market for buying poisonous snakes. Most of these poisonous snakes seem to be cobras, which are native to Taiwan, but they have trait variations according to region of origin, which make their provenance somewhat identifiable. For several years prior to the incident, local fire

departments had caught many cobras that appeared to be non-native to the Yilan region of northwest Taiwan.⁷

The six practitioners who released the snakes in Yilan reported to be followers of Shi Haitao 釋海濤. Haitao may be the Buddhist monk who most actively promotes release of life in Taiwan. He is associated with several associations, and has a television network called Life TV (Shengming dianshitai 生命電視台). His organization Chinese Life Protection Association (Zhonghua hushing xiehui 中華護生協會) promotes the release of life ceremony. According to the groups life protection manual, protecting life is the same as protecting the mind. The release of life eliminates the karma of killing and relieves sentient beings' fear of humans.⁸ In a 2009 lecture, Haitao admitted to releasing a cobra himself, and he defended several Buddhist renunciates who released poisonous snakes in Miaoli, dismissing concerns of local authorities that the snakes may bite people. He said that once they chant the Buddha's name to the snakes during the release of life ceremony, the snakes will not bite people.⁹ His followers who released snakes in Yilan made the same claim in their blog.

⁷ Liao Shih-ruei 廖士睿, "Zongjiao Fangsheng Tuanti Zhenzhen Youci Luangao Fangsheng Yanjingshe 宗教放生團體振振有詞 亂搞放生眼鏡蛇," *Fanshuteng xinwen* 蕃薯藤新聞 [Yam News], June 13 2012, <https://n.yam.com/Article/20120613539550>.

⁸ Shih Haitao 釋海濤, ed., *Husheng Shouce* 護生手冊 (Dongshan Township, Yilan County: Zhonghua yinjing xiehui 中華印經協會, 2005): Preface.

⁹ "Shenqi Xiaoniao Shuangshuang Zhi, Weijie Fashi Xintou Yi," 神奇小鳥雙雙至，為解法師心頭疑. Shih Haitao 釋海濤. Posted December 22, 2009.

<http://www.folou.com/redirect.php?tid=192028&goto=lastpost#lastpost>.

Most other major Buddhist groups in Taiwan do not support the form of release of life that Haitao supports. Rather they argue that the idea of protecting life through the release of life ceremony has been corrupted and needs to be restored to its original intent. Tzu Chi is among these voices. In 2013, Tzu Chi's DaAi News published an article that argues that some religious organizations have sparked controversy by the corrupt or indiscriminate use of the release of life ceremony.¹⁰ The article includes the expert opinions of the Forestry Bureau's Director General Chang Bin (Zhang bin 張彬) and one of LCA's board members Yang Sen-hong (Yang xian-hong 楊憲宏). The message of the article as well as these experts is that the release of life must be conducted correctly to avoid ecological damage and harm to individual animals. Animals are harmed when they are captured from the wild only to be released again. The Wildlife Conservation Act originally only restricted trade in Taiwan's protected native species, so some organizations imported non-native species to release. Many animals simply died in an environment to which they were not adapted. Others brought diseases such as rabies. Those non-native species that survived impacted the ecosystem. More recently, the Forestry Bureau, the animal protection organizations, and the religious organizations began to have discussions about how to regulate the release of

¹⁰ Daai xinwen 大愛新聞 [DaiAi News], "Xianzhi Fangsheng Huigui Husheng Benzhi" 限制放生 回歸護生本質, August 12 2013, <http://www.tzuchi.org.tw/index.php?view=article&catid=107%3Ataiwan&id=12511%3A2013-08-12-02-34-12&tmpl=component&print=1&layout=default&page>.

life ceremony so that the process of release of life is regulated to control the type of animal, quantity, and location of release. The analysis in the DaAi article reinforces related position statements by the Tzu Chi organizations and their leader Cheng Yen. When asked about the release of life in 2010, Cheng Yen said that “the release of life is a good thing, but one must choose the correct path, without going astray.”¹¹ In 2013, she said that “releasing life is not as good as protecting life.”¹² I was not able to locate any Tzu Chi release of life events online, and Julia Huang’s detailed book on the organization and its practices never mentions release of life.¹³

In the last several years, new avenues have emerged for Buddhists to hold release of life ceremonies. The Buddhist Sangha Health Care Foundation 佛教僧伽醫護基金會, which provides health care assistance across Buddhist organizations, has used its network to organize a standardized process of release of life. It serves as an intermediary between the Taiwan government and Buddhist organizations to negotiate

¹¹ "Shangren Duiyu 'Fangsheng' De Kanfa?" 上人對於「放生」的看法?, Ciji jijinhui 慈濟基金會 [Tzu Chi Foundation], posted October 2, 2010, <http://www.tzuchi.org.tw/index.php?view=article&catid=60%3A2010-09-22-08-02-55&tmpl=component&print=1&layout=default&pa>. My translation. Original Chinese: 放生，是好事，但必須選擇正確的路，莫誤入歧途。

¹² Shih Cheng Yen 證嚴, "Zhongshu Buru Hushu Fangsheng Buru Husheng" 種樹不如護樹 放生不如護生, posted January, 16, 2013, http://tw.tzuchi.org/waterdharma/index.php?option=com_content&view=article&id=12436:2013-01-15-09-15-12&catid=62:master-other-speeches&Itemid=19.

¹³ Huang, *Charisma and Compassion*. My translation. Original Chinese: 放生不如護生。

an amendment to the Wildlife Conservation Act that would regulate the release of life. Until that goal is achieved, the foundation organizes release of life ceremonies with standardized protocol and documentation that are designed to assure humane and ecologically suitable outcomes. Haitao's Chinese Life Protection Association is among the organizations that it consults.¹⁴ The Council of Agriculture's Endemic Species Research Institute also teamed up with the Bliss and Wisdom Buddhism Foundation (Fuzhi fojiao jijinhui 福智佛教基金會) to rehabilitate wild animals for return to their habitat through the release of life ceremony.¹⁵

These collaborations, however, are innovations in a largely unregulated system. The Environment and Animal Society of Taiwan (EAST; Taiwan dongwu shehui yanjiu hui 台灣動物社會研究會), a group that split off from LCA, published a 2009 report that evaluated the depth of the problems associated with the release of life ceremony.¹⁶ According to the report, 24% (483) of religious organizations in Taiwan conduct the release of life ceremony. At the time of the report, they spent an estimated 200 million

¹⁴ Shi Hui-ming 釋慧明, "Cibei Zhihui Fangsheng Xing ~ Sengqie Yihu Jijinhui Baogao" 慈悲智慧放生行~僧伽醫護基金會放生報告, paper presented at the 2016 Husheng Yu Huanjing Yongxu Luntan 2016 護生與環境永續論壇, Taipei, December 2, 2016.

¹⁵ Zhan, Fang-ze 詹芳澤, "Shangyu Yesheng Dongwu Fangsheng-Yi Teyou Shengwu Yanjiu Baoyu Zhongxin Wei Li" 傷癒野生動物放生-以特有生物研究保育中心為例, paper presented at the 2016 Husheng Yu Huanjing Yongxu Luntan 2016 護生與環境永續論壇, Taipei, December 2, 2016.

¹⁶ Taiwan Dongwu Shehui Yanjiuhui 台灣動物社會研究會 [Environment and Animal Society of Taiwan], "Daliang, Shangyehua Fangsheng Xisheng Dongwu, Huanjing: Yimang Yin Zhongmang, Xiangqian Ru Huokeng? - 2009 Nian Taiwan Fangsheng Xianxiang Diaocha Baogao" 大量、商業化放生 犧牲動物、環境：一盲引眾盲，相牽入火坑？- 2009 年台灣放生現象調查報告, 2009, <https://www.east.org.tw/sites/east/files/content/upload/File/2009-ISSUES/20091002-1.pdf>.

NTD (app. 65 million USD) annually and released more than an estimated 200 million animals per year. EAST identified 155 vendors, many of whom catered specifically to the release of life market. The work of organizations like Buddhist Sangha Health Care Foundation and the Bliss and Wisdom Buddhism Foundation are working with the Forestry Bureau to find humane and ecologically appropriate methods to conduct the release of life ceremony. Their efforts mark a beginning to a resolution that satisfies the organizations that conduct the ceremony, animal protection groups, and the government, but they are still working on a larger legislative solution that would regulate the massive practice of release of life.

The ecological impact of the release of life ceremony is very real, and the people in Tbahu and Mrqwang-Mknazi feel the impacts directly in their community. For the Mrqwang-Mknazi people, the release of life ceremony also demonstrates how the lowland Han people do not understand or follow Gaga. While Tzu Chi does not promote the release of life, it is one of the largest Buddhist organizations in Taiwan, and for many people, it is a public face of Taiwan's Buddhism as well as Buddhist environmentalism. For the indigenous people, it also represents the lowland Han urban culture in contrast to the highland indigenous rural culture. Considering that Tzu Chi members number in the millions, it is certainly possible that individual Tzu Chi members have conducted release of life ceremonies in the Mrqwang-Mknazi watersheds, but according to media accounts of publicly reported cases, the poisonous

snake releases in Miaoli and Yilan to which Tayal people referred more likely involved Haitao's followers. Tzu Chi appears to have taken on a symbolic role that represents a multi-species colonization. While the people that come to the mountains and release animals may only come for a day or weekend, the non-human animals they release stay in the mountains and change the way that mountain people must interact with other species. The poisonous snakes, monkeys, and dogs released by outsiders all threaten the lifestyle of the indigenous people, threatening their lives (snakes) and livelihoods (monkeys) and increasing their burden of care (dogs). To the people of Tbahu and Mrqwang-Mknazi, Tzu Chi and its Buddhism represent a whole constellation of multi-species relationship that fail to follow Gaga.

7.4 Mrqwang-Mknazi Hunting

Women no longer weave, and men no longer hunt heads. The last tattoos were inscribed on the faces of young adults nearly a century ago. Hunting, however, remains a practice that is deeply embedded in Gaga, and Gaga still governs relationships with the plants and animals of the forest. In Taiwan, even among biologists, it is a common practice to hire indigenous hunters to guide them in the forest. Indigenous people are personally intimate with and knowledgeable about the forests in ways that university-trained biologists and ecologists are not. The ethnoecologist Kevan Berg, a local Tayal community resident, and their research team found that eight of eleven forest types located around the Mrqwang qalang of Smangus resulted from the agricultural practices

of the Tayal ancestors, including the traditional Tayal swidden agriculture and terrace farming that the Japanese government and early Republic of China government promoted. Even forest conservation may require Tayal traditional activities, which were banned outside of the reservation in 1968.¹⁷

In 2008, the Mrqwang-Mknazi Alliance published a set of rules structured as a constitution or set of bylaws that establish a governing structure of the watersheds. The document leads with the root Gaga of the Tayal qyunam:

Traditional territories are the living space that the ancestors set aside for us. The instructions passed down by the ancestors require us to protect and manage all the life in the traditional territories, without allowing any outsiders to use any method to seize the land. The Tayal people regard, respect, and administer the rules transmitted by the teachings of our ancestors with a life-sacrificing conviction. If there is someone that with bad intent violates, disobeys, or damages Gaga, Utux will make the final judgment.

傳統領域是祖先留給我們的生活空間，祖先的遺訓，要好好守護管理傳統領域內所有的生命，不能讓外人用任何方式奪取。泰雅族人是以犧牲生命的態度來看待、遵守、執行所傳承的祖訓規範，若有惡意破壞、不服從、違反者，由上天的靈、祖靈等超自然力作最終的審判。¹⁸

¹⁷ Kevan J. Berg, Lahuy Icyeh, Yih-Ren Lin, Arnold Janz, and Steven G. Newmaster, "Multiple-Factor Classification of a Human-Modified Forest Landscape in the Hsuehshan Mountain Range, Taiwan," *Ambio* 45, no. 8 (2016): 919-32.

¹⁸ Lin Yih-ren 林益仁, Gayi Yawei 嘎義·亞威, Luo Enjia 羅恩加, and Kuan Dawei 官大偉, "Xueba Guojia Gongyuan Linjin Diqu (Jianshi, Datong Deng) Tayazu Koushu Lishi Fangtan Ji Buluo Fazhan Guihua" 雪霸國家公園鄰近地區(尖石、大同等)泰雅族口述歷史訪談暨部落發展規劃 (Taiwan yuanzhu minzu xueyuan cujinhui 台灣原住民族學院促進會, 2008): 181-7.
<https://np.cpami.gov.tw/%E6%9C%8D%E5%8B%99%E9%81%B8%E5%96%AE/%E4%B8%8B%E8%BC%89%E5%B0%88%E5%8D%80.html?view=dl&layout=type1&sid=6&start=100>.

The Tayal people commit to taking care of all life, which is defined more clearly in Item 4.6: "All living species, including trees, flowers and plants, insects, animals, birds, fish, cultivated fruits and vegetables, and livestock, must be cherished and protected."¹⁹ If the Tayal do not appropriately respect and protect all these forms of life, it is Utux who will ultimately enforce Gaga.

The Gaga of taking from the forest involves taking only what one needs and sharing with others in the qalang. The Mrqwang-Mknazi people traditionally did not harvest trees, although they did use logging as a way of making money after Japanese and Han colonizers suppressed their traditional way of life. Prior to the introduction of the reserve system and cash-crop economy, they planted bamboo near settlements, and used the bamboo to build houses and fashion other goods. Because the alpine regions they inhabited did not otherwise produce bamboo forests, bamboo marked the location of Tayal settlements. If wood was needed, the Tayal used wind-fallen trees. Where they cultivated the land, they burnt the trees on a multi-site rotation, and then planted nitrogen-fixing alder trees.²⁰ Japanese and Han logging interests motivated many of the policies that isolated indigenous people on reserves and restricted their use of forest

¹⁹ Ibid, 186. My translation. Original Chinese: 4.6 所有生命物種，包括樹木、花草、蟲、動物、鳥類、魚類、栽植蔬果、家畜等，都要愛惜維護。

²⁰ Berg, et al., "Multiple-Factor Classification of a Human-Modified Forest Landscape in the Hsuehshan Mountain Range, Taiwan."

resources. Given this background, it is unsurprising that these land policies destroyed animal habitat and caused rockslides. The Mrqwang-Mknazi Gaga bans harvesting trees.

The Gaga of hunting is vital to understanding the Tayal relationship with nonhuman animals. The success of a hunter depends on proper family relationships. A common concern is the matrimonial relationship. A hunter who has recently been arguing with his wife should not go hunting. For example, when a hunter's wife tells him they are too busy for him to go hunting, if he does not listen to her, he will definitely not come back with game, and he may be bitten by a boar or otherwise injured. If a hunter does come back with game, he must be humble, even denying that he was successful, and share the game with others in his family and qalang. Eating together, or "niqan," expresses the communitarian ideal of the Tayal. Even if hunting fails, the hunter can never blame the utux or request them to leave. He must accept that Gaga has only given him what he has received. In any case, how much he receives depends on his own conduct and his family relationships.

Within the hunt itself, there are also various Gaga. Elder hunters described the Gaga of reading the messages of siliq (the Tayal rendering of the bird "sisil"), but as hunters now hunt at night, it is unclear how often the messages of siliq are used. There are, however, other signs of whether or not a hunter will be successful. For example, if a hunter trips on a rock, he should return home. The forests are homes to utux, so whenever a Tayal enters the forest, he must conduct a "bciqan" ceremony to express

respect toward the utux. Some hunters address the utux of the ancestors, but more recently, many hunters pray to God instead. When a hunter sets the first trap, he must request the utux for a bountiful harvest. Success depends not only on relationships with the living family but also the ancestors.

Gaga also provides guidelines about when and where to hunt. The most hunting activity occurs in the months from October to January. Gaga does not prohibit hunting during the summer months, but most people are busy with farming during the summer. Each hunter has a designated hunting ground, and many hunting grounds are far from the hamlet. For example, one Tbahu hunter estimated that it takes around five hours to walk to his hunting ground. A round trip may take 12 hours, usually at night. Other hunters provided similar estimates. The summer months are too hot, which means game will decay in their traps. Gaga does not allow game to be wasted or discarded, so hunters must check traps most frequently during the summer. For those busy with farming, visiting the distant traps frequently is prohibitive. Still, some elders report that some young hunters set traps and let the game decay because they do not check the traps frequently enough. The elders tell these young hunters not to hunt. In the winter hunting season, the hunters typically check the traps once per week. If they trap too many animals to carry in one trip, they need to make a second trip to follow Gaga and prevent any meat from going to waste.

An elder in Qalang Cinsbu explained to me that Tayal conservation methods depend on abstaining from hunting during pregnancy and spawning periods. Virtually all land animals give birth in May, so hunters abstain from hunting in February through May. The fish spawning period roughly corresponds with the leaf cycle of rattan. Rattan leaves sprout around March or April, and become old and dry around July. Fishermen abstain from hunting during this leaving cycle, so the fishing season follows the aging of the rattan leaves, beginning around August and lasting through October. These rules seem to have some variation between qalangs and between hunters. A Tbahu hunter said that the hunting season usually lasts until February. March is possible, but farming begins to get busy at that time of year. Not every hunter follows these rules of Gaga. One younger hunter in Tbahu said he hunts anytime and anywhere.

The Tayal people, as well as other indigenous peoples in Taiwan, generally value hunting four large mammals: the wild boar (*Sus scrofa taiwanus*), the Reeves' muntjac (*Muntiacus reevesi*), the Formosan serow (*Capricornis swinhoii*), and the Formosan sambar deer (*Rusa unicolor swinhoii*). Taiwan's Council of Agriculture classifies wild boar as general wildlife, a category for unprotected species. The Reeves' muntjac was reclassified from protected to general wildlife in 2019. The sambar deer and serow are

listed as the lowest tier protected species (Class III, other conservation-deserving species).²¹

Most commonly, hunters trap these animals. Alternatively, they use dogs to track and capture them. However, hunting is not limited to these most desirable species. Other species may be hunted or killed for other reasons. For example, some farmers kill Formosan rock macaques (*Macaca cyclopis*) to protect their orchard crops. The macaque was previously a protected species, but its population has rebounded. In a controversial decision, the Council of Agriculture reclassified macaques as general wildlife in 2019. As macaque numbers have increased, farmer losses to macaques have become a serious issue. Farmers objected to the protected status, as that status left them with fewer options to protect their crops. Now farmers may kill macaques legally to protect their crops.

The Tayal respect the wild boar and black bear (*Ursus thibetanus formosanus*) more than any other species. The wild boar is the most coveted game animal because it is a favorite food of the Tayal. Additionally, boar are also fast and often aggressive. They are the most formidable opponent by which a hunter can prove his prowess. Especially before the introduction of guns, they posed a genuine threat of injury to the hunter.

²¹ Xingzheng yuan nongye weiyuanhui linwuju ziran baoyuwang 行政院農業委員會林務局自然保育網. "Baoyulei Yesheng Dongwu Minglu" 保育類野生動物名錄. Last updated January 9, 2019. <https://conservation.forest.gov.tw/0002021>.

They still do, although to a lesser degree. The black bear is even more formidable, but it is much less aggressive. Bears generally will not attack people unless someone finds themselves in the inopportune position of being between a mother bear and cub. The Tayal do not consider the meat of the bear very tasty, but Gaga places a high value on the bear. One elder told me black bears are the species that is most revered by the Tayal. According to Gaga, whoever kills one or two bears will befall a life-ending accident. Because of the great respect for bears, even close relatives enforced this Gaga by refusing to take care of a family member who killed too many bears. For some Tayal, killing one bear is still okay, but more than one is one of the most severe violations of Gaga.

These Gaga, as natural law, form the basis of Tayal self-governance. From the perspective of conservation, they also correspond well with the conservation practices that scientists espouse. They resemble the hunting system of the Rukai Nation in southern Taiwan as described by Kurtis Pei. Pei identified three characteristics of the Rukai hunting system that maintained a stable population of wildlife:

- (1) they hunted only in winter months and mainly on hooved animals, which with higher reproductive performance, allowed the game species to withstand prolonged hunting pressure without significant declining;
- (2) the scattered distribution of their hunting territories not only disperses their hunting activity, but also makes areas outside of the hunting territories function as wildlife protective areas;

(3) the limited number of users for each hunting territory reduces the possibility of over-hunting.²²

In fact, the Tayal hunt the same hoofed species as the Rukai, limit most hunting to the winter months, and assign hunting grounds to specific hunters. Pei found that the Rukai designated 20% of their lands as sacred, and these lands provided a protected area for wildlife to reproduce. While I have not done a study of the proportion of sacred or protected land in the Mrqwang-Mknazi river basin, the rules of the Mrqwang-Mknazi alliance stipulate that no one “may disturb important sacred spaces and animal habitats, and the alliance committee will make public announcements and prohibit hunting according to seasonal and regional restrictions.”²³

According to hunter interviews and comparison of several studies of the quantities of wildlife harvested, Pei posited that the Rukai system of hunting maintained a stable harvest of target species even during a 15-20 year period in which more than 80% of the harvest was sold at lowland Han bushmeat markets.²⁴ In my meeting with him in 2016, Pei estimated that all wildlife populations in Taiwan were stable or increasing with the possible exception of the Formosan black bear. However, officials at

²² Kurtis Pei, "Hunting System of the Rukai Tribe in Taiwan, Republic of China" (paper presented at the Proceedings of the International Union of Game Biologists XXIV Congress, Thessaloniki, Greece, January 1, 1999), 1.

²³ Item 4.3. Lin et al. "Xueba Guojia Gongyuan Linjin Diqu (Jianshi, Datong Deng) Tayazu Koushu Lishi Fangtan Ji Buluo Fazhan Guihua," 186. My translation. Original Chinese: 不得干擾重要神聖空間與動物棲息地，並依照時令區域限制，由聯盟會議公告，禁止狩獵。

²⁴ Pei, "Hunting System of the Rukai Tribe in Taiwan, Republic of China," 2-3.

the Forestry Bureau emphasized to me that they could not appropriately manage hunting because they do not have data from formal population studies. The problem that both Pei and Forestry Bureau officials recognize is that the Forestry Bureau does not have the resources to enforce the laws that are already on the books. Indigenous people generally hunt without regard to the law and follow their own systems. According to the professional judgment of scholars like Pei, populations are stable, but these estimations have not been systematically verified. From this perspective, the system currently relies on indigenous self-regulation by default, but indigenous authority is not formally recognized. Laws are also arbitrarily enforced so that hunters who are following their traditional practices are sometimes arrested. Pei argues that either the proper resources should be committed to enforcing existing law, or the law should be liberalized to allow indigenous people to practice their traditional hunting.

Indigenous leaders also recognize that younger generations are forgetting their traditional ecological practices, so they envision a revitalization of indigenous culture in which increased autonomy of indigenous communities combined with enhanced opportunities for younger generations to learn their traditional ecological knowledge in school re-establishes traditional hunting systems.²⁵ This type of system could involve a co-management system in which the indigenous nations and the Forestry Bureau

²⁵ See, for example, Sasala et al., "The Change and Continuity of Hunting Culture: Our Observations and Discoveries through GIS in Kucapungane."

cooperate to craft and implement wildlife management policies. Beginning in 1998, the Tayal were actually involved in the first effort to create a co-management system, as part of negotiations to establish a new national park called Maqaw National Park. Under the Chen Shui-bian administration, the government aimed to preserve cypress forests and create a new national park model that respected indigenous practices such as hunting and gathering, but the negotiations with Tayal people fell apart in 2003 because some indigenous politicians demanded full indigenous autonomy and greater protections of indigenous rights.²⁶ To date, the Forestry Bureau has yet to officially approve this type of co-management agreement. For now, Taiwan unofficially relies on self-regulation of hunting by indigenous people even while it occasionally arbitrarily arrests hunters who practice their traditional methods.

7.5 The Battle over Hunting

Until 1994, hunting and conservation law was almost exclusively modeled after international or American conservation law. These laws included the 1972 moratorium on hunting, the 1972 National Park Law, and the 1989 Wildlife Conservation Act described in chapter 4. These laws ignored the activities of indigenous people. The three-year moratorium on hunting disregarded the fact that many indigenous people still

²⁶ Lin Yih-ren, "Politicizing Nature: The Maqaw National Park Controversy in Taiwan," *Capitalism Nature Socialism* 22, no. 2 (2011): 88-103.

relied on hunting for survival. The National Park Law imagined a pristine wilderness absent people, banning all hunting activity within park grounds that had been occupied by indigenous people for centuries. The original version of the Wildlife Conservation Act banned hunting of protected species without acknowledging that some indigenous communities maintained sustainable hunting practices of some of the species that would be listed as protected species. Rather than recognizing the long history of sustainable hunting, the Han people often scapegoated indigenous people as “wildlife killers,” rather than fully recognizing the impact of development projects such as the construction of roads, mining, logging, and other forms of habitat destruction. In the 1980’s, indigenous people joined the ranks of the various human rights movements proliferating at the end of martial law.²⁷ In 1983, a group of college students from indigenous groups established a newspaper called *High Mountain Green* (Gaoshan qing 高山青). These students began to call themselves indigenous people, as opposed to mountain compatriots, and they began to rewrite the common narrative of indigenous people. This new movement recast indigenous peoples as the guardians of the mountains. As will be described in greater detail, this movement successfully allied with

²⁷ See Lin, *Indigenous People’s Hunting Issues and Environmental Ethics*, 265-268.

global indigenous rights movements and appealed to human rights law to establish its legitimacy.²⁸

The Wildlife Conservation Act passed in 1989, prior to the formation of LCA, but after LCAs founding in 1993, LCA became one of the strongest proponents of the law. In the early 1990s, LCA partnered with international organizations to amend the law. At the time, the UK-based Environmental Investigation Agency, a British NGO, in collaboration with several other international NGOs accused Taiwan of failing to enforce the ban on smuggling of rhino-horn, and lobbied for Taiwan to be sanctioned by the Convention on International Trade in Endangered Species of Wildlife and Fauna (CITES). In a controversial move, LCA assisted these organizations by providing them with information. LCA also collaborated with other domestic environmental groups to form a coalition called the Eco-Conservation Alliance (Shengtai Baoyu Lianmeng 生態保育聯盟), which lobbied for amendment to the Wildlife Conservation Act. While the campaign for CITES sanctions was unsuccessful, international NGOs successfully lobbied the United States to sanction Taiwan according to the Pelly Amendment to the 1967 Fishermen's Protective Act.²⁹ Under international pressure, the Legislative Yuan in

²⁸ See Xiang Gao, Guy C. Charlton, and Mitsuhiro A. Takahashi, "The Legal Recognition of Indigenous Interests in Japan and Taiwan," *Asia Pacific Law Review* 24, no. 1 (2016): 60-82.

²⁹ The Pelly Amendment was added to Fishermen's Protective Act in 1971 to give the President the power to ban specific imports from a country that violates international agreements regarding threatened and endangered species.

Taiwan considered three amendments to the law, and the version proposed by LCA and its allies won over amendments proposed by the Executive Yuan and the scientific community.³⁰

According to LCA's own account, the two main goals of revising the Wildlife Conservation Act were (1) to control the trade of wildlife and products made from wildlife and (2) to prohibit domestic breeding of wild animals. LCA believed that creating a market for wild animals would encourage harming more animals whether raised domestically or harvested from the wild. Their position differed both from the scientific community's position that recognized "wise use" of resources and from the government's position that saw captive breeding programs as a potential lucrative industry. Restricting hunting was seen through the broader perspective of eliminating markets for wildlife.³¹

The original 1989 bill allowed hunting, fishing, and collection of general wildlife species provided that the local authorities issued a public announcement,³² designated a hunting area,³³ and issued permits.³⁴ The law required hunters to report the species and

³⁰ The content of this paragraph comes from Lin Yih-ren, "The Environmental Beliefs and Practices of Taiwanese Buddhists" (Ph.D. Dissertation, University College London, 1999), 249-52.

³¹ See Wang, "Yi Guanhuai Shengming Xiehui Fazhan Wei Zhuzhou De Taiwan Dongwu Baohu Yundong Shi," chapter 5. The purpose of the bill is discussed on page 126.

³² Article 16, 1989 Wildlife Conservation Law [野生動物保育法].

³³ Article 17.

³⁴ Article 18.

number of animals bagged, and pay the applicable fees.³⁵ The primary exceptions for hunting or culling protected species related to public safety or the safety or loss of crops or farm animals,³⁶ or for academic or education purposes approved by the central government.³⁷ The original law did not mention indigenous people, so it provided no exception for the traditional hunting lifestyle on which many indigenous people still relied. In essence, any unpermitted hunting became illegal, and there was no provision to allow indigenous people to hunt protected species. Of the four primary target species of indigenous hunters, only the wild boar was never listed as a protected species. The prohibition on hunting protected species made indigenous hunters vulnerable to prosecution.

The 1994 amendment drafted by the Eco-Conservation Alliance amended the entire act, but maintained the basic framework as the original. It added a provision that allowed hunting of protected species, but only when a species population exceeded its ecological carrying capacity or for academic or educational purposes approved by the central government.³⁸ The amendment also designated certain types of hunting methods illegal.³⁹ Most relevant to indigenous people was the prohibition on traps and snares,

³⁵ Article 19.

³⁶ Article 20.

³⁷ Article 21.

³⁸ Article 18, Wildlife Conservation Law as amended in 1994.

³⁹ Article 19.

which made their most common method of hunting illegal. The act recognized indigenous nations, and granted them an exception to hunt in traditional ceremonies within their reservations.⁴⁰ This recognition was an achievement of the indigenous rights movement in that it recognized their status as “indigenous nations” rather than “mountain compatriots” and gave them some special privileges related to traditional ceremonies. However, these traditional ceremonies for which indigenous people were still required to apply for a permit were generally limited to once or twice per year, depending on the traditional rites of any particular tribe. The amendment still failed to recognize that hunting was part of the daily life of the indigenous people and that the indigenous people were capable of regulating themselves through their traditional ecological knowledge. While the amendment granted some superficial recognition of the indigenous nations as a distinct group, by making traps and snares illegal, it actually further criminalized their customary hunting practices.

The indigenous rights movement continued to press forward, but the 1994 amendment essentially changed the rules of engagement. As the first major legislative success of LCA, along with a coalition of NGOs, the amendment established LCA as one of the most influential lobbyists on hunting policy. The earlier version of the bill was crafted by an elite military government that adopted international standards as a matter

⁴⁰ Article 21.

of foreign policy, particularly to appease and emulate the United States. These policies actually stemmed from a liberal Christian world order that suppressed indigenous culture in some areas, but in other areas, the policies also aligned with the widespread adoption of Christianity and the indigenous rights campaign that the mountain nations adopted. After 1994, the general framework of the Wildlife Conservation Act remained intact, but LCA and the Eco-Conservation Alliance borrowed this framework to advance greater protection of animals. In so doing, these groups took ownership of a liberal conservation framework of the amended law, and displaced the declining Christianity-favoring military government as the most conspicuous flagbearer of anti-hunting policy. Consequently, for many indigenous people, Buddhism and the animal rights movement began to emerge as the face of Han colonialism.

The indigenous rights movement continued to lobby for greater hunting privileges as part of its larger campaign for greater autonomy and recognition of indigenous rights. In 2004, the movement succeeded in amending the Wildlife Conservation Act. The amendment changed the administrative authority for indigenous hunting from the local authorities to the Council of Agriculture and the Council of Indigenous Affairs, but the fundamental restrictions in the law remained the same.⁴¹ In 2005, the Legislative Yuan passed the Indigenous Peoples Basic Law. The law legalized

⁴¹ Article 21-1, Wildlife Conservation Act. The article actually refers to the “national aboriginal authority,” which I have identified as the “Council of Indigenous Affairs.”

hunting wild animals; collecting wild plants, wild fungus, minerals, rocks, and soils; and using water resources for indigenous people under the condition that these activities are “conducted for traditional culture, ritual or self-consumption.”⁴² The law did not create the markets that LCA and the Eco-Conservation Alliance feared would encourage abuse and killing of animals, but it did provisionally open hunting beyond the cultural and ritual purposes allowed under the Wildlife Conservation Act. Even though the Indigenous Peoples Basic Law was more expansive than the Wildlife Conservation Act, it did not repeal the terms for hunting under the Wildlife Conservation Act. Instead, it produced a conflict between these two laws that would need to be adjudicated in the courts.

In 2016, I interviewed Chen Tsai-yi (Chen caiyi 陳采邑), an attorney with the Taitung branch of the Legal Aid Foundation.⁴³ Chen led a team of attorneys that represented Tama Talum, a Bunun hunter who was arrested for shooting a Reeves’ muntjac and a Formosan serow in 2013. Talum captured the animals to feed his ailing mother and to share with his community, but he was sentenced to three and a half years of prison and charged with a fine of 70,000 NTD (approximately 2200 USD) for violating

⁴² Article 19, The Indigenous Peoples Basic Law [原住民基本法].

⁴³ Interview on December 15, 2016.

the Wildlife Conservation Act and the Controlling Guns, Ammunition, and Knives Act.⁴⁴ The lower court judge ruled that the purpose of the hunt was not for cultural or ritual purposes, so it violated the Wildlife Conservation Act. Chen did not dispute the facts of the case, but argued that the hunt was lawful under the Indigenous Peoples Basic Law. Talum appealed to the High Court where the case and sentence were suspended in 2017 while the Court sought constitutional interpretation.⁴⁵

In my interview with Chen, she reported that judges tended to favor the enforcement of the Wildlife Conservation Act over the Indigenous Peoples Basic Law. In 2015, 170 such cases were filed, and at the time of the interview in December 2016, 85 such cases had been filed in 2016. In 2017, Chen was hopeful about the constitutional interpretation, but until the interpretation is published, many hunters still face penalties for hunting activities allowed under the Indigenous Peoples Basic Law. In the spring of 2016, the Legislative Yuan considered a legislative solution to harmonize the two bills by amending the Wildlife Conservation Act, but Chen explained that the bill was blocked by animal protection groups. An informant at LCA told me that animal protection

⁴⁴ Owning guns is generally prohibited under the Controlling Guns, Ammunition, and Knives Act, but the Act allows indigenous people to own self-manufactured guns produced according to traditional practices. A narrow interpretation of the law allowed only muzzle-loaded rifles, but a 2013 High Court decision loosened this interpretation. Three years and two months of the sentence was for violating the Controlling Guns, Ammunition, and Knives Act, while seven months was for violating the Wildlife Conservation Act. Part of the sentences were permitted to be served concurrently to arrive at three years, six months.

⁴⁵ Hsiang Cheng-chen and Jake Chung, "Supreme Court Suspends Tama Talum Case Debate," Taipei Times, September 30, 2017, <http://www.taipeitimes.com/News/taiwan/archives/2017/09/30/2003679431>.

groups requested a postponement of consideration of the bill because they believed that the amendment was being expedited without proper consultation of interested parties and opportunities for public input, not because they fundamentally opposed harmonizing the two bills. At the time of writing, the Legislative Yuan still has not made an amendment to the Wildlife Protection Act to reconcile the conflict, and the High Court still has not released a constitutional interpretation.

During the indigenous rights campaign that culminated in the amendment to the Wildlife Conservation Act and the promulgation of the Indigenous Peoples Basic Law, Chao-hwei continued to actively oppose expansion of hunting. While the Wildlife Conservation Act was still fundamentally grounded in the international framework of CITES and IUCN standards, Chao-hwei continued to think of it in terms of how it could advance the equality of life:

I myself indeed have put much thought into the promotion of the Wildlife Conservation Act, but that is not just because I am partial to the special value of the wild animals. Rather, in order to rescue as many as possible in deference to the “protection of life,” I started from the Buddhist theory of the “equality of sentient beings,” not from the logic of “conservation.”

筆者個人確實也在「野生動物保育法」的推動上用過許多心思，但那不是獨獨青睞於野生動物的特別價值，而是由「能救多少算多少」的「護生」考量，出發於佛法的「眾生平等倫」，而不是「保育」的思維邏輯。⁴⁶

⁴⁶ Shih Chao-hwei 釋昭慧, "Fojiao Husheng Zhexue Dui Shoulie Wenti Zhi Ping-yi" 佛教護生哲學對狩獵問題之評議 [An Evaluation of the Buddhist Philosophy of Protection of Life in Regard to the Problem of Hunting]. In *Fojiao Guifan Lunlixue* 佛教規範倫理學, ed. 釋昭慧, 326 (Taipei 臺北市: Dharma-Dhatu Publication 法界出版社, 2003). My translation. An English translation of the article is available in Shih Chao-

The indigenous people allied with Democratic Progressive Party (DPP), and lobbied for changes to the Wildlife Conservation Act that would allow them to hunt protected species. In 2000, just after the DPP won the presidential election, Chao-hwei made an appeal to the Han supporters of the indigenous people, requesting them not to modify the Wildlife Conservation Act to allow indigenous people to hunt. She expressed sympathy for the colonization and suffering of the indigenous people, but maintained that the preservation of culture could not trump the equality of life. Instead, she advocated for economic opportunities for indigenous people so that they would not need to rely on hunting for survival. She also argued that by legalizing hunting for indigenous people, the law would reinforce hierarchies of power that allow the strong to exploit the weak. If this time the weak group might be non-human animals, the next time it might be indigenous people.⁴⁷

Negotiations on the particular details of hunting continue to the present day, but LCA no longer seeks to impede hunting. LCA and Chao-hwei take a very practical

hwei, "The Cultural Dispute About Lifting the Restriction for the Indigenous Population," trans. Chong Aik Lim. In *Buddhist Normative Ethics*, ed. Chao-hwei Shih, 395-402 (Taoyuan, Taiwan: Dharma-Dhatu Publication, 2014). The article first appeared in Shih Chao-hwei 釋昭慧, "Fojiao Husheng Zhexue Dui Shoulie Wenti Zhi Ping-yi" 佛教護生哲學對狩獵問題之評議 [An Evaluation of the Buddhist Philosophy of Protection of Life in Regard to the Problem of Hunting]. *Ziyou Shibao* 自由時報 [Liberty Times], August 15, 2000.

⁴⁷ See Shih Chao-hwei 釋昭慧, "Fojiao Husheng Zhexue Dui Shoulie Wenti Zhi Ping-yi."

approach to making inroads where inroads can be made, and avoiding engaging in lost causes. In a characteristically frank statement, Chao-hwei makes her strategy quite clear:

Just by returning to the basic aspect of humaneness, the anti-hunting campaigners could instead oppose blood-sacrifice and meat-eating. Then, couldn't the pure and honest indigenous people become our comrades?! However, in terms of campaign strategy, that would cause us to make enemies with a greater population than the indigenous people (meat-eating consumers and the followers of popular religions), causing anti-blood-sacrifice and anti-meat-eating [campaigns] to fail alongside [the] anti-hunting [campaign].

「反狩獵運動」者只有回歸到「人道」的基本面，在「反狩獵」的同時，也能「反血祭」、「反肉食」，那麼，淳厚的原住民也未必不能成為你我的「同志」！但是在運動策略上，它必然使自己製造了比原住民總人口數更為龐大的敵人（肉食消費者與民間信仰者），於是連帶地讓「反狩獵」與「反血祭」、「反肉食」同步歸於失敗。⁴⁸

From this statement, Chao-hwei's pragmatic and ambivalent approach to equality of life is evident. While Chao-hwei aimed to protect wild animals as the group she perceived to be the weakest, she also recognized the relative political weakness of the indigenous people as an opportunity to protect a certain subset of non-human animals. It is clear why animosity between Han and indigenous people formed over this political issue even if neither side harbored any malintent. The ontological status and moral standing attributed to non-human animals by the two groups were incommensurable. Chao-hwei recognized the political weakness of the indigenous people and even the colonial situation in which they found themselves, but she consciously chose to take advantage

⁴⁸ Shih Chao-hwei 釋昭慧, "Fojiao Husheng Zhexue Dui Shoulie Wenti Zhi Ping-yi," 327-8. My translation.

of this colonial power relationship because she believed that it was more important to protect the nonhuman animals who suffered from even greater power differentials.

Even if LCA strategically chooses campaigns based on how it may most effectively utilize limited resources, Chao-hwei also does not shy away from criticizing Han society, or even other Buddhists. In a 2004 essay, she criticized religious protections more generally, in what can be read as an attack on the separation of church and state and religious freedom:

For a long time, religion has been comparable to an area outside of the sphere of civilization. Animal protection law in Taiwan has been comparable to the ‘One country, two systems’ [policy].

宗教在長期以來，形同動保法令的「化外之區」，動保法令在台灣，形同「一國兩制」。⁴⁹

By referencing the “one country, two systems” policy, Chao-hwei evokes Taiwan’s public fear of colonization by the People’s Republic of China (PRC). The “one country, two system policy” is the PRC’s method of integrated Hong Kong, Macau, and Taiwan’s liberal political systems into the greater state of the PRC. By using this evocative framework, she makes a legal case of how religious organizations function outside the law, specifically animal protection law. Indigenous hunting is one of her targets, but she places it alongside the release of life ceremony and the Shen Pig Ritual of the Han

⁴⁹ Shih Chaohwei 釋昭慧, "Dongwu Baohu Faling, Bu Ying 'Yiguo Liangzhi'" 動物保護法令，不應「一國兩制」, posted on November 11, 2014, <https://www.lca.org.tw/law/article/872>. My translation.

(Hakka) people. For example, she rails against the way the release of life ceremony is conducted:

Releasing birds and land animals and releasing aquatic animals is comparable to a giant heap of merchandise. Long ago, the Buddhist sentiment of sympathizing with all life was twisted and distorted by a utilitarian mindset.

放生鳥獸與放生水族，形同龐大數目的商品，悲憫眾生的佛法情懷，早已被功利心態扭曲失真。⁵⁰

This statement clearly reveals how Chao-hwei perceives that the release of life ceremony has been tainted by the market commodification of animals, the exact problem that LCA's amendment to the Wildlife Conservation Act was intended to prevent. She demonstrates how the release of life ceremony violates multiple provisions of the Animal Protection Law, while she juxtaposes it with hunting and the Shen Pig Ritual. She decries the 2004 amendment to the Wildlife Conservation Act which transferred authority to administer indigenous hunting to the Council of Indigenous People, while simultaneously calling for greater regulation of the release of life ceremony. This move reveals not only that she is willing to accept criticism of practices within her own Buddhist community, but even more importantly, that she prioritizes the equality of life over rights that stem from human equality, such as religious freedom.

The indigenous rights movement also is compelled to confront human equality and human rights, but in a different way. Human rights developed in a certain historic

⁵⁰ Shih, "Dongwu Baohu Faling, Bu Ying 'Yiguo Liangzhi.'"

and geographic context in Enlightenment Europe, within the confines of an explicitly Christian cosmology. As indigenous people in Taiwan accept Christianity, they accept a cosmology that corresponds with the natural rights doctrine that undergirds the philosophical foundation of human rights. Both Christianity and human rights have connected indigenous people to the global indigenous rights movement, international human rights law, and international Christian networks of support. The Presbyterian Church in particular became a vehicle of political activism, and a common community for diverse nations of indigenous peoples to set aside traditional blood feuds and create a common identity. Only later did the indigenous rights movement reaffirm a common identity through the shared ethnic category of “indigenous peoples.”

The indigenous people of Taiwan have enjoyed international support for their movement. Even though Taiwan’s government is not recognized by the United Nations, the UN has recognized NGO’s representing Taiwan’s indigenous people since 1991. Taiwan’s interest in differentiating itself from China by demonstrating its compliance with international liberal democratic systems intersects with indigenous interests in claiming the rights that the indigenous movement has won through international law. Taiwan’s Indigenous Peoples Basic Law is a good example, because the law served to institute the principles of the UNDRIP, and Taiwan actually passed its own law two years in advance of the final approval of UNDRIP. Taiwan has also signed a Memorandum of Understanding (MOU) with Canada and New Zealand to work

together on issues of indigenous affairs. The indigenous peoples movement has also gained from earlier international agreements that bolstered minority rights, including the International Labor Organization's 1957 Convention No. 107 (ILO 107) and, more recently, the 1989 Convention No. 169 (ILO 169). Indigenous union leaders participated in crafting ILO 169 and won protections for traditional subsistence activities. This provision specifically protects and enumerates "hunting, fishing, trapping and gathering" and obliges governments to provide "technical and financial assistance" to support these activities as a form of labor.⁵¹ Because of its focus on labor, ILO 169 provides even more robust protections of hunting and fishing than UNDRIP. Further affirming the value of traditional ecological knowledge of indigenous peoples, the Convention on Biological Diversity (CBD) also enjoins signatories to respect and preserve "traditional lifestyles relevant for the conservation and sustainable use of biological diversity."⁵² As Taiwan is not a member of the United Nations, it has not been able to sign UNDRIP, ILO 169, or the CBD, but it has made efforts to comply with these international standards by instituting its own laws. In 1997, Article 10 of the Additional Articles of the Constitution was amended to affirm "cultural diversity" and guarantee "assistance and encouragement" for indigenous peoples. Although hunting or

⁵¹ Article 23.

⁵² Article 8(j).

traditional ecological knowledge were not specifically enumerated, Article 10 provides a commitment to support indigenous culture at the constitutional level. The primary vehicle for implementing this constitutional commitment is the Indigenous Peoples Basic Law, which is designed to incorporate most of the international agreements that Taiwan is not allowed to sign officially.⁵³

7.6 Conclusion

In my interview with Tali Behuy, he provided a vivid description of the quandary that indigenous people face when their traditional ecological knowledge encounters the regulations of the state:

Our conservation is like this. Our conservation method is not like the state's conservation, [in which] everything must be conserved. So, according to the state's conservation, if a Chinese moccasin enters your house, you can't kill it. You can't kill a poisonous snake!...The state conservation is like this. Perversely, people can't kill it. Perversely, people are driven away. Is this conservation good?...If you kill a snake, you violate the law!...You violate conservation law! [That is] the state's conservation...but how about us? If it is in our house, we will definitely kill it. We protect people. We don't protect snakes. It's not the state law, which protects animals but not people, which protects snakes but not people, you see? That is unfair, you see? So, the methods of conservation—the state's conservation—aren't good. But we go hunting. We protect animals, not those "threatened and endangered" species...When animals get pregnant and give birth to children, we don't go hunting...The timing is easy to know. What time? What time?...Getting pregnant and giving birth to small animals is approximately February through June...They will definitely give birth.

⁵³ For a review of law regarding indigenous rights in relation to hunting, see Scott Simon, "Indigenous Rights and Wildlife Conservation: The Vernacularization of International Law in Taiwan," *Taiwan Renquan Xuekan* 台灣人群學刊第三第一期 [Taiwan Human Rights Journal] 3, no. 1 (2015): 3-31.

我們的保育是這樣，我們的保育方法不像國家的保育，甚麼都要保育。結果．．．結果國家的保育．．．百步蛇在進到家裡不能打死，不能打死毒蛇．．．國家的保育是這樣．．．要到人不能打死它，到人趕走，那這個保育是好還是不好．．．你打蛇就犯法．．．犯到保育法，國家的保育，可是我們呢，如果到家裡，一定要打死它。人保護，蛇不要保護。不是國家的法律，人不保護，保護動物。保護那個蛇類，不保護人呢。那個不公平呢，所以保育，國家的這個保護，方法不好。那我們去狩獵，我們保護動物，不是保護那個保育動物．．．懷孕生小孩不要去打．．．時間容易知道嘛，甚麼時候，甚麼時候．．．懷孕生小動物大概2月到6月．．．一定會生。⁵⁴

The Chinese moccasin (*Deinagkistrodon acutus*) is a Category II, rare and valuable species, and the Wildlife Conservation Act prohibits killing all three categories of protected species. The Act provides an exception for animals that are a “danger to public safety or human life,”⁵⁵ but what constitutes a threat to public safety or human life is ambiguous. If the snake is not immediately attacking anyone, a judge may decide that there was no imminent danger to public safety and human life. An indigenous person with a snake in his house cannot be certain what a court may decide and is unlikely to be versed on the finer points of the law anyway. If he decides to kill the snake, he could face 6 months in prison for violating the Wildlife Conservation Act, and perhaps several years in prison if he uses the wrong type of gun.

Tali’s example of a Chinese moccasin entering an indigenous family’s home is hypothetical, but also representative of the legal quandary that indigenous people frequently face. According to Fang, Hu, and Lee, poisonous snakes have killed more

⁵⁴ Interview on July 24, 2017. My translation.

⁵⁵ Article 21.

hunters than bears, wild boar, or any of the other animals that Tayal people hunt. One reason that hunters hunt in the winter rather than the summer is because snakes hibernate during that time.⁵⁶ Considering the real risk of death that poisonous snakes present, Tali expresses the outrage of a Tayal hunter that follows Gaga. Some reports suggest the cobra is the type of poisonous snake most commonly released.⁵⁷ In 2019, Taiwan's Council of Agriculture reclassified the Chinese cobra (*Naga atra*) from Class III, other conservation-deserving wildlife, to general wildlife. This move will likely be welcomed both by indigenous people, who will be allowed to kill the snake, and religious groups, who will be allowed to release it, so the battle between these two groups could escalate as the new classification decriminalizes the activities of both parties.

In the end, the Tayal hunter must decide whether to respect Gaga, kill the snake, and accept the risk of being sent to prison, or accept a Han system that prohibits killing snakes and risk injury or death to his family members. A similar dilemma presents itself for dogs, macaques, and all the other animals in the local ecosystem that are part of a multi-species colonization of the hamlet. Because of liberal humanist ontological separation between nature and humans, the system fails to account for the humans that live in close proximity with animals such as snakes. This situation suggests to Tali and

⁵⁶ Wei-Ta Fang, Hsin-Wen Hu, and Chien-Shing Lee, "Atayal's Identification of Sustainability," 38.

⁵⁷ Liao Shih-ruei, "Zongjiao Fangsheng Tuanti Zhenzhen Youci Luangao Fangsheng Yanjingshe."

other indigenous people that snakes have more rights than indigenous people—a reminder to indigenous peoples that human equality does not fully extend to them. Even with the Indigenous Peoples Basic Law, hunters continue to be put in prison for living Gaga, and feeding their families. Yet, LCA's equality of life does not succeed either. Even with the amendment to the Wildlife Conservation Act, protected animals still continue to die at the hand of hunters. Controlled equivocation is not only two dimensional in the mountains of Taiwan. To come to a compromise on these issues, both sides must not only comprehend the ontology of their opponent, they must also master the political maneuvers of the hegemonic system of liberal humanism. Equality of life struggles for recognition in a domain governed by human equality.

Conclusion

C.1 The Quicksand of Liberal Humanism

When John Locke formed the intellectual foundation of liberalism more than 300 years ago, his primary interest was in providing a legal structure in this world that facilitated human souls to prepare for the next world. Within the reality of the European Enlightenment, in which philosophical and political discourse revolved around the proper interpretation of Christianity, he displayed no impulse to formulate any legal protections for nonhumans—whether nonhuman sentient animals or the land, water, and air that supports life. To this day, nearly all liberal democracies provide fundamental protections only for humans, without any fundamental protections for nonhumans. In just the past fifteen years, some innovative states outside of Europe—including Ecuador, Bolivia, and New Zealand—have listened to the voices of their indigenous peoples, and embedded legal structures that recognize the rights of nonhumans in their constitutions or treaty law. Even these legal structures have been conceived in the language of rights—a legal concept rooted in liberalism—but these cases provide precedents that fundamental protections, or “rights,” can be provided to nonhumans at the level of constitutional law. LCA and Chao-hwei not only advocate for an alternative form of rights, but even more, an alternative form of equality. The equality of life is not new, but rather rooted in Buddhist teachings, just as human equality is rooted in Christian teachings. LCA and Chao-hwei have promoted this

Buddhism-inspired equality of life to occupy the exclusive position of human equality as a “universal” secular value.

The equality of life is by no means uncontested, and where it has found expression in Taiwan’s law, there are both winners and losers. While policies based on the equality of life protect nonhuman animals, the indigenous peoples are one group in Taiwan whose traditional lifestyles have been harmed by policies based on the Buddhist interpretation of the equality of life. Because both legal and academic innovations, such as the rights of nature in constitutional law and the ontological turn in political ecology, have frequently focused on the traditional ecological knowledge of indigenous peoples, the comparison of the politics of the respective ontologies of life of Buddhists and indigenous people is particularly insightful. The fundamental teachings that the indigenous people and Buddhists seek to advance are different, even incommensurable, but the methods they used to advance them are similar in some important ways.

The suppression of the Buddhists and the indigenous people of Taiwan occurred in a similar period of time, but in different geographical contexts. The suppression of Buddhists and Daoists gained full force in 1920s as the Nationalist Party attempted to consolidate power in mainland China by smashing idols and confiscating temples, and these policies culminated in the Act of Supervising Temples in 1929. The final major rebellion of the Tayal people against the Japanese occurred during the Musha Rebellion of 1930, which is roughly the time in which the Japanese were finally able to suppress

headhunting and facial tattooing ceremonies. Following many decades of suppression, both the indigenous people and the Buddhists launched campaigns to reestablish their political legitimacy during the human rights movements of the 1980s. For the Buddhists, the Protect the Teaching Movement arose from *The Nun Thinks the Ordinary* incident in 1987, and the subsequent establishment of the Protect the Teaching Team in 1988. The Taiwanese Indigenous Peoples Movement may be traced to the founding of the newspaper *High Mountain Green* in 1983. In the period between the implementation of suppressive policies in the 1920s and 1930s to the proliferation of human rights movements near the end of martial law in the 1980s, the Republic of China adopted a Constitution in 1947 at roughly the same time that the United Nations was established in 1945 and the Universal Declaration of Human Rights was approved in 1948. The new international language of human rights was recognized in Taiwan's constitution, and both Buddhists and indigenous people adopted this language for their movements.

As the legal expression of an entire Christian liberal cosmology, human rights were not simply a language. As a matter of survival, Buddhists were forced to accept an identity as a religion, and emulate the Christian church while also serving the needs of the state. The Act of Supervising Temples and other Nationalist Party policies suppressed Buddhism relative to Christianity. For the Nationalist Party, freedom of religion meant freedom for Christianity, because political survival meant pandering to the United States, the one ally that could provide a security guarantee from the threat of

the Chinese Communist Party. While Han people officially controlled the government, the Nationalist Party represented a contingent of approximately 13% of the population who fled the mainland in 1949.¹ While the majority of people were Han, most people spoke Hoklo or Hakka dialects in addition to Japanese, and represented an array of local Hoklo and Hakka communities. These local or “indigenous” Han people were colonized along with the indigenous peoples, even if they belonged to a somewhat nebulous category of Han ethnicity. The government used a form of Confucian nationalism to reconstruct a common identity as Chinese and forced all ethnic groups to learn Mandarin. While the government enforced martial law, it also taught the benefits of liberal democracy and capitalism as an identity that distinguished Taiwan from the Communist mainland. The language of human rights stemmed from this new Taiwanese identity as a liberal democracy, so that the idiom of human rights became the language of the new human rights movements of the 1980s.

Chao-hwei, Shing-kuang, and their students at the Hongshi Buddhist Study Group embraced freedom of speech and freedom of religion. Through the Protect the Teaching campaign, their first priority was to fight for fair representation of Buddhism. As their lobbying efforts expanded to nonhuman animal protection, the logic of liberalism required the separation of their movement from Buddhism. They wanted to

¹ Madsen, *Democracy's Dharma*, Chapter 1, Note 11.

promote the equality of life as a universal value and bring it into the political domain. With cooperation from the Yanping Rotary Club, they formed the Life Conservationist Association. To prove their credentials as secular, they invited Christian pastors and priests to join the board. LCA did not foreground Buddhism's deep historical relationships with Daoism, China's long traditions of vegetarianism, or classical philosophical debates with the Jains. To make their case for secularity and universality, they promoted philosophies with roots in the European Enlightenment: specifically, rights and utilitarianism. LCA published translations of Peter Singer's *Animal Liberation* (1996), Michael Allen Fox's *Deep Vegetarianism* (2005), and Tom Regan's *Empty Cages* (2016). Even though equality of life—LCA's core philosophy—originated in Buddhism, LCA refrained from putting its name on Chao-hwei's books. The Hongshi group established a separate Buddhist publishing house called Dharma-Dhatu Publications for her books. By following the logic of religion and the separation of church and state, LCA strategically allied with Christians and promoted the lineages of European philosophy that roughly corresponded with equality of life to make their "secular" case for their transspecies form of equality.

Similarly, Taiwan's indigenous rights movement achieved power by adopting Christianity and liberalism. For some indigenous people, the American defeat of the Japanese proved the "American god" was more powerful than the "Japanese kami," and prepared them to accept a Christian god. As part of its policy to appease the United

States, the Nationalist government allowed Christian missionaries to deliver food, medical supplies, clothing, and other forms of assistance to the indigenous people. For an indigenous community that had been devastated by Japanese suppression, the assistance was welcome, and many indigenous people willingly converted to Christianity. For Tayal people, Christianity not only filled the gap left by the loss of the core practices of Gaga such as headhunting and facial tattoos, but it also provided a global network of support for their causes. The Presbyterian Church in particular promoted human rights activism, and became an important base for organizing the indigenous rights movement. Indigenous people established representation at the United Nations and appealed to international agreements like ILO 169 to lobby Taiwan's government for greater rights to hunt, fish, and utilize forest resources. The negotiations on the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) also provided the basis for Taiwan's Indigenous Peoples Basic Law. While Tayal people may have wanted nothing more than to restore their traditional lifestyle under Gaga, they did not use Gaga as an activist platform, they achieved legislative successes through Christian networks and negotiating human rights law.

Superficially, alliances with Christianity and appeals to liberal institutions and philosophies have been effective strategies for both LCA and the Tayal people of Mrqwang-Mknazi. However, Christian liberalism transformed their practices into cultural features. For Buddhists, the Dharma are the laws of the cosmos, but separation

of church and state removes Buddhism from the domain of power. The Dharma becomes something that must be hidden in order to express universal values in liberal terms such as “rights” or “utility.” For the Tayal, the Gaga are the natural laws of their ancestors, but in the language of the Indigenous Peoples Basic Law, Gaga is reduced to traditional culture and traditional ecological knowledge. By appealing to freedom of speech, religious freedom, and indigenous rights, both Buddhists and indigenous people reinforce claims of universality for liberalism. Christian liberal humanism replaces both Dharma and Gaga as the universal law.

In practical terms, this means that ecological choices are made in terms of human rights. On the one side, Han religious organizations argue that their right to release life stems from the human right of religious freedom. On the other side, indigenous people argue that their right to hunt stems from the human right of indigenous peoples to preserve their cultures. The result is that the ecological policy that involves many nonhuman life forms including animals, plants, and fungi hinge on human rights. Implicitly, the nonhuman species of the ecosystem are treated as nothing more than resources empty of any value apart from their utility to humans. The welfare of these species has no legal standing. Even LCA adopted the CITES framework for the Wildlife Conservation Act. While LCA’s objective was to advance the equality of life, political pragmatism demanded that they couch their proposals in terms of the international standards set by CITES. This framework left little room for the legal standing of

nonhuman species, and developed from standards designed to regulate which species could be treated as commodities in capitalist markets. Value for nonhuman species primarily related to a calculation of species population relative to the needs for a balanced ecological system. The question is whether legal battles over human rights in the absence of any legal standing for nonhumans is the best way to determine ecological policy. The legal universality of liberal humanism and its sibling the sustainability ethic place all parties in Taiwan in that legal bind.

The footprint of the three-part Christian liberal cosmology —supernature-human-nature—is evident in how these teachings are classified. The supernatural is consigned to the domain of religions. Humans are granted religious freedom, but only if the separation of church and state is maintained. In other words, Gaga and Buddhism can be recognized but not deployed in politics. The secular realm involves only human politics, in which human rights adjudicates religious freedom. Nature is bare of any rights because it is under the dominion of humans. Neither Buddhism nor traditional Gaga recognize a supernature-human-nature cosmology, but the international legal framework of liberal humanism forces them into the logic of this cosmology even if the liberal cosmology violates the cosmologies of the teachings it purports to protect.

The ontological turn in political ecology has focused on the traditional ecological knowledge of indigenous peoples. The innovations of the ontological turn recognize the value of indigenous knowledge beyond its merely cultural significance, especially in

relation to the ecological relationships with nonhumans. While many studies in religious studies have been conducted on the ecological views of various religions, few have applied the new methods of the ontological turn to religion. I suspect the hesitancy to study religion in this way is due to the fact that to study religion beyond its cultural significance approaches too closely to theology and, thus, violates the separation of church and state. For Chao-hwei's atheistic Buddhism—which rejects any eternal god—there is no theology, and an examination of the roots of secular liberalism reveals that, counterintuitively, there is much more theology in the doctrine of human equality—the international standards for secular governance—than in the equality of life. The categories of the secular, religious, and superstitious have much more to do with power relationships than commonality in the characteristics of the teachings.

In Taiwan (and Asia more generally), to treat different ontologies symmetrically—to put them on equal terms—is also more complicated than in European colonial contexts. In regions of the world colonized by European powers, indigenous people must deal directly with the ontology of these European powers. In Taiwan, however, both the indigenous people and the Han majority are both colonized peoples that must deal with each other as well as the European ontology of Christianity and liberal humanism. In this situation, they both operationalize the tools that liberal humanism has provided them to make political gains.

C.2 The Future of Equality of Life

The equality of life offers an opportunity to move away from a state of affairs in which ecological policies affecting nonhuman animals are decided on human rights such as the freedom of religion and indigenous rights. Even when the sustainability ethic is evoked, ecological debates decided on the basis of competing human interests rarely succeed in protected the balance of ecological systems, and certainly fail to address the interests of nonhuman beings. The case of the Tayal demonstrates that, for people who have long been denied the full legal benefits of being human, the protections on nonhuman animals like poisonous snakes seem absurd. On the other hand, it was liberal constitutional governments and institutions that initially suppressed indigenous peoples. While indigenous rights agreements seek to fill the gap, they still reproduce historical power relationships and condition promises of indigenous sovereignty on the will of the state, creating a type of sovereignty that can never truly actualize.

Films like *The Rainbow's Judgment* demonstrate that the equality of life is already something that indigenous people are thinking about in their own traditional teachings. The Tayal people are working on restoring Gaga by educating the younger generations at the same time they are thinking about how to integrate Gaga with their new Christian faith. There is no guarantee that they will follow the naturalistic models of life that European Enlightenment Christian philosophers produced. On the contrary, *The Rainbow's Judgment* suggests one path toward a doctrine of equality of life. Theologians

like David Clough are already refuting the anthropocentric interpretation of Enlightenment theologians regarding the ontology of nonhuman animals and presenting new theological interpretations of the inherent value of nonhuman animals. The Catholic theologian Thomas Berry, who is often credited with concept of “rights of nature,” recognizes the inherent rights of nonhumans.² These theologians see all things in Gods creations as answering a call to a vocation in God’s master plan. Each natural thing has its own vocation and deserve the particular rights appropriate to that vocation. The Mrqwang-Mknazi Alliance governing document contains a commitment “to protect and manage all the life in the traditional territories,” and as indigenous Presbyterian pastors, Catholic priests, and other indigenous Christian leaders integrate their respective indigenous teachings with Christianity, their new localized theologies may represent new theologies of life.

Gaga has always involved hunting as a way to implement it. Killing and death are an inevitable part of the web-of-life, and Gaga recognized that fact. Prior to the introduction of modern technologies such as guns, when indigenous people faced a wild boar, they could not be certain who would come out alive, and they always faced the threat of being hunted by other humans. Even while individual nations such as the Tayal, may have conceived of themselves as the only “true humans,” there was a sense

² See Thomas Berry, *The Great Work: Our Way into the Future* (New York: Bell Tower, 1999).

of equality of life implied in a system that did not guarantee the right to life to any particular species, including humans. The sustainability ethic embedded in treaties such as CITES and the Convention on Biological Diversity recognize that ecological conservation rests on the balance of species populations, but human rights carve out a major exception for one species. The sustainability-liberal human rights regime almost guarantees human expansion and ecological imbalance, as humans are the only species to which conservation rules of population balance do not apply. At the same time, despite ongoing conflicts with everyone from indigenous hunters to traders in rhinoceros horn, the movement behind the equality of life has taken a pragmatic approach to legislative compromise. In their 1994 amendment to the Wildlife Conservation Act, they primarily aimed at eliminating markets for wild animals without fundamentally changing the underlying structure of CITES.

The concept of the equality of life changes the conversation away from, “How can we sustainably manage biological resources?” to “What is the right way to protect life?” Buddhists, animals protectionists, and indigenous people, all seek to protect life, so this new question may be a shared starting point for a new conversation. Many people, including many indigenous people will object, as they fear Buddhist or Han interpretations of the equality of life will erode indigenous rights. At the same time, this reframing also shifts the debate away from another question implicit in liberal humanism: “Who is human?” Giorgio Agamben argues that in European philosophy the

question of who is human fueled the “anthropological machine,” a philosophical exercise of defining the human which always left some humans out.³ In Taiwan, this anthropological machine left indigenous people out, but equality of life may stop the churning of the anthropological machine. This shift away from engaging in ecological debates in terms of competing human rights also opens discussions to related topics such as the “rights of nature.” As indigenous peoples that have been leading movements for the rights of nature in various parts of the world and Chao-hwei supports this form of rights as a corollary to the equality of life, the rights of nature could be an area of common interest between Buddhism-inspired animal protectionists and indigenous people.

Liberal humanism is undeniably still dominant in Taiwan, but the legislative wins of LCA and the burgeoning animal protection movement demonstrate that the equality of life is a recognized political force. LCA and the animal protection movement have many allies in the Legislative Yuan, and enjoy access to the President every Earth Day. Whether or not any one person agrees with it, the movement behind the equality of life is a political reality with which opponents and allies must contend. The majority Han culture increasingly accepts greater degrees of animal protection, but Han culture is not monolithic. Han people are far from uniformly being the vegetarian Buddhists or

³ See Agamben, *The Open*.

animal protectionists that LCA might like them to be. The case of hunting and indigenous people is just one case study of the controversies over animal protection in Taiwan, just as the Tayal represent only one of many nations of indigenous peoples. The contrasts in this conflict between Buddhist and Tayal teachings is particularly illustrative of the ontological premises built into liberal humanism, but LCA faces many other controversies. In addition to other disputes involving the Wildlife Conservation Act, there are many disputes, issues, and campaigns related to the 1998 Animal Protection Act. These issues are beyond the current study, but they also offer further opportunities for future research on the equality of life.

The future political influence of the equality of life will depend greatly on the degree to which animal protection activists are able to integrate it into the compulsory curriculum. Human rights and Confucianism are currently part of the compulsory curriculum, and as such, they have achieved a status of being universal secular values: human rights being universal across the globe, and Confucianism being universal in Chinese societies. If the animal protection movement can obtain the authority to review the entire curriculum as the gender equity committee currently does, it could greatly impact future prospects for the movement. Currently, the naturalism of Cartesian science pervades the curriculum for all of Taiwan's youth—Buddhist, indigenous, or otherwise. Indigenous nations have now gained the right to teach their own culture, but only to their own children. If the status quo prevails, naturalism will continue to occupy

a privileged position relative to indigenous and Buddhist ontologies of the nonhuman. If equality of life becomes a part of the curriculum, it will have established itself as a new secular, and present itself as a viable alternative to human equality in Taiwan.

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Biography

Jeffrey Nicolaisen received a BA in Psychology, Economics, International Affairs, and Japanese Language and Culture at the University of Nebraska-Lincoln in 2002, an MEng in Civil Engineering from Nagoya University in 2006, an MA in Asian Studies from the University of Illinois at Urbana-Champaign in 2013, and an MA in Religious Studies from Duke University in 2016. In the field of environmental engineering, Nicolaisen coauthored an article called “Crop Residue Effects on Runoff Nutrient Concentrations Following Manure Application” (2007) with John Gilley, Bahman Eghball, and David Marx in *Transactions of the ASABE*. In the fields of Buddhist studies and environmental humanities, he contributed one original and one translated chapter in the anthology *Chinese Environmental Humanities: Practices of Environing at the Margins* (2019) edited by Chiaju Chang. The original chapter is called “The Intersection of Sentient Beings and Species, Traditional and Modern, in the Practices and Doctrine of Dharma Drum Mountain,” and the translated chapter is an article by Shih Chao-hwei called “An Exposition of the Buddhist Philosophy of Protecting Life and Animal Protection.” A selection of the fellowships that Nicolaisen has been awarded include the James B. Duke Fellowship, the Fulbright-Hays Doctoral Dissertation Research Abroad Fellowship, and the Charlotte W. Newcombe Doctoral Dissertation Fellowship. Nicolaisen is a member of the Society of Duke Fellows.