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Buddhism, Equality, Rights

Martin T. Adam¹

Abstract

How might rights be grounded in Buddhist doctrine? This article begins by attempting to demonstrate the conceptual link between the idea of equality and the ascription of rights in Western philosophic thought. The ideas of Thomas Hobbes are taken as an example. The paper then proceeds to examine the possibility that Buddhist ideas of *equality* could serve as grounds for the attribution of rights in a similar manner. A number of senses of equality in Buddhism are identified. I argue that while these ideas of basic equality clearly underlie Buddhist *morality*, any attempt to found *rights* on such grounds should lead to a conception of rights that is truly universal in scope, notably including the animals. For a Buddhist believer in rights, rights-possession cannot be limited to human beings.

This article examines the possibility that the system of liberation promulgated by the Buddha implies a doctrine of equality capable of serving

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as a basis for the ascription of rights.² The question of how rights may be grounded in Buddhist doctrine has been addressed by a number of scholars, but so far as I know, no one has explicitly linked this discussion to conceptions of *equality* on a thematic or philosophic basis. This is surprising as the concept of equality is a key element in the Western understanding of the basis of human rights.

Scholars of Buddhist Studies have disagreed about the extent to which the concept of human rights may be judged as implicit in Buddhist doctrine. The consensus seems to be that while the notion of a “right” does not find a ready correspondence in Buddhist doctrine, the two are nevertheless consistent (see Keown, Prebish, and Husted 1998).³ The question examined here is whether Buddhist ideas of *equality* could potentially serve as a ground for the attribution of rights in a manner that parallels the link between the two concepts in Western thought. I will argue that ideas of basic equality discernable in the Buddha’s teachings serve as a foundation for *morality*, if not rights. Any attempt to found rights on Buddhist ideas of equality should lead to an understanding of rights that does not limit rights-possession to human beings alone.

What do we mean when we say that someone has a right to something? Following Keown, we may describe the general notion of a right as an entitlement *to justice* (19). A right is one party’s justified claim to have certain conditions fulfilled by other parties, such that those others are constrained or compelled in their actions in some way. Thus, a right is an entitlement to something that one party possesses in relation to

² In what follows I aim to examine the question of possible Buddhist doctrinal foundations for rights at the most basic conceptual level possible; for this reason I refrain from formulating my goal in terms of specifically *human* rights.

³ Keown’s own essay in this collection was originally published in the *Journal of Buddhist Ethics* 2 (1995); the article set the terms of the debate. For contrary views, see the essays by Ihara, Junger and Garfield

others, who in turn have an obligation or duty to accommodate that entitlement.

John Locke (1690) famously argued for a conception of rights in which man is endowed with certain entitlements as his natural birth-right, namely the rights to life, liberty and property. Such *natural rights*, or moral rights, are considered universal; they obtain simply in virtue of the fact that one is the kind of being that one is, namely, a human being. If one is a human then one has these rights. As Keown states, “[t]he belief that there are natural rights flows from the recognition of human equality . . . ” (18). Such natural rights are thus conceived of as obtaining independently from, and in some sense prior to, the *legal rights* that flow from particular society-specific laws.

In the case of legal rights, these have been theorized as based on either an actual or hypothetical agreement between parties. Aside from Locke’s writings, the idea that rights are based on an original social contract is set forth in the works of the great enlightenment thinkers Hobbes (1651), and Rousseau (1755). Each of these thinkers, in one way or another, held to a doctrine of natural equality obtaining among parties to an original agreement. It is in virtue of this equality that rights can be ascribed.⁴ In general we may say that the idea of a social contract presupposes that some kind of morally relevant equality exists among all

⁴ That there is an equivocation here is clear. While it may be the case that legal rights flow from the hypothetical agreement, it does not follow that natural rights are held in virtue of the factor or factors that allow for the agreement. And yet, this is precisely the assumption that seems to have been made. The result has been a system of morality that excludes non-human beings from moral consideration. The cultural roots of such an understanding are very deep of course; unsurprisingly perhaps, they appear to be biblical. God’s covenant with Abraham probably represents the beginning of a long and difficult history of the concept of rights based on mutual agreement (see Genesis 17-18). Note that although the power differential is infinitely unbalanced in God’s favor, God and Abraham shared in the capacity to enter into a covenant—and thus can be regarded as “equal” in this sense.

parties to the agreement in some hypothetical original state logically prior to the agreement itself.⁵ The principle upon which the social contract seems to be based is that equal rights are extendable to those who are equal. In this article I will probe this idea. How has this notion of a “natural equality” been understood? Put another way, what is the morally relevant sense of equality, such that those who are “equal” in this sense can be said to possess rights? And how might a Buddhist respond to such ideas?

I will begin by taking Hobbes’ thought as an example, mainly because it makes for a very interesting comparison with Buddhist views. Hobbes’ understanding of rights, as presented in his *Leviathan*, is based on a postulated original state of nature in which humans are understood to be equal in their physical and mental powers, and thus equal in their ability to harm one another.

Nature has made men so equal in the faculties of the body and mind as that, though there be found one man manifestly stronger in body or of quicker mind than another, yet, when all is reckoned together, the difference between man and man is not so considerable as that one man can thereupon claim to himself any benefit to which another may not pretend as well as he. For as to strength of body, the weakest has strength enough to kill the strongest, either by secret machination or by confederacy with others that are in the same danger with himself. And as to the

⁵ More recently this way of thinking of rights has been developed by John Rawls, whose theory of justice is based on the idea of a hypothesized “original position” in which human beings stand behind a veil of ignorance, stripped of all knowledge of their own contingent circumstances. How, Rawls asks, would such rational agents choose to set up the institutions and define the rules that would order their society? Thus, for Rawls as well, the ascription of rights is based on the assumption of an initial equality obtaining among those who are to be governed.

faculties on mind . . . I find a greater equality among men than that of strength. (104-5)

Thus, Hobbes holds that in the state of nature, i.e., the condition of being without a government, the relevant sense of equality is that of power, both of body and of mind. Owing to this rough parity of strength, individuals can be seen to possess an equal capacity to kill each other. Thus, the state of nature is one of mutual distrust—a war of everyone against everyone. In this natural condition, everyone has a “natural right” to do whatever they need to do to preserve their own lives. The result is singularly unappealing. Everyone is one’s enemy; peace is impossible. As Hobbes famously describes it: “In such condition there is . . . worst of all, continual fear and danger of violent death; and the life of man [is] solitary, poor, nasty, brutish, and short” (107).

In such circumstances Hobbes argues that it is rational for individuals to seek peace.

It is a precept or general rule of reason that every man ought to endeavor peace, as far as he has hope of obtaining it; and when he cannot obtain it, that he may seek and use all the advantages of war. The first branch of the rule contains the first and fundamental law of nature, which is to seek peace and follow it. The second, the sum of the right of nature, which is, by all means we can to defend ourselves . . . (110)

Since our reason compels us to seek peace, a second law is derivable:

. . . that a man be willing, when others are so too, as far forth as for peace and defense of himself he shall think it necessary, to lay down this right to all things, and be contented with so much liberty against other men as he would allow other men against himself. (110)

These considerations form the basis of Hobbes' argument for the social contract, in which one voluntarily enters into an agreement to submit to the authority of a government whose role it is to enforce the laws that allow for peaceful co-existence.

Three points can be brought out from these passages. First, of the mental faculties relevant to the forging of the social contract, Hobbes presupposes that the parties to the agreement share in the qualities of reason and freedom. It is *reason* that urges us to *voluntarily* surrender some of our liberty. Second, the basis of our reasoning is *self-interest*, rather than sympathy for others. In order to defend one's life and live peacefully, it is rational to agree to limit our "natural right" or freedom to do as we please (139). The third point is that the formulation of the resulting rational principle, which limits one's participation in the agreement to the exact extent that others agree to do the same, echoes the biblical Golden Rule—which Hobbes himself cites in this context.

But if other men will not lay down their right as well as he, then there is no reason for anyone to divest himself of his, for that were to expose himself to prey, which no man is bound to, rather than dispose himself to peace. That is the law of the gospel: *whatsoever you require others should do to you, that do ye to them*. And that law of all men, *quod tibi fieri non vis, alteri non feceris*. (110)⁶

It should be noticed that this understanding of the foundation of rights is taken to exclude animals from being rights holders, since:

[t]o make covenants with brute beasts is impossible because, not understanding our speech, they understand not nor accept any translation of right, nor can translate any

⁶ The editor adds, "[Matt. 7:12; Luke 6:31. The Latin expresses the same rule negatively: 'What you would not have done to you, do not do to others']" (Hobbes 110).

right to another; and without mutual acceptance there is no covenant.”⁷ (116)

Thus, the case of Hobbes presents us with a clear example of how the concept of rights in the social contract tradition is built upon a very specific and decidedly anthropocentric idea of an initial equality obtaining among potential possessors of rights. Rights-holders are understood to be equal in sharing the motivations and capacities necessary to enter into agreements. Among motivations we find the general wish to be able to peacefully pursue one’s own ends. Among capacities, we find rationality, freedom, and speech. In general it seems fair to summarize this account by saying that in identifying the condition of *initial equality* obtaining among potential possessors of rights, we find a very specific understanding of a *shared human nature*, one in which rights-holders are conceived of as rational, self-interested, and possessed of both free will and the ability to communicate with language.⁸

Historically, the idea of natural rights has been enormously powerful, serving to undermine the hierarchal social structures of the middle ages and to provide a foundation for the establishment of the tradition of democratic governance (Keown 18). Philosophically, the idea of natural rights is also the foundation of the idea of universal human rights, entitlements to the basic necessities of a decent life, such as those outlined in the United Nations Declaration of Human Rights (Keown, Prebish and Hustad ix-xv). Clearly, this is a very potent idea, and one

⁷ Such an understanding of the exclusion of animals is echoed in Rawls when he limits the application of the principles of justice to “moral persons” defined as those who have a rational life plan and a sense of justice (504-505).

⁸ Rawls describes the initial equality obtaining behind the veil of ignorance as the equality of human beings understood as “moral persons . . . creatures having a conception of their good, and capable of a sense of justice. The basis of equality is taken to be similarity in these two respects” (19). Such persons are also described as “equally rational” (139).

that has served humanity well. The unfortunate drawback of this way of thinking, however, has been to reinforce a tendency to limit the scope of moral consideration to human beings alone. In identifying a foundation for rights exclusively in terms of those qualities that would allow for a hypothetical social contract, one thereby excludes non-human beings from potential consideration as rights-holders. From here is it only a small, and all too easy, step to excluding them from moral consideration altogether.

But while legal rights may well be thought to obtain on such a foundation (although this is dubious enough when one pauses to consider the ontological status of the alleged, non-historical, hypothetical agreement), it simply does not follow that natural or moral rights are held on the same basis. The very fact that man, the “rational animal,” has identified rationality and other human traits as the very factors governing the possession of moral rights would seem almost laughable—if the repercussions were not so sad.

The Problem of Equality

But for the Buddhist, the idea of basic equality presents some philosophic problems of its own. With its well-known doctrine of no-self, Buddhism explicitly rejects the notion of a shared human essence. One is thus left at somewhat of a loss as to where to seek a concept of equality upon which the notion of rights might be founded.

It is true, of course, that the historical Buddha directly challenged many of the existing inequalities of his day—notably those of hereditary class and gender.⁹ On what basis did he do so? This seems like a logical

⁹ Our concern here is with the contents of the Buddha’s teachings; it makes little difference whether we wish to attribute these teachings directly to the historical individual

place to begin our investigation. Scholars have commented at length on the radical nature of the Buddha's views regarding the class (*varṇa*) system espoused by the Brahmanical elite of his day. The Buddha dismissed the idea that a person's worth corresponded to their birth, arguing that the class system was a mere social convention (see *Majjhima Nikāya* 73).¹⁰

who founded the tradition or to members of the tradition that compiled these teachings in the centuries following his death. I adopt the style of speaking of *the Buddha's* teachings mainly because I see little room for doubting that most of these teachings are attributable to one historical individual. In this I agree with Gombrich.

¹⁰ Ñāṇamoli and Bodhi 764. Gombrich points out that the Buddha's geographic location seems to have allowed him to become aware of societies with social structures other than one based on the fourfold division of social class. In any case, it is not clear just how well established the *varṇa* system really was in the area where the Buddha lived and taught. Bronkhorst (*Greater Magadha*) has argued that the historical evidence indicates that this area, which he calls "greater Magadha" did not see the entrenchment of Brahmanism until at least two or three centuries after the Buddha's death. If this were so, then we would be forced to regard much of the content of the Pali Canon as having its origins during this later period, rather than with the Buddha himself. (For a summary of Bronkhorst's views see *Buddhism* 1-43.) The evidence presented by Gombrich, on the other hand, makes it plain that many of the Buddha's teachings are indeed framed and phrased as responses to Brahmins and Brahmanism. If Bronkhorst is correct, this would be attributable to the fact that in the first few centuries following the Buddha's death the early Sangha saw itself in competition with Brahmanism, and shaped its founder's teachings accordingly. While Bronkhorst's arguments are challenging, it seems to me that they boil down to one basic fact: we lack concrete evidence, outside of the texts themselves, for the presence of brahmanical culture in Magadha at this time of the Buddha. But this demands the question: do not the texts *themselves* constitute a piece of historical evidence, and a very weighty one at that? Perhaps some compromise is possible. Why not suppose that Brahmanism was at least known to the Buddha as a *competing* vision of reality, one that was already making its presence felt in the regions through which he moved. One might thus maintain that while Brahmanism was not yet thoroughly established in Magadha, it was becoming so, and because of its cogency and power, the Buddha framed many of his own teachings as responses to it. In this way it seems possible to reconcile Gombrich's wish to interpret the Buddha's teachings as responses to Brahmanism with Bronkhorst's wish to recognize that many of the ideas found in the Buddha's teaching have their origins in the indigenous, non-Brahmanic culture of Magadha. Sorting out which is which is of course another matter.

On the question of gender, by initiating an order of nuns, the Buddha made a significant move in the direction of equality between the sexes—opening a door for women not necessarily attracted to the traditional female roles.¹¹

What is philosophically interesting about the Buddha's stances on these matters is not so much the fact that he was willing to contravene existing social norms (although this is *politically* intriguing), but the fact that he felt entitled (compelled?) to do so. We need to explore the basis of his views. What aspects of the Buddha's *understanding of reality* would lead him to contest existing hierarchical social conventions?

Our investigation of this particular matter takes as its starting point Richard Gombrich's recent claim that it was the Buddha's radical conception of karma *qua intention* that did the work here—undermining the hierarchic, class-based system of morality prevalent at his time and place.

The Buddha took the brahmin word for 'ritual' and used it to denote ethical intention. This single move overturns brahmanical, caste-bound ethics. For the intention of a brahmin cannot plausibly be claimed to be ethically of quite a different kind from the intention of an outcaste...
(14)

Furthermore, according to Gombrich, the Buddha held that:

. . . the only true criterion for ranking people is moral, and that morality is closely linked to intellectual ability
(15)

¹¹ See Ohnuma 2006

An important related aspect of Gombrich's analysis pertains to how the Buddha's doctrine of karma bears on the question of free will and moral responsibility. As a corollary to the Buddha's doctrine of karma we find that the Buddha also thought that human beings are equal in possessing a free will.

For karma to work as an ethical doctrine, it must steer between the extremes of determinism and randomness. If we have no free will, if our actions are rigidly determined, we are not ethical agents and the rest of the Buddha's teachings make no sense at all. (18)

The Buddha's theory of karma not only substituted ethics for ritual, but made intention, a private matter, the final criterion for judging ethical value. This was a great step forward in the history of civilization, because it meant that on the ethical plane all human beings are in a general sense equal, even if they differ in their capacity for making sound moral judgements. Furthermore, the Buddha took the extremely bold step of claiming that we are the masters of our own destinies, each responsible for our fates.¹² (195)

It would seem, then, that in speaking of equality in the Buddha's teachings we must examine a constellation of related concepts: in particular, moral responsibility, free will, and karma.

Let us pause to consider Gombrich's assertions. The first, concerning the Buddhist doctrine of karma I take to be uncontroversial. It is

¹² Gombrich argues that the growth of a sense of individual responsibility may have been related to specific socio-economic conditions of the Buddha's time and place, particularly the rise of a money-based economy in which individuals acquired a sense of independence from the *varṇa* system owing to new wealth (23-24).

clear that morality hinges on intention in the Buddha's teachings and that the resulting shift of focus away from outward behavior has radical ethical implications; Gombrich is certainly correct in emphasizing that this way of understanding the nature of moral action pulls the rug out from under the entire caste system.¹³

But let us look more carefully at the second assertion: is it really the case that the only true criterion for ranking people is moral, according to the Buddha's teachings? Actually, I think that this is only part of the story and that the other part, suggested by Gombrich himself, has less to do with intellectual ability than it has to do with wisdom, which is quite a different notion. The former understanding suggests a rational capacity, the latter *self-awareness*. In my view of the Buddha's ethical outlook a man who is aware of his own motives would be judged superior to one who was simply an expert in, say, Abhidharma. The relevant sense of intelligence is one of *insight* . . . that of directly seeing reality, rather than quickness of thinking etc.¹⁴ The danger in equating wisdom with rational

¹³ "Now since both bright and dark qualities, which are blamed and praised by the wise, are scattered indiscriminately among the four castes, the wise do not recognize the claim about the brahmin caste being the highest. Why is that? Because, Vāseṭṭha, anyone from the four castes who becomes a monk, an Arahant who has destroyed the corruptions, who has lived the life, done what had to be done, laid down the burden, reached the highest goal, destroyed the fetter of becoming, and become emancipated through super-knowledge—he is proclaimed supreme by virtue of the Dhamma and not of non-Dhamma.

Dhamma's the best thing for people

In this life and the next as well" (DN 27, Walshe 408)

¹⁴ It is clear that these two are not mutually exclusive; indeed, they are probably better thought of as *mutually implicative*. The fact remains, however, that in choosing to emphasize rationality over awareness, one is missing out on the dimension of non-mediated awareness that is so strongly emphasized in Buddhism. In terms of content, insight is understood as a recognition of the three marks of existence: impermanence, selflessness, and suffering. In the Mahāyāna, emptiness is added as a fourth mark.

capacity in this context is precisely that of misconceiving the Buddha's understanding of human nature along the lines of Western ontology. Wisdom is principally a quality of awareness, rather than a mode of rational thought *per se*.

It is important to notice that Gombrich does not deny that there is a "true way" to rank people in such terms. Indeed Buddhist soteriology is based on the notion that people *are* rankable according to their level of spiritual development. There is a hierarchical dimension to the Buddha's ethical thought that is not normally made the object of scholarly focus. In early Buddhism, the hierarchy, in brief, is that of ordinary person, disciple in higher training, and arahat.¹⁵

According to Buddhist teachings, there is a *natural hierarchy*—a hierarchy that is not socially defined, but rather based on spiritual development or purity. It may seem surprising to some to hear that the Buddha thought of people in a hierarchic fashion, but really all this really amounts to is a recognition of spiritual differences. Simply put, some people are more virtuous and wise than others. And in this respect they stand closer to the end-goal of liberation from suffering, which is to say to the goal of spiritual freedom. One's possession of these qualities corresponds to the level of one's inner purity, measured in terms of one's freedom from mental defilements. Thus, contra Gombrich, it is correct to

¹⁵ I have been writing about the relevance of hierarchy to Buddhist ethics since 2005. In that year I published an article in the *Journal of Buddhist Ethics* which demonstrated how taking cognizance of this hierarchy resolves a long standing riddle in the field of Buddhist ethics, namely that of the relationship between skill (*kusala*) and merit (*puñña*). In 2008 I extended the argument to show that the phenomenology of moral experience can be taken to vary along the same agent-based lines. And most recently, in 2011, I attempted to show how this hierarchy is related to the Buddhist understanding of freedom. In brief, I argued that the Buddha's position is one that implies that we do not have a metaphysically free will; we are nevertheless morally responsible for our actions. Freedom increases as one moves through stages towards *nirvāṇa*.

say that the Buddha's teachings imply that we are not equal when it comes to freedom. No one has a metaphysically free will. But in terms of *being free* the arahat can be said to be perfectly so, whereas the ordinary person is anything but (see Adam, "No self").

Gombrich takes the view that it is on account of the Buddha's position that we are all equally endowed with free will, in combination with his understanding of karma as intention, that he is able to maintain that we are, each of us, equally morally responsible for our actions. But if the Buddha's view is actually that people are free in varying degrees, we would need to qualify this statement. When it comes to moral responsibility, there is indeed one sense in which we are all equally responsible—but there is another in which we are not. We are all equally responsible in the sense that we are all inheritors of our own karma and therefore each of us the only person who can really do anything about our own karmic inheritance. But it is also true, as Gombrich himself recognizes, that we are unequal in our moral capacities—including our capacity to take on moral responsibilities. Some of us, quite simply, are constitutionally more capable of moral conduct than others. Thus, as a factual matter, there is an important sense in which people are morally responsible to different degrees. Morality, wisdom and freedom are inner qualities that can be taken as indicators of one's level of spiritual accomplishment. In terms of these qualities, human beings are not equal.

Is there then no morally relevant sense of *natural equality* among people according to the Buddha's teachings? In fact, I believe that there are at least three morally relevant senses of equality in the Buddha's teachings, of which being responsible for one's own karma is one; whether these three are sufficient to ground talk of human rights is a question I will take up in the last section of this paper.

3.

“As I [am], so [are] these; as [are] these, so [am] I.” Comparing himself [with others], he should neither kill nor cause others to kill.

—Sutta Nipata 705 (Norman 92)

This admonition is one of the clearest examples of a Buddhist formulation of the Golden rule, or principle of moral reciprocity.¹⁶ To get a proper handle on the foundations of Buddhist moral thinking one might ask how a Buddhist would respond to an individual who simply failed to see the force of this advice, reacting to it with a simple, amoral “Why not?” Such a person might say, “I know others suffer, but they are not me. I look after myself.”¹⁷

¹⁶ The rule itself is often held up as a universally valid ethical principle, common to all great religious traditions. While the purpose of the present paper is not to comparatively evaluate various formulations of the rule, it is useful to refer to other religious traditions’ understandings of the rule in examining the Buddhist notion of equality—especially the degree to which different ideas of basic moral equality can be seen as lying at the basis of the different versions of the rule.

¹⁷ The myth contained in the *Cakkavatti-Sihanāda Sutta* recognizes this possibility. “Monks, a time will come when the children of these people will have a life span of ten years. . . . And with them, the ten courses of moral conduct will completely disappear, and the ten course of evil will prevail exceedingly: for those of a ten year life-span there will be no word for ‘moral’. So how can there be anyone who acts in a moral way? . . . And for those of a ten-year life-span, there will come to be a ‘sword-interval’ of seven days, during which they will mistake one another for wild beasts. Sharp swords will appear in their hands and, thinking: ‘There is a wild beast!’ they will take each other’s lives with those swords. But there will be some beings who will think: ‘Let us not kill or be killed by anyone! . . . Then, at the end of the seven days they will emerge from their hiding places and rejoice together of one accord, saying: ‘Good beings, I see that you are alive!’ And then the thought will occur to those beings: ‘It is only because we became addicted to evil ways that we suffered this loss of our kindred, so let now do good! What good things can we do? Let us abstain from the taking of life—that will be a good practice . . .’” (*Digha Nikāya* 26, Walshe 401-402). The parallels between

Initially the Buddhist may seem to be at a bit of a loss in answering this question compared to members of other intellectual and faith traditions. Hobbes, as we have seen does have a reply: by agreeing to abide by such a reciprocal principle one is better able to preserve one's life and pursue one's own ends. Owing to one's rational commitment to such an agreement, one is obliged to respect the wishes of others in the same way one expects others to respect one's own. One has *promised*, as it were.¹⁸ Hobbes, as we saw, drew an explicit connection between his thinking on this point and the Golden Rule as formulated in the New Testament. More generally, followers of Christian traditions can justify the endorsement of the Golden Rule by pointing out that we are all equally children of one Father, who does not wish us to act in a harmful manner towards one another.

In terms of Indian thought, the Vedānta traditions of Hinduism also have a ready response. Given the equation of *ātman* and *brahman*, it turns out that hurting others is actually ontologically equivalent to hurting oneself—even though the ignorant do not understand this. What such traditions have at their disposal, which the Buddhist tradition does

the degenerated state described in this story and the Hobbesian state of nature are striking (noted in Huxley, 416). Notice that the agreement not to kill is undertaken simply on the basis of having recognized the suffering that is caused by killing. The bottom line in Buddhist ethics is that suffering is undesirable in and of itself.

¹⁸ Garfield has pointed out the unsatisfactoriness of this response: "Aside from the odd historical problems this [i.e., the idea of a social contract] raises . . . there is a stunning logical problem with this kind of reasoning. For the original agreement to be in any sense binding there must already be duties to keep one's word and to be bound by agreements presupposed, and correlatively rights that others abide by their agreements. The regress just adumbrated is merely ignored by talk of social contracts as binding" (119). Although he adopts a very different tack in tackling the question of rights in Buddhism, Garfield's views are consistent with my own. Social contract theories of justice face a glaring conceptual problem; it appears to be impossible to identify any non-arbitrary criterion for natural rights-possession.

not, is a strong ontological basis for the moral equation of self and other. The ethics of these traditions can be read as being grounded in an ontological equality that has the effect of undermining the tendency to privilege oneself over others. As Schopenhauer saw clearly in connection with Upaniṣadic doctrine:

Individuation is mere phenomenon or appearance and originates through space and time. These are nothing else than the forms of all objects of my cerebral cognitive faculty and are conditioned by them. And so even plurality and diversity of individuals are mere phenomenon, that is, exist only in my representation. My true inner being exists in every living thing as directly as it makes itself known in my self-consciousness only to me.” In Sanskrit *tat tvam asi* [this (sic) art thou] is the formula, the standing expression, for this knowledge. It is this that bursts forth as *compassion* on which all genuine i.e. disinterested, virtue therefore depends, and whose real expression is every good deed. In the last resort it is this knowledge to which every appeal to gentleness, leniency, loving kindness and mercy instead of justice, is directed. For such an appeal is a reminder of that respect in which we are all one and the same entity. (210-11)

But Buddhists have neither the Self as *brahman* to come to their aid, nor, for that matter, God the father. What doctrines do lie at their disposal? I will conclude this paper by indicating three key senses of morally relevant equality found in the Buddha’s teachings. Gombrich, as discussed above, has pointed out the first of these:

1. We all share the same nature of being the sole inheritors of our own karma.

There are at least two other senses of equality that come into play in discussions of Buddhist ethics.

2. We are all equally capable of attaining *nirvāṇa* or awakening.

3. We are all equally capable of suffering and happiness.¹⁹

Regarding the second sense, we may note that women's equal capacity to attain *nirvāṇa* appears to have constituted one the arguments that the Buddha found persuasive in initiating an order of nuns (Ohnuma 2006). In Mahāyāna Buddhism, the basic insight that sentient beings share in the potential for Awakening was developed into the doctrine of the *Tathāgatagarbha*, or Buddha Nature. While it is far beyond the scope of this paper to examine the historical developments of this idea, we may observe that they did eventually lead to a decidedly non-anthropocentric conception of equality.²⁰

Regarding the third of the three sense of equality, I believe this to be the most clearly relevant to the Buddhist approach to morality. From a Buddhist perspective, what unites us to other sentient beings is the recognition of our shared suffering—the first noble truth. This is where Buddhist ethics, and indeed Buddhist practice, begins. In contrast to the Hobbesian view, our basic equality can be seen as one of *vulnerability* as opposed to *power*; it is our capacity *to be harmed* rather than our ability *to harm*. While being alike in our capacity for suffering may not be an *ontological* equality, a case certainly can be made that it is a *moral* equality. It is the insight from which the Buddhist moral response, compassion, flows.

¹⁹ If one equates happiness with the attainment of the Buddhist goal, the two may well be considered collapsible into one. I will not explore this possibility here.

²⁰ A relevant discussion of Dogen's interpretation of Buddha-nature in connection with human rights can be found in Sevilla.

All three senses of equality come out in the following passage from the Dalai Lama:

As a Buddhist monk, I do not find alien the concept and practice of democracy. At the heart of Buddhism lies the idea that the potential for awakening and perfection is present in every human being and that realizing this potential is a matter of personal effort. The Buddha proclaimed that each individual is a master of his or her own destiny, highlighting the capacity that each person has to attain enlightenment. In this sense, the Buddhist world view recognizes the fundamental sameness of all human beings. Like Buddhism, modern democracy is based on the principle that all human beings are essentially equal, and that each of us has an equal right to life, liberty, and happiness. Whether we are rich or poor, educated or uneducated, a follower of one religion or another, each of us is a human being. Not only do we desire happiness and seek to avoid suffering, but each of us also has an equal right to pursue these goals. Thus not only are Buddhism and democracy compatible, they are rooted in a common understanding of the equality and potential of every individual.
(2-3)

Thus, there are at least three senses of moral equality that might serve to ground talk of rights-possession in Buddhism. In the last analysis, the Buddhist approval of rights as a concept would have to be based on the sentiment of compassion, i.e., the wish to alleviate suffering. A Buddhist endorsement of rights can stem from a recognition that the acceptance of rights is a very practical way to protect sentient beings from suffering. It is a very helpful convention to adopt. But it must be noted that to the extent that we derive basic rights from these Buddhist

senses of equality, there can be no reason in principle for excluding animals from the realm of rights-holders. In Buddhism the morally relevant factor for inclusion in the circle of rights-possessors would appear to be sentience rather than rationality, where sentience is understood as the capacity for suffering and the corresponding wish to be free from it. Buddhist compassion is universal in scope, extending throughout the six realms of sentient beings. All sentient beings, in varying degrees, are understood to possess the capacity to have their wish fulfilled, to become free from suffering. Thus, the notion of rights in Buddhism should not be understood as entitlement based on the potential to enter an agreement or covenant; it is perhaps better thought of as entitlement based on the *potential for freedom*. Buddhist morality stems from compassion; compassion is rooted in a recognition of a fundamental moral equality: our shared suffering and the natural wish to be free from it.

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