

Toward a Buddhist Philosophy and Practice of Human Rights

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Submitted in partial fulfillment of the
requirements for the degree of
Doctor of Philosophy
in the Graduate School of Arts and Sciences

COLUMBIA UNIVERSITY

2015

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ABSTRACT

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The 14th Dalai Lama-Tenzin Gyatso (DL) has expressed strong support for the Universal Declaration of Human Rights (UDHR). While this may seem to be consistent with his outspoken promotion of basic “human values” and “universal responsibility” (Piburn, 2002), there is an unresolved metaphysical conflict between his endorsement of the UDHR and concomitant ideas like “inherent dignity” and “inalienable rights,” on the one hand, and, on the other, his espousal of the Buddhist “Middle Way” or “Centrist” (*Madhyamaka*) thesis that all phenomena (*i.e.*, persons, things, and ideas like “human rights”) lack “intrinsic existence” (*svabhāva*). In this dissertation I argue that an “unforced consensus” (Taylor 2011) on rights can be achieved through an application of the Madhyamaka interpretation of the “two truths” (*dvasatya; bden pa gnyis*). Metaphysics, however, is only one dimension of the Madhyamaka account of reality. There is an equally (if not more) important “cognitive dimension” that pertains to *how* one sees and interacts with the world (Westerhoff, 2009). I believe this can be effectively applied to an analysis of the psychology of human rights foundationalism (*i.e.*, the mindset that reifies rights). The DL believes that ultimately the safeguarding of human rights *culture* depends on a cognitive shift at the individual level. I explore the philosophical implications of this belief, and I contend that it is consistent with the concept of human development and education in the UDHR. I conclude that Tibetan Buddhist ideas and practices can potentially help bridge the divide between human rights foundationalism and anti-foundationalism in a manner that reinvigorates the utility of the UDHR, and yet does not philosophically yield to an essentialist world-view.

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ACKNOWLEDGMENTS

During the course of researching and writing this dissertation I experienced both anticipated and unanticipated obstacles to completion. I would like to acknowledge the help and support of the following people: Professor Robert A. F. Thurman, my graduate advisor, who cultivated my interest in Buddhism from that befitting a “dharma bum” to one worthy of a doctor of philosophy; Professor Owen “father” Flanagan who revealed to me the virtue in doing comparative philosophy; Professor Gary Tubb, who opened my mind to the wonders of Sanskrit and non-Buddhist Indian literature; Geshe Michael Roach, my first Buddhist teacher, whose lessons still inform my understanding of Buddhism; as well as my parents, Sherwood Kelley and Sandra Colony. Finally, I want to especially acknowledge my wife Stefanie Syman. If not for her indefatigable love and support I would not have the privilege to be thanking her here.

DEDICATION

I dedicate this dissertation to my partner in life Stefanie Syman,
and to our two daughters, Phoebe and Mavis.

Introduction

Buddhism and Human Rights

The topic of “Buddhism and human rights” garnered heightened scholarly attention with the publication of a volume of essays that were originally developed for an unprecedented online conference that was sponsored and organized by the *Journal of Buddhist Ethics (JBE)* in 1995. In the introduction to that publication, aptly entitled *Buddhism and Human Rights* (Curzon Press, 1998), the editors, Wayne R. Husted, Damien Keown, Charles S. Prebish contend: “It is difficult to think of a more urgent question for Buddhism in the late twentieth century than human rights. Human rights issues in which Buddhism has a direct involvement—notably in the case of Tibet—feature regularly in the global media” (2012, p. v).

Whether it is the new epidemic of Tibetan Buddhist self-immolation protestors, or the anti-Muslim campaign being led by a group of extremist Buddhist monks in Myanmar, the number of contemporary human rights issues in which Buddhism is involved has only increased since the *JBE* conference in 1995. In the case of Myanmar, the so-called monks who call themselves the “969 Movement” (ostensibly deriving that enumeration from the number of attributes associated with the Three Jewels in Buddhism), have left many in the world rightfully wondering, in the words of one *New York Times* journalist, “How do we reconcile the perception of Buddhism as a philosophy of peace with this ugly reality of Buddhist-led pogroms in Myanmar?” (Malik, 2014). The increasing numbers of Tibetan Buddhist self-immolations, carried out in protest of Chinese political rule in Tibet, have similarly raised questions about the Buddhist prohibition against killing (*i.e.*, suicide). The need for critical discourse on Buddhism and human rights is arguably greater now than ever before.

The objective of this dissertation is to help further the ongoing development of a Buddhist philosophy and practice of human rights by examining the convergence of Tibetan Buddhism and the western liberal tradition manifest in The Universal Declaration of Human Rights (UDHR). This juxtaposition is not arbitrary—it is a direct result of the 14th Dalai Lama-Tenzin Gyatso’s (DL) outspoken support for the UDHR. Nevertheless, Tibetan Buddhism and the western liberal tradition of human rights are two intellectual genealogies that have developed more or less in isolation from each other. Some might argue that this is a good reason for keeping them separate. This kind of cultural isolationism is (among other things) impractical in today’s more interconnected and globalized world. Moreover, the UDHR is ostensibly intended to be culturally universal. The DL’s well-known advocacy of the UDHR is indicative of this, and it portends even more multicultural encounters between the two traditions. Unlike any other historic rights-based document (*i.e.*, *The Virginia Declaration of Rights* (1776) and *The French Declaration of the Rights of Man and of the Citizen* (1789)), the UDHR is the product of a multinational United Nations committee of delegates. Therefore, it is hermeneutically consonant with the intent of the creators of the UDHR to try to reconcile its ideology with the philosophical and psychological presuppositions in Tibetan Buddhism. The most obviously pressing area in need of explication is the area of metaphysics.

The DL’s celebration of the UDHR may, on the face of it, be consistent with his popular promotion of basic “human values” and “universal responsibility” (Piburn, 2002), but it is unclear how his endorsement of concomitant ideas like “inherent dignity” and “inalienable rights” can be metaphysically compatible with the DL’s own Tibetan Buddhist *Madhyamaka* (“Middle Way” or “Centrist”) School’s claim that all phenomena (*i.e.*, persons, things, and ideas like dignity and alienable rights) are utterly devoid and lacking “intrinsic existence” (*svabhāva*).

There is, in other words, an unaddressed metaphysical conflict that demands reconciliation. I will refer to this problem as the “paradox of the inherent dignity of empty persons.” What is more, the Madhyamaka analysis of intrinsic existence is not solely concerned with the nature of things. It also includes an important “cognitive dimension” that pertains to *how* one sees the world (Westerhoff, 2009). This psychological aspect of the Madhyamaka account of intrinsic existence is, in practical terms, more important than the metaphysical in that it relates to the way we actually interact with the world and ideas like “human rights.” Furthermore, there are also undeveloped ways in which Tibetan Buddhism and the DL’s “secular ethics” can meaningfully contribute to the contemporary field of human rights education.

In this dissertation I argue that the DL’s Madhyamaka School of Buddhist philosophy can provide the necessary theoretical tools for reconciling the dual ideas of “inherent dignity” and “inalienable rights” with the Madhyamaka’s own concept of *emptiness* (*śūnyatā*)—all things (*i.e.*, human rights) lack intrinsic existence. More significant, I think, is the cognitive dimension of the Madhyamaka account of intrinsic existence that offers a new way of interacting with the idea of human rights. I believe that the Madhyamaka analysis of the psychological tendency to reify human rights with intrinsic existence can help shed new light on the way we think about human right foundationalism in the present as well as the past. Furthermore, I examine certain ideas and practices from Tibetan Buddhism that I think can be profitably applied to the development of curricula in human rights education. In summary, there are three things that can be gained from my examination of Tibetan Buddhism in the context of human rights: 1) it provides an account of a robust anti-essentialist metaphysics that supports the moral universalism of the UDHR; 2) it offers a sophisticated analysis of the psychology of human rights foundationalism; and 3) it

presents a new approach to education that can improve and support a cosmopolitan human rights curriculum.

Methodology

My methodology favors an interdisciplinary approach that values free play between the fields of psychology, religion, and philosophy. I seek to make connections between these spheres of study rather than treating them as isolated academic disciplines. This approach is becoming increasingly common—particularly in the burgeoning field of “comparative” or “world” philosophy and religion. The philosopher Owen Flanagan, for instance, in the Introduction to his naturalist account of Buddhism entitled *The Bodhisattva’s Brain*, identifies two guiding assumptions that characterize this type of approach: “anachronism” and “ethnocentrism” (Flanagan, 2011, p. 1). Anachronism, for Flanagan, says that it is permissible to look for ideas from another time and place that might be helpful to contemporary issues. His ethnocentrism permits us to assess those ideas against the backdrop of western contemporary discourse. Mark Siderits labels this type of approach “fusion philosophy” (2005, p. 23), likening it to the musical genre of “fusion jazz” that mixes a variety of types of music (western and non-western) with a jazz approach to improvisation. I prefer to describe my approach in terms of what Richard Rorty labels “abnormal” discourse (1979, p. 11). According to Rorty, normal discourse is characterized by commensurability with epistemological foundations and the emergent conventions of “systematic philosophy” (1979, p. 365). Abnormal discourse is the opposite; it is reactive, “it’s what happens when someone joins in the discourse who is ignorant of these conventions or who sets them aside” (1979, p. 320). Abnormal discourse is “edifying” because it has the capacity to “take us out of our old selves by the power of strangeness, to aid us in the becoming of new beings” (1979, p. 360). Moreover, abnormal discourse facilitates a process of “self-creation” and

achieves a kind of “freedom” through the recognition of contingency and the understanding of the impotency of what Rorty calls a “final vocabulary” to represent a fixed reality (1989, p. 46). I think Rorty’s account of abnormal discourse is philosophically compatible with the anti-essentialism in Tibetan Buddhism, which eschews the premise of intrinsic existence to any and all phenomena, and understands the act of philosophizing to be an “escape from the prison of egocentrist views and egocentric instinctual habits through the therapeutic use of critical wisdom” (Thurman, 1984, p. 103). Furthermore, Rorty believes the hermeneutical activity of “making connections” between different disciplines and cultures constitutes a kind of “conversation” in the sense one might converse with a new acquaintance. The purpose of this special conversation is not to establish or reify existing presuppositions, but to endeavor to discover new ways of communicating. “The way things are said,” explains Rorty, “is more important than the possession of truths” (1979, p. 359). Hence the *modus operandi* in Rorty’s work (as well as my own project) is to simply “keep the conversation going.”¹

I must note here that Rorty was somewhat dismissive of the project of “comparative philosophy.” Not long after the publication of *Philosophy and the Mirror of Nature* (1979) he reviewed a compendium of essays on comparative philosophy edited by Gerald J. Larson and Eliot Deutsch entitled *Interpreting Across Boundaries: New Essays in Comparative Philosophy* (1988). Rorty expressed the following apprehensiveness to comparative philosophy in his review: “It is perfectly reasonable to ask, without condescension and in honest bewilderment... ‘Is There Philosophy in Asia?’ For this is not the question ‘Is Asia intellectually mature?’ but the question ‘Have Asians had any of the needs which led Western universities to teach Seneca, Ockham, Hume, and Husserl in the same department?’” (1989, p. 333).

¹ Rorty writes: “Hermeneutics sees the relation between various discourse as those of strands in a possible conversation; a conversation which presupposes no disciplinary matrix which unites the speakers, but where the hope of agreement is never lost as long as the conversation lasts” (1979, p. 318).

The issue for Rorty concerns whether or not the word “philosophy” can accurately describe the conceptual scheme of inquiry used by Asian thinkers. He asserts that it is not a sufficiently neutral space for unerring comparison and exchange. I believe this is a valid and important point. However, the reader will recall that the anachronism or the ethnocentrism in the juxtaposition of Tibetan Buddhism with the UDHR is not of my own making. It is arguably inherent in the cross-cultural nature of the UDHR, as well as the DL’s own decision to align the western liberal tradition of human rights with the values and ideas in Tibetan Buddhism. In short, this dissertation attempts to make sense of two world-views that have already collided and therefore demand scholarly exposition.

Chapter summary

In my first chapter I explore the question of metaphysical compatibility between the Madhyamaka claim that all things (*i.e.*, human rights and dignity) lack intrinsic value and the foundationalist concept of human of rights put forth in the UDHR. I argue that an unforced consensus on human rights can be achieved between these two positions through an application of the Madhyamaka account of the two truths (*dvasatya; bden pa gnyis*), wherein human rights can be said to have a *conventional* intrinsic existence, but not an *ultimate* intrinsic existence. I support Charles Taylor’s thesis of an “unforced consensus” (2011) in human rights by arguing that the DL’s support for the UDHR is indicative of an agreement on norms with fundamentally incompatible views on religion, metaphysics, and human nature. However, this is not the same thing as finding equivalent concepts or terminology for “rights” in Buddhism.² The kind of unforced consensus that I am positing is not based on equivalency, but rather on the utility of the Madhyamaka account of emptiness as a justification for the idea of human rights. Thus I have

² Buddhist scholars such as Damien Keown have already put forth strong arguments that the concept of *dharma* (“duty” or “obligation”) achieves that kind of consensus. Charles Taylor has also done some work on the topic in the context of Thai Buddhism.

entitled **Chapter One: “Reconciling the Inherent Dignity of Empty Persons.”**

In the previous chapter I argued that the Madhyamaka account of the two truths provides a useful hermeneutical strategy for making sense of the metaphysical conflict between the DL’s endorsement of both emptiness and human rights—the paradox of the inherent dignity of empty persons. Metaphysics, however, is just part of the Madhyamaka’s more comprehensive “therapeutic technique” for overcoming the psychological tendency, or “self-habit” (*bdag ‘dzin*), that actively imbues phenomena with a spurious intrinsic existence (Thurman, 1984, p. 98). In this **Chapter Two: “The Attraction of Human Rights Foundationalism,”** I focus on this more psychological, or “cognitive dimension,” of the Madhyamaka account of intrinsic existence (*svabhāva*) (Westerhoff, 2009, p. 46), as I believe it pertains to human rights foundationalism. I argue that the Madhyamaka analysis of the psychological tendency to reify phenomena exposes the dangers of subscribing to human rights foundationalism, as well as gives a better understanding of the psychology of fundamentalism—the “fundamentalist mindset” (Strozier, Terman, Jones, & Boyd, 2010)—that is associated with the violation of human rights.

The perennial debate between universalism and relativism has a place in human rights discourse where it is framed in terms of those who advocate the international implementation of the universal rights in the UDHR (*i.e.*, universalism), and those criticize this on the basis that the UDHR is insensitive to national differences (*i.e.*, relativism). In **Chapter Three: “Moral Universalism Reconsidered,”** I explore both the philosophical and political stakes of the debate regarding moral universalism in human rights. I argue that while the issue of “Asian values” is decidedly political, the philosophical challenge to explain moral universalism within a world where truth is admittedly relative is not. I look at how moral universalism has been addressed by the non-foundationalist human rights thinkers like Richard Rorty. I draw a parallel between this

and the philosophy of human rights put forth by the DL. I believe they have much in common, but whereas Rorty is loath to commit to a shared human nature, the DL is not.

The DL boldly claims that the enhancement of the human capacity for empathy is the most effective way to safeguard human rights (2001, p. 64). In **Chapter Four: “Safeguarding Rights with Empathy,”** I introduce and explore the implicit premise embedded in this claim—the “empathy-altruism hypothesis” (Batson 1991). I draw a comparison between the Tibetan Buddhist concept of empathy and the prevailing account in western philosophical discourse. I highlight the commonalities and differences, and I argue that the Buddhist approach to developing empathy can indeed lead to the kind of altruistic and moral behavior that is congruent with the function and purpose of human rights.

Education is the vehicle for implementing a Buddhist philosophy of human rights. The drafters of the UDHR also understood that education was integral to the implementation of the UDHR (Morsink, 2009, p. 186). In **Chapter Five: “At the Heart of Human Rights Education,”** I consider the role of education in the DL’s secular ethics, and I explore how that might contribute to human rights education (HRE). I trace the evolution of the HRE movement from its beginnings in the UDHR to the present day. I argue that Tibetan Buddhist mind-training should be incorporated into HRE curricula. I believe this would help actualize what is meant by the “full development of the human personality” in Article 26 of the UDHR. Moreover, I think that in much the same way that Madhyamaka philosophy was helpful to reconciling anti-essentialism with the UDHR, it also has fruitful application in the resolution of the current conflict between nationalism and cosmopolitanism in public education.

Chapter 1: Reconciling the Inherent Dignity of Empty Persons

Chapter outline

§1. 1. *Defining “right”*

§1. 2. *The philosophy of human rights foundationalism*

§1. 3. *The idea of “unforced consensus”*

§1. 4. *No-self, emptiness, and the two truths*

The DL is internationally recognized as a staunch advocate of human rights. He has received innumerable awards and honorary degrees and generally enjoys widespread acclaim for his ongoing efforts to peacefully safeguard the human rights of Tibetans and marginalized people everywhere. In 1989, he was awarded the prestigious Nobel Peace Prize in recognition of his non-violent activism for Tibet and his “constructive and forward-looking proposals for the solution of international conflicts, human rights issues, and global environmental problems” (Nobel Media AB, 1989). In 2007, President George W. Bush presented him with the Congressional Gold Medal—American’s highest civilian honor—and declared, “They [the Chinese government] will find this good man to be a man of peace and reconciliation” (Department Of State, 2007). 2010 saw the DL receive the Democracy Service Medal for his continued “commitment to advancing the principle of democracy and human dignity” (C-SPAN, 2010). And in 2011, Larry Cox bestowed Amnesty International’s Shine a Light Award upon the DL and proclaimed, “There is no more powerful voice for human rights, for peace, and for non-violence than the unique voice of His Holiness the 14th Dalai Lama, Tenzin Gyatso” (Stewart, 2011). However, before becoming a well-known champion of human rights, the DL was—(and continues to be)—a proponent of the Madhyamaka School of Buddhist philosophy. And

according to Nāgārjuna, the recognized progenitor of the Madhyamaka (2nd century CE, India), the premise that something (*i.e.*, persons, objects, and ideas) could have intrinsic metaphysical existence is erroneous. On the face it, this seems to give rise to metaphysical conflict between the DL's own Madhyamaka and his support for the Enlightenment concepts of inherent dignity and inalienable rights that constitute the philosophical foundation of the UDHR. The Madhyamaka position, *vis-à-vis* rights, is not unprecedented within contemporary human rights theory; it is consistent with the postmodern rejection of innate human rights and dignity espoused by contemporary "anti-foundationalist" thinkers like Richard Rorty (1993). Moreover, the rejection of metaphysically inherent rights is also not in and of itself unusual within the history of philosophy. As early as the eighteenth century, the utilitarian philosopher Jeremy Bentham derided the concept of "rights" as nothing less than "nonsense on stilts" (1795/2002). Interestingly, this did not prevent the contemporary utilitarian Peter Singer from adopting the language of rights in his philosophical writings. After the publication of *Animal Liberation* in 1975, the burgeoning animal rights movement adopted Singer as its intellectual public persona—despite the fact that his actual argument does not entail a rights-based theory of ethics (even though he uses the word "rights"). His defense of animal interests in fact eschews the existence of rights. Singer's ethical position in *Animal Liberation* is based on a utilitarian calculation that places greater value on an animal's capacity to experience suffering than on the relative usefulness of a carnivorous diet for humans (Singer, 1975/2009). I see a similar confusion at work in the minds of most people who interpret the DL's support for the UDHR as an espousal of human rights foundationalism and the traditional concept of human rights. The DL, like Singer, does not subscribe to a rights-based theory of ethics, nor does he support a philosophy that recognizes the metaphysical presuppositions associated with human rights foundationalism.

To overlook this fact would not only be a grave misreading of the DL's project, but, also, would neglect the sophistication of his position, as well as the potential contributions that the Madhyamaka might make to the field of human rights theory and practice. I believe that DL's adoption of the vocabulary of rights can be metaphysically reconciled if—and only if—it is framed in terms of the Buddhist doctrine of the “two truths” (*dvasatya; bden pa gnyis*).

I begin my analysis by first defining how theorists generally define “rights.” I then transition into a philosophical account of the concept of human rights in the UDHR. This is by no means exhaustive. There are already a plethora of scholarly studies, such as *Making Sense of Human Rights: Philosophical Reflections on the Universal Declaration of Human Rights* (1987) by James Nickels and *The History of Human Rights: From Ancient Times to the Globalization Era* (2008) by Micheline R. Ishay, that explore the western liberal tradition of human rights in great depth. My objective is to simply provide a philosophical rationale for the metaphysical presuppositions in human rights foundationalism, thus distinguishing it from human rights anti-foundationalism and the metaphysical anti-essentialism of the Madhyamaka school of Buddhist thought. Next I delineate the intellectual archeology and the fundamental philosophy of the Madhyamaka School. I conclude that the metaphysical presuppositions of the Madhyamaka are indeed incompatible with human rights foundationalism, but that does not obviate the possibility of an unforced consensus. The Madhyamaka, albeit in conflict with the philosophy of inherent dignity and alienable rights, can nevertheless provide a useful hermeneutical strategy for reconciling the concept of human rights in the UDHR with the position of Madhyamaka—the world-view of the DL. Along the way I also consider some of the previous attempts to ground a Buddhist theory of human rights that have been made by other scholars. In subsequent chapters I will consider some of the challenges to this conception of human rights, as well as the benefits

that Buddhist practice can bring to human rights education and training.

1.1. Defining “right”

Most western theorists agree that a “right” is a justified claim made on others (Feinberg & Narveson, 1970). For instance, if an individual has a right to freedom of speech, then that person can make a justified claim to speak his or her own mind. The inverse of this is that others have a duty or responsibility to let that person speak his or her own mind. If a person has a right to an education, then that person can make a justified claim to be provided with the opportunity to pursue an education. Human rights theorists make a distinction between what they call “negative” and “positive” rights. A negative right refers to an individual’s justified claim *not to be* subjected to a particular action made by another person or civil authority. Thus negative rights (*i.e.*, the right to freedom of speech) permit or compel *inaction* (*i.e.*, not obstructing someone from voicing his or her opinions). A positive right refers to an individual’s justified claim *to be* subjected to a particular action made by another person or civil authority. Positive rights (*i.e.*, the right to an education) permit or compel *action* (*i.e.*, providing of a person with the opportunity to pursue an education). The philosopher Isaiah Berlin is widely regarded as the original source for the distinguishing of negative and positive rights. In a famous lecture he delivered at Oxford University in 1958 entitled “Two Concepts of Liberty,” he defines a negative right or “negative liberty” as the kind of freedom one has to pursue one’s interests without “interference from external bodies.” A positive right or “positive liberty” is therefore the extent to which one has the right to “act autonomously” (Sidorsky, 2009).

The UDHR enumerates both positive and negative rights, but it does not identify them as such. In brief, Article 2 describes a general principle of non-discrimination. Articles 3 through 21 describe various political and civil rights (*i.e.*, the right to life, liberty and property; freedom

from torture; freedom from arbitrary arrest and detention; the right to a fair and public hearing; freedom of thought and expression; and the right to peaceful assembly). Articles 22 through 27 establish certain economic and social rights (*i.e.*, the right to equal pay for equal work; the right to rest and leisure; the right to an adequate standard of living; and the right to education). And, finally, Articles 28-30 describe the duties individuals have to society and the objective of the United Nations vis-à-vis human rights. The UDHR uses these various rights to affirm the underlying foundationalist presupposition that all individuals—solely by virtue of being human—possess inherent dignity and inalienable rights that can neither be conferred nor denied by any political authority.

A right can generally be categorized as either “legal” or “moral.” A legal right is a claim that is guaranteed by a legally binding document such as the U.S. Constitution. A moral right is justified by an appeal to universal moral standards that most people acknowledge, but it is not necessarily codified into law. Legal rights are ostensibly based on moral rights. My objective here is not to examine legal rights, nor any specific rights laid out in the UDHR. Instead, I am concerned with the fundamental *idea* of moral rights in the UDHR, and how that accords with the metaphysics of Dialectical Centrism.

Human rights foundationalism is essentially akin to what is more widely regarded as “moral universalism.” In this sense, human rights foundationalism posits the existence of rationally identifiable moral truths in the form of rights. Moral universalism is a concept that historians of philosophy believe has roots in ancient Greek philosophers such as Plato, Aristotle, and the Stoics, who each advocated positions of moral universalism in opposition to the relativism espoused by groups such as the Sophists (Packer, 2002). A non-western form of moral universalism might also be gleaned from ancient Indian conceptions of *karma* (“moral

causation”) as a natural manifestation of justice (Parish, 1994). The Abrahamic religious traditions all advocate a type of moral universalism in their various moral codes that they believe to be derived from divine command (Driver, 2013). The type of moral universalism that permeates the foundationalist concept of human rights in the UDHR did not, however, take shape until the seventeenth and eighteenth centuries in Europe and the United States.

Most theories on the nature of human rights can be plotted along a spectrum of varying degrees of philosophical foundationalism and anti-foundationalism. A “foundation” is literally “the lowest load-bearing part of a building, typically below ground level” (OED, 2010). Hence the term “philosophical foundationalism” refers to those claims that appeal to an intrinsic ground(s). For instance one might try to defend the claim that “Murder is wrong” by appealing to the command of God or the proper application of reason. In either case, a belief is considered morally “right” or universal on the basis that it rests on an absolute metaphysical foundation of some sort. The UDHR is a foundationalist text because it presupposes the belief that all persons—regardless of their culture, ethnicity, gender, nationality, etc.—are endowed with, and possess the innate capacity to discern, certain metaphysically absolute rights, and therefore can be said to have inherent dignity. “Philosophical anti-foundationalism” is at the opposite end of the spectrum from foundationalism. It asserts that a belief need not—should not—be grounded in any kind of assumed metaphysical foundation. Many theorists who advocate an anti-foundationalist concept of human rights support the practical application of the rights described in the UDHR but contend that traditional philosophical justifications that appeal to an intrinsic foundation are outmoded and risk being counterproductive to the realization of human rights. The problem with most of these theories is that they are often vague in terms of how they actually reconcile anti-foundationalism with the UDHR. I argue that the Madhyamaka

philosophy of the DL provides a new kind of “unforced consensus” (Taylor 2011) that can help reconcile the paradox of inherent dignity for empty persons. It offers a novel way of explaining how the DL can legitimately advocate both an anti-foundationalist concept of human rights and the UDHR.

1. 2. The philosophy of human rights foundationalism

In this section I try to identify the salient metaphysical presuppositions in the concept of human rights put forth in the UDHR by tracing them back to the natural rights theories of John Locke (1632-1704) and Immanuel Kant (1724-1804). The concept of “natural rights,” however, precedes the Age of Reason and the Enlightenment. It is a central feature of the natural theology of Thomas Aquinas (1225-1274). And in Aquinas’s theology, natural rights refers to the freedoms of human beings under the eternal law of God (Tierney, 1997). Natural law theory is basically a system of morality based on the state of nature. It differs from “positive law” in that it is not considered to be a product of any political authority. Natural law assumes that certain rights are justified by the natural order and are epistemologically cognizable through human reason. Natural law says that rights are valid irrespective of whatever the law of the land might be. Positive law says that rights exist by virtue of judicial recognition and makes no claim to a metaphysical foundation.

The English philosopher John Locke is considered to be a quintessential natural rights theorist. He asserts that rights are given by God as “natural,” and, therefore, cannot be taken away by any political authority (Duncan, Jancar-Webster, & Switky, 2008, p. 334). This concept of rights had tremendous influence on Thomas Jefferson’s idea of “inalienable rights” and the composition of the U.S. *Declaration of Independence* (1776), as well as the French *Declaration of the Rights of Man and the Citizen* (1793) (Duncan Jancar-Webster, & Switky, 2008). The

renowned claim from the former was as follows: “We hold these truths to be self-evident that man is endowed by his Creator with certain inalienable rights; that among these rights are the right to life, liberty and the pursuit of happiness” (1776/1911). In his two-part work entitled *Two Treatises of Government* (1688), Locke mounts a rebuttal of “patriarchalism,” a popular theory in the seventeenth century that endorsed the paternal power of a king over the authority of the state and its people (Locke, 1688/1988). Locke justifies his vision for a civil society by appealing to the natural rights of individuals. He argues against the claim that God created man to be naturally subject to the absolute power of a monarch. Locke contends that humankind is naturally free, equal, and in possession of certain natural rights (*i.e.*, the right to life, liberty, and property) that transcend positive law. These rights are themselves universal because they are derived from the natural law that is believed ultimately to originate from God. The philosopher William Uzgalis (2014) explains Locke’s reasoning in the following way: “The chief end set us by our creator as a species and as individuals is survival . . . If one takes survival as the end, then we may ask what are the means necessary to that end. On Locke's account, these turn out to be life, liberty, health and property. Since the end is set by God, on Locke's view we have a right to the means to that end. So we have rights to life, liberty, health and property. These are natural rights, that is they are rights that we have in a state of nature before the introduction of civil government, and all people have these rights equally” (2014, § 4.2). The purpose of positive law, for Locke, is merely to enforce and protect one’s more basic natural rights (*i.e.*, the aforementioned rights to life, liberty, health and property). In fact, the only reason Locke thinks people should even form a civil society is because he believes that the best way to safeguard one’s natural rights is by means of a contractual agreement between the individual and the more powerful and larger political authority. Government is therefore a necessary evil in the

Hobbesian sense. Indeed, Thomas Hobbes looms large in the Age of Reason. Locke is not, however, nearly as pessimistic as Hobbes about the potential of humans to be good. Though both Hobbes and Locke believe in the necessity of a social contract to keep the peace, only Locke thinks that human beings can naturally discern right from wrong and are also capable of resolving at least some conflicts without the intervention of a civil authority (Paul, Miller, & Paul, 2005, p. 112). (Hobbes, on the other hand, believes that humans lack a strong understanding of morality. According to Hobbes, people always require a civil authority to resolve conflicts; hence they need an absolute monarch or “Leviathan”). Locke believes that we can all basically live in peace by respecting each other’s rights. Moreover, since governments only exist to protect the rights of the people, when governments fail at this task the people retain the right to enact measures to replace them (Paul, Miller, & Paul, 2005, p. 112-113). Locke’s concept of human rights had a tremendous influence on the aforementioned U.S. *Declaration of Independence* (1776) and the French *Declaration of the Rights of Man* (1789)—both foundationalist documents that, as we shall see, had an influence on the UDHR.

The idea of individual natural rights derived from one’s inherent dignity is a central feature of the philosophy of Immanuel Kant. In his *Groundwork of the Metaphysics of Morals* (1785) Kant posits human “dignity” (*würde*)—not God—as the foundation from which human rights can be justified. Kant’s objective is to develop a purely rational justification for moral universalism. In the *Groundwork* (1785) he says the following on the subject of dignity:

In the kingdom of ends everything has either a price or a dignity. What has a price can be replaced by something else as its equivalent; what on the other hand is raised above all price and therefore admits of no equivalent has a dignity.

What is related to general human inclination and needs has a market price; that which, even without presupposing a need, conforms with a certain taste, that is, with a delight in the mere purposeless play of our mental powers, has a fancy price; but what which constitutes the condition under which alone something can

be an end in itself has not merely a relative worth, that is, a price, but an inner worth, that is, dignity. Now, morality is the condition under which alone a rational being can be an end in itself, since only through this is it possible to be a lawgiving member in the kingdom of ends. Hence morality, and humanity insofar as it is capable of morality, is that which alone has dignity (1785/1999, p. 84; Ak. 4:434-435).

Kant uses the analogy of a marketplace in order to convey what he deems to be the inestimable worth of the human person as compared to everything else in the world. Kant's assertion is that human beings are, by their very nature, beyond the convention of monetary value. Kant envisions a "kingdom of ends," a hypothetical world in which every individual is universally entitled to be treated as an "end in itself," and not simply as a "means" for someone else's unique ends. Kant offers two axioms for attaining this kingdom of ends: what is generally referred to as his "humanity formula" and the "categorical imperative" (Sidorsky, 2009).

The humanity formula, in the words of Kant, states: "So act that you use humanity, whether in your own person or in the person of any other, always at the same time as an end, never merely as a means" (1785/1999, p. 84; Ak. 4:429). In the kingdom of ends the only thing that is not for sale is human dignity. Objects and non-human animals have a monetary value, but human beings do not. That is to say, humans do not have a moral obligation to inanimate things and non-human animals. Whatever nominal worth such entities might possess is merely ascribed to them by humans, and is relative to the particular ends of a given person. Thus the value of an inanimate thing or non-human animal increases in proportion to the aims (*i.e.*, ends) of the individual actor. Kant's injunction against treating humans as a means is not just an ethical one; it is a truism that he bases on what he sees as the absolute and universal law of morality. The objective value of a human being is "raised above all price," and has "not merely a relative worth, that is, a price, but an inner worth, that is, dignity." In other words, humans have an intrinsic worth (*i.e.*, dignity) because they are rational agents with the freedom and autonomy to

make their own decisions and conduct themselves according to reason (Rachels, 1986, pp. 114–17, 122–23).

Kant is a moral absolutist who believes that individuals must discover moral truth through their own exercise of the categorical imperative. The *deontology* (*deont-* “being necessary”) in Kant’s ethics refers to the intention of the moral actor to act out of a sense of *duty* determined by the autonomous exercise of one’s reason (*i.e.*, the categorical imperative). When such rational beings act out of a motivation based on this sense of obligation, they therefore become the embodiment of the moral law itself (Rachels, 1986, pp. 114–17, 122–23). The only way morality can exist in the world is, therefore, by means of rational beings (acting from a sense of duty) freely engaging their capacity for reason. So if you remove human beings from the world, then you also remove morality (Rachels, 1986, pp. 114–17, 122–23). Human beings are not just another kind of valuable thing, but, rather, they are the medium or locus from which all other things are ascribed a price. And their value is absolute. Kant believes that human beings should respect one another’s rights and act altruistically toward each other so that they are furthering all respective ends.

Kant’s claim that human beings have an inherent dignity that justifies their alienable rights is clearly echoed in the first passage of the Preamble and Article 1 of the UDHR (1948):

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world . . .

ARTICLE 1

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 (1948).

The philosopher Johannes Morsink describes the ontological presupposition here as a

“metaphysics of inherence” or the “doctrine of inherence” and argues that it is comprised of a twofold thesis that roughly correlates with the two paragraphs above (Morsink, 2009, pp. 17–54). The first is what he describes as the “metaphysical universality thesis” (*i.e.*, all humans are born with inherent rights). This is expressed in the Preamble in terms of “inherent dignity” and “equal and inalienable rights” and is, I believe, consistent with the idea of natural rights put forth by Locke and Kant. The second is his “epistemic universality thesis” (*i.e.*, all humans have the capacity to discern this). This can be gleaned from the mention of “reason and conscience” in Article 1, and is, I think, compatible with Kant’s concept of human reason.

Morsink believes that the drafters of the UDHR intentionally adopted the Enlightenment concept of human rights (2009, p. 20). This was, in no small part, a direct result of the actions of First Lady Eleanor Roosevelt. She not only presided over the newly established U.N. Commission on Human Rights that originally developed the idea for a document like the UDHR, but she also oversaw the drafting process and is widely considered to be responsible for harmonizing the disparate voices on the multinational drafting committee. Charles Malik, the delegate from Lebanon, is reported to have said, “I do not see how without her presence we could have accomplished what we actually did accomplish” (Richard, 1988).

Roosevelt had a clear vision of the UDHR from concept phase to execution. On the day the U.N. General Assembly gathered to vote on the UDHR in Paris, she delivered a stirring speech in fluent French in which she clearly aligned the document with the western Enlightenment tradition. She said: “We stand today at the threshold of a great event both in the life of the United Nations and in the life of mankind. This declaration may well become the international Magna Carta for all men everywhere. We hope its proclamation by the General Assembly will be an event comparable to the proclamation in 1789 [the French *Declaration of*

the Rights of Man and the Citizen], the adoption of the Bill of Rights by the people of the US, and the adoption of comparable declarations at different times in other countries” (cited in Hanhimaki, 2008). Morsink argues that the members of the drafting committee were keenly aware of their debt to the western Enlightenment, and that they choose to augment the UDHR with the concept of natural rights originally put forth by the Enlightenment thinkers Locke and Kant, as well as others such as Thomas Paine and the American Founding Fathers. He writes (2009): “The UDHR drafters clearly saw themselves as standing on the shoulders of these eighteenth-century predecessors as making huge improvements on the work begun earlier. They felt kinship with the American and French revolutionaries, for they felt they had just cut their own international bill of rights from the same moral and philosophical cloth” (Morsink, 2009, p. 20). What Morsink believes attracted the drafters of the UDHR to the natural rights tradition was its uncompromising moral universalism that regards all human beings as inherently valuable and naturally worthy of inalienable rights. The restoration of the lost dignity of the common man and the installment of a comprehensive universal moral code was surely an attractive proposition in the aftermath of the Second World War. The prospect of a metaphysically intrinsic foundation to rights (*i.e.*, inherent human dignity) must surely have been a very attractive and reassuring idea against the backdrop of the chaos and horrors of the Holocaust.

I argue that it is the doctrine of inherence that is major stumbling block in reconciling the DL’s Madhyamaka with the UDHR. It is, moreover, not just in metaphysical conflict with the Madhyamaka School, but it is also essentially incompatible with the most fundamental idea in all of Buddhism—the theory of no-self. This problem (what I have framed as the paradox of the inherent dignity of empty persons) can, I assert, be reconciled through an application of the Buddhist doctrine of the “two truths.” In other words, I think the two-truth doctrine provides a

useful cross-cultural hermeneutical strategy for achieving an unforced consensus on rights. In the following section I unpack Taylor's account of unforced consensus before moving onto my argument in terms of the two truths.

1.3. The idea of "unforced consensus"

The philosopher Charles Taylor claims, in his essay "Conditions of an Unforced Consensus on Human Rights," that it is possible for two dissimilar cultures to achieve an "unforced consensus" on human rights norms while disagreeing on how and why those norms are the best (2011). He contends that two different cultures can agree on the value of particular rights without necessarily also agreeing on the philosophical justification for those rights. Some scholars see Taylor's project as essentially an adaptation of the Rawlsian notion of "overlapping consensus" (Poole, 2013). In his book *A Theory of Justice*, the American philosopher John Rawls argues that a mutually agreeable political conception of justice can be achieved despite philosophical and religious incompatibility "provided that these conceptions lead to similar political judgments" (2009, p. 387). Taylor asserts that every culture has the intellectual resources to lead its people to a conception of human rights. All we need to do is just come to some understanding of what we are all thinking, and then our various understandings will somehow all come together. For example, Taylor asserts that there is discernable evidence in Thai Buddhism for the kind of values that support the democratic environment necessary to the actualization of the rights in the UDHR. He writes:

We can see here [in the Buddhist commitment to nonviolence] an agenda of universal well-being, but what specifically pushes to democracy, to ensuring that people take charge of their own lives rather simply being the beneficiaries of benevolent rule? Two things seem to come together in this outlook to underpin a strong democratic commitment. The first is the notion, central to Buddhism, that ultimately each individual must take responsibility for his or her own enlightenment. The second is a new application of the doctrine of nonviolence, which is not seen to call for a respect for the autonomy of each person, demanding

in effect a minimal use of coercion in human affairs (Taylor, 2011, p. 114).

The link between democracy and human rights is spelled out in article 21(3) of the UDHR, which states: “The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures” (1948). The DL has long expressed “great admiration for secular democracy” (as evidenced by the aforementioned Democracy Service Medal he received for his continued “commitment to advancing the principle of democracy and human dignity” (C-SPAN, 2010). He argues that democracy “essentially agrees with the Buddhist disposition” (T. Gyatso, 1993). In a speech he made in Washington D.C. entitled “Buddhism and Democracy” (1993) he substantiates this claim, saying: “The institution the Buddha established was the Sangha or monastic community, which functioned on largely democratic lines. Within this fraternity, individuals were equal, whatever their social class or caste origins. The only slight difference in status depended on seniority of ordination. Individual freedom, exemplified by liberation or enlightenment, was the primary focus of the entire community and was achieved by cultivating the mind in meditation” (1993). Democracy, however, only partially fulfills the intellectual framework necessary for a complete concept of human rights. What about defining elements like entitlement and duty? Does Buddhism even have a corresponding word for “rights”? Damien Keown, Professor of Buddhist Ethics at the University of London, says “no” (Husted, Keown, & Prebish, 2012, p. 20).

In an essay aptly entitled “Are There Human Rights in Buddhism?” Keown contends that there is no equivalent term in the Buddhist lexicon for “rights.” He writes: “Despite a common Indo-European etymology . . . there is no word in Sanskrit or Pali which conveys the idea of a

“right” or “rights,” understood as a subjective entitlement” (Husted, Keown, & Prebish, 2012, p. 20). Keown believes that while there is no equivalent terminology for human rights in the classical Buddhist lexicon, it is still “legitimate to speak of both ‘rights’ and ‘human rights’ in Buddhism” (Husted, Keown, & Prebish, 2012). This is because Keown also believes that even though Buddhism may lack the corresponding vocabulary, it does possess the intellectual constituents that go into developing a recognizable concept of human rights. Keown begins his project by citing the work of the human rights theorist Alan Gewirth as justification for his thesis of consensus. In Gewirth’s seminal book *Reason and Morality*, he argues that it is possible for a culture to have a concept of human rights without necessarily having a word for it. Gewirth draws a distinction between the legal recognition of rights and the fundamental moral principle underlying them. Gerwith does not examine Buddhism directly, but he does assert that some pre-modern, non-western societies may in fact possess the concept of rights without having a discernable word for it. He writes (1981):

. . . [T]he objection is that it is anachronistic to attribute to premodern agents claims or judgments that they have rights to freedom and well being. . . It is one thing to say that there is no concept of a right at all in premodern societies or legal systems, and it is quite a different thing to say that this concept is not tied, for its justifying ground, to a certain exalted view of human individuals as contrasted with the social, natural, or divine order. The idea of entitlements or of rightful claims or powers had by individuals as subjects of rights might be maintained even if these entitlements are not derived from the nature of man but rather are subordinated to or derived from various social requirements (1981, p. 98).

Gewirth confines his own inquiry to western intellectual history and looks for evidence of what he calls a “claim right” in Roman law. According to Gewirth, the “claim right of one person entails a correlative duty of some person or persons to act or refrain from acting in various ways required for the first person’s having that to which he has a right” (1982, p. 12). In other words, since duties have their correlative in rights, then rights must be implicit in the concept of duties.

Keown adapts this same reasoning to Buddhism (although he does not credit Gewirth with the idea).

Keown identifies the concept of *dharma* or “precepts” as the Buddhist equivalent of duty in the aforementioned context of human rights. He writes:

I think our conclusion should be that the concept of rights is implicit in classical Buddhism in the normative understanding of what is “due” among and between individuals. Under Dharma, husbands and wives, kings and subjects, teachers and students, all have reciprocal obligations which can be analyzed into rights and duties. We must qualify this conclusion, however, by noting that the requirements of Dharma are expressed in the form of duties rather than rights. In other words, Dharma states what is due in the form “A husband should support his wife” as opposed to “Wives have a right to be maintained by their husbands” (Husted, Keown, & Prebish, 2012, p. 20).

Keown’s argument is very persuasive and is an excellent example of how comparative philosophy can be used to reveal parallel concepts in differing cultural milieus. I think he does successfully establish that the Buddhist concept of *dharma* can be considered analogous to the type of duty that would entail entitlements. This, however, does little in terms of reconciling the paradox of “the inherent dignity and inalienable rights of empty persons.” To be fair, Keown is first and foremost a scholar of Theravāda Buddhism; he is not attempting to delineate the position of Dialectical Centrism. He writes: “I am writing with reference to an abstraction which might be termed ‘classical’ Buddhism. This abstraction is neither the same as nor different from Buddhism in any historical or cultural context. It is not meant to represent the views of any sect and is broad enough to include both Theravāda and Mahāyāna schools” (Husted, Keown, & Prebish, 2012). Keown, however, goes on to say that any further qualification in terms of “cultural or historical circumstances would be tantamount to denying the validity of human rights as a concept” (Husted, Keown, & Prebish, 2012). Keown lists “Tibetan” as one of those types of qualifications. While I take his point, I think his position obviates the possibility of an

alternative account. Even though the Mahāyāna recognize the same precepts as the Theravāda, their view on the nature of these precepts is quite different. This is most evident in Dialectical Centrism where, unlike in the schools associated with the Theravāda traditions, the analysis of selfhood is extended to all phenomena. It is not, therefore, terribly surprising that Keown dismisses Kenneth Inada’s attempt to ground a Buddhist concept of human rights in “dependent origination” (*pratītyasamutpāda*).

Theravāda and Mahāyāna Buddhism have evolved to encompass varying philosophical schools that each host distinctly different views on epistemology and ontology. Keown’s criticism, however, takes the form of a familiar one in western discourse—the “is–ought problem” or the “fact-value distinction” in western metaethics. Keown explains:

The derivation of human rights from the doctrine of dependent-origination is a conjuring trick. From the premise that we live in “a mutually constituted existential realm” (we all live together) it has “thereby become a fact” that there will be “mutual respect of fellow beings.” In the twinkling of an eye, values have appeared from facts like a rabbit out of a hat. However, the fact that human beings live in relationship with one another is not a moral argument about how they ought to behave. By itself it offers no reason why a person should not routinely abuse the rights of others. Inada’s suggestion that human rights can be grounded in the doctrine of dependent-origination turns out to be little more than a recommendation that people should be nice to one another on the ground that we are “all in this together” (Husted, Keown, & Prebish, 2012, p. 27).

This is an important criticism that requires a thoughtful rebuttal. That said, I do not think that the counter-argument can be fully extracted from Inada’s essay. I will try to illuminate what I take to be the strongest elements of his arguments, but ultimately I think the most robust response will come from the account of Dialectical Centrism I offer here and more thoroughly in subsequent chapters.

In his essay “The Buddhist Perspective on Human Rights,” Inada writes:

The Buddhist sees the concept of human rights as a legal extension of human nature. Indeed, the former is only an extension of the latter. In other words, it

cannot go the other way around; the status of human nature cannot be sought in human rights. Human rights are legal matters which can be legislated, but only to a certain extent, especially so in a divided world. Human nature, however, is an existential matter which can neither be legislated nor measured; therefore, one must resort to persuasion and self-realization in order to seek one's unique existence (cited in Swidler, 1982).

Inada makes an important distinction here between the moral basis of human rights and the legal manifestation of rights in law. His appeal to human nature is obviously intended to provide some justification for the former. Recourse to human nature as a basis for human rights is not an unusual route to take in the western history of human rights theory (*i.e.*, the appeal to inherent dignity). However, when Inada mentions “human nature” above, he seems to be referring to the dual concept of “no-self” (*anatman*) and dependent origination (*pratītyasamutpāda*). From the perspective of Dialectical Centrism, no-self and dependent origination form two sides of the same basic ontological evaluation of all phenomena—the former being the negative claim that all things lack intrinsic nature, and the latter being the positive claim that all things exist interdependently. Inada, however, focuses almost exclusively on dependent origination (or as he translates it, “relational origination”). One can only speculate (Inada does not identify his Buddhist sources), but it seems reasonable to assume that Inada is drawing primarily from the HuaYan School of Chinese Buddhism (Kegon in Japanese).

According to his obituary in the *Honolulu Star* (Inada was born and raised in Hawaii), it was Dr. Daisetsu Teitaro Suzuki (D. T. Suzuki) who recommended that Inada pursue his interest in Japanese Buddhism at the doctoral level at the University of Tokyo, Todai—the very same school Suzuki attended for his undergraduate studies. Suzuki, a well-known popularizer of Japanese Buddhism, regarded the Huayan School as the definitive philosophy of the Zen tradition. Huayan is distinctive for its veneration of the *Avatamsaka Sūtra* (“Flower Garland

Sutra”) and its account of *pratītyasamutpāda* in terms of the analogy known as “Indra’s Net.”

The Buddhologist Francis Cook summarizes the analogy as follows:

Far away in the heavenly abode of the great god Indra, there is a wonderful net which has been hung by some cunning artificer in such a manner that it stretches out infinitely in all directions. In accordance with the extravagant tastes of deities, the artificer has hung a single glittering jewel in each “eye” of the net, and since the net itself is infinite in dimension, the jewels are infinite in number. There hang the jewels, glittering “like” stars in the first magnitude, a wonderful sight to behold. If we now arbitrarily select one of these jewels for inspection and look closely at it, we will discover that in its polished surface there are reflected all the other jewels in the net, infinite in number. Not only that, but each of the jewels reflected in this one jewel is also reflecting all the other jewels, so that there is an infinite reflecting process occurring (Cook, 2010).

Fazang (643–712 CE), the third patriarch of the Huayan School, coupled this with his own version. In his essay “On the Golden Lion” he writes: “In each of the lion’s eyes, in its ears, limbs, and so forth, down to each and every single hair, there is a golden lion. All the lions embraced by each and every hair simultaneously and instantaneously enter into one single hair. Thus, in each and every hair there are an infinite number of lions . . . The progression is infinite, like the jewels of Celestial Lord Indra's Net: a realm-embracing-realm ad infinitum is thus established, and is called the realm of Indra's Net” (cited in Chang, 2013). The focus of Inada’s argument is entirely in terms of *pratītyasamutpāda*, the “relational origination” of human nature, and not the inverse or negative claim of no-self. He writes: “It is a unique arisal which is vitally dependent on or related to all the elements present within the surroundings. Thus, in the process there is nothing which is fragmentary or has any gaps, since it relates with the complete fullness of all the elements present. Each relationship is full insofar as the process is concerned. This means that relational origination is a most concrete way in which life-process goes on” (Swidler 1982, p. 70). In the context of human rights, every person becomes responsible for every other person—a state affairs Inada describes as “extensive concern” (Swidler 1982, p. 70). Inada

provides the following image: “. . . [O]ne can picture a whole field of loci touching each other and relating to each other in such a way that each essence of being is permitted to sustain itself. The sustenance is perpetuated in virtue of the fact that each being, in and of itself, is an instance of the dynamical relational origination” (cited in Swidler 1982, p. 71).

Inada tries to argue that the metaphysical truth about human nature is the “ultimate source” of human rights (cited in Swidler 1982, p. 70). He regards the Buddhist teaching of *anātman* (“no-self”) as a “challenge to break out of the shell of individual ontology” and embrace an “ambience of open ontology” that fosters a deep appreciation for *pratītyasamutpāda*. “When a sufficient number of individuals are engaged in this fashion,” he concludes, “there will exist the mutuality of concern and respect which are the hallmarks of the preservation and continuity of human existence” (cited in Swidler 1982, p. 73). The DL makes a similar argument in terms of what he calls “enlightened self-interest”—if we help others we help ourselves because we are all interconnected. However, unlike the DL, Inada neglects the importance of employing the argument from emptiness when analyzing the nature of things. I think this reflects his partiality to the Huayan School and its enthusiasm for dependent origination.

Without the argument from emptiness Keown’s criticism regarding facts and values gains traction. The failure to recognize a gap between facts and values is, by the lights of the philosopher G. E. Moore, a singular mistake that he dubbed the “naturalistic fallacy” (1903/2012). Also known as “Hume’s law,” it is sometimes described in terms of an inherent discontinuity between descriptive and prescriptive statements (*i.e.*, “what is” vs. “what ought to be”). In his *Treatise of Human Nature* Hume argues against the rationalist view that morality is an object of reason: “Vice and virtue,” he says, “are not matters of fact, whose existence we can infer by reason” (1738/2000, p. 301; SB 469). The so called fact-value distinction is a necessary

and useful tool for clarifying one's thinking about morality and ethics, but it is not the definitive test for the viability of a moral theory. The philosopher Hilary Putnam has persuasively argued for the failure of this dichotomy, labeling it the "final dogma of empiricism" in his book *The Collapse of the Fact/Value Dichotomy and Other Essays*. In brief, Putnam believes Hume's insight has been used by science (and pseudo-science) to support the false idea that human values can be expunged from scientific investigation. Putnam argues that value judgments are at play all the time, even when we are trying to adjudicate the objectivity of one scientific theory over another (2002). Keown is justified in leveraging the naturalistic fallacy against Inada, but only because Inada fails to adequately make the important connection between the positive thesis of dependent origination and the negative claim regarding emptiness. The advantage of positing emptiness in conjunction with dependent origination is that it provides a ready-made way of bifurcating reality into two aspects, one devoid of value and the other laden with it. This is not the same thing as reifying the Cartesian dualism inherent in the false dichotomy of the fact-value distinction, but it does recognize the importance of that dualism in terms of its conventional validity. This is essentially the import of the teaching of the two truths that characterizes the unique orientation of the DL's Madhyamaka.

1. 4. No-self, emptiness, and the two Truths

I began this chapter with the claim that the concept of human rights in the UDHR (what Morsink dubs the "doctrine of inherence") is anathema to the theory of emptiness put forth in the DL's own Madhyamaka School of Buddhist philosophy. In other words, the proposition is that the metaphysics imbedded in ideas like inherent dignity and inalienable rights is incompatible with the Madhyamaka's assertion that all phenomena lack intrinsic existence (*svabhāva*). Again, this does not mean that I hold the DL's support for the UDHR to be disingenuous; it simply

requires philosophical qualification—hence the need for the present inquiry. What I am arguing here is that Madhyamaka account of the two truths can be used to reconcile the paradox.

Gautama Buddha famously asserted that the “self” cannot be found from among the constituent parts of a person. According to the *Anātmalakṣaṇa Sūtra*, the Buddha made the following assertion: “Material form (*rūpa*) ... Sensation (*vedanā*) ... cognition (*saṃjñā*) ... disposition (*samskāra*)...and consciousness (*viññāna*), O monks, is not the self” (SN 22.59). These “five aggregates,” or “five bundles,” are considered to be an exhaustive five-fold classification of what it means to have a “self.” The Buddha's articulation of the five bundles is considered to be one of the earliest attempts in Indian philosophy at a theory of personal identity (King, 1999, pp. 78-80). The Indologist Richard King maintains that the metaphor of the five bundles is an allusion to the bundles of sticks required for the ritual-fires used in non-Buddhist Vedic sacrifice (King, 1999, p. 80). It is more than likely that early Buddhists were well aware of the powerful socio-religious symbolism of brahmanical ritual-fire. Previous to the emergence of Buddhism in India, sacred fire had been considered something to be nurtured in Vedic praxis. In Buddhism, however, the metaphor of fire is employed to describe the cognitive and affective matrix that is responsible for one's pain and suffering. Throughout the Pāli Suttas one finds numerous references to unenlightened existence as being ablaze with the flames of greed, hatred, and ignorance. These fires, and the process of combustion that is one's ordinary experience, cease when one has cut off their fuel: craving (*trṣṇā*) and misknowledge (*avidyā*). Quite literally, Buddhist *nibbana/nirvāṇa* means the “act of blowing out, or extinguishing” the fires of delusion and destructive craving. Sue Hamilton theorizes that the Buddha of the Suttas/Sūtras inverted the normative symbolic role of ritual-fire by re-describing it as something to be extinguished (Hamilton, 2001). This is the ideological basis for the more philosophically

developed theory of “no-self” (*anātman*) that emerges in the early mainstream, or Abhidharma, Buddhism.

According to the comparative philosopher Mark Siderits, the no-self theory can be described as a kind of “mereological reductionism,” wherein a macro-level whole (in this case the “self”) is—in the final analysis—an “utterly unreal” collection of more real micro-level parts (Siderits, 2005). The “self” is therefore regarded not as an intrinsic subject, but a useful fiction for referring to what is in actuality simply a system of parts in a constant state of flux. So even though the “self” cannot *ultimately* be found, it does retain a *conventional* level of existence. The Abhidharma School (a blanket term for the various “mainstream” schools of early Buddhism that are commonly associated with the Theravāda tradition) is well known for its elaborate taxonomy of the many different parts that supposedly account for the “self” at various levels of analysis. They contend that the analysis of the “self” descends through their intricate schema of parts until it bottoms out at the micro-level with irreducible intrinsic psycho-physical “building blocks” (*dharma*s). Buddhist Centrism accepts this schema with one very important caveat: The building blocks are divisible, too. The central tenet of Buddhist Centrism is the dual thesis of dependent origination and emptiness. According to Nāgārjuna (the reputed founder of this school), everything (*i.e.*, tables, chairs, persons, *dharma*s, and even concepts like a “human right”) lacks independent and “intrinsic existence” (*svabhāva*). In other words, the way all things exist is not “*in*-dependently” (“from its own side,” as Tibetan Buddhists like to say), but rather “*inter*-dependently” (*pratītyasamutpāda*). Things exist relationally within a system of interdependent parts that are themselves systems of interdependent parts that exists within yet further systems of interdependent parts, and so on, and so on, ad infinitum (the reader will recall the aforementioned analogy of Indra’s net). The analysis never bottoms out in the Centrist

school, as it does in the Abhidharma School, so there is no intrinsic metaphysical foundation to anything (and that includes emptiness itself). This was a very radical premise within the extremely rich philosophical context of Buddhist thought in which Nāgārjuna emerged. The Buddhologist Robert Thurman explains some of the distinctions and the significance of Nāgārjuna's project:

In the Buddhist thought of his day, the refined science of the Abhidharma (itself merely a systematization of the Buddha's critique of the naïve realists) had ossified into a more subtle form of realism, a kind of reductionistic pluralism that took an atomistic form with the Vaibhashikas [Buddhists], the "Analysts," and a nominalistic form with the Sautrantikas [Buddhists], the "Traditionalists." . . . The problem with this system was that it was not immune to the reificatory mental habits that plague people and philosophers everywhere . . . Thus, Nagarjuna, like Kant against the rationalists of medieval theology, and like Wittgenstein against the logical atomists, had to wield the sword of analysis against the Analysts, non-Buddhists as well as Buddhist; he had to level a complete critique against their absolutisms, either spiritualistic dualism or atomistic pluralism. This he did in a series of works, whose critical thought patterns are effective for releasing us from almost any trap of dogmatism (1984, p. 24).

As Thurman points out, Nāgārjuna targeted the psychological tendency to reify phenomena as the inherent flaw in both schools of the Abhidharma. In Chapter Two, I look more closely at the nature of this tendency in terms of what I label the "fundamentalist mind-set." My interest here is the ontological claim that all things lack intrinsic existence (especially things like human rights). What distinguishes Nāgārjuna from his Buddhist peers, is his assertion that it is only *because* all things ultimately lack an intrinsic existence that they can have any real truth-status at all. In other words, contrary to the common misreading of Buddhism as nihilism, Nāgārjuna argues that emptiness ensures the conventional existences of things. Nāgārjuna lays out this thesis in his *Mūlamadhyamakakārikā*.

Tibetan scholarship divides Nāgārjuna's various writings into three literary genres: reasoning, hymns, and homiletic discourses. The *Vigrahavyāvartanī* (and its auto-commentary),

Mūlamadhyamakakārikā (MMK), *Yuktiṣaṣṭikā*, *Śūnyatāsaptati*, *Vaidalyaprakaraṇ*, and *Vyavaharasiddhi* are all considered works of reasoning. The *Ratnāvalī* and *Catuḥstava* fall into the latter two categories, respectively. Unfortunately most of these texts only survive in Tibetan, and, to a lesser extent, Chinese, translations. The *Mūla* is popularly considered Nāgārjuna’s most influential work and is extremely important to the Tibetan tradition of Buddhism. As such it has received a tremendous amount of scholarly attention. The various types of reasoning he employs have been well documented by contemporary Buddhologists (Garfield, 1995; Thurman, 1984; Westerhoff, 2009). According to Jay Garfield’s exegesis of this text (based largely on Tibetan written and oral commentary), it can be divided into 27 chapters with four sections. Chapter 24, “Examination of the Four Noble Truths,” is considered to be the central chapter for subsequent commentators such as Candrakīrti (Garfield, 1995). In it Nāgārjuna writes:

Whatever is dependently co-arisen
That is explained to be emptiness.
That, being a dependent designation
Is itself the middle way (Garfield, 1995, p. 69; MMK 24:18).

The Centrist position—the above “middle way”—is often described in terms of avoiding the philosophical views of “extreme existence” (*yod mtha’*) and “extreme non-existence” (*chad mtha’*), ideological poles that resemble philosophical foundationalism and anti-foundationalism respectively (I will return to this point in Chapter Two in the context of Buddhist psychology and the aforementioned extremist or fundamentalist mind-set). By asserting that all things only arise in dependence on causes and conditions, Nāgārjuna is saying that all things are empty of intrinsic existence. Garfield explains: “Nāgārjuna relentlessly analyzes phenomena or processes that appear to exist independently and argues that they cannot so exist, and yet, though lacking the inherent existence imputed to them either by naive common sense or by sophisticated, realistic philosophical theory, these phenomena are not nonexistent — they are, he argues, conventionally

real” (1995, p. 88).

The distinction between an *ultimate* and *conventional* truth was first developed in Buddhist commentaries on early Buddhist sūtras, the purpose being strictly hermeneutical, *i.e.*, to reconcile incongruent ideas in scripture (Siderits, 2005, p. 58). Later Buddhist philosophers adapted the two-truth device in order to express the nature of the self and all things. In the *Mūlamadhyamakakārikā* Nāgārjuna writes:

The Buddha's teaching of the Dharma
Is based on two truths:
A truth of worldly convention
And an ultimate truth.
Those who do not understand
The distinction drawn between these two truths
Do not understand
The Buddha's profound truth.
Without a foundation in the conventional truth
The significance of the ultimate cannot be taught.
Without understanding the significance of the ultimate,
Liberation is not achieved (cited in Garfield, 1995, p. 68; MMK 24:8-9).

What constitutes “ultimate truth” (*paramārtha satya*), according to Nāgārjuna, is emptiness. It is what is ultimately true about things: They are empty or devoid of intrinsic existence. If this were not the case, Nāgārjuna asserts, then nothing could change, be produced, or go out of existence. Proponents of Centrism use ultimate truth in two ways: Firstly, like the Abhidharma, they believe it signifies something that is immune to analysis; secondly, it is what is found to be the case after the final analysis. Since Centrists believe that primary existents cannot exist, then what is ultimately found is an absence — a vacuity of inherent existence.

“Conventional” or “deceptive truth” (*saṃvṛti satya*) is the way things exist (a kind of photo positive of the photo negative that is emptiness). Conventional truth supervenes onto a complex and interdependent system of social, psychological, biological, and chemical emergent properties. Conventional truth refers to the host of useful fictions that function as valid handles

for the plurality of phenomena in the world. The distinction between the two truths should not be interpreted as referring to separate ontological realities, but merely two aspects of the way things are. Nāgārjuna writes in Chapter 25 of the *Mūlamadhyamakakārikā*:

There is not the slightest difference
Between cyclic existence and nirvāṇa.
There is not the slightest difference
Between nirvāṇa and cyclic existence
Whatever is the limit of nirvāṇa,
That is the limit of cyclic existence.
There is not even the slightest difference between them,
Or even the subtlest thing (cited in Garfield, 1995, p. 75; MMK 25:19-20).

For Nāgārjuna the only difference between rebirth into cyclic existence and liberation into enlightenment is one's world-view. Hence the reified bifurcation of *saṃsara* and *nirvāṇa* is seen to be symptomatic of the unenlightened dichotomous mind and not ontologically independent realities. As Siderits likes to say, "The ultimate truth is that there is no ultimate truth" (Siderits, 2005, p. 182). In other words, the distinction is semantic and epistemological. Siderits explains: "Abhidharma claimed there are two kinds of truth, ultimate and conventional. We could accordingly say that Abhidharma has a dualist conception of truth. And then on the semantic interpretation of emptiness, Madhyamaka might be described as semantic non-dualism. For it says there is only one kind of truth" (Siderits, 2005, p. 182). The Madhyamaka School rejects Platonic notions of "capital 'T'" truth. The ultimate is not a transcendent realm of existence; it merely describes *how* the conventional exists. Ultimate and conventional are just two aspects of the same reality or self. This is a topic of great concern in Tibetan Buddhist scholarship. And it is the justification I espouse for the aforementioned qualification of the DL's support for "rights" in terms of conventional truth—but not ultimate truth.

The Tibetan monk-scholar Je Tsongkhapa (1357–1419) is credited with having been the progenitor of what is known as the "Gelug pa" order (*dge lugs pas*) of Tibetan Buddhism, with

which the religious seat of the Dalai Lama is traditionally associated. In fact, Tsongkhapa is believed to have been the personal tutor to the first Dalai Lama. In his philosophical writings, Tsongkhapa addresses the two-truth theory with the aim of providing a robust account for defending conventional meaning in an ultimately empty world. This is vitally important to Buddhist spiritual progress; should the conventional aspect of the world have no real meaning, it would invalidate the conventional efficacy of the Buddhist teachings, making liberation and enlightenment impossible. Tsongkhapa asserts that it is not acceptable to dismiss the world of conventional appearances. Broadly speaking, Buddhists subscribe to what western philosophers refer to as the “appearance-reality distinction.” In this school appearances are described as “illusion-like”—but not illusions proper. Tsongkhapa argues that conventional meaning is substantiated within “frameworks of veridical worldly conventions” (Jinpa, 2002, p. 167). A framework of veridical conventions can be construed as language and conceptuality—culture. The cultural anthropologist Clifford Geertz provides the following helpful definition of what culture is. He writes: “The concept of culture I espouse, and whose utility the essays below attempt to demonstrate, is essentially a semiotic one. Believing, with Max Weber, that man is an animal suspended in webs of significance he himself has spun, I take culture to be those webs, and the analysis of it to be therefore not an experimental science in search of law but an interpretative one in search of meaning. It is explication I am after, construing social expressions on their surface enigmatical” (1973, p. 5). What Geertz is suggesting is, I maintain, consonant with Tsongkhapa—human beings do not simply spin their own private webs of significance in whatever way they wish; that would be subjective relativism. Rather, each person is caught, “suspended,” in public webs of significance that have been spun collectively. Significance or meaning only exists in relation to a host of public frameworks. In the context of human rights,

the UDHR represents one such framework. Thus rights, albeit devoid of intrinsic nature, can be said to have meaning and significance within that particular veridical framework. What is interesting and unique about Tsongkhapa's account of the two-truths is that he emphasizes the metaphysical equality of the two truths. One might be tempted to think that ultimate truth is more real than the conventional. However, Tsongkhapa argues that they are not only equal, but they are also mutually supportive. Thus, by the light of Tsongkhapa (and by extension the DL), the fact that rights are empty is the strongest defense of their conventional existence. Jay Garfield makes this very same point using the example of a mirage. He writes:

A mirage appears to be water, but is only a mirage; the inexperienced highway traveler mistakes it for water, and for him it is deceptive, a false appearance of water; the experienced traveler sees it for what it is—a real mirage, empty of water. Just so, conventional phenomena appear to ordinary, deluded beings to be inherently existent, whereas in fact they are merely conventionally real, empty of that inherent existence; to the aryas [individuals who perfectly understand the nature of things] on the other hand, they appear to be merely conventionally true, hence to be empty (cited in Cowherds, 2010, p. 29).

Garfield argues that the way in which conventional truth is false is that it appears to be self-existent. This, however, does not entail its actual existence. In denying the appearance of intrinsic existence one is not also denying its empirical reality. The appearance of intrinsic existence is something human beings superimpose upon the empirical world. I contend that this account of the two truths is how we can make sense of the paradox of the inherent dignity of empty persons.

I want to reiterate that Buddhist Centrism is not subjective relativism. If it were, it would result in the impossible assertion of something like what the German philosopher Ludwig Wittgenstein dubbed a “private language.” Frameworks are public, and, in this context, they never bottom out. It is unfortunately beyond the parameters of this chapter to delve into deep epistemological questions about how Buddhists identify veridical frameworks from non-veridical

ones. Suffice it to say that conventional knowledge is defined as “that which is non-deceptive within the realm of worldly convention” (Jinpa, 2002.). As I have previously suggested, Tsongkhapa is something of a realist. However, his is a realism that is always relative to context, *i.e.*, the veridical framework within which the world *functions*. Function is therefore one of our best barometers of conventional truth. For example, a “bus” may be a conceptual label—but it can still perform the function of running you down should you step in front of one (particularly in New York City). Jinpa therefore describes Tsongkhapa’s position as a form of “conventional realism” (Jinpa, 2002). He explains:

Tsongkhapa definitely accepts a high degree of objectivity in that much of the coherence that we perceive in reality is not entirely subjective. Furthermore, like all Prāsaṅgikas [Dialectical Centrists], Tsongkhapa does not reject the reality *out there*. What is denied is its intrinsic existence and intrinsic identity. The identity and being that the world possesses are said to be only contingent. Insofar as this is true, there is an element of relativism in Tsongkhapa’s ontology. However, this is not to say that no reality exists outside our language and thought. Fire still burns, water still quenches our thirst, and sentient beings are still born under the power of their *karma*. There is nothing purely linguistic or conceptual about these facts of reality. . . [T]he existential status that Tsongkhapa accords to reality is nominal. It is, to use his own words, a worldly convention. . . [H]is ontology is also a form of realism. Thus, I have called it ‘conventional realism’ (2002, pp. 175-176).

Jinpa goes on to explain how Tsongkhapa’s ontology can also be described as a form of nominalism in that “the existential status that Tsongkhapa accords to reality is nominal.” Jinpa adds, “It is, to use his [Tsongkhapa’s] own words, a worldly convention” (2002, pp. 175). Hence it is perfectly consistent with Tsongkhapa’s interpretation of the Madhyamaka to qualify the doctrine of inherence in the UDHR as conventionally real, while also being ultimately devoid of intrinsic existence. In other words, the concepts of inherent dignity and inalienable rights can be reconciled with the DL’s Madhyamaka by qualifying them in terms of the two truths. Human rights function and exist within a particular framework of veridical worldly conventions.

Jinpa offers one final label to describe Tsongkhapa's position—"anti-metaphysical" (2002, pp. 176). What I think he means by this is that central aim of the Madhyamaka is not to put forth a metaphysics, but rather to "free the mind from all temptations of reification. . . ." (2002, pp. 175). The psychological tendency to seek a false sense of security in an unreal metaphysical foundation is, according to the tradition of Tsongkhapa, not just metaphysically flawed, it is a very dangerous psychological mindset that is responsible for human suffering. The cessation of suffering is the result of a "cognitive shift" (Westerhoff, 2009 p. 47). Westerhoff writes:

“. . . the Mādhyamika draws a distinction between the *understanding* of arguments establishing emptiness and its *realization*. Being convinced by some Madhyamaka argument that an object does not exist with *svabhāva* does usually not entail that the object will not still appear to us as having *svabhāva*. The elimination of this appearance is achieved only by the realization of emptiness. The ultimate aim of the Mādhyamika project is therefore not just the establishment of a particular ontological or semantic theory, but the achievement of a *cognitive change*" (2009 p. 49).

Similarly, I think the ultimate aim of the DL's human rights project is not to introduce a new theory on the nature of rights (*i.e.*, a metaphysics of rights), but rather to focus on the psychological mechanisms for affecting the way we interact with—and think about—the "other." Here the object of negation is not the intrinsic nature of rights, but the fundamentalist mindset that actively reifies them with an unreal ontological status. Most human rights violations are not the result of a wholesale rejection of entitlements, but rather an arbitrary bias against a particular group that is deemed to be subhuman and not worthy of human rights. I believe this analysis of the psychology of reification—the "cognitive dimension"—is a core element of the DL's human rights/ethics project, as well as the area in which Tibetan Buddhism stands to make a meaningful contribution to contemporary human rights discourse.

Chapter conclusion

My aim in this chapter has been to reconcile the metaphysical paradox of the inherent human dignity and inalienable rights for empty people. I began by defining what I take to be the mean of a “right” based on discourse from human rights studies. I then tried to lay out the philosophical rationale for the metaphysical presuppositions associated with the concept of human rights in the UDHR. This led to a brief examination of the salient features of thought in the writings of Locke and Kant. Following that I examined Taylor’s notion of unforced consensus as well as the way in which Keown has used it. And, lastly, I argued that an unforced consensus on human rights could be achieved through an application of the Madhyamaka account of the two truths, wherein human rights can be said to have a *conventional* intrinsic existence—but not an *ultimate* intrinsic existence. This is not the same thing as finding equivalent concepts or terminology for “rights” in Buddhism.³ The kind of unforced consensus that I am positing is not based on equivalency, but rather on the utility of the Madhyamaka account of emptiness as a justification for human rights. However, making a distinction between *ultimate* and *conventional* human rights is not simply making a semantic one. Westerhoff identifies an important “cognitive dimension” to Nāgārjuna’s account of intrinsic existence. Proponents of the Madhyamaka, including the DL, believe that the alleviation of human suffering requires a cognitive shift that realizes the absence of intrinsic existence. This is believed to help an individual arrest his or her own natural psychological tendency to falsely reify the self and phenomena with an unrealistic intrinsic nature. According Tsongkhapa, “seeing emptiness” forever changes an individual. It manifests as a deep sensitivity to one’s interdependence with others and thereby naturally leads to the kind of moral behavior the idea of

³ Buddhist scholars such as Damien Keown have already put forth strong arguments that the concept of *dharma* (“duty” or “obligation”) achieves that kind of consensus (REF). Charles Taylor has also done some work on the topic in the context of Thai Buddhism (REF).

human rights is intended to protect and promote. I draw on this more psychological reading in order to illuminate the DL's project and to expose the dangers of extremist thinking. I believe that understanding emptiness counteracts the natural reification of human rights as being either intrinsically existent or intrinsically non-existent—both of which can potentially lead to a fundamentalist mind-set that is counterproductive to the project of human rights.

Chapter Two: The Attraction of Human Right Foundationalism

Chapter outline

§2. 1. *The false security of human rights foundationalism*

§2. 2. *Death and disgust in the pages of LIFE magazine*

§2. 3. *Learning from the Buddha's existential crisis*

§2. 4. *The "fundamentalist mindset"*

It is a central tenet in Tibetan Buddhism that one's experience of existential "angst" (*duḥkha*) is rooted in a fundamental "mis-knowledge" or ignorance (*avidyā*) of the true nature of phenomena that manifests as an insatiable urge to reify all phenomena with an intrinsic existence. This is a psychological habit that can be characterized as a strong desire to cling to an intrinsic ground to the self and reality. Since, according to the Madhyamaka, intrinsic existence is impossible, this endeavor is in vain and ultimately leads back to a feeling of profound insecurity, thus creating a vicious circle of existential crisis. In other words, existential angst begets the self-habit, and the self-habit invariably leads back to existential crisis. That is the fundamental Buddhist diagnosis of the human condition (with some variation depending on school and tradition). The good news in Buddhism is that the tendency to reify things is mutable—it can be changed through practice and education. Nevertheless, one must first identify the psychological mechanisms that give rise to this habit in order to begin that process of weaning oneself off of it.

I contend that, despite the religious context in which the self-habit is couched in Buddhist discourse, that it can be profitably applied to a secular analysis of human rights foundationalism. Foundationalism, by definition, denotes some sort of intrinsic metaphysical existence. I argue that the psychological attraction of a foundationalist concept of human rights derives its force

from the self-habit and the individual's own experience of existential insecurity. In this chapter I examine this theory and also apply it to a deconstruction of human rights foundationalism. Though I agree with the prevailing thesis that the adoption of human rights foundationalism in the UDHR was a direct consequence of Adolf Hitler's "Final Solution" and the gross human rights violations perpetrated by Nazi Germany during the Second World War,⁴ I argue that it was specifically on account of the widespread postwar experience of existential anxiety itself that led the drafters of the UDHR to resurrect the outmoded Enlightenment concept of rights. Like a drowning sailor clinging to flotsam in a shipwreck, the drafters of the UDHR, I believe, found a false sense of security in the ideas of inherent dignity and inalienable rights. In my analysis I draw on the work of the social psychologists Ernest Becker and Jonathan Haidt to help substantiate my theory. Both scholars contend that, when forced to reckon with their own contingency (*i.e.*, the reality of the human condition), humans will often experience a profound sense of existential anxiety that motivates them to deny the inevitability of their biological death, and to seek out the protection of a transcendent symbolic system (Becker, 1973/2007). I take the dual foundationalist concepts of inherent dignity and inalienable rights to be that symbolic system. Interestingly, I see a parallel here with the life story of the Buddha. Regardless of the historicity of the tale, Aśvaghōṣa's *Life of the Buddha (buddhacaritam)*, 2nd c. CE) is an important literary work that tells the story of man who, upon confronting the harsh reality of the human condition, has an existential crisis that leads him to seek out transcendental enlightenment.

I conclude that the psychological tendency to seek out and reify intrinsic foundations is a

⁴ This can hardly be considered a controversial claim within human rights studies, where it is largely believed that if not for the "people's war," there would never have been sufficient international solidarity for the establishment of the United Nations—let alone the UDHR (Lauren, 2011).

trans-cultural phenomenon that helps explain the allure and dangers of human rights foundationalism, as well as the kind of extremism that gives rise to the fundamentalist mind-set that is so often associated with perpetration of crimes against humanity.

2. 1. The false security of human rights foundationalism

The UDHR is widely regarded as the founding document of the modern human rights movement. According to Johannes Morsink, it enjoys a “canonical” status vis-à-vis all subsequent human rights discourse. Morsink is an American political philosopher who has published two monographs on the history and philosophy of the UDHR. In *Inherent Human Rights: Philosophical Roots of the Universal Declaration*, Morsink describes the UDHR as the “lingua franca of our age.” He explains: “It has been translated into even more languages than the Bible. It became the platform for thousands of domestic and international nongovernmental organizations (NGOs) and served as a model for the bill of rights in the constitutions of dozens of countries that have been liberated from colonial yokes and crumbling empires” (2009, p. 1). The UDHR is perhaps the most important document in the history of human rights. It is therefore imperative that we try to understand not just its philosophical and practical content, but also the psychological motives of the drafters who decided to adopt foundationalist metaphysics for their concept of human rights. I believe this is critical not simply for scholarly ends, but, also, in order to more fully understand its historical and cultural significance. Needless to say, it is impossible to know for certain why the drafters of the UDHR decided to adopt the Enlightenment concept of human rights (characterized by the dual presuppositions of inherent dignity and inalienable rights). However, I believe that Tibetan Buddhist discourse can help shed some light on the psychological appeal of human rights foundationalism in the wake of the Second World War.

The UDHR was forged in the aftermath of the Second World War in order to ensure that

the atrocities committed during the Holocaust would never happen again (Lauren, 2003). Paul Gordon Lauren describes this war as a “people’s war” since it “consumed not only those in uniform but everyone caught in its inferno, demanding service, sacrifice, exposure, and sometimes life itself” (2003, p. 135). He writes: “It is difficult to imagine that a war of this magnitude, lasting for so long, spreading across the globe, and causing the deaths of more than fifty million human beings could create, at the same time, new and unanticipated opportunities for the advancement of international human rights. But it did. . . It forced people as never before to examine themselves, their past, and their values in a mirror, and to begin the process of redefining the full meaning of ‘peace’ and ‘security.’” (2003, p. 135). The kind of self-examination Lauren describes above is nothing less than a complete existential reevaluation. It is not the sort of thing people generally elect to do but are sometimes (as Lauren writes) “forced” to do so when confronted with the reality of the human condition. In Buddhism, the willful denial of the reality of the human condition is closely associated with the aforementioned tendency to reify things and is causally integral to the perpetuation of human suffering. Thus, from a Buddhist perspective, the self-examination, albeit difficult, is necessary to safeguarding rights. According to the DL it is the nature of the human condition to want happiness and not suffering. This universal truth is the basis for his “secular ethics,” as well as what I take to be the moral basis for his concept of human rights (I explore this claim more fully in subsequent chapters).

War is an uncompromising state of affairs that reveals the ephemeral nature of the human condition. The existential anxiety that comes from confronting one’s mortality—particularly when it is in the form of mass systematic genocide—is a fundamental and universal human experience that is not biased toward any particular ethnic or cultural group. In *The Universal Declaration of Human Rights: Origins, Drafting, and Intent*, Morsink does a close reading of the

transcripts and interviews from the private meetings of the U.N. committee that drafted the UDHR. He provides clear evidence that the multinational delegates, who comprised the U.N. drafting committee, shared a common feeling of profound existential anxiety in response to the horrors of world war. He writes:

During the final General Assembly debate in December 1948 the drafters made it abundantly clear that the Declaration on which they were about to vote had been born out of the experience of the war that had just ended. Charles Malik, the representative from Lebanon, said that the document “was inspired by opposition to the barbarous doctrines of Nazism and fascism” (p. 857). Lakshmi Menon, his colleague from India, told the Assembly that the Declaration was “born from the need to reaffirm those rights after their violation during the war” (p. 893). . . The Belgian delegate, Count Hentry Carton de Wiart, thought that “the essential merit of the Declaration was to emphasize the high dignity of the human person after the outrages to which men and women had been exposed during the recent war” (p. 879). (Morsink, 1999, p. 36).

This passage conveys something of the universal, trans-national, experience of existential angst on the part of the eighteen delegates on the multinational drafting committee. When the UDHR was eventually adopted by General Assembly resolution 217A at its 3rd session in Paris on the 10th of December 1948, it was a singular moment of unprecedented international cooperation. The General Assembly vote was unanimous—forty-eight in favor, none against, and eight abstentions (1948). Of the eight abstentions, six were from communist delegations (the USSR, Czechoslovakia, Poland, Byelorussia, Ukraine, and Yugoslavia), countries that ideologically speaking *should* really have voted against it. Morsink explains: “The six communist delegations struggled with *the idea of transcendent and inherent rights* [italics mine]. Since according to Marxist doctrine morality is an epiphenomenal reflection of whatever social group happens to be in possession of the modes and means of production in a given society, there can be no such things as *inherent* human rights that are not the result of social or legal practices” (2009, pp. 73-74).

In other words, the delegates (even those who had strong ideological reservations against the concept of inherent rights) choose to vote with their hearts (rather than their intellect) and were essentially all in favor of adopting the foundationalist platform. Morsink asserts that these delegates “did what we ourselves constantly do when we let our emotions overrule more or less abstract doctrines we have been taught and to which we tend to cling” (2009, p. 74). Another way of way saying this is that the delegates placated their existential anxiety about the reality of the human condition (*i.e.*, life is ephemeral) with the chimera of righteous certainty that human beings have inherent dignity and inalienable rights that are metaphysically undeniable. That the delegates from the communist countries choose to merely abstain, Morsink suggests, indicates that they chose to “ignore party doctrine and vote their own and their nations’ consciences instead” (2009, p. 74). Their natural human sentiments trumped their ideological beliefs. The unanimous passage of the UDHR was even more remarkable in light of the burgeoning Cold War tensions between the United States and the Soviet Union.

The foundationalist concept of human rights that was adopted by the drafting committee was, even in the 1940s, largely considered to be anachronistic. This raises questions about why they choose to revive an old idea that had fallen out of fashion within their intellectual circles. The historian Lynn Hunt has recently published a new perspective on the origins of the very idea of human rights that may shed some light. In her groundbreaking book *Inventing Human Rights*, Hunt argues that the concept of human rights was originally the product of a newfound sense of empathy within the European aristocracy of the seventeenth century (2008). She argues that the advent of epistolary novels, about dramatic love between commoners, instilled within the aristocracy a new appreciation for the humanity of the disenfranchised lower classes (Hunt, 2008, p. 40). Hunt explains that this new style and subject of writing provided the technical

means for the development of an “imagined empathy” on the part of the elite. And this eventually led to the unconscious formation of more rationalist accounts of moral rights in the hands of Enlightenment philosophers like Kant. She writes: “Accounts of torture produced this imagined empathy through new views of pain. Novels generated it by inducing new sensations about the inner self. Each in their way reinforced the notion of a community based on autonomous, empathetic individuals who could relate beyond their immediate families, religious affiliations, or even nations to greater universal values” (Hunt, 2008, p. 32). In other words, contrary to the traditional view that the concept of human rights originated with rationalist philosophy, Hunt contends that it was actually much more sociologically driven. The very idea of rights on the basis of being human may be the direct result of an unprecedented widespread feeling of empathy, on the part of the upper class, for those people who were previously deemed sub-human (*i.e.*, not worthy of *human* rights). I support this view in terms of both its historical application to the origin of human rights, as well as its role in ethics. The thesis that empathy is causally connected to ethical behavior and the protection of human rights is espoused by the DL (I explore this more fully in later chapters). Furthermore, the thesis is also gaining newfound respect in contemporary academia where neo-sentimentalists like Paul Bloom and Michael Slote have put forth compelling arguments in psychology and philosophy respectively. The point here is that the drafters of the UDHR may have found the notion of inherent dignity and inalienable rights emotionally compelling—not because of any philosophical justifications from Kant or Locke—but rather for the false sense of security their ideas seemed to provide. The drafters may themselves have been subject to what western psychologists have described as the tendency for emotions to drive moral judgments. The drafters, in the parlance of Tibetan Buddhist psychology employed here, experienced acute existential anxiety in the face of horrific crimes against

humanity that revealed the ephemeral nature of the human condition. In the midst of such existential crisis, the drafters may have clung to—and reified—the foundationalist concept of human rights because it seemed to promise an intrinsic and universal metaphysics unique to the human species. This basic premise about how human beings respond to the reality of the human condition is not unique to Tibetan Buddhism.

The social psychologist Ernest Becker believes that the most basic human motivation is a desire to control one's anxiety about death. In his Pulitzer-Prize-winning book *The Denial of Death* (1973), he asserts that the “terror of death” is so overwhelming that people actively deny it and repress the reality of its inevitability. Culture, by the lights of Becker, is therefore largely a symbolic “hero system” whose function is to facilitate this collective “denial of creatureliness” (1973/2007, p. 159). Becker theorizes that one's confrontation with this “creatureliness” reminds her of her own biological death, and that this engenders an existential anxiety characterized by a profound uncertainty that drives one to invest oneself in some sort of larger social idea or entity that seems to promise immortality for one's symbolic self. Becker writes: “He must desperately justify himself as an object of primary value in the universe; he must stand out, be a hero, make the biggest possible contribution to world life, show that he counts more than anything or anyone else . . . It is still a mythical hero system in which people serve in order to earn a feeling of primary value, of cosmic specialness, of ultimate usefulness to creation, of unshakable meaning” (1973/2007, pp. 4-5). The decision to hew to human rights foundationalism in the drafting of the UDHR is, I assert, akin to the kind of hero system that Becker describes above. Enlightenment concepts such as inalienable rights and inherent human dignity seem to offer a strong and reliable metaphysical foundation against the uncertain and harsh reality that human beings are in fact ephemeral animals with no intrinsic or eternal nature. In other words, foundationalism offers

the illusion of security in an otherwise insecure world. We are, according to Becker, merely animals with no inherent entitlements, duties, or what Richard Rorty humorously refers to as the “special ingredient.” War—particularly the Second World War—is an ineluctable testimony to the ephemeral nature of human beings.

Becker believes the denial of death is a natural consequence of the dichotomous subjective experience of being both mortal (*i.e.*, an ephemeral animal) and immortal (*i.e.*, having a symbolic self). He regards the Biblical story of Adam and Eve as a kind of origin story to explain the tension one feels between his or her symbolic and biological identities. In *Genesis* 2:17 (King James Version), God gives notice to Adam and Eve to vacate the Garden of Eden should they ever acquire self-knowledge—“But of the tree of the knowledge of good and evil, thou shalt not eat of it: for in the day that thou eatest thereof thou shalt surely die.” Becker regards this story as an etiological myth for the unique paradox that characterizes the human experience, namely, a limitless capacity for symbolic thought trapped within a very limited non-symbolic body. In Becker’s words:

We might call this existential paradox the condition of *individuality within finitude*. Man has a symbolic identity that brings him sharply out of nature. He is a symbolic self, a creature with a name, a life history. He is a creator with a mind that soars out to speculate about atoms and infinity, who can place himself imaginatively at a point in space and contemplate bemusedly his own planet. This immense expansion, this dexterity, this ethereality, this self-consciousness gives to man literally the status of a small god in nature . . . Yet, at the same time, as the Eastern sages also knew, man is a worm and food for worms. This is the paradox: he is out of nature and hopelessly in it; he is dual, up in the stars and yet housed in a heart-pumping, breath-gasping body that once belonged to a fish and still carries the gill-marks to prove it (2007, p. 26).

Elsewhere in his book Becker delves into Freudian psychology and refers to this as the “problem of anality” (2007, p. 30). He theorizes that as a child, one begins to discover this state of affairs in anal play. At first one is ignorant of the purpose and function of this “hole from which

stinking smells emerge;” the child is “amused by his anus and feces” (2007, p. 30). Over time, however, the child gradually starts to repress the intimation of animality that it represents because it portends his or her own inevitable biological demise. Nevertheless, the anus is always there to invoke anxiety; “try as he may to take the greatest flights of fancy,” Becker writes, “he must always come back to it” (2007, 30). In other words, one is torn between two different value systems—that of nature (“red in tooth and claw”) and that of culture (transcendent and symbolic). Humans are, Becker concludes—“Gods with anuses.” And it is the reality of the latter that provokes anxiety and feeds the psychological tendency to reify things (*i.e.*, rights) with an intrinsic nature. I believe that the drafters of the UDHR, when confronted with the horrors of the Second World War, experienced the kind of existential anxiety that led them to embrace what Becker describes as “primary value, of cosmic specialness” in the form of inherent dignity and inalienable rights.⁵

2. 2. Death and disgust in the pages of LIFE magazine

It is hard to appreciate the fact that throughout most of the Second World War, many Americans were blithely unaware of what was actually happening inside Nazi death camps. Any and all illusions were, nevertheless, dispelled in May of 1945 when *LIFE* magazine featured a photo exposé featuring the first public images documenting the gory truth that Allied forces were

⁵ One might even glean Becker’s basic theory from the mere physical edifice of the U.N. headquarters in Manhattan. Becker writes: “They [hero-systems] earn this feeling [of immortality] by carving out a place in nature, by building an edifice that reflects human value: a temple, a cathedral, a totem pole, [a?] skyscraper, a family that spans three generations” (2007, p. 5). The seemingly impossible architecture of the block geometric form of the U.N. Secretariat Building looms over the East River in a manner that appears to defy the very laws of nature. At its foot, although no less daring, sits the U.N. General Assembly Hall, a massive room adorned with giant features that convey a God-like aesthetic to anyone with the privilege to enjoy it. In fact, the property itself, purchased by the larger-than-life American business mogul John D. Rockefeller, Jr., was formerly the site of a slaughterhouse (an irony that is hard to ignore in light of Becker’s thesis.) One might also apply this kind of analysis to the so-called Freedom Tower in lower Manhattan. It literally rises out of the ashes of the nearly 3,000 people killed in the terror attacks of September 11, 2001, at the World Trade Center site. Both structures suggest the strong appeal of the human need to achieve a feeling of transcendence over the natural world.

discovering as they liberated Nazi death camps such as Auschwitz. The *LIFE* article, appropriately entitled “Atrocities,” is only a few paragraphs in length, but the disquieting montage of contorted cadavers and emaciated survivors speaks for itself. “Anything you hear about conditions . . . will be understatement,” Representative John Kunkel of Pennsylvania told *LIFE*. “The full truth would get . . . so low,” he explains to the *LIFE* reporter, “you couldn’t print it” (1945, p. 33). In what seems to be a preemptive attempt to assuage accusations of sensationalism, the editors of *LIFE* close the “Atrocities” piece with the following proviso, “Dead men will have indeed died in vain if live men refuse to look at them” (1945, p. 33). Becker asserts that confrontation with death engenders existential anxiety—but what is it that actually happens when one sees death? Jonathan Haidt, a more contemporary social psychologist at the University of Virginia, offers a perspective on the relationship between death, disgust, and morality that I contend substantiate some of the critical aspects of the psychological motives of the drafters of the UDHR being explored here.

Haidt argues that moral judgments are tied to the kinds of feelings one has when confronted with death. He asserts that the feeling of disgust that one so often has when looking at images (like those mentioned above) has evolved from out of a “food rejection system” to being fundamental to an “embodied schemata” of sensations that shape the way we experience our moral and social lives (Rozin, Haidt, & McCauley, 2008, p. 759). Haidt believes that the sheer sensation of disgust, which originally functioned as a bellwether for edible foods, has evolved to be a kind of barometer for one’s moral judgments. Haidt does not discuss human rights directly, but he does occasionally reference “dignity” in some of his writings. Disgust, he explains, is the “guardian of the ‘temple’ of the body, and beyond that, a guardian of human dignity in the social order” (Rozin et al., 2008, p. 758). In other words, humans find it disgusting to see their dignity

robbed from them, and this is threatening to the very “social order” on which humans rely.

In one now-famous study (J. Haidt, 2001), Haidt found that a high percentage of test subjects reported feeling a “gut” reaction (often characterized as disgust) to a series of hypothetical moral quandaries on a research questionnaire. For example, test subjects read a scenario in which the family dog dies of natural causes, but then gets cooked and eaten for dinner. No harm is done to the dog—the organism is dead. Haidt asked subjects whether or not this was morally wrong. In another question, test subjects read a scenario that involves a brother and sister who, while on a camping trip, end up having sex—very safe sex. According to the description (and keep in mind this is a thought experiment of sorts) there is absolutely no chance of a pregnancy or even psychological fallout from the experience (the point being to remove any obvious rational reason for explaining why this act might be considered “wrong”). In fact, it is explained that the brother and sister actually enjoy the experience, but then decide that though it enriched their relationship, they will never do it again (again, another variable removed). The majority of test subjects responded to both of these scenarios with moral condemnation—“it is wrong.” However, when asked to explain and substantiate their moral judgment, they had trouble developing a rational justification. More often than not, test subjects admitted that they did not know why these acts were morally wrong, but that they found them disgusting. And they remained resolute in their conviction. In the example of the dead dog, one might contend that the act of eating it robs that organism of its dignity. Metaphysically this is nonsensical—where exactly is the dignity of a dead animal located? That said, the *feeling* of disgust is not only strongly associated with right and wrong, but, as Haidt suggests above, with our concept of dignity and fear of death.

Haidt, like Becker, argues that humans deny their animal nature by elevating the status of

the human species. He writes: “We fear recognising our animality because we fear that, like animals, we are mortal. We thus attempt to hide the animality of our biological processes by defining specifically human ways to perform them” (J. Haidt, Rozin, McCauley, & Imada, 1997, p. 115). Haidt contends that “death is a particularly potent elicitor of disgust,” and that the feeling of revulsion we often have in the face of it (what he calls the “qualia of disgust”) is critical to the construction of morality (Rozin et al., 2008, pp. 761-762). Haidt provides a powerful illustration that is relevant to the UDHR. He writes: “The European existentialists felt nausea and dread as they contemplated the senseless slaughter of the Second World War. They felt nausea because, in the West, meaninglessness is perhaps the greatest threat to the self. When people are so casually stripped of life, or of dignity, the implication is that life is cheap, and there is nothing of value to be respected” (J. Haidt et al., 1997, p. 126). It is interesting that Haidt chooses to employ the example of *European* existentialism (rather than for instance human rights foundationalism). This form of existentialism is notoriously hard to define. The philosopher Robert Solomon provides the following helpful definition: “Existentialism is best thought of as a movement, a “sensibility” that can be traced throughout the history of Western philosophy. Its central themes are the significance of the individual, the importance of passion, the irrational aspects of life, and the importance of human freedom” (2005). The most well known post-war existentialist was undoubtedly Jean-Paul Sartre (1905-1980). Sartre famously claimed, “existence precedes essence” (1943/2012). Interpreters of Sartre contend that what he meant by this was that human beings come into existence first and then determine their own essence for themselves (Solomon, 2005). Sartre argued the complete opposite of the doctrine of inherence in the UDHR, namely, that there is no pre-existent essence that defines the identity of anyone or anything (*i.e.*, rights). Human beings choose to believe in a “human nature” and then define that

nature themselves. There is no God who predetermines human nature or fate. Humans are intrinsically free; we are what we choose to be. However, in the context of Becker's project, existentialism is just another symbolic system for the hero to invest himself in. Moreover, from the Buddhist perspective, Haidt's illustration above only further confirms the theory being explored here. Foundationalism is an easy mark for the Buddhist self-habit, however, the psychological tendency to reify and cling will just as easily manifest in the opposite proposition—the wholesale denial of rights and dignity. (The reader will recall the reality status of conventional truth within Tibetan Buddhism.) The diagnosis of the self-habit is not based on the content of the belief as much as it is *how* that belief is held in the mind of the believer. This applies to any philosophical system, and can even occur in the context of Buddhist beliefs such as emptiness; Tibetan literature warns about the very dangerous mistake of reifying the concept of emptiness itself. Because the self-habit is the cognitive default system, this is a natural and easy thing to do. Buddhists do not necessarily claim to be able to control the self-habit. Most practitioners aspire to that kind of self-reflexivity.

The last page of the “Atrocities” piece, in the aforementioned issue of *LIFE* magazine, features a full-page photo of two Nazi guards shifting corpses amidst a shambolic heap of dead bodies at the Belsen concentration camp. Immediately following this horrific image is an awe-inspiring (godlike?) and uplifting photo of the grandiose assembly hall of the San Francisco Opera House, where representatives from fifty allied nations (including the Republic of China, the Soviet Union, the United Kingdom, and the United States) had convened in order to draw up the U.N. Charter. Attendees to that conference would have heard US President Harry Truman bemoan the loss of dignity in the war and the need to restore it. He said, “We must build a new world—a far better world—one in which the *eternal dignity of man* [my italics] is respected.”

Lauren marks the occasion with particular embellishment. He writes: “Never before in the history of the world had so many nations of such various sizes been so widely represented at such an international conference. Never before had Asia and the Pacific Rim been given so much recognition . . . [The delegates] urged each other to put past practices behind them, to rise above their own narrowly parochial national self-interests, to promote the larger international good of all, to honor the promises made during the war, and to create an organization founded not on power politics but on principle” (2011, p. 178). (Putting aside parochial interests is a cosmopolitan value that I explore in subsequent sections.) One can only speculate, but I suspect the readers of *LIFE* Magazine in 1945 would have felt their feelings of disgust and existential anxiety (engendered by the Atrocities piece) somewhat quelled by the promise of the burgeoning United Nations and its mission to restore the *eternal* human dignity of humankind. In other words, the juxtaposition of death and dignity, here in the pages of *LIFE* magazine, seems to further provide support for thesis that the fiction of inherent dignity is a very attractive proposition in contrast to the biological reality of the human condition.

In this section I have tried to explicate Becker’s thesis concerning the psychology behind the denial of death by applying it to the events of 1945 as recorded in *LIFE* magazine. In this way I have tried to glean some aspect of the collective consciousness of the time and the potential attractiveness of the so-called metaphysics of inherence imbedded in the concept of inherent dignity and inalienable rights in the UDHR. I also briefly noted commonalities between Becker’s project and that of the more contemporary psychologist Jonathan Haidt. At this point I would like to turn to the life story of the Buddha. I think a close reading of certain passages will further support the claim that confronting the reality of the human condition often leads to a feeling of existential anxiety that can lead one to seek out a transcendent symbolic system. In this

case, it is the historic Buddha who, when confronted with hallmarks of the human condition (*i.e.*, old age, sickness, and death), seeks refuge in the idea of transcendent enlightenment. What the Buddha discovers on his quest, however, is not some sort of a Platonic higher truth. Rather, it is that extremist thinking is counterproductive to the project of self-realization. I will be arguing that this type of thinking is not only consistent with the tendency to reify phenomena, but also the kind of fundamentalist mindset that is often associated with the violation of human rights.

2.3. Learning from the Buddha's existential crisis

It is estimated that over three hundred new and different schools of thoughts emerged during the time of the Buddha (Warder, 1970/2000). Known generically as “strivers” (*śramaṇa*), these individuals constituted a virtual counterculture to the status quo in India at that time. Some scholars speculate that this movement was facilitated by agricultural surpluses that enabled newfound fiscal prosperity for those in the middle and lower economic strata (Flood, 1996). The emergence of new trade and a new money economy (wealth previously having been measured only in cattle) gave way to urbanization and the construction of new and better roads. This had the unintended consequence of facilitating the quick dissemination of new ideas. The advent of a new group of wealthy professionals, with a heightened awareness of their individuality and social-selves, was unsettling for political leaders and Brahmin priests. It is theorized that this may have even helped incite war within the sixteen great countries (Gombrich, 1996/2006). Eventually, however, political power in the north of India coalesced around two opposing superpowers: the Vrij Republic and the Kingdom of Magadha. Warder believes that the ensuing stalemate may have further contributed to an already mounting popular disenchantment with money and politics (1970/2000). This would have surely increased the allure of spiritual

alternatives for privileged young people.⁶ New wealth also meant that there was the infrastructure to support lifestyles solely devoted to personal edification and spirituality. Robert Thurman calls this the “free lunch” scenario and speculates that the rise of Buddhist monasticism represents the culmination of the *śramaṇa* counterculture. Thurman writes:

The importance of this historical innovation of monasticism should not be underestimated. In the code for the new monastic order, Shakyamuni [Buddha] took pains to ensure that the mendicants should not become another order of priests: He forbade them to officiate at birth, marriage, or death ceremonies; to touch money, own property, and so forth; to perform any service to society. They were not to justify their existence in any way. And yet they were to live near the towns and cities, they were to enter the streets each morning to beg for food and share their insights. On the foundation of a permanent free lunch, the monastic community stood as an unmistakable reminder that society exists to serve the individual, to create a space for his or her liberation from ignorance (1998, p. 97).

Is the idea of the “free lunch” in Buddhism the beginnings of a positive rights concept in India? Perhaps; what is more clear is that the emergence of the *śramaṇa* world-view is indicative of a new countercultural movement characterized by a variety of utopian aspirations not unlike the one that led to the U.N. Charter and eventually the adoption of the UDHR mentioned in the previous chapter. Not every school of thought, however, in *śramaṇa* movement was *striving* for a transcendental solution to human suffering.

Not unlike the aforementioned post-war existentialist movement, the Cārvaka/Lokayata School of Indian thought rejected any and all propositions for transcendent truth. In fact, they denied both the existence of a “transcendental self” (*ātman*) as well as all of the spiritual implications of the absence of one (*anātman*). According to this school, the personal-self could be reduced to the physical body, thus rendering the subjective experience of consciousness itself an epiphenomenal event—an unintentional byproduct of the biological operations of the human

⁶ Gombrich thinks that increased trade may have also led to the spread of new diseases (Gombrich, 1996/2006). A pestilence, impartial to wealth and class, would also have heightened disillusionment with worldly pursuits and given rise to a sense of impotence in the face of real human suffering (Flood, 1996, p. 82).

body (King, 1999, p. 20). Cārvaka/Lokayata rejected arguments based on inference and accepted only “sense-perception” (*pratyakṣa*) as a valid means of knowledge—an empirical epistemology of “seeing is believing” (King, 1999, p. 17). Thinkers maintained that the highest happiness was that of the physical senses and therefore spurned the confinements of religious presupposition. They, similar to the European existentialist, favored a philosophy of total freedom.

Cārvaka/Lokayata vehemently rejected both the authority of the *Vedas* and the religious caste system (*varṇa*). Stcherbatsky says, “the spirit of negation and indignation against the fetters of traditional moral and connected religious values was perhaps nowhere as vivid and evident as among Indian materialists [Cārvaka/Lokayata]” (Isaeva, 1993, p. 27). Most schools of thought postulated spiritual ideas about some sort of enlightenment, but the presence of the Cārvaka/Lokayata in ancient India provides some sense of the variety of theoretical discourse in which early Buddhism took shape.

It is impossible to accurately gauge the historicity of the traditional life story of Gautama Buddha. Be that as it may, whether books such as Aśvaghōṣa's *Life of the Buddha* (*buddhacaritam*, 2nd c. CE) approximate actual historical events is irrelevant to the didactic import of the text, a compelling story about man who sets out to find a remedy for human suffering. In Aśvaghōṣa's telling of the story, the Buddha is born Prince Siddhārtha Gautama. On the day of his birth, a seer named Asita proclaims the infant's destiny to be at a crossroads: “The signs on the body of this illustrious one . . . foretell that he'll be either an Awakened Seer, or a World Conqueror on the earth among men” (Aśvaghōṣa & Olivelle, 2008, p. 12). In other words, he will either pursue a worldly or otherworldly life. In order to ensure the former, and to prevent the “end of his line” (Aśvaghōṣa & Olivelle, 2008, p. 31), King Śuddhodhana confined his son to the palace grounds. According to Aśvaghōṣa, the King favored a more traditionally Hindu life in

which one fulfills one's social and familiar duties first, and then goes "to the forest when he is old" (Aśvaghoṣa & Olivelle, 2008, p. 31). The decisive moment for Prince Siddhārtha, however, arrived when, at the age of about thirty, he received permission to briefly venture beyond the boundaries of manufactured utopia, and (to the chagrin of his overbearing father) encountered the disquieting truth about the human condition: that everyone must grow old, that everyone is susceptible to sickness, and that everyone will eventually die.

Siddhārtha was permitted four excursions beyond the palace gates. During each of these sojourns he (with some help from the Hindu gods yearning for Buddhist enlightenment) happens to glimpse evidence of the harsh realities of life—the "four sights"—old age, sickness, and death (the fourth being the inspiring image of a mendicant). When Siddhārtha glimpses an elderly man he is dumbfounded by the signs of old age and naively asks his charioteer:

"Who is this man, dear charioteer,
 hair white, and hand clasping a walking stick,
 brows hiding the eyes, body slumped and bent?
Is it a transformation?
Is it his natural state?
Or is it simply chance?
... Will this evil affect me too?" (Aśvaghoṣa & Olivelle, 2008, pp. 69-71).

Similarly, when he later sees a man afflicted with disease, he says:

His belly swollen, his body heaves as he pants;
 his arms and shoulders droop,
 his limbs are thin and pale;
Learning on someone, he cries 'Mother!' piteously;
 Tell me, who is this man? (Aśvaghoṣa & Olivelle, 2008, pp. 73).

And when he sees a corpse being carried down the road he asks:

"Who is this man being carried by four men
 and followed by people who are downcast?
He is well adorned, yet they weep for him?
... "Lying here unconscious, like straw or a log,
 bereft of mind, sense, breath, or qualities,
This is someone his dearest ones discard,

though they nurtured and guarded him
with care” (Aśvaghoṣa & Olivelle, 2008, pp. 79).

Reading these passages one is reminded of the horrific images described in *TIME* magazine above. And just as readers in 1945 must have surely felt a sense of existential crisis when confronted with such irrefutable evidence of the ephemeral nature of humankind, Siddhārtha too felt a sense of mounting existential unease. Clearly Siddhārtha is shocked—he has never before laid eyes on old age, sickness, and death. Nevertheless, unlike most people, he does follow Becker’s thesis of denial. According to Aśvaghoṣa’s portrayal, he is in fact puzzled by the collective denial of old age, sickness, and death. After making sense of the sight of a diseased man he says, “This evil of sickness striking mankind, people notice, yet they remain content; O how widespread the ignorance of men!” (Aśvaghoṣa & Olivelle, 2008, p. 75). After reflecting upon death he says,

“This is the inevitable end of all men;
yet the world rashly revels, casting fears aside;
The hearts of men, I suspect, must indeed be hard,
that they journey along this road so unperturbed” (Aśvaghoṣa & Olivelle, 2008, p. 81).

Siddhārtha, not surprisingly given his destiny, experiences a profound sense of motivation—“like a bull hearing close by a great lightening strike” (Aśvaghoṣa & Olivelle, 2008, p. 71). And he returns to the palace in order to ask for his father’s permission to “gain release” so that he might pursue the “wandering life” (Aśvaghoṣa & Olivelle, 2008, p. 135).

The king, of course, attempts to quell his heir’s existential anxiety by reminding him of his station, telling him that he will soon inherit the throne, and that he will possess the temporal power to help alleviate human suffering and ameliorate the harsh realities of the human condition. The king says:

“Turn back, my son, from this resolution,

for it's not the time for you
to give yourself to dharma . . .” (Aśvaghōṣa & Olivelle, 2008, p. 135).

Siddhārtha seriously considers his father's words, and consents not to go if he can guarantee that he will not be subject to death, that disease will not steal his health, and that old age shall not overtake his youth (Aśvaghōṣa & Olivelle, 2008, p. 137). His father's reply to his son's caveat is simply “Withdraw this your request, it is ordinate; An extravagant wish is improper and extreme” (Aśvaghōṣa & Olivelle, 2008, p. 139). Siddhārtha's response is well known—he renounces his royal heritage (and his destiny as a “World Conqueror”), along with his wife and newborn child, in exchange for the strenuous life of an ascetic yogi. And despite his father's orders not to leave, he escapes his gilded prison under cover of a magical mist. “He then left the city of his father,” writes Aśvaghōṣa, “firm in his resolve and unwavering, leaving his loving father and young son, his devout subjects and highest fortune” (Aśvaghōṣa & Olivelle, 2008, p. 157). And so, after six long years of rigorous training in the forest, Aśvaghōṣa says he realizes enlightenment and becomes the *Buddha*—the “Awakened One.” He does not, however, reach his goal before achieving insight into his own psychological tendency to reify his pursuit of extreme asceticism.

Siddhārtha's epiphany is that he sees how his own fanatical practice of asceticism has itself become an obstacle to enlightenment. It has not only physically weakened his body but, on a more cognitive level, his extreme asceticism has led him to become what nowadays is generally called a “fundamentalist.” Aśvaghōṣa writes:

Then, the sage, his body clearly tortured
for no purpose by vile austerities,
and afraid of continued existence,
made this resolve, long for Buddhahood:

“This dharma will not lead to detachment,
to Awakening or release . . .”

“When a man is worn out
by hunger, thirst, and fatigue,
his mind unwell with fatigue,
How will he, who is not tranquil, attain
the fruit that the mind alone can attain?”

“Tranquility is properly attained
by always making the sense content;
When the senses are well content,
wellness of the mind is attained.

“Mental concentration springs up
when one’s mind is well and serene,
And practice of trance advances
when concentration grips one’s mind. . .

“Having concluded, therefore, that
this process was rooted in food,
steadfast, and with boundless wisdom,
he resolved to partake of food” (2008, pp. 361-365).

Siddhārtha understands that he has lost touch with what Becker would call his “creatureliness.”

When Siddhārtha takes food his body is rejuvenated, and he able to physically sustain his meditation practice. Furthermore, he sees that despite his best efforts to renounce worldly aims and take up the life of an ascetic, he still possesses the psychological tendency to cling to—and reify—phenomena (*i.e.*, his practice of asceticism). Therefore when Siddhārtha breaks from his extreme asceticism he frees himself from a fanatical mindset that was counterproductive to his project of spiritual enlightenment.

In this section I have drawn a parallel between the Buddha’s experience of existential crisis, following his confrontations with the reality of the human condition (*i.e.*, old age, sickness, and death), and the much wider experience of existential anxiety in the wake of the atrocities of the Second World War. I argued that in much the same way that Siddhārtha was motivated to seek out a transcendentalist solution to the problem of human suffering, the U.N.

drafting committee sought out a transcendental foundationalist concept of human rights against the backdrop of the Holocaust. In other words, both narratives adhere to Becker's thesis regarding the denial of death. When confronted with the reality of the human condition it is natural for a person to experience existential crisis. This leads one to want to cling to some transcendental truth that seems to promise metaphysical security. In Buddhist terms the mindset that searches for such truth can be framed in terms of the self-habit—the tendency to reify phenomenon with an intrinsic nature. In the next section I argue that the self-habit can also manifest as a form of fundamentalism. In other words, the mindset that reifies things with an intrinsic nature is psychologically similar to the “fundamentalist mindset” (Strozier et al., 2010).

2.4. The “fundamentalist mindset”

In Chapter One I argued that the teaching on the two truths could be used to find a metaphysical middle way between the poles of human rights foundationalism and anti-foundationalism. I made the claim that this would not only reconcile the paradox of the inherent dignity of empty persons, but also provide a novel anti-essentialist concept of rights that is compatible with the UDHR. In this chapter I have pursued a more psychological angle. My aim here has been to explain the psychological attraction of a foundationalist concept of human rights. My thesis is that human rights foundationalism becomes appealing in times of existential crisis on account of the (albeit false) sense of metaphysical security it promises. In this section my objective is to continue along this line of inquiry by sketching a kind of psychological profile of the mind that is drawn to human rights foundationalism. I argue that it shares much in common with the Tibetan Buddhist account of the self-habit, as well as what contemporary theorists have labeled the “fundamentalist mindset” (Strozier et al., 2010).

In his first public disquisition, as recorded in the Sūtra entitled *Setting the Wheel of*

Dharma in Motion (dharmacakra-pravartana), Gautama Buddha is reported to have exhorted his five disciples to avoid living either of the two extremes—“the pursuit of sensual happiness” and “the pursuit of self mortification.” The Sūtra states: “Bhikkhus, these two extremes should not be followed by one who has gone forth into homelessness. What two? The pursuit of sensual happiness in sensual pleasures, which is low, vulgar, the way of worldlings, ignoble, unbeneficial; and the pursuit of self mortification, which is painful, ignoble, unbeneficial. Without veering toward either of these extremes, the Tathagata has awakened to the middle way, which gives rise to vision, which gives rise to knowledge, which leads to peace, to direct knowledge, to enlightenment, to nibbana” (cited in Tsering, 2005). Most of the *striver* traditions in ancient India devalued worldly aims and promoted the renunciation of worldly obligations. However, as evidenced in the passage above, the Buddha not only condemned the pursuit of “sensual happiness” but also the pursuit of “self mortification.” This is because the two extremes (lifestyles that also happen to typify the Buddha’s own experience as a decadent prince and an ascetic renouncer) both succumb to a deleterious form of zealotry when fanatically pursued. This was an unusual perspective within the previously described community of strivers who privileged ascetic self-discipline (*i.e.*, depriving one’s body of comfort and sustenance) as a viable methodology for elevating the mind and transcending bodily desires. “Such asceticism,” explains Sue Hamilton, “was believed by renouncers to be purposeful in that it was thought to contribute to gaining spiritual insight by focusing the mind in certain non-normative ways” (2001, pp. 39-40). The Buddha’s teaching is indeed unusual and reflects a very sophisticated psychological diagnosis that identifies a common mindset to the pursuit of both extremes. It is understanding the nature of that mindset that interests me here.

The Buddha recommends the “middle way” between the extremes of “sensual happiness”

and “self-mortification.” The meaning of his spiritual counsel is not altogether dissimilar from Aristotle’s notion of the “golden mean,” wherein virtue is believed to lie between the extremes of excess and deficiency. However, unlike the golden mean, the Buddha’s teaching on the two extremes pertains only to lifestyle. This eventually changes with the advent of Buddhist analytic treatises and textual commentary. In later Buddhism, the teaching on the two extremes acquires a more philosophical interpretation with even deeper psychological implications. By the time Buddhism arrives in Tibet, the teaching on the two extremes had become a well-known device for articulating the philosophical orientation of the *Madhyamaka* (“Middle Way”) School as an eschewal of metaphysical eternalism (*i.e.*, all things exist) and metaphysical nihilism (*i.e.*, nothing exists). Tsongkhapa, for instance, warns of the dangers of falling off either of these philosophical “cliffs.” Thubten Jinpa writes:

Like all Mādhyamikas, Tsongkhapa characterizes his own position as the Middle Way free of the two extremes of eternalism and nihilism. Needless to say, almost all thinkers within the Indo-Tibetan Buddhist world claim to be proponents of a philosophy that is free of these two extremes. The extremes of ‘eternalism’ (rtag mtha’), ‘existence’ (yod mtha’), and ‘reification’ (sgro ‘dogs kyi mtha’) are regarded as synonymous; whereas, at the other end of the spectrum, the extremes of ‘nihilism’ (chad mtha’), ‘non-existence’ (med pa’i mtha’), and ‘repudiation’ (skur ‘debs kyi mtha’) are considered to be synonymous. These standpoints are said to be extremes in that anyone who adheres to these views falls into an abyss. Tsongkhapa uses falling off a cliff as an analogy for falling into these extremes (Jinpa, 2002, p. 171).

To fall off the cliff of eternalism means that one accedes to the extreme belief that all phenomenon (*i.e.*, persons, objects, and ideas) have intrinsic metaphysical existence. Similarly, to fall off the cliff of nihilism means that one supports the opposite extreme view that all phenomenon lack metaphysical existence (*i.e.*, conventional and ultimate). While the latter clearly has more in common with the Madhyamaka denial of intrinsic existence, it is still deemed erroneous on the basis that conventional existence is real. As I suggested in the previous chapter,

Tsongkhapa is particularly keen to show how and why conventional reality/truth is meaningful and valid. His position, in brief, is that all things ultimately lack independent and intrinsic existence, but that claim is not equivalent to asserting that all things lack existence. Which is to say, the way things exist, according to Tsongkhapa, is not *in*-dependently (“from its own side”), but rather *inter*-dependently (*pratītyasamutpāda*). It is not difficult to see that the two extremes, in this more philosophical portrayal, parallel the core metaphysical presuppositions of human rights foundationalism (*i.e.*, eternalism) and anti-foundationalism (*i.e.*, nihilism) respectively. Hence, the teaching on the two extremes can be interpreted as a warning against reifying either of the two concepts of human rights. My interest here, however, is not necessarily on the extremes themselves, but on the mindset that reifies them. Nevertheless, I do believe there to be a more intimate connection between human rights foundationalism and fundamentalism. I think the fundamentalist mindset naturally gravitates towards a metaphysics of existence before non-existence in moments of existential crisis. This is not always the case, but it does provide a more suitable explanation for the adoption of a foundationalist concept of human rights in the UDHR.

The term “fundamentalism” originally comes out of American Christian evangelicalism and, even more specifically, a series of pamphlets that were published between 1910 and 1915 entitled *The Fundamentals*. These pamphlets were developed for the express purpose of stemming the tide toward liberalism within American Protestantism Christianity (Balmer, 2007, pp. 220). According to Randall Balmer: “Those who subscribed to these doctrines [laid out in the pamphlets], which included belief in the virgin birth of Jesus, the infallibility of the Bible, and Christ's imminent return to earth, became known as *fundamentalists*” (2006, pp. xv). What these so-called fundamentalists sought was a return to the “fundamentals” of the Christian tradition that they identified through a literalist interpretation of the Bible. Today the term

“fundamentalism” has come to be used to refer to religious groups outside of Christian evangelicalism that exhibit a literalist agenda resembling that of the original Protestant movement. In her book, *The Battle For God: A History of Fundamentalism*, Karen Armstrong offers a more comprehensive definition of “fundamentalism” that is drawn from her study of the six-volume *Fundamentalist Project* written by Martin E. Marty and R. Scott Appleby. She writes:

They [fundamentalists] are embattled forms of spirituality, which have emerged as a response to a perceived crisis. They are engaged in a conflict with enemies whose secularist policies and beliefs seem inimical to religion itself. Fundamentalists do not regard this battle as a conventional political struggle, but experience it as a cosmic war between the forces of good and evil. They fear annihilation, and try to fortify their beleaguered identity by means of a selective retrieval of certain doctrines and practices of the past. To avoid contamination, they often withdraw from mainstream society to create a counterculture; yet fundamentalists are not impractical dreamers. They have absorbed the pragmatic rationalism of modernity, and, under the guidance of their charismatic leaders, they refine these "fundamentals" so as to create an ideology that provides the faithful with a plan of action. Eventually they fight back and attempt to resacralize an increasingly skeptical world.

What is interesting about Armstrong’s definition above is that it attempts to explain the psychology of fundamentalism in very rational terms. She identifies particular features and traits that describe a core mindset that transcends any particular religion or belief system. This new, more psychological, conception of fundamentalism is the approach taken by the authors of *The Fundamentalist Mindset: Psychological Perspectives on Religion, Violence, and History* (Strozier, C., Terman, D. Jones, J., & Boyd, K., 2010). Charles Strozier et al. argue that the “fundamentalist mindset” has five basic features: 1) “dualistic thinking” (*i.e.*, fundamentalists tend to divide the world into clear binary categories), 2) “paranoia” (*i.e.*, fundamentalists often experience feelings of suspicion towards those on the opposing side of the dualistic divide), 3) “apocalypticism” (*i.e.*, fundamentalist are usually obsessed with the ultimate end of humanity),

4) “charismatic leadership” (*i.e.*, these groups often have a charismatic leader), and 5) a “totalized conversion experience” (*i.e.*, the fundamentalist arrives to the group from the outside). Charles Strozier et al. write: “The fundamentalist mindset, whenever it occurs, is composed of distinct characteristics, including dualistic thinking, paranoia and rage in a group context; an apocalyptic orientation that incorporates distinct perspective on time, death, and violence; a relationship to charismatic leadership; and a totalized conversion experience” (Strozier et al., 2010, pp. 11). The most salient of these, for our purposes here, is dualistic thinking.

Dualistic thinking refers to a “tendency to view the world as a battleground between pure good and pure evil” (Strozier et al., 2010, pp. 12). It is binary and Manichaeic worldview that supports an ideology of absolutism in which there is no possibility for any middle ground between the opposing forces or dualistic extremes. The psychotherapist Robert M. Young argues that dualistic thinking is a simplification in response to psychological anxiety caused by profound uncertainty and/or a perceived threat. He writes: “To simplify, in psychoanalytic terms is to regress, to eliminate the middle ground, to split, dividing the world into safe and threatening, good and evil, life and death. To be a fundamentalist is to see the world perpetually in such terms and to cling to certainties drawn from sacred texts or the pronouncements of charismatic leaders” (Young, 2004). Young asserts that the psychology of fundamentalism is characterized by an active desire to “cling to certainties” in response to existential threats. Such “certainties,” I argue, would include ideas like inherent human dignity and inalienable rights. Young describes how this manifests in the kind of destructive behavior that is often associated with modern day fundamentalism. He writes: “People who feel threatened in this way . . . lose the ability to imagine the inner worlds and the humanity of others. Compassion and concern for the object evaporate, and brittle feelings of blaming and destructiveness predominate. They act

out. Where acting out is, thought is not” (2004). The “ability to imagine the inner world and humanity of others”—empathy and compassion—is a skill Tibetan Buddhists consider to be critical to altruism. In the following chapter I explore the role empathy and compassion occupy within the DL’s human rights project. It is, nevertheless, telling that Young identifies the loss of these as salient features of the fundamentalist mindset. It suggests that the Tibetan Buddhist account of the self-habit is indeed a potentially useful device for deconstructing the fundamentalist mindset.

In the introduction to his translation of the Tsongkhapa’s *Essence of True Eloquence* (*legs bshad snying po*), Robert Thurman draws attention to the dual aspects of the self-habit. There is an “instinctual self-habit” (*bden 'dzin lhan skyes*) and an “intellectual self-habit” (*bden 'dzin kun brtags*). Thurman explains: “. . . [T]he instinctual habit of reifying intrinsic reality in persons and things [*i.e.*, the aforementioned “instinctual self-habit] is so deeply engrained in our thoughts and perceptions. We *feel* intrinsic reality is ‘there,’ in ourselves and in things, and each time analytic investigation finds it to be absent, we automatically reify that absence into a little real disappearance, as if something solid had vanished before us” (1984, p. 158). The tendency to reify phenomena is a compulsion that manifests at two levels of being—the intellectual and innate. The Tibetan monk-scholar Gyalsab Je Dharma Rinchen (*rgyal tshab rje dar ma rin chen*, 1364-1432) is a celebrated student of Tsongkhapa. He defines the “instinctual self-habit” (*bden 'dzin lhan skyes*) as ‘a state of mind that everyone has regardless of their philosophical viewpoint’ (*thog ma med pa nas rjes su zhugs pa. grub mthas blo bsgyur ma bsgyur gnyis ga la yod pa'i bden 'dzin ni. bden 'dzin lhan skyes*) (EPC). He claims that it is an inborn intuition that actively reifies a core sense of self, as well as the metaphysical nature of all things. It is, therefore, a very primitive level of consciousness that operates below one’s more discursive

intellectual thought patterns (*i.e.*, language and conceptual thought). This more innate tendency is described as being the result of a particular type of karma called “throwing karma” (*phen byed kyi las*). Throwing karma is what some Buddhists identify as being causally responsible for determining (among other things) one’s biological genus and correlative sensory/epistemic system (*i.e.*, it refers to the karma that cause one to be born a human being with five sense faculties). Setting aside (or “bracketing” as the DL often says) the presupposition of Buddhist rebirth, the idea of throwing karma is not altogether unlike the folk conception of DNA in that throwing karma is what determines one’s biological make-up (*i.e.*, it throws you into your rebirth as a particular type of organism). Therefore, the immediate source of the innate tendency can be said to be the fabric and constitution of the human organism. One need not have a belief in Buddhist karma or rebirth to appreciate this highly naturalistic identification of the body (with its various sensory faculties) as the source of one’s most basic intuitions.

The intellectual tendency, Dharma Rinchen explains, is a ‘tendency to grasp at things as self-existent that relies upon a particular belief system’ (*gtsor bor grub mthas blo bsgyur ba la ltos dgos pa’i bden ‘dzin ni. bden ‘dzin kun brtags*) (EPC). So whereas the innate form reified a core sense of self, the learned form grasps at a more conceptual narrative sense of self. This intellectual tendency is associated with what is called “completing karma” (*dzogs byed kyi las*). This type of karma is responsible for coloring one’s reality. It produces higher-order concepts such as one’s personal identity or narrative self, as well as abstract concepts—ideas like, for instance, inherent human dignity and inalienable rights. Tibetan Buddhism claims that both the innate and intellectual psychological tendencies are self-destructive and causally responsible for all human suffering.

The characterization of the fundamentalist mindset in terms of binary thinking is

indicative of psychological tendency to absolutize false dichotomies. The self-habit shares this tendency to absolutize dualities, but Buddhists refer to the dualism in terms of the aforementioned two extremes. What is so provocative about the Tibetan Buddhist account is the identification of two types of self-habit—the learned and the innate. From this perspective, it would seem that a certain degree of fundamentalism is therefore hard-wired into human epistemology. This is essentially how Buddhists understand the nature of suffering—it is a pervasive fact of life because it is the result of an ingrained self-habit. In other words, to be human means to reify. Obviously there are degrees of reification. Buddhist practice is largely dedicated toward the re-habitation of the self-habit. This is why education is so integral to the Buddhist tradition, as well as to the DL’s secular ethics.

Chapter conclusion

In this chapter I have explored the thesis that the adoption of a foundationalist concept of human rights in the UDHR was a direct response to the horrors of the Second World War. I have considered this in terms of the Buddhist account of the self-habit, and I have drawn a parallel with compatible ideas from contemporary social psychology and philosophy. I have also asserted that the tendency to reify human rights foundationalism shares the same basic psychological framework as the kind of fundamentalist mindset associated with the occurrence of human rights violations. This is an ironic twist—the very same tendency that clings to a metaphysically intrinsic concept of rights is the same one associated with the violation of rights. I will return to this idea below in the context of moral universalism.

Chapter 3: Moral Universalism Reconsidered

Chapter outline

§3. 1. *Asian values: “the last refuge of repression”*

§3. 2. *Rorty on Human Rights and Moral Universalism*

§3. 3. *Positing our “shared humanity”*

The perennial debate between universalism and relativism has a special place in human rights discourse, where it is often framed in terms of those who advocate the international implementation of the rights delineated in the UDHR (*i.e.*, moral universalism), and those who criticize this on the basis that the UDHR is culturally insensitive and biased against national differences (*i.e.*, moral relativism). Rights, in this context, represent certain moral principles. The debate, therefore, is whether those rights described in the UDHR apply to all peoples in all places. Supporters of moral universalism clearly assert that they are. The position argued by moral relativists, in this context, is not necessarily that there are no moral absolutes. This is a valid a philosophical point, but the debate between universalism and relativism in human rights is not really about philosophy. According to Michael Freeman: “This cultural relativism was motivated by a fear that the promotion of human rights as universal values would lead to the hegemony of the dominant global powers. . . In the 1990s the dominant conception of universality was challenged on the basis of ‘Asian values’ by certain Asian governments and intellectuals, who insisted that there was a distinctively Asian conception of human rights. Similar challenges have been made by some African scholars, and on the basis of Islam” (Sheeran & Rodley, 2014, p. 49). Hence the debate, Freeman explains, is often seen as a “contest between the West and the rest” (Sheeran & Rodley, 2014, p. 49). The clear implication is that the

UDHR is more reflective of western values than non-western ones. Philosophically, it is challenging to justify moral universalism. It is even more difficult, I think, when you espouse an anti-essentialist metaphysics wherein meaning is relative to veridical framework. This time it will not do simply to frame matters in terms of “conventional” and “ultimate” (even though that might be heuristically useful). The DL is very clear on where he derives his moral universalism—on the basis of our “shared humanity.”

In this section I explore the issue of moral relativism in human rights both in terms of its philosophical and political significance. I consider the latter first, agreeing with Warren Christopher, who says that the Asian values debate is largely the “last refuge of repression.” In other words, it is a debate about global power and politics—not morality and culture. I then look at how the DL has justified his brand of moral universalism. I draw a parallel between this and the philosophy of human rights put forth by the anti-essentialist philosopher Richard Rorty. I believe they have much in common, but whereas Rorty is loath to commit to a principle of shared human nature, the DL is not.

3.1. “The last refuge of repression”

The UDHR is a virtual catalogue of international norms in the form of inalienable rights derived from inherent dignity. It asserts, in no uncertain terms, that all persons—regardless of their culture, ethnicity, gender, nationality, etc.—are endowed with, and possess the capacity to discern, certain core rights by virtue of their humanity. This assertion (what Morsink labels the “doctrine of inherence”), has, in recent years, been the locus of mounting criticism from advocates of “Asian values.” They argue that the moral universalism in the UDHR is culturally insensitive to certain moral values that are uniquely Asian. While an argument from cultural relativism is a legitimate philosophical position, I contend that the issue of Asian values is based

on politics, and specifically the politics of repression associated with specific authoritarian Asian governments. I agree with U.S. Secretary of State Warren Christopher who, when addressing the issue of Asian values at the Vienna Conference on human rights, declared, “We cannot let cultural relativism become the last refuge of repression.” I believe the issue of moral universalism should be philosophically addressed, but an argument for relativism based on a political agenda should be recognized as such and debated appropriately in that context.

The issue of Asian values gained prominence at the 1993 Vienna World Conference on Human Rights (WCHR) when a group of Asian nations (led by China) argued that the concept of human rights in the UDHR was culturally insensitive. Their argument was that—despite the noteworthy contributions of Asian delegates on the drafting committee—certain rights delineated in the UDHR privilege western values over Asian values. They assert that the UDHR is too far-reaching, ethnocentric, and essentially a guise for contemporary western imperialism in Asia (Magnarella, 2004). In other words, it need not apply to Asia.

The formal position of this group of Asian nations was codified in Thailand as part of series of intergovernmental meetings occurring in a number of different countries in preparation for the WCHR. The so called Bangkok Declaration states that while some core human rights may be considered “universal in nature, they must be considered in the context of a dynamic and evolving process of international norm-setting, bearing in mind the significance of national and regional particularities and various historical, cultural, and religious backgrounds” (Boerefijn, 2009). The document contends that the UDHR focuses only on “one category of rights,” and ignores the rights of sovereign states to manage their own affairs with respect to matters such as economic development (Boerefijn, 2009). According to an entry in the *Max Planck Encyclopedia of Public International Law* (2009), the release of the Bangkok Declaration in advance of the

WCHR in Vienna “made clear that the WCHR would be filled with tensions and that the universality of human rights would be challenged: The author of the entry, Ineke Boerefijn, explains: “This was phrased most clearly in the Final Declaration of the Regional Meeting for Asia of the World Conference on Human Rights (‘Bangkok Declaration’). While reaffirming the universality of human rights, it stated that ‘they must be considered in the context of a dynamic and evolving process of international norm-setting, bearing in mind the significance of national and regional particularities and various historical, cultural and religious backgrounds’” (2009). In theory, advocates of Asian values have a legitimate philosophical argument on the grounds of cultural relativism. Again, cultural relativism is the view that one’s beliefs about religion, ethics, politics, etc. are relative to the larger cultural environment—and not some trans-cultural or absolute truth (Swoyer, Baghranian, & Carter, 2014). This is a valid position to assume, but it is not necessarily the genuine impetus for those arguing in favor of Asian values at the WCHR.

The Vienna Conference was the second global conference on human rights (the first conference was held in Teheran, Iran, in 1968 to mark the twentieth anniversary of the UDHR). The event in Vienna drew representatives from 171 nations and hosted more than 7,000 participants, making it the largest gathering on human rights in history (OHCHR, 1993). On the opening day of the event, U.S. Secretary of State Warren Christopher gave a speech in which he warned the attendees, “We cannot let cultural relativism become the last refuge of repression” (Sciolino, 1993). Christopher had only read the Bangkok Declaration when he spoke these words. And he rightly feared that the Asian values lobby—a group of delegates representing authoritarian countries with poor human rights records, countries such as China, Syria, Iran, Singapore, Malaysia, Yemen, and Cuba—would exploit cultural relativism in order to justify their repressive policies and disguise an entrenched unwillingness to change their long-

established practices and policies that trade the human rights of their peoples for fiscal profit. In other words, Christopher was concerned that a philosophically legitimate argument from cultural relativism would be used to camouflage the illegitimate continuation of human rights abuses. Most of the countries that comprise the Asian Values lobby simply do not want to sacrifice profit for greater civil liberties and rights (Sen, 1997, pp. 33-40). This is unfortunately not an unfamiliar position; it has precedence in the west.

The very idea of including a provision for human rights in the U.N. Charter (let alone the UDHR) was not on the minds of U.S. lawmakers until a dedicated grassroots movement successfully lobbied for it (Lauren, 2011, p. 147). The utopian writer and public intellectual H. G. Wells, for example, was an early human rights activist who led a “vigorous campaign” to bring public attention to the importance of human rights and the need to establish some sort of international document along the lines of the UDHR (Lauren, 2011, p. 147). He even went so far as to form his own committee of citizens to draft a “Declaration of Rights.” He published his own books and articles on the topic and lectured widely in both the U.S. and abroad. In *The Rights of Man or What Are We Fighting For?* He writes (1940): “There is no time to waste. Do not wait for ‘leaders.’ Act yourself” (Lauren, 2011, p. 147). According to the human rights historian Paul Gordon Lauren (2011):

He [Wells] made sure that *The Rights of Man* received widespread distribution throughout forty-eight countries and that his declaration was published in many different translations ranging from all the European languages to Chinese, Japanese, Arabic, Urdu, Hindi, Bengali, Gujarati, Hausa, Swahili, Yoruba, Zulu, and Esperanto. His ideas received considerable attention from the Western press . . . He spoke or corresponded with many leading figures of the time, including Franklin and Eleanor Roosevelt . . . Gandhi and Jawaharlal Nehru of India, and a number of philosophers in China . . . In addition, he conducted a highly publicized lecture tour throughout the United States, often bluntly criticizing what he regarded as the hypocrisies of the West and always raising his vision of international human rights for the world (2011, pp. 147-148).

Lauren goes on to describe the many different international NGOs and “individual crusaders” who joined Wells in this grassroots movement for human rights (2011, pp. 147).

In the summer of 1944, the Great Powers took part in a series of diplomatic meetings at Dumbarton Oaks⁷ in order to determine the parameters of a post-war international organization that would maintain world peace and security—what would eventually become the United Nations. The international movement for human rights had provided the Great Powers with the appearance of moral superiority over their wartime enemies. However, as the war came to a close, those same grassroots discussions on human rights became problematic for the Great Powers in that they presented a “troublesome mirror that reflected their own abuses and rights” (Lauren, 2011, p. 154). Lauren (2011) explains:

Irrespective of the significant differences between them on other matters, the Great Powers also agreed on their opposition to any meaningful provisions concerning international human rights. Despite all the solemn declarations, moving speeches, crusading rhetoric throughout the length of the “people’s war,” and even [President] Roosevelt’s own reported feeling that some provision about human rights was “extremely vital,” the movers and shakers at Dumbarton Oaks resisted the inclusion of articles in the charter that might involve giving the United Nations any authority to actually enforce rights (2001, p. 161).

The proposal that emerged from this meeting contained only one reference to human rights—“and that would be confined to general economic and social cooperation alone” (Lauren, 2011, p. 179). Like that of the Asian values lobby, the U.S. government’s reluctance to support a serious human rights provision in the U.N. Charter was based on a reluctance to invest the kind of resources that would be demanded from them should they be held accountable for denying the rights of African-Americans on the basis of race. In one sense the “people” were successful. Article 1 of the U.N. Charter (1945) states:

⁷ At that time Dumbarton Oaks was a residential estate in the Georgetown neighborhood of Washington, D.C. Today it is a research institute run by Harvard University.

WE THE PEOPLE OF THE UNITED NATIONS

DETERMINED . . .

to reaffirm faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women of nations large and small ... (1945).

According to Lauren, “Never before in history had any treaty ever given human rights such prominent place as did the Charter of the United Nations” (Lauren, 2011, p. 190). This, however, presented something of a paradox for governments like United States that had a history of racially based human rights violations. It was widely agreed, by various governments, that it was only practical to include a provision to address this paradox. Article 2 (7) reads (1945): “Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII” (1945). This tension between international norms and national sovereignty is recurring theme in this dissertation. In the context of Asian Values sovereignty being used to reject international human rights standards. According to Jack Donnelly, “Chinese officials and scholars in particular have insisted that ‘sovereignty is the foundation and basic guarantee of human rights’” (2003, p. 108). Donnelly makes the argument that what this claim amounts to is essentially a subordination of human rights to sovereignty, which is neither a “defensible conception of human rights” nor is there anything “distinctively Asian about a commitment to sovereignty” (2003, p. 108).

At the WCHR, China made the argument that “the major criteria for judging the human rights situation in a developing country should be whether its policies and measures help to promote economic and social progress” (Donnelly, 2003, p. 108). What this suggests is that net profit is apparently valued higher in Asia than the actual protection of individual rights. In an

article entitled “Human Rights and Asian Values,” the economist and Nobel laureate Amartya Sen argues that “the so-called Asian Values . . . are not especially Asian in any significant sense” (A. K. Sen, 2003). Sen reduces the argument for Asian values to a political apology for authoritarianism over democracy and a state-centric approach to economic development. Sen cites the example of the Buddhist King Aśoka (304–232 BCE) as just one of several historical Asian leaders who stood in opposition to the idea that individual rights should be subordinate to economic concerns. He explains (1997): “Ashoka commanded a larger Indian empire than any other Indian king . . . He turned his attention to public ethics and enlightened politics after being horrified by the carnage that he witnessed in his own victorious battle against the king of Kalinga, in what is now Orissa . . . Ashoka's championing of egalitarianism and universal tolerance may appear un-Asian to some commentators, but his views are firmly rooted in lines of analysis already in vogue in intellectual Buddhist circles in India in the preceding centuries” (1997). According to Sen, King Aśoka valued the welfare of his subjects and was willing to make financial sacrifices in order to protect them. Aśoka is just one example from Asian history that Sen uses to refute the authoritarian claim in the Asian values argument. Sen asserts that even if the argument from authoritarianism could be shown to be technically true, economic development cannot be considered a pre-condition for the protection of universal human rights. Sen concludes that the “grand dichotomy between Asian and European values adds little to our understanding, and much to the confounding of the normative basis of freedom and democracy” (1997). Sen is not the only Nobel laureate to dispute the argument made by proponents of Asian values.

Twelve Nobel Peace Prize winners choose to boycott the opening proceedings at the WCHR in protest to the U.N.'s decision to capitulate to Chinese pressure to ban the DL from

addressing the official non-governmental delegations *inside* the conference venue. The DL was, however, permitted to give a speech *outside* the conference hall at special area set up by

Amnesty International. In his speech he expresses strong opposition to the Asian Values lobby.

He said:

Recently some Asian governments have contended that the standards of human rights laid down in the Universal Declaration of Human Rights are those advocated by the West and cannot be applied to Asia and others parts of the Third World because of differences in culture and differences in social and economic development. I do not share this view and I am convinced that the majority of Asian people do not support this view either, for it is the inherent nature of all human beings to yearn for freedom, equality and dignity, and they have an equal [right] to achieve that. I do not see any contradiction between the need for economic development and the need for respect of human rights. The rich diversity of cultures and religions should help to strengthen the fundamental human rights in all communities. Because underlying this diversity are fundamental principles that bind us all as members of the same human family. Diversity and traditions can never justify the violations of human rights. Thus discrimination of persons from a different race, of women, and of weaker sections of society may be traditional in some regions, but if they are inconsistent with universally recognized human rights, these forms of behavior must change. The universal principles of equality of all human beings must take precedence (cited in Husted et al., 2012, p. xviii).

The DL makes no attempt to cloak his denunciation of the socio-political form of the argument from cultural relativism when he says that he does not support the view of “some Asian governments” who have challenged the standards of the UDHR on the grounds of “differences in culture and differences in social and economic development” (cited in Husted, W. R., Keown, D., & Prebish, C. S., 2012, p. xviii). “Diversity and traditions,” he asserts, “can never justify the violations of human rights. This is because, the DL explains, there are “fundamental principles that bind us all as members of the same human family” (cited in Husted et al., 2012, p. xviii).

The DL cannot accept the foundationalist’s appeal (to something metaphysically inherent to the human species that entitles its members to rights) without forsaking his own commitment to the anti-essentialism of the Madhyamaka. On what basis, then, does the DL claim there to be

“universal principles” underlying the diversity of culture? How does the DL rationalize moral universalism in light of the Madhyamaka assertion that all things lack intrinsic existence? This is the central question that any anti-foundationalist account of rights must address. The philosopher Richard Rorty, for instance, espouses a theory of truth that bears resemblance to the Madhyamaka. In the following section I draw a comparison between the DL and Rorty in terms of human rights. I think juxtaposing them will shed greater light on the nature of the problem, and perhaps also on the solution.

3. 2. Rorty on Human Rights and Moral Universalism

In an article entitled “Human Rights, Rationality, and Sentimentality” the American philosopher Richard Rorty presents an argument for an anti-foundationalist concept of human rights. Rorty’s article, which was originally presented in 1993 as part of the Amnesty Lecture series at Oxford University, questions the validity of the traditional concept of human rights. Rorty argues that all attempts to ground human rights in some sort of metaphysical foundation have failed. Rorty takes aim at the assertion that what all and only “featherless bipeds” have in common is a “special added ingredient” which puts them into a privileged ontological category. He writes:

Philosophers have tried to clear this mess up by spelling out what all and only the featherless bipeds have in common, thereby explaining what is essential to being human. Plato argued that there is a big difference between us and the animals, a difference worthy of respect and cultivation. He thought that human beings have a special added ingredient which puts them in a different ontological category than the brutes. Respect for this ingredient provides a reason for people to be nice to each other. Anti-Platonists like Nietzsche reply that attempts to get people to stop murdering, raping, and castrating each other are, in the long run, doomed to fail—for the real truth about human nature is that we are a uniquely nasty and dangerous kind of animal. When contemporary admirers of Plato claim that all featherless bipeds, even the stupid and childlike, even the women, even the sodomized—have the same inalienable rights, admirers of Nietzsche reply that the very idea of “inalienable human rights” is, like the idea of a special added ingredient, a laughably feeble attempt by the weaker members of the species to

fend off the stronger (1998, pp. 114-115).

Rorty believes that the Platonic attempt to ground human rights in a common human nature or “special added ingredient” is useless. He aligns his argument with that of the Argentinean philosopher Eduardo Rabossi, who, in an article entitled “Human Right Naturalized” asserts, “the question whether human beings really have the rights enumerated in the Helsinki Declaration is not worth raising” (1998, p. 115). It is not worth asking because, according to both Rorty and Rabossi, trans-cultural moral facts simply do not exist. For Rorty, the idea of “truth” is contingent on the consensus of a particular community. Rorty accepts the idea of rights while also rejecting the premise of universal human nature upon which to ground them (*i.e.*, inherent human dignity). In other words, he supports the spread of a human rights culture without the entailment of a foundation. Rorty instead relies on people’s ability to understand each other through a shared concept of pain, what he describes as a “sentimental education” (1993 p. 119). What he offers is therefore very similar to what I have suggested the DL believes. In this section I draw a comparison between Rorty’s project and that of the DL and Madhyamaka Buddhism explored here in this dissertation.

Rorty’s claim regarding the idea of “truth” is an epistemological point he pursues at great length in *Philosophy and the Mirror of Nature* (1979) and *Contingency, Irony, and Solidarity* (1989). When *Philosophy and the Mirror of Nature* was first published in 1979 it precipitated something of a hullabaloo in the American analytic tradition. In it Rorty criticizes the enterprise of “epistemologically centered” philosophy (*i.e.*, the analytic tradition). He argues that ever since Plato, this tradition has suffered under the aegis of the belief that there is a mind-independent, external reality that can be accurately represented through the medium of language. In other words, a “correspondence theory of truth” that (metaphorically speaking) takes the mind as a

kind of mirror for an *a priori* reality. Epistemologically centered philosophy thus becomes the metaphorical cleaning agent that can clarify one's mental representations of that reality—the “mirror of nature.” He writes: “The picture which holds traditional philosophy captive is that of the mind as a great mirror, containing various representations—some accurate, some not—and capable of being studied by pure, nonempirical methods” (1979, p. 12). Rorty wants to abandon this metaphor and everything that comes with it. He aims to dismantle architectonic theories (*i.e.*, the doctrine of inherence in the UDHR) that are built upon imaginary foundations (*i.e.*, inherent human dignity). In fact, he attacks the very attempt to justify knowledge claims based on metaphysical foundations. Furthermore, he denounces the discipline of philosophy's assumption of a privileged role vis-à-vis all other academic disciplines in adjudicating what counts as “truth.” Rorty makes his own type of two-truth distinction in terms of a pragmatic truth and a “capital ‘T’” truth. In *Contingency, Irony, and Solidarity* he writes:

We need to make a distinction between the claim that the world is out there and the claim that truth is out there. To say that the world is out there, that it is not our creation, is to say, with common sense, that most things in space and time are the effects of causes which do not include human mental states. To say that truth is not out there is simply to say that where there are no sentences there is no truth, that sentences are elements of human languages, and that human languages are human creations.

Truth cannot be out there - cannot exist independently of the human mind - because sentences cannot so exist, or be out there. The world is out there, but descriptions of the world are not. Only descriptions of the world can be true or false. The world on its own - unaided by the describing activities of human beings—cannot” (1989, p. 5).

Truth is nothing more than a property of sentences—a “compliment” we pay to sentences that *function* for us. He writes: “The notion of ‘accurate representation’ is simply an automatic and empty compliment which we pay to those beliefs which are successful in helping us do what we want to do” (1989, p. 10). There is simply no ultimate metaphysical foundation to our beliefs.

And there is no overarching theory about what sentences share—other than the fact that people believe them. In short, like the Madhyamaka School of Buddhism, Rorty claims that there is no such thing as intrinsic existence.

Rorty wishes to turn western philosophy away from debates that try to get to the bottom of things (*i.e.*, epistemological grounds or foundations for human rights). He recommends that we engage in a kind of “conversation,” the purpose of which is “consensus,” or just simply keeping the inquiry going without settling on false reifications of intrinsic foundations. “The way things are said,” he asserts, “is more important than the possession of truths” (1979, p. 359). In *Objectivity, Relativism and Truth* (1991), Rorty juxtaposes two very different ways of approaching life’s various social problems (*i.e.*, things like human rights violations). There is the “realist” who seeks solutions that correspond to the assumption of objective or intrinsic truths grounded in ahistorical foundations. And there is the “pragmatist” who rejects all such dualisms and strives instead to “contribute to a community” through solidarity (Rorty, 1991). He writes: “It was a mistake to make the natural scientist into a new sort of priest, a link between the human and nonhuman. So was the idea that some sorts of truths are ‘objective’ whereas others are merely ‘subjective’ or ‘relative’” (1991, p. 37). Rorty recommends a path—a *middle-way* of sorts—between the edifices (or could we say *extremes*) of objectivity and relativism. For Rorty this endeavor is more than mere intellectual sport. It is a process of “edification.” He explains:

I shall use “edification” to stand for this project of finding new, better, more interesting, more fruitful ways of speaking. The attempt to edify (ourselves or others) may consist in the hermeneutic activity of making connections between our own culture and some exotic culture or historical period, or between our own discipline and another discipline which seems to pursue incommensurable aims in an incommensurable vocabulary. But it may instead consist in the “poetic” activity of thinking up such new aims, new words, or new disciplines, followed by, so to speak, the inverse of hermeneutics: the attempt to reinterpret our familiar surroundings in the unfamiliar terms of our new inventions. In either case, the activity is (despite the etymological relation between the two words) edifying

without being constructive—at least if “constructive” means the sort of cooperation in the accomplishment of research programs which takes place in normal discourse. For edifying discourse is supposed to be abnormal, to take us out of our old selves by the power of strangeness, to aid us in becoming new beings (1979, p. 360).

Rather than trying to offer epistemological grounds or foundations for our beliefs like “human rights,” Rorty attempts to show, in the broadest sense possible, how our various practices hang together. For instance, Rorty looks at how reading literature can help promote sensitivity to human suffering (this is part of what he means by “sentimental education.” I will return to it below). Like the DL, Rorty identifies a persistent psychological tendency to cling to foundationalist metaphysics as integral to the creation of human suffering.

In *Contingency, Irony, and Solidarity* (1989), Rorty rebukes the attachment to what he calls a “final-vocabulary”—beliefs whose contingency is overlooked in exchange for a false sense of certainty derived from the reification of some sort of metaphysical foundation. Rorty writes: “All human beings carry about a set of words which they employ to justify their actions, their beliefs, and their lives. . . . They are the words in which we tell, sometimes prospectively and sometimes retrospectively, the story of our lives. I shall call these words a person’s ‘final vocabulary’” (1989, p. 73). Rorty explains that such vocabularies are “final” in that no non-circular argument can be made in defense of their intrinsic nature. In other words, a final vocabulary does not correspond to an absolute foundation. Rorty uses the word “ironist” to describe the person who, among other things, “does not think that her vocabulary is closer to reality than others, that it is in touch with a power not herself” (1989, p. 73.) The opposite of an ironist is what Rorty calls the “metaphysician.” He explains: “He [the metaphysician] assumes that the presence of a term in his own final vocabulary ensures that it refers to something which *has* a real essence. The metaphysician is still attached to common sense, in that he does not

question the platitudes which encapsulate the use of a given final vocabulary, and in particular the platitude which says there is a single permanent reality to be found behind the many temporary appearances” (1989, p. 74). I have already described how Rorty is a metaphysical anti-foundationalist. He also shares the Madhyamaka concern regarding the psychology behind the attraction of metaphysical foundations. The central issue for him is not metaphysics and epistemology per se, but more precisely the psychological mind-set that attempts to develop a “master-vocabulary” that purports to mirror the world in the first place. By the lights of Rorty, the attraction of a final theory of knowledge is really a “desire to find ‘foundations’ to which one might cling” (1979, p. 315). Rorty describes this as a “philosophical urge” or a “deep metaphysical need” for some sort of eternal basis that will validate and corroborate the veracity of one’s everyday beliefs and intuitions (1989, p. 46). Similarly, Tibetan Buddhists such as Dharma Rinchen, Tsongkhapa, and the DL all reject the notion of a capital ‘T’ truth, a capital ‘R’ reality, and a capital ‘S’ self. Descriptions of the world (*i.e.*, conventional truths) are ultimately all we have, but that is not an invitation to relativism or nihilism. Descriptions, like language itself, are contingent and therefore meaningful to those who rely and subscribe to them. Śāntideva provides the following encapsulation of the Buddhist diagnosis:

All harm, fear, and pain in this world comes from grasping to the self.
What is the use of this self—an evil demon! (*Bodhisattvacharyāvatāra* 8.134).

For Buddhists like the DL, the psychological urge to cling to Truth is identified as the cause of all human suffering. While this is usually framed in terms one’s own suffering, it can be applied to the kind of suffering caused by fundamentalists who commit crimes against humanity.

In the aforementioned essay from his Amnesty Lecture series, Rorty cites a report made by the American journalist David Reif to illustrate the problem with the foundationalist concept of human rights. In the report, cited by Rorty, Reif describes a truly horrific incident that

occurred during the war in Bosnia (1992-1995), in which Serbian soldiers forced a Muslim prisoner to castrate another Muslim captive with his mouth (*i.e.*, he was forced to bite his confederate's penis off). Rorty asserts that despite the obvious cruelty here, the Bosnian soldiers did not consider their actions to be a violation of the human rights of their prisoners because they did not recognize their prisoners as human! In other words, what Rorty is theorizing is that the Serbs believe that they cannot violate the *human* rights of the Bosnians since they do not regard them as fully "human." Rorty's point is not that the Serbs were exploiting some logical loophole. He is making a claim about the psychology behind human rights violations. What he saying is that the criterion for being "human," in this context, is simply a feeling of 'people like us' (Rorty 1993, p. 113). The Serbs do not consider the Bosnians to be like them—therefore they are not human. The fundamentalist mindset/self-habit perverts binary notions of what it means to be human. You either have the special ingredient (*i.e.*, dignity) that entitles you to rights, or you do not. Rorty explains:

The moral to be drawn . . . is that Serbian murderers and rapists do not think of themselves as violating human rights. For they are not doing these things to fellow human beings, but to Muslims. They are not being inhuman, but rather are discriminating between the true humans and the pseudohumans. They are making the same sort of distinction as the Crusaders made between humans and infidel dogs, and the Black Muslims make between humans and blue-eyed devils. The founder of my university was able both to own slaves and to think it self-evident that all men were endowed by their creator with certain inalienable rights. He had convinced himself that the consciousness of Blacks, like that of animals, "participate [s] more of sensation than reflection." Like the Serbs, Mr. Jefferson did not think of himself as violating human rights (Rorty, 1993, p. 112).

For Rorty, incidences like this provide clear evidence for the inadequacy of human rights foundationalism. If being human and having rights relies on metaphysically intrinsic foundation—a special ingredient—the ascription of being human is arbitrary and can taken away on whatever warped form of "rationality" a particular culture deems valid. This is precisely why

he argues against essentialism and believes that human rights cannot be justified on the basis of common rationality. Instead, Rorty suggests that we should embrace a more sentimental approach.

In an essay entitled, “Idealizations, Foundations, and Social Practices,” Rorty argues that human beings have the “ability to feel for, cherish, and trust people very different from ourselves” (Rorty, 1996). If it makes sense to say that Rorty has a “theory of human rights,” then this is it. There is no inherent human dignity, no inalienable rights, and no intrinsic foundation to morality. Rorty believes we should abandon these ideas and strive to instead to achieve a “human rights culture” grounded in empathy and compassion. “The emergence of the human rights culture,” he explains, “seems to owe nothing to increased moral knowledge, and everything to hearing sad and sentimental stories.” Stories, Rorty maintains, can achieve the same kind of “imagined empathy” Hunt asserts is responsible for the very emergence of the concept of rights in the first place. Moreover, Rorty believes that human rights violations are the result of a bias towards one’s own group affiliation (as evidenced in the story above). Those who commit such crimes do not recognize their victims as members of *their* moral community, and so those victims are therefore not entitled to the same rights. The solution Rorty offers is what he calls “sentimental education.” He argues that we should try to educate children—those who have not yet acquired prejudices from society—to extend their circle of moral concern to include diverse groups of people. We should focus on “manipulating sentiments” through the kind of stories Hunt describes as epistolary. Like the DL, Rorty believes that a human rights culture can only be achieved through a shared experience of pain and a capacity for empathy/compassion. However, unlike the DL, Rorty is loath to commit to the idea that humans have an essential nature. Moral sentimentalism has traditionally been an easy target for arguments based on some sort of bias or

essentialism. In the next section I explore moral sentimentalism and the DL's defense on the basis of our "shared humanity."

3.3. Positing our "shared humanity"

Moral sentimentalism is currently enjoying a bit of resurgence due in no small part to greater empirical research on the role that emotions play in the formation of moral judgments. Michael Slote, for instance, is just one of several contemporary philosophers who in recent years has picked up the banner of sentimentalism. In Slote's hands, Hume's sympathy-based moral theory is allied with Nel Nodding's feminist ideas regarding the ethics of care and Martin Hoffman's psychological research on the development of empathy in children. The result is a thoroughgoing *neo*-sentimentalism that identifies empathy as the emotional locus for both normative ethical actions and metaethical terms. In *The Ethics of Care and Empathy*, Slote contends that moral judgments are based on empathizing with others. He writes: "Actions are morally wrong and contrary to moral obligation if, and only if, they reflect or exhibit or express an absence (or lack) of fully developed empathetic concern for (or caring about) others on the part of the agent: (Slote, 2007, p. 31). In Slote's view, actions are morally right if they "reflect or exhibit" an attitude of empathetic caring on behalf of the individual, and morally wrong if they similarly lack this attitude. This is not entirely the same view of "sympathy" posited by Hume, but it does draw from the same basic presupposition that empathy/sympathy is integral to moral judgments. Moreover, it also shares some common ground with the DL's notion of a "shared humanity" that I discuss below. The point is that any moral claim made on the basis of sentimentalism must entail some sort of an appeal to a common human essence of some sort.

The philosopher David Sidorsky claims that the moral basis for ethical sentimentalism lies in Hume's assertion that the "original distinction between vice and virtue lies not in the

relation of ideas, but comes out of the ‘fabric and constitution’ of the human species” (Sidorsky, 2009). Hume explains this claim in *A Treatise of Human Nature* as follows:

Take any action allow'd to be vicious: Willful murder, for instance. Examine it in all lights, and see if you can find that matter of fact, or real existence, which you call *vice*. In which-ever way you take it, you find only certain passions, motives, volitions, and thoughts. There is no other matter of fact in the case. The vice entirely escapes you, as long as you consider the object. You never can find it, till you turn your reflection into your own breast, and find a sentiment of disapprobation, which arises in you, towards this action. Here is a matter of fact; but 'tis the object of feeling, not of reason. It lies in yourself, not in the object. So that when you pronounce any action or character to be vicious, you mean nothing, but that from the contemplation of it (Hume 1738/2000, p. 301; SB 469).

Hume argues that the basis for virtue and vice does not exist as a “matter of fact,” but lies in the feeling of *approbation* and *disapprobation* in one’s “own breast.” Hume avoids the relativism associated with what philosophers call the “hurrah/boo” theory of “emotivism” by grounding these moral sentiments in the “general survey of the universe.” In the *Treatise* he writes: “The pain or pleasure, which arise from the general survey or view of any action or quality of the *mind*, constitutes its vice or virtue, and gives rise to our approbation or blame, which is nothing but a fainter and more imperceptible love or hatred” (Hume 1738/2000, p. 391; SB 614).

Hume’s concept of the general survey universalizes a set of core human moral sentiments in order to achieve a kind of moral objectivity. This is not, however, based on preferences (*i.e.*, hurrah/boo theory), but on the “particular fabric and constitution of the human species.” The general survey is therefore not a poll of opinions; it is an appeal to the universal physiology or epistemological framework of the human species. Hume defends himself against the accusation from emotivism by arguing that there are certain core universal feelings that are innately tied to the biology of the human species. Human beings, despite their cultural diversity, have a common constitution that gives shape to a set of fundamental feelings about what is morally “right” and “wrong.” Hume writes in *An Enquiry Concerning the Principles of Morals* (1751):

There has been a controversy started of late, much better worth examination, concerning the general foundation of MORALS; whether they be derived from REASON, or from SENTIMENT; whether we attain the knowledge of them by a chain of argument and induction, or by an immediate feeling and finer internal sense; whether, like all sound judgment of truth and falsehood, they should be the same to every rational intelligent being; or whether, like the perception of beauty and deformity, they be founded entirely on the particular fabric and constitution of the human species (1751, p. 2, section 1).

Hume believes that ethics are determined by universal human sentiments that are derived from a common “structure and fabric” of the mind. This is essentially the same claim the DL makes when he justifies his “ethics for a whole world” on the basis of “our shared humanity” (2011).

In his “Message on the 50th Anniversary of the Universal Declaration of Human Rights” the DL said the following: “Whether we like it or not, we have all been born into this world as part of one great human family. Rich or poor, educated or uneducated, belonging to one nation or another, to one religion or another, adhering to this ideology or that, ultimately each of is just a human being like everyone else. We all desire happiness and do not want suffering” (Gyatso, 1998). The concept of a shared humanity is based on the most fundamental human yearning for happiness and a vulnerability to suffering. The DL’s appeal to a shared humanity, like the general survey, implies that core morality is relative to the universal “fabric and constitution” of the human species. Though the DL “brackets out karma” in his secular ethics, the traditional Buddhist account of one’s shared humanity usually incorporates some discussion of how karma works. Buddhist cosmology describes how an individual’s rebirth as a human being (*i.e.*, the facts about one’s human physiology) is dictated by one’s “throwing karma” (*’phen byed kyi las*). A belief in karma presupposes that consciousness continues beyond the biological demise of the body. That belief, however, is not critical to the point that I am arguing. When the DL cites our shared humanity as a foundation for ethics, it is not in association with the presupposition of rebirth. He writes: “Despite all the characteristic that differentiate us—race, language, religion,

gender, wealth, and many others—we are all equal in terms of our basic humanity. And this equality is corroborated by science. The sequencing of the human genome, for example, has shown that racial difference constitutes only a tiny fraction of our genetic makeup, the vast majority of which is shared by all of us. In fact, at the genome level, the difference between individuals appear more pronounced than those between different races” (2011, p. 29). The DL grounds his notion of shared humanity in the Humean concept of a universal “fabric and constitution” to the human species. The claim is that we all share a common core moral epistemology based on being a human being. This is not equivalent to asserting an intrinsic truth. This type of moral universalism is indeed relative—it is relative to the human species. This how and why the DL can make assertions such as the following: “The time has come, I believe, for each one of us to start thinking and acting on the basis of an identity rooted in the phrase “*we* human beings” (2011, p. 29). The DL believes that thinking in terms of the first-person plural is justifiable on the basis of our shared humanity. Moreover, as we saw in the writings of Śāntideva above, thinking in terms of a “we” has the very skillful effect of enlisting the self-habit in the service of helping others. Rorty discusses a similar idea in his writings on ethics that he calls the “we-statement.”

In *Contingency, Irony and Solidarity* (1989), Rorty argues for a conception of “solidarity” that subsumes the “other” by means of an empathetic understanding of his or her suffering. He writes:

It [solidarity] is to be achieved not by inquiry but by imagination, the imaginative ability to see strange people as fellow sufferers. Solidarity is not discovered by reflection but created. It is created by increasing our sensitivity to the particular details of the pain and humiliation of other, unfamiliar sorts of people. Such increased sensitivity makes it more difficult to marginalize people different from ourselves by thinking, “They do not feel it as we would,” or “There must always be suffering, so why not let them suffer?” . . . This process of coming to see other human beings as “one of us” rather than as “them” is a matter of detailed

description of what unfamiliar people are like and of redescription of what we ourselves are like (1989, p. xvi).

Rorty derives his account of solidarity from Wilfred Sellers' thesis that the substance of morality rests on "we-intentions" or "we-statements." That is to say, the essence of what we refer to as an "immoral action" can be expressed as just "the sort of thing we don't do" (Rorty, 1989, p. 59). We-intentions or we-statements are basically sentences geared to exploit one's pre-given affiliation with a particular group (*i.e.*, one's country) as a way gaining solidarity with others. Rorty believes that the application of we-statements can have an immediate and marked affect on an individual's capacity for altruism. Rorty is generally adverse to any assertion that seems to reify a common essence to human beings (I discuss this more fully below). Furthermore, the Madhyamaka is equally wary of committing the sin of reifying essences. Hence the DL's "second pillar" of his ethics, after shared humanity, is interdependence. The DL writes: "From these two principles [shared humanity and interdependence] we can learn to appreciate the inextricable connection between our own well-being and that of others, and we can develop a genuine concern for others' welfare. Together, I believe, they constitute an adequate basis for establishing ethical awareness and the cultivation of inner values. It is through such values that we gain a sense of connection with others, and it is by moving beyond narrow self-interest that we find meaning, purpose, and satisfaction in life" (2011, p. 19). The implicit assumption in both Rorty's and the DL's approaches to ethics here is that human beings are inherently vulnerable to suffering. This is an important point that the sociologist Bryan Turner also uses in his work on developing a sentimental theory of human rights.

In his article entitled "Outline of a Theory of Human Rights," Turner argues that the existing concept of national citizenship does not adequately protect the "embodied frailty" of the human species (1993, p. 489). Turner argues that the various social institutions associated with

the nation state are “precarious,” as well as historically and culturally specific. What is needed, Turner asserts, is a robust theory of human rights that recognizes and protects the “shared vulnerability” of all human beings. Turner explains that “relativistic sociology” has eroded the viability of the traditional natural-law foundation for human rights. To fill this lacuna, he offers a new “sociology of rights” based on the inherent frailty of the human body and the need for a more cosmopolitan ethic that recognizes the inevitability of overlapping societies. In his book *Vulnerability and Human Rights*, Turner cites the example of the disability movement and explains how in recent years it has lobbied for human rights over civic entitlements on account of the beleaguered condition of national social institutions for the handicapped. Turner, like Rorty and the DL, wishes to augment the protections guaranteed by national citizenship with a more cosmopolitan theory based on shared vulnerability, or frailty. He explains: “Human beings are frail, because their lives are finite, because they typically exist under conditions of scarcity, disease and danger, and because they are constrained by physical processes of ageing and decay” (1993, p. 501). Turner aligns himself with the philosophical anthropology of Arnold Gehlen, which he says is largely based on Friedrich Nietzsche’s idea that human beings are not fully complete animals. Turner identifies three dimensions in Gehlen’s philosophy that contribute to his frailty thesis. He writes:

First, human beings are ‘prematurely’ brought into the world, as an accident of their evolution towards an upright posture, and therefore they are socially dependent on society and culture for a long period during maturation . . . Secondly . . . they do not have a stable instinctive baggage; they experience deprivation or lack of instincts (*Instinktarmut*), for which social institutions provide a substitute apparatus. Finally . . . human ‘character’ has been replaced by a fluid ‘personality’ which corresponds to an equally uncertain, deinstitutionalized social reality (Turner 1993a, p. 181).

The reader will recall the context of the Gautama’s existential crisis in the *Life of Buddha*: It was in response to his discovery of old age, sickness, and death that prompted him to seek out a

solution that transcended the powers of a temporal king. Turner advances a theory of human rights that also attempts to transcend the inadequacies of our provincial social institutions. Turner highlights the importance of recognizing our shared vulnerability as members of the human species, not just of any one particular cultural or ethnic group. Like the DL, Turner sees the cultivation of empathy and compassion as the mechanism for realizing this more cosmopolitan perspective. He writes:

Human beings will want their rights to be recognized because they see in the plight of others their own (possible) misery. The strong may have a rational evaluation of the benefits of altruistic behaviour, but the collective imperative for other-regarding actions must have a compassionate component in order to have any force. The strong can empathise with the weak, because their own ontological condition prepares them for old age and death. There may be a rational component to these anticipations of future dependency, but the limitations of utilitarianism is to imagine that all altruistic acts are in fact egoistical and individualistic. More importantly, sympathy is crucial in deciding to whom our moral concern might be directed (1993, p. 506).

According to Turner, “collective sympathy” is the basis for forming the type of moral communities that support the concept of human rights. In other words, a human rights culture is realized through enhancing people’s sensitivity to the plight of others. And this works because we share a common vulnerability or humanity that is universal.

The philosopher Jesse Prinz believes that while our moral judgments may be based on emotional responses, these responses are the result of culture, and not an innate trait stemming from natural selection. Moreover, he asserts that empathy plays no important role in such judgments. In fact, he thinks empathy has a “dark side” in that it contributes to a destructive moral bias. He argues that “proximity bias” leads us to allocate for those near and dear (*i.e.*, one’s “in-group”), but not others (*i.e.*, one’s “out-group”). “Empathy,” he says, “leads you to prefer those you identify with and not those who are justified” (Prinz, 2010). This presents an obvious problem for proponents of the empathy-altruism hypothesis. I think that the schema of

moral development explored here challenges the notion that one's circle of empathetic concern is limited to those relations towards which one has a natural affinity. The technical term for this is "equanimity."

Buddhist "equanimity" (*upekṣā*) is traditionally presented as one of the "four immeasurable" virtues in mainstream Buddhism or Theravāda Buddhism. In Mahāyāna Buddhism, there are at least three distinct types of equanimity, and within that there are many levels. The "highest" form is a mental state characterized by the absence of any attitude of attachment or anger for the other, irrespective of who the other is. While this may seem to imply that Buddhism aims to cultivate a blind impartiality, it should be emphasized that the purpose of equanimity is not to dictate moral decisions, but to provide a stable and unbiased mental platform for the subsequent generation of empathy, compassion, and love. Moreover, at least within the Madhyamaka account, veridical conventions are still relevant in a cosmopolitan world. Establishing equanimity merely ensures that ultimately one's emotions will not be tainted by the kind of irrational impartiality that feeds destructive attitudes.

Chapter conclusion

The debate between moral universalism and relativism is a topic of great attention in human rights theory. In this chapter I examined it in terms of Asian values and then of moral sentimentalism. With regard to the former, I argued that while an argument from cultural relativism is philosophically important, the so-called issue of Asian values is not. It is, instead, a political debate based on the reluctance of certain authoritarian Asian governments that do not wish to make the economic and humanitarian sacrifices necessary in order to implement the rights delineated in the UDHR. This is, unfortunately, an all-too-familiar position that is not unprecedented in the west. Nevertheless, I believe philosophy is being held hostage by the

leaders of these authoritarian governments, who cloak their agenda behind pseudo arguments from cultural relativism. The DL has said as much in his speeches and clearly supports a moral universalism based on our “shared humanity.” His position, I contend, is similar to that of Richard Rorty. I compare them in order to further illuminate the nature of the Tibetan Buddhist position vis-à-vis rights. Moreover, I have tried to show how a moral sentimentalism can be justified within a system of thought that upholds a metaphysics of anti-essentialism. In the following chapter I further pursue this sentimentalist line of inquiry within Tibetan Buddhism and human rights more fully.

Chapter 4: Safeguarding Rights with Empathy

Chapter outline

- §4. 1. *Batson's Empathy-Altruism Hypothesis*
 - §4. 2. *The spectrum of altruism in Tibetan Buddhism*
 - §4. 3. *Feeling Empathy As-, For-, and With the Other*
 - §4. 4. *Mirroring and Equalizing Self and Other*
 - §4. 5. *Perspective-Taking and Exchanging Self and Other*
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In May of 1993, the Dalai Lama visited the Auschwitz-Birkenau State Memorial and Museum in Oświęcim, Poland. The trip is briefly recounted in his monograph on secular ethics, *Ethics for the New Millennium*:

On a recent trip to Europe, I took the opportunity to visit the site of the Nazi death camp at Auschwitz . . . Events such as those which occurred at Auschwitz are violent reminders of what can happen when individuals—and by extension, whole societies—lose touch with basic human feeling. But although it is necessary to have legislation and international conventions in place as safeguards against future disasters of this kind, we have all seen that atrocities continue in spite of them. *Much more effective and important than such legislation is our regard for one another's feelings at a simple human level* (2001, p. 64) [italics mine].

The DL believes that “our regard for one another’s feelings” is “more effective and important” than conventional human rights legislation. He asserts, “when divorced from basic human feeling the potential for destruction cannot be overestimated” (2001, p. 72). He qualifies this “regard for one another’s feelings” as a “sensitivity toward other’s suffering” that comes from “the capacity we all have to empathize with one another” (2001, pp. 64-65). The DL recommends that this capacity for empathy be enhanced or developed through formalized training. Empathy, by the lights of the DL, enables an individual to discriminate between right and wrong. He writes:

[H]ow are we to determine whether an act is genuinely non-harming? We find

that in practice, if we are not able to connect with others to some extent, if we cannot at least imagine the potential impact of our actions on others, then we have no means to discriminate between right and wrong, between what is appropriate and what is not, between harming and non-harming. It follows, therefore, that if we could enhance this capacity—that is to say, our sensitivity toward others’ suffering—the more we did so, the less we could tolerate seeing others’ pain and the more we would be concerned to ensure that no action of ours caused harm to others (2001, pp. 72-73).

Make no mistake: The DL believes that legislation is a necessary condition for protecting human rights. In the passage above he says “it is necessary to have legislation and international conventions in place as safeguards” (2001, p. 64). His contention is that the enhancement of the human capacity for empathy is the sufficient condition for the kind of prosocial or moral behavior that is congruent with the function and purpose of human rights. He asserts that this developed capacity for empathy is the mechanism for determining right from wrong. He writes above “if we are not able to connect with others . . . then we have no means to discriminate between right and wrong” (2001, p. 73). These are not uncontroversial claims. In the previous chapter I suggested that empathy and compassion counteract the fundamentalist mindset. However, the thesis that feelings of empathy engender altruism and the kind of behavior that recognizes the rights of others is a topic of debate in western moral philosophy and psychology. If the DL’s claim is to be taken seriously and operationalized toward a Buddhist philosophy of human rights, it must be evaluated from within an interdisciplinary context that considers both native Buddhist and contemporary western discourse.

I begin this chapter with an explication of the “empathy-altruism hypothesis” (hereafter the EAH). I discuss some of the research done by the social psychologists Daniel Batson in support of the EAH, as well as detractors like Robert Cialdini who dispute the EAH. Cialdini contends that Batson mistakes a feeling of “merged conceptual identity” for empathy in his test subjects, thereby misidentifying their ultimate aim as *other*-oriented when in fact it is based on

an expanded *self*-interest (Maner et al., 2002). I argue that Cialdini’s criticism is valid inasmuch as it indicates the practical value of the Tibetan Buddhist strategy to manipulate psychological egoism in order to promote prosocial behavior. This idea is somewhat unique to Tibetan Buddhism and is a central part of its “mind training” tradition. However, in order to understand how this strategy of manipulation works, it is necessary first to consider the wide spectrum of different types of “conventional altruism” (*kun rdzob sems bskyed*) in Tibetan Buddhism that admit varying degrees of psychological egoism, or “self-grasping” (*ātma-graha*) (*i.e.*, “ego-grasping” and the “self-habit”). “Pure altruism” (*don dam sems bskyed*) exists in Buddhism, but it requires the full development of one’s capacity for empathetic concern through “mind-training” (*blo sbyong*). I examine the Tibetan Buddhist concept of empathy and compare it to those in western discourse. I then return to a discussion of the aforementioned strategy to exploit psychological egoism by making a close reading of select verses from Śāntideva’s *A Guide to the Bodhisattva’s Way of Life* (*Bodhicaryāvatāra*). I conclude that there is indeed legitimacy to the DL’s claim regarding the effectiveness of empathy over legislation. And this lends support to western empathy-based theories of human rights, as well as to postwar reconciliation efforts that use empathy to “rehumanize” former combatants (Halpern and Weinstein, 2004).

4.1. Batson’s Empathy-Altruism Hypothesis

C. Daniel Batson is a social psychologist at the University of Kansas who has dedicated his entire career to testing the EAH in various laboratory experiments. Batson describes the EAH as follows: “It claims that empathic concern (other-oriented emotion felt for someone in need—sympathy, compassion, tenderness, and the like) produces altruistic motivation (a motivational state with the ultimate goal of increasing the other’s welfare)” (1991, p. 107). After more than 40 years of research, Batson is confident that his findings confirm that feelings of empathetic concern do in fact lead to altruism. “Empathetic emotion,” he asserts, “evokes a truly altruistic

motivation, a motivation with an ultimate goal of benefiting not the self but the person for whom empathy is felt” (1991, p. 107). Over the years, Batson has refined his concept of empathy and prefers to describe it as a “feeling *for* the other”—an “other-oriented emotion elicited by and congruent with the perceived welfare of someone in need” (2011, p. 11). Batson delineates “four points” to help clarify this more nuanced understanding. These are important, but I reserve my analysis of them for the section below in which I delve more deeply into the various western and Buddhist conceptions of empathy. Here, it is enough to know that Batson’s notion of empathetic concern is distinct from “a state of distress evoked by witnessing another’s distress” (Batson 2011, p. 9). According to Batson the type of empathy that produces altruism is a feeling *for* the person in need, and not a feeling *as* the person or *by* the person. Feeling *as* or *by* the person is a problem for Batson because it might entail behavior that appears to be other-oriented, but is merely an egoistic response to feeling distress *as* the other experiences distress, or feeling distress caused *by* the other feeling distress. In other words, prosocial behavior that is caused by feeling *as* or *by* the person in distress is not sufficiently other-oriented to engender pure altruism.

Altruism has traditionally been a marginal proposition in western psychology. Matthieu Ricard is a French Buddhist monk in the tradition of the Dalai Lama who also happens to hold a doctorate in biology. In 2010, Ricard participated in a panel discussion with Batson at the Mind and Life Conference on “Altruism and Compassion in Economic Systems” in Zurich, Switzerland. Ricard has also helped design (and at times participate in) a few of the recent experiments on Buddhist meditation. He asserts: “[The EAH] is certainly not part of mainstream western psychology, in which the dominant view is that of universal egoism. According to the latter view, any seemingly altruistic behavior must have been driven by some kind of selfish motivation: ‘Scratch an altruist, and watch the hypocrite bleed’” (Evans 2014).

Many in psychology are equally dubious of the idea of pure altruism. This is often framed in terms of the so-called altruism question.

The “altruism question” in social psychology asks whether all prosocial behavior (*i.e.*, helping others) is ultimately motivated by *self*-interest or *other*-interest. The contrarian viewpoint to this is “psychological egoism,” which claims that human nature is naturally self-interested. Similarly, “universal egoism” says that people’s actions have but one single and ultimate aim—their own welfare. What is meant by “ultimate” is that it is one’s most basic desire, a non-instrumental desire for something *for its own sake*, and not just a means to something else. This implies that even those actions that are ostensibly intended to benefit others are ultimately always in the service of oneself (*i.e.*, the self-oriented distress evoked *by* empathizing with another’s suffering). If universal egoism is true, then pure altruism does not exist. This is why Batson qualifies empathetic concern as being *for* the person in distress. If it were the case that empathy was simply a feeling *as* or *by* the other person, then it could be argued that the ultimate aim of his or her prosocial behavior is merely a self-oriented desire to be free of that undesirable feeling of distress.

Psychological egoism has been the prevailing opinion in social psychology throughout most of Batson’s career. Even Batson admits to having endorsed it when he first entered the field. He describes his change of heart in a paper he presented in 2008 at the Inaugural Herzliya Symposium entitled “Empathy-Induced Altruistic Motivation.” He writes: “To be honest, I started with a clear bias. I thought altruism was a myth . . . I assumed that everything we humans do, no matter how beneficial to others, is really directed toward the ultimate goal of one or more forms of self-benefit. But over the years, I have come to believe this assumption was wrong. What caused me to lose my faith in universal egoism? My downfall was a series of experiments

that colleagues and I conducted to test the empathy-altruism hypothesis” (2010, pp. 15-16). Batson has designed and conducted probably more experiments on the EAH than any other social psychologist. In general, his experiments entail exposing test subjects to what he calls “high empathy” conditions; a set of circumstances in which people’s feelings are manipulated in order to evaluate whether or not their experience of empathy for another person leads them to perform actions in a manner that seems to take the welfare of that other person as their own ultimate aim (Batson & Shaw, 1991). Since it is extremely difficult—if not impossible—to observe the actual brain states and private motives of test subjects in this context, the evidence Batson has collected in support of the EAH is largely based on inferences made from observing the behavior of test subjects. Batson recognizes three principles that are important to keep in mind when considering the veracity of his research:

First and most obviously, we do not observe another person's goals or intentions directly; we infer them from the person's behavior. Second, if we observe only a single behavior that has different potential ultimate goals, the true ultimate goal cannot be discerned. It is like having one equation with two unknowns; a clear answer is impossible. Third, we can draw reasonable inferences about a person's ultimate goal if we can observe the person’s behavior in different situations that involve a change in the relationship between the potential ultimate goals. The behavior should always be directed toward the true ultimate goal (1991, p. 110).

In a nutshell, Batson adds and removes variables in order to infer the ultimate aims of his test subjects. When Batson exposes a test subject to high empathy conditions, it usually means clandestinely increasing the level of “similarity manipulation” between the test subject and the “target” person who appears to be in need of help (Batson, 2014). It is not uncommon in social psychology for scientists to conduct experiments that employ subterfuge to elicit genuine and candid behavioral responses from their test subjects. In this case, test subjects were given bogus instructions that led them to believe they were participating in one experiment, when in fact the real experiment was being conducted unbeknownst to them.

In the genuine experiment, test subjects were presented with what appeared to be an unplanned set of circumstances: an actor, playing the role of “Elaine,” pretended to be participating in an experiment involving exposure to a series of mild electric shocks (not unlike the controversial Milgram experiments, in which actors were enlisted to feign exposure to electrical shocks for the benefit of real test subjects). At a pre-planned moment, it was casually mentioned that Elaine had certain values and interests that either matched or did not match those of the actual test subject (her background information having been previously collected under the guise of preliminary paperwork for the decoy experiment). This exchange of common values and interests is the first independent variable in the experiment. According to Batson, homogeneity in values and interests generates a sense of identification that creates “high empathy conditions.”

Next, the test subject bears witness to Elaine receiving the phony series of mild electrical shocks, at which point, Elaine volunteers a scripted childhood memory about being thrown from a horse onto an electric fence while riding in the countryside. The implication is that this traumatic memory may cause her to experience unintended mental stress due to a negative association with the electricity. The presiding scientist then intervenes and offers to let the real test subject exchange places with Elaine. Whether or not the test subject opts to do this is, according to Batson, the crucial behavioral indication of altruism.

In a second experiment another independent variable was added that enabled test subjects an easy escape. Half the test subjects were told Elaine’s experiment would either go on for an indeterminate period of time, or end soon (the latter being the easy-escape scenario). Batson’s findings indicated that if empathy conditions were high (*i.e.*, strong corresponding values and interests), then subjects were inclined to exchange places with Elaine—even if an easy escape was offered (*i.e.*, they were told the experiment would end soon). When empathy conditions

were low, however (and there was an easy-escape option), subjects chose not to switch places with Elaine. This indicated, at least to Batson and his team, that empathy was the causal mechanism for an altruistic motivation. Batson inferred that those test subjects who felt increased levels of empathy were more willing to take Elaine's place and experience the discomfort of the electrical shocks in order to prevent her from experiencing unnecessary mental stress (Batson, et al., 1981).

Batson is not the only social psychologist who supports the EAH (Dovidio, Allen & Schroeder, 1990; Krebs, 1975; Eisenberg & Miller, 1987). But critics of the EAH have proposed alternative egoistic interpretations of Batson's findings. The psychologist Robert B. Cialdini is among the most outspoken. He argues that Batson mistakes a sense of "merged identity," or "oneness" between self and other, for empathetic concern. He contends that Batson's test subjects did not transcend their psychological egoism, but merely redefined the parameters of their conceptual identity to include the other within an expanded sense of "self." In a paper he co-wrote with others, Cialdini asserts: "Helping someone with whom one feels a sense of merged identity cannot be viewed as altruistic because in such a case helping another would be helping oneself" (Maner, et al., 2002, p. 1601). In other words, the prosocial behavior recorded by Batson may have been the result of an expanded sense of *self*-interest—and not the *other*-interest necessary to altruism. This criticism is not entirely unlike the previously mentioned problem regarding feeling personal distress *with* or *by* the person in the need.

What intrigues me most about Cialdini's criticism of Batson is his notion of a feeling of a sense of "merged identity." Cialdini is not simply reducing empathy to a feeling *as* or *by* the other person. His assertion is that those test subjects whom Batson believes are acting out of other-interest are in fact responding to an expanded sense of conceptual identity, a redefinition of

the “self” that is larger and more inclusive of the welfare of others (Cialdini et al. 1997, 482). Though Tibetan Buddhism does not share Cialdini’s dismissal of the possibility of pure altruism, I think his assessment of a sense of merged conceptual identity bespeaks the effectiveness of the strategy in the mind-training literature that recommends manipulating one’s sense of self and egoistic tendency (*i.e.*, the self-habit) in order to promote prosocial behavior and “conventional altruism.”

In the following section, I examine the Buddhist concept of altruism in order to more fully contextualize the DL’s claim regarding the enhancement of the human capacity for empathy as an effective safeguard of human rights. While this account is undeniably soteriological, I argue that it has the potential to push the contemporary secular conversation toward a revised and more nuanced conception of altruism that is indexed to one’s aptitude for empathetic feelings, or simply to his or her level of ego-grasping.

4.2. The spectrum of altruism in Tibetan Buddhism

“Psychological egoism” is often conflated with “ethical egoism.” The distinction is that the former is a *descriptive* account of human nature as self-interested, and the latter refers to the *prescriptive* normative theory of ethics that one ought to do what is in his or her own self-interest. In other words, psychological egoism is not a value-oriented ethical premise. Nevertheless, psychological egoism still suffers an image problem in folk psychology; many respond very negatively to the proposition that humans are ultimately self-interested. In the previous chapter, I described the fundamentalist mindset that Tibetan Buddhism associates with the tendency to reify beliefs—the human tendency to cling to “truth” (whether it be a foundation or lack thereof). According to the diagnosis of the self-habit, this problem does not arise from what one believes, but rather from *how* one believes (*i.e.*, how one relates to those beliefs). This

teaching can also be applied to the strong folk psychological dichotomy between egoism and altruism. There are in Tibetan Buddhism many altruisms—a graduated spectrum of different kinds of altruism pervaded by varying degrees of egoism. This schema presents a fruitful challenge to the reification of pure altruism and universal egoism and has the potential to help generate a new, more nuanced, secular concept of altruism that corresponds to one’s aptitude in empathy-based meditation—and the degree to which individuals reify phenomena.

According to Tibetan Buddhism, it is nonsensical to posit “pure altruism” without having first achieved at least some degree of insight into the nature of the self, or, more specifically, a “yogic direct perception” (*rnal ‘byor mngon sum, yogi pratyakṣa*) of emptiness. The tendency to reify the “self” (*ātmagraha*) (*i.e.*, “ego-grasping” and the “self-habit”) is so basic to the human condition that refuting its existence would entail a commitment to a radically different state of being. One may have an innate capacity for empathy and altruism, as the DL suggests (2001), but, with rare exception, that predisposition requires formal development. To think otherwise would be like expecting a child to be able to play the piano without ever having taken a lesson. Once in a while, you might encounter a prodigy like Mozart, but the vast majority of people need to invest tremendous time and effort in their musical training in order to attain proficiency and expertise. Buddhists believe that the tendency to reify the self is so deeply ingrained that its eradication requires both intellectual therapy (*i.e.*, study and debate), as well as an embodied performance in the form of meditative equipoise. The aforementioned yogic direct perception is a threshold experience that occurs in one’s meditation practice. It identifies whether a practitioner’s motivation as inexorably moving toward genuinely purer forms of altruism or not. One must have a valid experiential understanding of the nature of things in order to honestly cultivate altruism. Buddhist teleology dictates that this is a graduated process wherein the

practitioner gradually enhances his or her capacity for empathy and altruism in order to achieve the kind of pure altruism in which one's ultimate aim is truly other-oriented. And though such "gradualism" is firmly embedded in Buddhist soteriology, it does not necessarily require a faith in the religious beliefs of rebirth and karma, the most contentious presuppositions vis-à-vis western secularism. (This is why the DL says he "brackets them out" in his writings on secular ethics and science (Gyatso, 2006)). What gradualism does demand, however, is a belief in the inherent mutability of one's capacity for altruism, and the potential for an individual to gain greater self-regulation over the nature of his or her ultimate aim. And this, it seems, is becoming less of a leap with the advent of new research on the brain.

In recent years, the debate regarding the EAH in psychology has been somewhat overshadowed by the rise of neurobiological research on those areas of the brain scientists believe are responsible for feelings of empathy (*i.e.*, the insula and anterior cingulate cortices) (Decety and Ickes, 2011, p. 77). Because the cultivation of empathy and compassion are integral to Buddhist practice, some researchers have enlisted Buddhist practitioners to be subjects in their experiments. For instance, the team of A. Lutz, J. Brefczynski-Lewis, T. Johnstone, and R. J. Davidson has dedicated considerable time to trying to understand the nature of empathy by looking at the brain scans (*i.e.*, functional magnetic resonance imaging (fMRI)) of Tibetan Buddhist monks in meditative equipoise on "loving-kindness-compassion." From their findings, they have drawn the conclusion that Buddhist empathy-/compassion-based meditation "enhances affective processing" in the aforementioned areas of the brain in a manner that is indexed to one's degree of expertise in meditation (Lutz, Brefczynski-Lewis, Johnstone, & Davidson, 2008). In other words, those subjects with extensive training in empathy-/compassion-based Buddhist meditation display elevated activity in the brain circuits believed to be associated with

empathy. Empathetic concern is, according to Lutz et al., something Tibetan Buddhists seem to be able to intentionally cultivate to extremely high degrees. What this suggests is that there is a much wider spectrum of empathetic adeptness than previously believed. At the very least it provides empirical support for the DL's assertion that "we can develop our innate ability to connect with others" through "sustained reflection . . . familiarization . . . rehearsal and practice" (2001, p. 74). This does not settle the debate between egoism and altruism, but it suggests that Buddhist meditation can gradually affect the degree of empathy one feels. And this provides reasonable grounds for the proposition that the nature of one's motivation (whether it be egoistic or altruistic) may also be something that Buddhist contemplative practice can gradually affect. In short, western science suggests we should take the DL's claim about empathy effectuating human rights seriously.

The standard definition for Buddhist altruism, or "the spirit of enlightenment" (*bodhicitta*), comes from the *Ornament for Clear Realization (Abhisamayālamkāra)*, where it is described as "the wish to achieve enlightenment for the sake of others" (*sems bskyed pa ni gzhan don phyir yang dag dzog pa'i byang chub 'dod*). This presentation spans little more than a few lines, but the Tibetan commentaries on it run several folio pages and delineate several different types and classifications of *bodhicitta*.⁸ The *Ornament* was composed in the fourth century and is considered to be an elucidation or commentary on the Perfection of Wisdom Sūtras that Mahāyāna Buddhism claims originated with the Buddha. The *Ornament* enjoys notable commentary by Haribhadra (eight century CE), as well as Tsongkhapa. Present day monks, in the tradition of the DL, will often read these texts via a "textbook" (*yig cha*) that organizes the ideas in a format that is readily available for debate. In the following account, I draw primarily

⁸ The Buddhologist Georges Dreyfus often jokes that "Buddhists may not have God, but they do have Lists."

from one such textbook, the *Overview of the Perfection of Wisdom* (OPW) (*phar phyin spyi don*) by Khedrup Denba Dhargay (*mkhas grub bstan pa dar rgyas*) (1493-1568).

There is good reason for the abundance of commentarial discourse on bodhicitta. Despite its ubiquitous evocation throughout all Mahāyāna literature, it is a deceptively complex idea that combines two seemingly opposite objectives: one's own enlightenment and the spiritual welfare of others. One might be tempted to interpret bodhicitta in terms of a utilitarian calculation, claiming that the highest good, that which maximizes the spiritual benefit for the greatest number of people, is to achieve enlightenment for the sake of others. While there is most certainly an element of spiritual utility in one's private generation of bodhicitta (*i.e.*, one's intention should be aimed at maximizing the spiritual benefit for the most amount of people), it is technically impossible for any being actually to affect or change the spiritual welfare of another; omnipotence is not a feature of the mind of enlightenment. According to most Buddhist traditions, when a person attains "enlightenment" (whatever that may be), that person achieves a kind of omniscience (or adroit intuition) that enables him or her to divine the appropriate pedagogy for each and every other person.

Bodhicitta demands that one's intention should always include two seemingly opposing aims: wanting enlightenment for oneself and wanting to help others. Contemporary social psychologists such as Batson and Cialdini assert that one's ultimate aim must be either for oneself or another—not both. Even Buddhist literature acknowledges that the assertion of two opposing aims requires some explanation. Hence the longer definition of bodhicitta put forward in Tibetan literature states: "[Bodhicitta] is a main mental consciousness induced by an aspiration for bringing about others' welfare and accompanied by an aspiration to one's own enlightenment" (cited in Hopkins, 2002, p. 62).

This definition is intended to solve the problem of dual ultimate aims by identifying bodhicitta with “main mental consciousness” (*citta, gts'o sems*). Main mental consciousness, or “main mind,” is basically just raw awareness, a non-propositional mental state that facilitates propositional “mental factors” (*caitta, sems byung*). The relationship between main mind and mental factors is often described as being like that of the palm of one’s hand and its attendant fingers (Rabten and Gonsar, 1997, p. 101). Main mind is said to be “passive,” while the attendant mental factors are “active” (Tsering, 2006, 21). The contemporary Tibetan teacher Tashi Tsering explains that main mind is like the “screen in a cinema, with the mental factors the images projected upon it” (2006, p. 22). While this seems to imply that bodhicitta is somehow one with the nature of consciousness itself, that would be reading too much into the longer definition’s identification of bodhicitta with main mind. The issue comes down to this: Is bodhicitta mind itself? Or is it the thoughts in one’s mind? The answer apparently comes from Atiśa Dīpaṅkara (980–1054 CE), who asserts that the two aims that characterize bodhicitta are merely two different thoughts that fluctuate so rapidly that it is impossible to distinguish them from one another (Roach, 1993). What this seems to suggest is that while it may be true that it is technically impossible to have both altruism and egoism in one’s mind simultaneously, the mind moves so rapidly that to distinguish them would be somewhat trivial. The Buddhist understanding of altruism is therefore a fuzzy concept in that it almost always entails some degree of psychological egoism. Hence the enhancement of empathy entails a gradual evolution through purer states of conventional altruism.

Tibetan literature delineates a variety of different types of bodhicitta. The most basic distinction is between ordinary or “conventional altruism” (*kun rdzob sems bskyed*) and genuine or “ultimate altruism” (*don dam sems bskyed*). The practitioner of conventional altruism is

engaged in an ongoing effort to attain the spirit of enlightenment. Thus conventional altruism is comprised of varying classes that are indexed to one's unique degree of psychological egoism. It is entirely within this category of conventional altruism that one finds the aforementioned spectrum of different altruisms. I have described the twofold nature of the tendency to reify things in terms of an intellectual or learned aspect (the product of cultural conditioning) and an instinctive or innate aspect (part and parcel of the fabric and constitution of the human species). If and when a Buddhist practitioner attains the kind of "pure-altruism" that Batson claims test subjects exposed to "high empathy" conditions exhibit, it is only the learned type of egoism that is overcome. The more innate form, being constitutive of the human organism, requires a transformation on a much greater scale. Hence the Buddhist would be very skeptical of any kind of claim to having achieved pure altruism without having previously trained.

Ultimate altruism is pure altruism, but not in the sense in which Batson and other western psychologists understand the term. It is defined in Buddhism as a non-conceptual, non-dual cognitive state that usually only manifests in meditative equipoise (hardly the sort of mental state one might expect to find among the "W.E.I.R.D."⁹ pool of test subjects at Batson's University of Kansas). It literally refers to the previously mentioned yogic direct perception of emptiness, a non-dual experience the Buddhologist John Powers describes as follows: "The meditator continues contemplating emptiness, and with repeated training all appearances of subject and object disappear in emptiness. All thoughts of subject and object are overcome, and one perceives emptiness directly. This marks the beginning of the path of seeing, and at this point subject and object are undifferentiable, like water poured into water" (2007, p. 94). It is not within the scope of this dissertation to pursue the ongoing debate between constructivism and

⁹ WEIRD (Western, Educated, Industrial, Rich, and Democratic).

perennialism on the nature of “religious experience” (Bagger, 1999; Forman, 1997; Huxley, 2004; Katz, 1978; Proudfoot, 1987; Stace, 2003). Suffice it to say that Tibetan Buddhism is aligned with the perennialist assertion that the direct perception of emptiness constitutes a non-conceptual and trans-cultural event. However, it can be said that Tibetan Buddhism supports a “soft” constructivist position in that the event becomes a conceptual experience the moment any awareness of self and other returns. Barring any consideration of the experience of a Buddha (which would be impossible to account for and irrelevant to human rights), the direct perception of emptiness in this context can be considered a conceptual experience as it is the experience of emptiness in the context of conventional altruism that is pertinent here. According to Buddhist Centrism, the conventional altruist can indeed achieve a direct perception of emptiness, but the conceptual mind reengages when the event ends, and so does the innate tendency to reify things. Hence the experience becomes a conceptual experience for the non-enlightened aspiring Buddhist altruist. The conceptual form of pure altruism posited in Tibetan Buddhism is crucial to understanding the DL’s claim regarding empathy and human rights. The DL’s remarks on the importance of “one another’s feelings at a simple human level” is not Pollyannaish rhetoric. The enhancement of empathy is a rigorous education in training the mind (*i.e.*, manipulating psychological egoism) in order to foster prosocial behavior and ultimately to lead one to the aforementioned yogic direct perception of the nature of things. (In the next chapter, I examine what this entails in terms of the human rights education movement.)

Khedrup Denba Dhargay provides the following abridgement of the Tibetan Buddhist schema of altruism: “The wish can be divided into the conventional wish for enlightenment and the ultimate wish for enlightenment. In essence, it can be divided into the wish of prayer and the wish of engagement. In terms of level, it can be divided into the four types that begin with ‘the

wish that acts out of belief.’ In terms of how the wish is developed, there are three types, starting with the ‘king’s wish’” (OPW). I have already discussed Buddhist altruism in terms of its conventional and ultimate natures. The next category Tibetans recognize is based on whether or not the practitioner has formally taken the vows of Buddhist altruism (*i.e.*, the bodhisattva vows). The person who has not yet taken such vows is said to have “aspiring altruism” (*smon sems*), while the person who has taken such vows has “engaged altruism” (*jug sems*). Both the Theravāda and Mahāyāna traditions of Buddhism observe prātimokṣa vows. Only the Mahāyāna, however, couple those with bodhisattva vows. The prātimokṣa vows are broadly concerned with *not* hurting others. These might be likened to the concept of negative rights mentioned in Chapter One. The bodhisattva vows aim to help others, and thus they can be compared to positive rights. The Buddhist concept of a vow entails more than just a solemn oath. It is assumed to have a metaphysical influence on one’s mental continuum. The translator Alexander Berzin explains:

A vow (*sdom-pa*) is a subtle invisible form on a mental continuum, which shapes behavior. Specifically, it is a restraint from an “uncommendable action” (*kha-na ma-tho-ba*), either one that is naturally destructive (*rang-bzhin-gyi kha-na ma-tho-ba*) or one that Buddha prohibited (*bcas-pa'i kha-na ma-tho-ba*) for specific individuals who are training to reach specific goals. An example of the former is taking the life of another; an example of the later is eating after noon, which monastics need to avoid for their minds to be clearer for meditating at night and the next morning (2014).

The presence of a “subtle invisible form on a mental continuum” is believed to amplify one’s rectitude or deviance. This is an interesting religious belief that could be a meaningful variable in an experiment on positive thought. In an article in the journal *Current Directions in Psychological Science* entitled “The Power of Suggestion: What We Expect Influences Our Behavior, for Better or Worse” psychologists Maryanne Garry, Robert Michael and Irving Kirsch found the “power of suggestion” to be in fact very powerful indeed (2014). In their article they describe how “response expectancies” influence an individual's subsequent decisions and

actions. According to their conclusion, if a subject expects a certain outcome (or if it is strongly suggested to them to be so) this will actually have a significant bearing on making that expectation occur. Are vow holders more likely to be altruistic because they have taken vows? Does the act of taking a vow empirically change one's behavior? These are interesting questions about Buddhism that could also have a potential benefit for the advancement of a human rights culture. (For instance, one can imagine world-citizens in a human rights program of study taking vows to enact the UDHR.)

There are approximately sixty-four different bodhisattva vows, eighteen “root” (*rtsa ltung*) and forty-six “secondary” vows (*nyes byas*), the difference being that the former are more important than the latter. Hence it is considered to be a greater dereliction of responsibility to break a root vow than a secondary one. The root vows include religious injunctions such as “not disrespecting teachings,” but also more worldly ones such as “not striking a person” or “not harboring anger after someone has apologized to you.” The secondary vows are largely concerned with the Buddhist “virtues” or “perfections” (*pāramitā*), such as “generosity” (*dāna*), “discipline” (*śīla*), “patience” (*kṣānti*), “diligence” (*vīrya*), “concentration” (*dhyāna*), and “wisdom” (*prajñā*). For example, one of the secondary vows associated with patience states that one should “not yell back in response to being yelled at by another.” In order to break a vow one must break the vow: 1) with righteous conviction, 2) without regret, 3) with great joy, and 4) with no shame about doing it again. In most instances, vows can be restored through some sort of public confession.

The next class of altruism is seen in terms of the practitioner's spiritual aptitude. There is the “altruism of acting with belief” (*mos pas spyod pa'i sems bsked*) that refers to the practitioner who engages in prosocial behavior with a “belief” (*mos pa*) that the other (*i.e.*, the person in

need) is not intrinsically existent. This belief is based on an intellectual understanding of emptiness—and not the aforementioned yogic perception. Thus it is a belief that is not confirmed by personal experience. The practitioner at this level is described as having no self-regulatory powers over his or her reifying tendency but, nevertheless, engages with a strong altruistic aspiration or hope. This is very different from the type of bodhicitta that is called “the pure altruism that takes responsibility” (*lhag bsam dag pa'i sems bskyed*). This type of altruism is based on the above yogic perception of emptiness, and so the practitioner has abandoned the intellectual self-habit. This does not, however, mean that the practitioner has transcended his or her innate egoism. Next there is the altruism of the practitioner who has “mature” or “ripened altruism” (*rnam par smin pa'i sems bskyed*). The possessor of this type of altruism sees others in need and immediately wants to help. This person has put a stop to both types of egoism but is still experiencing the residual view associated with egoism. And, lastly, there is “the altruism that has eliminated obscurations” (*sgrib pa spang pa'i sems bskyed*). This person has removed both the innate and learned tendencies, and sees the other without the imputation of intrinsic nature. From the Buddhist perspective it is this—and only this—type of practitioner who could have the necessary skill required to engage in “pure altruism.”

The last class of altruism is organized in terms of the way one thinks, or one's conscious intention. There is the “altruism that is like a king” (*rgyal po lta bu'i sems bskyed*). This means the individual has the intention to achieve enlightenment first, and then lead others, like a king walking before his subjects. This type of altruism resonates with a serious quandary for contemporary western Buddhists who participate in the “engaged Buddhism” movement started by the Vietnamese monk and peace activist Thich Nhat Hanh. The Buddhologist Thomas Yarnall describes the movement in the following way:

In recent decades a movement of “engaged Buddhism” has begun to sweep the globe. This movement is comprised of a wide range of individuals from diverse cultural backgrounds. Inspired by Buddhist values, they are united by a common drive to lessen the suffering of the world, in particular by “engaging” (as opposed to renouncing) the various social, political, economic, etc. institutions, structures, and systems in society. Such engagement can take many different forms (e.g., voting, lobbying, peaceful protest, civil disobedience, etc.), but it is always aimed at actively challenging and changing those institutions, etc. which are perceived as perpetuating suffering through various forms of oppression, injustice, and the like (Queen, 2013, p. 286).

Yarnall identifies two groups in the engaged Buddhist movement: “traditionalists” and “modernists.” The first group refers to Buddhist scholars who reject the claim that the “spiritual” and “social” are two separate domains in Buddhism. “To engage in the spiritual life,” Yarnall explains, “necessarily includes (though it cannot be reduced to) social engagement” (Queen, 2013, p. 286). The modernists concede that while there are “latent” socio-political ideas in traditional Buddhist literature, they require a creative exegesis in order to be applicable to the modern context. Much of the tension between these two groups can be reduced to a single concern—what is the best way to alleviate the suffering of others in the modern world? Is it through the traditional liberal outlets of civil disobedience and protest? Or is it by retreating to one’s hermitage and dedicating one’s days to solitary meditation? The DL claims developing empathy is more efficacious than legislation, but the latter is a necessary condition. I take the DL’s position to be appropriately some sort of “middle way” between these two camps. Those practitioners who possess the “king’s wish” believe that they can best help others by first becoming enlightened. This mindset is itself distinct from the intention of the practitioner who espouses “altruism that is like a shepherd” (*rdzi bu lta bu'i sems bskyed*) and who prefers to make sure others achieve enlightenment before the practitioner. Lastly, there is the “altruism that is like a ferryman” (*nyen pa lta bu'i sems bskyed*). Here the practitioner thinks it is preferable to achieve enlightenment together with all sentient beings. This last one is the preferred choice in

most Tibetan accounts.

This vast taxonomy of different altruisms indicates that Buddhist psychology has a very nuanced understanding of moral development. It is not simply assumed that one is either an “altruist” or an “egoist”; there is a tremendous amount of gray in between those poles. Against the backdrop of this classification system, Cialdini’s critique of “merged identity” between self and other registers as just one of several different types of altruism. Which type of Buddhist altruism that would be largely depends on the severity of the individual’s self-habit.

4.3. Feeling Empathy As-, For-, and With- the Other

Social psychologists such as Batson often cite the philosophical sentimentalism of David Hume (1711-1776) and Adam Smith (1723-1790) as the intellectual precursor to the EAH. Hume was a dissenter of the rationalist zeitgeist of the eighteenth century who, along with Smith, asserted that the sentiment of “sympathy” motivates an individual toward non-selfish ends (Baumeister & Vohs, 2007). Hume and Smith had slightly different understandings of sympathy, but neither was entirely consistent in his use of the term (Solomon, 2004, pp. 69-70). Further, they did not have access to the word “empathy,” since it had not yet entered the lexicon of philosophy (Stueber, 2014). Nevertheless, they both anticipated the modern concept of empathy in their respective accounts of sympathy, which can be construed in terms of a feeling *as* the so-called other. This feeling *as* the other can more narrowly be described as “mirroring” and “perspective-taking.” Mirroring (broadly construed) refers to an emotive coupling and affective resonance between self and other. And perspective-taking is the “imaginary transposition of oneself to the other’s place” (Thompson, 2007, p. 395). Batson asserts that the type of “empathetic concern” that begets altruism is a feeling *for* the person in need—and not the kind of empathy that is characterized by a feeling *as* the person. The Tibetan Buddhist concept of

empathy contains elements of both a feeling *as-* and a feeling *for-* the other, but it is also unique and different from those western notions. The DL prefers to describe it as a feeling *with* the other.

In this and the following two sections I explore the Buddhist concept of empathy against the backdrop of western sentimentalism. I argue that, like the aforementioned concept of conventional altruism, it too admits a degree of psychological egoism—the feeling *with* the other is predicated on the existence of the universal tendency to reify the “self” (*ātmagraha*) (*i.e.*, “ego-grasping” and the “self-habit”). In some instances, there is an overt strategy to exploit one’s natural proclivity for egoism as a means for fostering greater conventional altruism and prosocial behavior. I contend that, though the Buddhist concept of empathy shares elements with the aforementioned feeling *as* and feeling *for* models, it has its own unique meaning, that affiliated with psychological egoism, or the self-habit.

There is no single word in Tibetan that corresponds exactly to the English word “empathy.” What the DL offers in his writings on secular ethics and human rights is a translational equivalent. For instance, in *Ethics for a New Millennium* he writes:

I refer to the capacity we all have to empathize with one another, which, in Tibetan we call *shen dug ngal wa la mi sö pa*. Translated literally, this means “the inability to bear the sight of another’s suffering.” Given that this is what enables us to enter into, and to some extent participate, in others’ pain, it is one of our most significant characteristics. It is what causes us to start at the sound of a cry for help, to recoil at the sight of harm done to another, to suffer when confronted with others’ suffering. And it is what compels us to shut our eyes even when we want to ignore others’ distress (2001, p. 64).

The DL draws a correlation between empathy and the Tibetan phrase “*shen dug ngal wa la mi sö pa*,” which translates as “the inability to bear the sight of another’s suffering” (2001, p. 64). The actual Wylie transliteration of this phrase into Tibetan is *gzhan sdug bsngal ba la mi bsod pa*.

The verb the DL translates as the “inability to bear” (*mi bsod pa*) is more commonly rendered as

“impatience” or “intolerance.” Those words, however, have a pejorative connotation in English that is not implied by the Tibetan in this context. In his more recent book *Beyond Religion: Ethics For a Whole World*, the DL supplements this account of Buddhist empathy by contrasting it with Buddhist compassion. He writes: “. . . [A]lthough compassion arises from empathy, the two are not the same. Empathy is characterized by a kind of emotional resonance—feeling *with* the other person. Compassion, in contrast, is not just sharing experience with others, but also wishing to see them relieved of their suffering” (2011, p. 55). In this passage, the DL describes Buddhist empathy as a “feeling *with* the other person.” Buddhist compassion, on the other hand, occurs subsequent to this feeling and is the wish to remove the suffering of another. Compassion is therefore a kind of intermediate or liminal stage between Buddhist empathy and altruism. The DL’s account of Buddhist empathy seems to be drawn from *A Guide to the Bodhisattva’s Way of Life (Bodhicaryāvatāra)*. There, variations of the aforementioned Tibetan construction appear frequently toward the end of the eighth chapter in a section Tibetans refer to as the verses on “equalizing self and other” (*bdag gzhan mnyam pa*) and “exchanging self and other” (*bdag gzhan brje ba*).

The *Bodhicaryāvatāra* (hereafter the *Guide*) is one of the most celebrated treatments of moral development in Asian philosophy and religion. The *Guide* is ten chapters long and written in contemplative verse. Its subject matter concerns the cultivation of the aforementioned Buddhist “virtues,” or, literally, the “perfections” (*pāramitā*) that the Mahāyāna consider necessary to one’s moral development. It was originally composed in Sanskrit verse by the Indian Buddhist Śāntideva sometime during the eighth century C.E., and it was well received in Tibet, where it is considered to be the cornerstone of “mind-training” (*blo sbyong*) literature. Thubten Jinpa has translated several of the more important Tibetan mind-training texts into

English. He describes this uniquely Tibetan genre in the following way:

The Tibetan term *lojon* (spelled *blo sbyong*) is composed of two syllables, *lo* and *jong*. *Lo* stands for “mind,” “thought,” or “attitudes,” while *jong* connotes several interrelated but distinct meanings. First, *jong* can refer to training whereby one acquires a skill or masters a field of knowledge. *Jong* can also connote habituation or familiarization with specific ways of being and thinking. Third, *jong* can refer to cultivating specific mental qualities, such as universal compassion or the awakening mind. Finally, *jong* can connote cleansing or purification, as in purifying one’s mind of craving, hatred, and delusion. All these different meanings carry the salient idea of transformation, whereby a process of training, habituation, cultivation, and cleansing induces a profound transformation—a kind of metanoesis—from the ordinary deluded state, whose modus operandi is self-centeredness, to a fundamentally changed perspective of enlightened, other-centeredness (2014, p. 1).

The aim of mind-training is to transform the *self*-habit into an *other*-habit. The verses on “equalizing and exchanging self and other” (*bdag gzhan mnyam brje*) in the *Guide* utilize a type of empathy that resembles both the feeling *for*- and *as*- the other person. More specifically, one finds in the verses on equalizing self and other in the *Guide* a kind of psychological mirroring that is intended to induce an empathetic feeling *with* the other by means of persuasive appeals based on one’s “shared humanity” with the other. And in the contemplations on exchanging self and other there are features of perspective-taking that are used to effect that same feeling *with* the other. In both cases the feeling of empathy is also a feeling *for* the other, but the conventional altruism that this produces is self-referential. What perhaps most distinguishes the concept of Buddhist empathy in the *Guide* is its overt strategy to exploit one’s natural proclivity for egoism as a means for developing conventional altruism.

Buddhist teleology assumes that one’s natural proclivity for egoism (*i.e.*, the self-habit) is mutable. The aforementioned “transformation” that mind-training seeks to achieve is gradual. In this dissertation I have alternated between various translations of *ātma-graha*. The significance of rendering it as the “self-habit” is its association with addiction. The “destructive emotions” or

“mental afflictions” (*kleśa, nyon mongs*) that inflict pain on sentient beings have their origin in the self-habit. These mental afflictions (*i.e.*, anger, jealousy, and the like) have an addictive nature that is strengthened through habitual use. This condition can be compared to an opioid addiction, such as to heroin. Those who have an addiction to heroin can rarely just “kick” the habit “cold turkey.” What is often required is a weaning process in which a more controllable and safer (*i.e.*, less likely to produce destructive behavior) “medication” is prescribed in order to help ease the intense cravings associated with detoxification. In the Buddhist case, however, the medication is empathy; like the prescribed medication it is an empathy that sates the habit of the addict. In other words, it is a kind of empathy that admits a degree of psychological egoism in order to wean the addict (*i.e.*, the practitioner) off the self-habit.

Buddhist empathy incorporates elements of Batson’s feeling *for*- model. Batson defines empathy/empathetic concern as an “other-oriented emotion elicited by and congruent with the perceived welfare of someone in need” (2011, p. 11). He qualifies this in terms of “four points.” He explains:

First, “congruent” here refers not to the specific content of the emotion but to the valence—positive when the perceived welfare of the other is positive, negative when the perceived welfare of the other is negative . . . Second . . . not all empathetic emotion is hypothesized to produce altruistic motivation, only the empathetic concern felt when another is perceived to be in need . . . Third . . . empathetic concern is not a single, discrete emotion but includes a whole constellation . . . Fourth, empathetic concern is other-oriented in the sense that it involves feeling *for* the other . . . Is one feeling sad, distressed, concerned for the other, or is one feeling this way as a result of what has befallen oneself . . . (2011, p. 11-12).

According to Batson, the type of empathy that results in pure altruism has a valence that matches that of the person in need and is *for* the person and not *by* or *as* the person (*i.e.*, points one and four above). His other two caveats (*i.e.*, points two and three) are, I argue, largely a response to the various criticisms that have been made against his project. He is clearly hedging his position

by admitting that “not all empathetic emotion is hypothesized to produce altruistic motivation,” and that empathy is “not a single, discrete emotion but . . . a constellation.” Batson’s qualification of empathy as not being a feeling *by* or *as* is a direct consequence of the previously mentioned problem regarding personal distress. He wants to differentiate the kind of empathy that results in pure altruism from those vicarious feelings that would manifest as behavior resembling altruism, but lack the ultimate aim of another’s welfare. For example, Batson identifies “coming to feel as another person feels” and “adopting the posture or matching the neural response of an observed other” as instances of empathy that do not cause genuine altruism (Batson 2011, p. 15). They are, however, consistent with mirroring. Hence Batson’s concern is that mirroring another’s feelings is not sufficiently other-oriented. He describes “intuiting or projecting oneself into another’s situation” and “imagining how another is thinking or feeling” as also not compatible with the type of empathy that leads to altruism. These types of feelings are, however, descriptive of perspective-taking. Batson does not discount any of these feelings and freely admits that they are “potential precursors to and facilitators of empathetic concern” (2011, p. 20). They are just not the type of empathetic concern he claims to be the source of altruism.

Batson’s extremely refined definition of empathy may be empirically justified, but I believe the larger problem that faces his project is that he is not testing subjects with any *developed* capacity for empathy and altruism (*i.e.*, Buddhist practitioners who have dedicated years to mind-training exercises). Building on the previously mentioned analogy of the pianist, Batson is looking for the equivalent of the causal mechanism for musical expertise from among a group of untrained children. This may be an efficient way for measuring one’s natural untrained proclivities, but it does not tell us much about the human potential to learn to be more altruistic. And that is exactly what the DL is attempting to do in his secular ethics and human rights

projects. The Buddhist concept of empathy is decidedly *for* the other, but it is not necessarily divorced from the feeling *as* the other that is associated with mirroring and perspective-taking.

4.4. Mirroring and Equalizing Self and Other

Hume and Smith did not have the term “empathy” at their disposal at the time of their philosophical writings. Even so, their respective understandings of “sympathy” foreshadow empathetic mirroring and imaginative perspective-taking—both of which can also be gleaned from the Buddhist concept of empathy.

David Hume’s concept of “sympathy” left an indelible mark on the modern understanding of empathy and specifically upon what contemporary thinkers now call “mirroring,” or empathy as an “emotional contagion.” The philosopher Evan Thompson describes this aspect of empathy as an “emotive coupling and affective resonance between self and other” (2007, p. 395). (The DL’s description of Buddhist empathy as “emotional resonance,” a feeling *for* the other, exhibits certain similarities to the western idea of mirroring.)

Theodor Lipps (1851-1914) is generally recognized as being one of the first western thinking to use the word “empathy” in a philosophical context. It is possible—perhaps probable—that Hume’s concept of sympathy had an influence on his thinking, since he had the benefit of reading and translating Hume’s *A Treatise of Human Nature* into German (Montag, Gallinat, and Heinz, 2008). The philosopher Karsten Stueber succinctly summarizes the early history of the word “empathy” as follows:

The psychologist Edward Titchener (1867-1927) introduced the term “empathy” in 1909 into the English language as the translation of the German term “Einfühlung” (or “feeling into”), a term that by the end of the 19th century was in German philosophical circles understood as an important category in philosophical aesthetics . . . It was however Theodor Lipps (1851-1914) who scrutinized empathy in the most thorough manner . . . His work transformed empathy from a concept of philosophical aesthetics into a central category of the philosophy of the social and human sciences. For him, empathy not only plays a

role in our aesthetic appreciation of objects. It has also to be understood as being the primary basis for recognizing each other as minded creatures (2014).

Lipps' account of empathy bears some resemblance to Hume's understanding of sympathy. In particular, Lipps conveys a similar sense of mirroring between people. In *A Foundation of Aesthetics (Grundlegung der Ästhetik)*, Lipps offers the example of watching an acrobat on a tightrope. He writes: “[Observing the acrobat] I carry out the movements . . . I am therefore up there. I have been moved up there. Not beside the acrobat, but right there, where he is” (Reynolds and Reason, 2012, p. 127). Lipps explains that while watching the acrobat negotiate a tightrope, he loses conscious awareness of himself by “inwardly imitating” the acrobat's state of mind (Harrington, 2013, p. 46). Lipps asserts that the observer of the acrobat does not simply “represent” (*vorstellen*) the action to him- or herself as an object, but actually lives out the “fantastic but nonetheless real experience” as if it were his or her own (2013, p. 46). This idea of resonance can be found in several places in Hume's *Treatise*. In one instance, Hume describes the experience of observing a patient in the moments just before surgery. His account is strikingly similar to Lipps' description of mirroring between the observer and the acrobat. Hume writes: “Were I present at any of the more terrible operations of surgery, 'tis certain, that even before it begun, the preparation of the instruments, the laying of the bandages in order, the heating of the irons, with all the signs of anxiety and concern in the patient and assistants, wou'd have a great effect upon my mind, and excite the strongest sentiments of pity and terror” (Hume, 1738/2000, p. 368; SB 576). Reading this passage, one can imagine a surgical theater not unlike the one portrayed by the American artist Thomas Eakins in his well known painting *The Gross Clinic* (1875), in which Dr. Samuel Gross is shown, in congregation with a host of medical students, standing over the lacerated body of a his patient. Eakins happened to include a woman observing the procedure who clearly expresses sentiments similar to the “pity and terror”

described by Hume. She is most likely related to the patient, and her perturbation stands in stark contrast to the stoic demeanor of the trained medical professionals. Perhaps she is overcome by an empathetic mirroring based on her close identification with the patient? In the lines preceding the passage above, Hume writes that, “the minds of men are mirrors to one another . . . they reflect each other’s emotions . . . (2000, p. 236; SB 365). At least in this section of the *Treatise*, Hume’s notion of sympathy seems to accord well with the contemporary understanding of mirroring.

Elsewhere in the *Treatise*, Hume provides a different metaphor for this mirroring phenomenon—strings. He writes: “As in strings equally wound up, the motion of one communicates itself to the rest; so all the affections readily pass from one person to another, and beget correspondent movement in every human creature” (1738/2000, p. 368; SB 576). The image he conjures here is redolent of the “sympathetic resonance” that occurs in a string instrument like a sitar. The unique sound it produces occurs when the untouched passive strings, which lie beneath those struck by the musician, will vibrate in response to the harmonic likeness. The better-known metaphor Hume offers for this mirror effect is the aforementioned idea of empathy as an emotion contagion. Hume explains: “The passions are so contagious, that they pass with the greatest facility from one person to another, and produce corresponding movements in all human breasts. Where friendship appears in very signal instances, my heart catches the same passion, and is warm’d by those warm sentiments, that display themselves before me” (1738/2000, p. 386; SB 605). Humean sympathy seems to refer to an automatic emotive resonance between observer and target. However, unlike most contemporary accounts of mirroring, Hume posits sympathy as psychological mechanism. Hume charges sympathy with the task of translating external cues in the body language and facial expressions of the other (*i.e.*,

the “external sign in countenance”), into what he calls “impressions,” which then subsequently become emotions or “passions.” He explains:

When any affection is infus'd by sympathy, it is first known only by its effects, and by those external signs in the countenance and conversation, which convey an idea of it. This idea is presently converted into an impression, and acquires such a degree of force and vivacity, as to become the very passion itself, and produce an equal emotion, as any original affection. However instantaneous this change of the idea into an impression may be, it proceeds from certain views and reflections, which will not escape the strict scrutiny of a philosopher, tho' they may the person himself, who makes them (1738/2000, p. 206; SB 317).

Hume argues here that human beings (all things being equal) automatically mirror each other's emotions. It is interesting, nevertheless, that just following the passage above, Hume writes:

“Tis evident, that the idea, or rather impression of ourselves is always intimately present with us, and that our consciousness give us so lively a conception of our person, that 'tis not possible to imagine, that any thing can in this particular go beyond it” (1738/2000, p. 206; SB 317).

Hume's assertion above that “the idea, or rather impression of ourselves is always intimately present with us . . .” seems to contradict his “bundle” theory of personal identity, advanced elsewhere, which resembles the no-self theory in Buddhism. The philosopher John Wright explains this anomaly more fully as follows: “What can Hume mean by this lively idea or impression of self . . . At the beginning of the section ‘Of personal identity’ in Book I he rejects the view of those who hold that ‘we are every moment intimately conscious of what we call our SELF’ . . . and he argues that there is no ‘constant and invariable impression of self,’ and therefore no such idea” (2009, p. 204). Wright does not have an easy solution to this appearance of contradiction in Hume's account of the self in sympathy.

It is suggestive that the Buddhist concept of empathy presumes the strong presence of psychological egoism. The self may be devoid of intrinsic identity in Dialectical Centrism, but it is always conventionally real and omnipresent in one's ordinary waking state. This is an

important presupposition that shapes the way Tibetan Buddhists conceive of empathy.

Amy Coplan and Peter Goldie describe Hume's account of sympathy as "the same or at least very similar to . . . low-level empathy or mirroring" (2011, p. XI). The contemporary meaning of mirroring in psychology and philosophy is described by the philosopher Alvin Goldman as ". . . an interpersonal matching or replication of a cognitive or mental event" (2013, p. 89). He elaborates: "It involves two people sharing the same mental-state type, although activations in observers are usually at a lower level than endogenous ones, commonly below the threshold of consciousness. There is strong evidence that mirror systems play pivotal roles in empathy and imitation" (2013, p. 89). Goldman's understanding of mirroring is influenced by the "discovery" of what has become known as "mirror neurons." In 1992 an Italian research team, led by neurophysiologist Giacomo Rizzolatti at the University of Parma, fortuitously discovered what have since been labeled "mirror neurons." There are several different versions of the story. In one account, the team was in the midst of measuring the activity of motor neurons in the brains of macaque monkeys, when all of a sudden those neurons associated with fruit eating started firing for no apparent reason. It turns out the monkey was watching one of the human researchers eating a banana from across the room (Ehrenfeld, 2014). In other words, the monkey's brain mirrored the same neural activity it would have exhibited had it been the monkey eating the banana (thus giving new meaning to the expression "monkey see, monkey do").

Mirror neurons are technically brain cells that fire when certain animals see or hear a particular action performed by another animals, as well as when one actually performs that same action. Humans have mirror neurons that are more evolved than those found in monkeys. According to Rizzolatti, "Mirror neurons allow us to grasp the minds of others not through

conceptual reasoning but through direct simulation. By feeling, not by thinking” (Blakeslee, 2006). This sounds very much like the “low level empathy” associated with Humean sympathy. The neuroscientist V.S. Ramachandran often refers to mirror neurons as “Dalai Lama neurons” on account of their relationship to empathetic mirroring. He explains:

Researchers at UCLA found that cells in the human anterior cingulate, which normally fire when you poke the patient with a needle (“pain neurons”), will also fire when the patient watches another patient being poked. The mirror neurons, it would seem, dissolve the barrier between self and others. I call them “empathy neurons” or “Dalai Lama neurons”. . . Dissolving the “self vs. other” barrier is the basis of many ethical systems, especially eastern philosophical and mystical traditions. This research implies that mirror neurons can be used to provide rational rather than religious grounds for ethics (although we must be careful not to commit the is/ought fallacy) (2014).

Learning how to dissolve the reified conceptual barrier between self and other is indeed one of the purposes of Buddhist empathy in the Tibetan mind-training tradition of the DL. Buddhist empathy, however, is not merely a feeling *as* the other.

The concept of empathy in Tibetan Buddhism is somewhat different from the aforementioned mirroring in which one feels *as* the other person, but it is also not entirely divorced from the idea of “sharing the same mental-state type” (Goldman, 2013, p. 89). Starting at verse 8.90 in the *Guide*, Śāntideva launches into the first of a series of contemplations that are aimed at triggering a sense of empathetic concern known in Tibetan as “equalizing self and other.” Śāntideva writes:

90. One should first earnestly meditate on the equality of oneself and others in this way: “All equally experience suffering and happiness, and I must protect them as I do myself” (Wallace & Wallace, 1997).

The contemporary Tibetan Geshe Jampa Gyatso glosses this verse as follows: “At the beginning one should strive to meditate upon equalizing self and others. Why? Because just as I want happiness, in the same way others want happiness. Likewise, just as I do not want suffering, in

the same way all other sentient beings also do not want suffering. By thinking about this fact, one should equalize oneself and others” (Gyatso, 2006). The type of empathy that the verses on equalizing self and other are intended to engender can be characterized as a kind of mirroring of feelings based on what the DL calls one’s “shared humanity.” The idea is to cultivate “a deep recognition of the fundamental sameness of oneself and others” (Gyatso and Jinpa, 2005). At first this may be a very conscious recognition, but through habituation it becomes more intuitive and begins to resemble the kind of instinctive mirroring previously described by Goldman as “below the threshold of consciousness” (2013, 89). I argue that it augments that natural disposition for mirroring. The “fundamental sameness” one is supposed to recognize is the universal desire for happiness and aversion to suffering. In his book *Beyond Religion: Ethics for a Whole World*, the DL labels this “recognition of our *shared humanity* and our shared aspiration to happiness and the avoidance of suffering . . .”; this is the “first principle” or “pillar” in his system of secular ethics (2001, p. 19). The DL does not consider this supposition inherently religious or culturally based—it is a basic feature of the human experience. The practitioner who has habituated himself or herself to this recognition of sameness will look beyond the distinctions of culture, ethnicity, nationality, and so forth, and actively experience a vivid sense of shared humanity *with* others. In some cases, the other is not even human.

In his popular mainstream book *Enlightenment to Go: Shantideva and the Power of Compassion to Transform Your Life*, the Australian author David Michie vividly captures the waking experience of actually practicing equalizing self and other in one’s life. He says:

When we develop greater empathy and compassion for others, our life begins to change, often in unexpected ways. We come to accept the idea that all beings are just like us, not least in placing the highest value of all on their lives. For example, where my wife once saw cockroaches as loathsome carriers of filth and disease to be sprayed to death as fast as possible, she has since overcome her conditioned revulsion toward them: when the occasional roach finds its way into

our house, she now catches it in a large matchbox and releases it outside (Michie, 2012, pp. 59-60).

The empathy Michie's spouse feels is not the kind of mirroring Goldman describes as "sharing the same mental-state type." A cockroach does not possess the capacity for anything like the mental state of a human being. It would be ludicrous, therefore, to assert that Michie's wife is feeling *as* the cockroach. Nevertheless, one can infer that the cockroach has a desire to live, or a vulnerability to suffering. It is on this basis that Michie's wife experiences a feeling empathy for the insect.

Michie tells another story about his wife in which she rescues a snail from being trampled by a stampede of school children. When one of the children asks her why she saved the snail, she replies that "The snail's life is as important to the snail as your life is to you" (2012). Obviously, the snail cannot value its life in the same way a human can, but, again, one can infer that it wants to live. And that is all the "sameness" that is required for one to achieve the sort of mirroring that is being posited here. The issue here, however, is human rights—not insect rights. The argument is obviously more compelling when dealing with a human organism with the same basic epistemic system. It is, nevertheless, worth noting that Buddhists do not subscribe to any kind of "speciesism" (Singer, 2011), and they recognize the "right to life" of all sentient beings. The DL writes: "All beings have an equal right to life and cherish their life as much as we do. If we prick our finger with a thorn, we say 'Ouch, I hurt.' Everybody feels exactly the same, all beings. It is especially terrible to sacrifice animals . . ." (2002, p. 138). Feeling "exactly the same" is the basis for equalizing self and other. Incidentally, the type of "sacrifice" the DL is referring to above is the kind of religious sacrifice that is often performed in places like Nepal, or even in some areas of Tibet (2002, p. 138).

The Buddhologist Paul Williams asserts that the *Guide* is intended to convince the reader to “adopt a radically new vision and perspective” (1998, p. 29). He explains: “It is a move from self-centered egoism to an anticipated perfect altruism, but nevertheless a move which is accomplished perhaps initially and in part but certainly fundamentally through appeals to reason, the rationality of the Buddhist spiritual path and ultimately the complete rationality of altruism” (1998, p. 29). Williams offers a thoroughgoing and impressive philosophical analysis of select verses from the *Guide* in his book *Studies in the Philosophy of the Bodhicaryāvatāra*. However, I think he overstates the case when he describes Śāntideva’s “move” as fundamentally based on an appeal to reason in the context of the verses on equalizing and exchanging self and other. It is true that Śāntideva is making use of argumentation in his attempt to move the Buddhist practitioner away from “self-centered egoism.” Moreover, Tibetan commentaries on the *Guide* certainly do develop syllogisms from the various contemplations in the *Guide*. Nevertheless, I would qualify the type of reasoning, in those verses aimed at inducing empathy, as being directed at the emotive self-habit. The kind of argumentation Śāntideva uses is better described as a manipulation of egoistic sentiments. Like the substitute drug in the detoxification analogy above, Śāntideva’s argument is intended to wean the practitioner of the self-habit. Śāntideva uses arguments that appeal to the addictive mind, not necessarily the rational intellect, in order to enlist the power of the self-habit in his project.

Śāntideva begins the verses on “equalizing self and other” with an exhortation to meditate on the topic in verse 8.90: “One should . . . meditate . . . All equally experience suffering and happiness, and I must protect them as I do myself.” Protecting oneself may be prudent, but it is also symptomatic of the self-habit. Śāntideva is essentially saying that one should apply to others the same instinctive egoism that one naturally has for oneself. Why? The

reason is based on the aforementioned notion of shared humanity, or, better yet, a fundamental vulnerability to suffering and a yearning for happiness. That is the human condition from the Buddhist perspective. Therefore, from the outset it is clear that Śāntideva is not attempting to eliminate the self-habit that protects the “self” and perpetuates the human condition. Keep in mind that it was the nature of the human condition that spurred the Buddha to renounce the home life. Śāntideva is not suggesting that one do that here (that would be equivalent to trying to quit the habit “cold turkey”). Rather, he is encouraging the practitioner to protect others with the very same egoism that motivates one to protect oneself. This becomes clearer further into the verses on “equalizing self and other.”

In the next verse, Śāntideva begins to set up an argument from analogy that he will pursue throughout the verses on “equalizing self and other.” In verse 8.91, Śāntideva likens the various bodily appendages to all sentient beings.

91. Just as the body, which has many parts owing to its division into arms and so forth, should be protected as a whole, so should this entire world, which is differentiated and yet has the nature of the same suffering and happiness (cited in Wallace and Wallace, 1997, p. 100).

Śāntideva is proposing that in the way one thinks about his or her various body parts as being a whole (*i.e.*, a “self”), so too one can and should think about the plurality of all sentient beings as a whole (*i.e.*, a “self”). The impulse or desire to protect and cherish the body as a unified “self” is a consequence of psychological egoism. Śāntideva believes that if you can do that to the collection of parts that comprise the “self,” then why not to all other sentient beings? In verse 8:114 he writes:

114. Just as the hands and the like are cherished because they are members of the body, why are embodied beings not cherished in the same way, for they are the members of the world (cited in Wallace and Wallace, 1997, p. 104).

It would be absurd to think that Śāntideva genuinely believes that one’s body parts and the

inhabitants of the world are completely analogous. The most obvious objection would be that one's bodily "members" are physically connected to a peripheral nervous system, and the "members" of the world are not. Dragpa Gyaltzen (*grags pa rgyal mtshan*) (1619–1656) expresses a similar "opinion" in his commentary. He writes: "OPINION: Others' suffering does not harm me. And my suffering is alike in that it does not harm others. Hence it is incorrect that dispelling [suffering] for their sake is similar to dispelling my suffering" (cited in Gyatso 2006, p. 431). Dragpa Gyaltzen is expressing an objection that he will subsequently refute. Nevertheless it is valid criticism; if one does not feel the suffering and pain of others (like they experience their bodily appendages), then the analogy is incoherent. I contend that Śāntideva is fully aware that physical pain is not something that can be shared directly between individual beings. He plainly states in verse 8.93 that ". . . I myself do not feel the suffering of another person." And in verse 8.92, "my suffering does not cause pain in other bodies." He writes:

92. Although my suffering does not cause pain in other bodies, nevertheless that suffering is mine and is difficult to bear because of my attachment to myself.
93. Likewise, although I myself do not feel the suffering of another person, that suffering belongs to that person and is difficult [for him] to bear because of his attachment to himself (cited in Wallace and Wallace, 1997, p. 100).

Moreover, Buddhism firmly rejects any and all types of ontological monism. In no Buddhist school is it argued that self and other are in any way ontologically connected. Other people are therefore not like appendages in that one cannot literally feel their pain. And yet Śāntideva clearly wants to suggest that there is something analogous between the body parts and the plurality of sentient being. Evidently it is not an ontological property. What is analogous is the same self-habit that reifies the parts of the body, which can be redirected to reify other sentient beings. And that is exactly what Śāntideva is arguing.

In verse 8.115 he writes:

115. Just as the notion of a self with regard to one's own body, which has no personal existence, is due to habituation, will the identity of one's self with others not arise out of habituation in the same way? (Wallace and Wallace, 1997, p. 104).

It is clear from this that Śāntideva understands the ascription of a “self” to be a construct with no “personal existence”—no intrinsic foundation. Nevertheless, through habituation (*i.e.*, the addiction of the self-habit) one comes to think of the various parts of the body as “mine,” and that egoistic tendency is what motivates an individual to protect and cherish his or her various body parts as a unified whole “self.” Śāntideva recommends redirecting that self-habit to others so that one will be equally motivated to take care of them. Gyalsab Dharma Rinchen glosses the argument in his commentary in the following way: “Although the body has many parts such as the feet and hands, they are all the same in being parts of the one body that is regarded as ‘mine’ by the person. Likewise, although there are many different migrators, such as gods and humans, their happiness and sufferings are not different. Focusing on how they are the same, one beholds all others as oneself, holds them as self, and thinks, ‘I shall establish that happiness and I shall clear away this suffering.’ This is the meaning of meditating that all of them are equal to oneself” (cited in Roach, 1997, p. 179). What is important here is not to mistake the assertion of “shared humanity” for just the phenomenological experience of a common vulnerability to suffering and yearning for happiness. It is more profound than that. The basis for commonality is the self-habit. And it is through understanding that we come to a feeling of recognition and to a redirection of that self-habit toward the welfare of others. Gyalsab raises the concern that one might doubt that it is indeed even possible to reify other members of the planet as one's own bodily members. He writes: “One may continue with the following objection: I could never come to think of another's body as ‘me,’ or of the eye that belonged to another as being ‘my eye.’ How then could I ever

reach the state of mind where I learn to act towards other people's happiness and suffering in exactly the same way that I do towards my own?" (cited in Roach, 1997, p. 179). Śāntideva handles this concern in verse 8.111. He writes:

111. Due to habituation, there is a sense that "I" exists in the drops of blood and semen that belong to others, even though the being in question does not exist (cited in Wallace and Wallace, 1997, p. 103).

The commentaries on this explain that "drops of blood and semen" refers to the material cause for one's physical body. In other words, they are the bodily fluids of one's parents and they do not belong to you! Your parents contributed them, and they in turn become your physical body. Hence you do not own your body. All these years you have been merely imputing your personal identity onto a physical base that was given to you by your parents. You have habituated yourself, through your addiction to the self-habit, to thinking that this physical body that ultimately belongs to your parents is in fact yours. Gyaltsab glosses the argument as follows: "By accustoming yourself to the idea though, you have learned to think of, to grasp to, a few drops of semen and blood that belong to other people—to your father and mother—as being 'me,' yourself, even though there's no such thing as your 'self' at all. This is all done through the power of getting used to something. Why then do you say that you cannot think of the bodies of other people as being yourself as well?" (cited in Roach, 1997, p. 179). There is obviously circularity in Śāntideva's reasoning here regarding the ownership of bodily fluids and body. This is yet another reason why I believe we cannot take these "arguments" as being genuinely based on reason. Rather, Śāntideva is making an appeal to the emotional nature of the self-habit. Nevertheless, there still remains the issue of pain. If it were true that one cannot feel the pain of others, then why would one be motivated to care and protect them like one's own body?

In his "response" or rebuttal to the aforementioned opinion regarding pain, Dragpa

Gyaltzen underscores Śāntideva's identification of the cause of all suffering as "attachment" (*i.e.*, the self-habit), and makes it the grounds for feeling empathy *with* the other. One can feel *with* the other not just because pain is undesirable, but more specifically because that pain is the product of the universal self-habit. In other words, it is true that one cannot literally experience the exact same pain that others do, but self and other can commiserate with each other on the omnipresent nature of the self-habit that makes one vulnerable to pain and suffering. And when one learns to do this, then one will achieve a kind of automatic mirroring of mental states that ostensibly motivates one to care and protect others in the same way they do their own bodies. Dragpa Gyaltzen writes:

RESPONSE: There is no fault. Even if my suffering does not cause any harm to the bodies of others just as the suffering of others does not harm me, it is my suffering. Due to adhering to myself as "I," my suffering becomes an unbearable occurrence. Likewise due to familiarizing with holding even other sentient beings as me, although the suffering of other sentient beings does not befall me, {336} nevertheless, that suffering of sentient beings is suffering I should dispel; due to my adhering to sentient beings as "I," if suffering were to occur to them it will be hard to bear. To state a sign with respect to this: The subject – the suffering of others – I should dispel [it], because it is suffering, just as in the case of my own suffering (Gyatso 2006, p. 431).

According to Dragpa Gyaltzen (as well as the Dharma Rinchen commentary), Śāntideva argues that pain and suffering are universally undesirable because all pain and suffering originates from the universal self-habit. Granted, this requires much more imagination and thought than the automatic quality of mirroring. However, once one begins the practice of enhancing his or her capacity for empathy by "familiarizing oneself with holding other sentient beings as oneself," the nature of that empathy become more instinctive and begins to resemble the effortless mirroring described in western psychology and philosophy. One must keep in mind that this text is written for Buddhists who already regard the cultivation of altruism to be of importance. What Śāntideva is doing here is providing a kind of "mind-hack" for those practitioners who need motivation.

The Tibetan mind-training tradition attaches specific contemplative exercises that complement the verses on equalizing self and other in the *Guide*. These are intended to help further facilitate the enhancement of one’s capacity for empathy and instill an instinct for conventional altruism in the practitioner—an instinct that might motivate an individual to help another person and protect that person in a manner that is compatible with the rights in the UDHR.

4.5. Perspective-Taking and Exchanging Self and Other

The concept of sympathy put forth by Adam Smith is not the passive, effortless feeling of mirroring described by Hume. Smith’s account of sympathy entails a higher-order thought that consciously imagines the world from within the perspective of the other. In the third section of *The Theory of Moral Sentiments* (1759), Smith explains that sympathy is an “imaginary change of situations with the person,” what philosophers and psychologists nowadays call “perspective-taking” or “role-taking.” Smith cites the example of ‘condoling’ with someone who has lost a son. He writes:

. . . [S]ympathy is very properly said to arise from an imaginary change of situations with the person principally concerned, yet this imaginary change is not supposed to happen to me in my own person and character, but that of the person with whom I sympathize. When I condole with you for the loss of your only son, in order to enter into your grief I do not consider what I, a person of such a character and profession, should suffer, if I had a son, and if that son was unfortunately to die; but I consider what I should suffer if I was really you, and I not only change circumstances with you, but I change persons and characters. My grief, therefore, is entirely upon your account, and not in the least upon my own (1759/2002, p. 374; III.4)

Smith asserts that “in order to enter into” the grief that the other person is feeling, the subject does not “consider what it would be like if he or she had lost a son, but rather what it would be like if he or she really was the other person who has lost a son.” Smith explains: “By the imagination we place ourselves in his situation, we conceive ourselves enduring all the same

torments, we enter as it were into his body, and become in some measure the same person with him, and thence form some idea of his sensations, and even feel something, which though weaker in degree, is not altogether unlike them” (1759/2002, p.12; XI). Smith contends that perspective-taking requires that one “place oneself in the situation of the other” and “become in some measure the same person.” In his studies on empathy, the psychologist Ezra Stotland identifies two types of perspective-taking: 1) imagining what one’s own feelings and thoughts might be if one were in the situation of the other, and 2) imagining what the feelings and thoughts of the other must be in the other’s situation (Berkowitz, 1969). These are labeled “self-oriented” or “self-focused” and “other-oriented” or “other-focused” perspective-taking, respectively. Smith believes that it is only the latter that constitutes genuine sympathy. The contemporary psychologist Martin Hoffman, however, does not agree.

Hoffman asserts that self-focused perspective-taking “produces more intense empathic affect than other-focused role-taking” (2000, p. 55). In his book *Empathy and Moral Development: Implications for Caring and Justice*, he cites the following study in support of his claim. He writes:

Undergraduate subjects listened to a (bogus) radio interview of a young woman in serious need: Her parents and a sister had recently been killed in an automobile crash. She explained that she was desperately trying to take care of her surviving younger brother and sister while she finished her last year of college. If she did not finish, she would not be able to earn enough money to support them and would have to put them up for adoption. One group of subjects was instructed to remain objective while listening, another to imagine how the young woman "feels about what has happened to her and how it has affected her life," and another to imagine how "you yourself would feel if you were experiencing what has happened to her and how this experience would affect your life." The main finding was that both role-taking conditions produced more empathic distress than the objective condition, but the self-focused condition produced more than the other-focused condition. That is, the subjects who imagine how they would feel in the victim's situation experience more intense empathic distress than those who imagine how the victim felt (2000, pp. 55-56).

The findings here suggest that those who imagined how *they themselves* might feel in the other's situation had the experience of more intense empathic distress than those who imagined how the victim felt." Hoffman thinks that self-oriented perspective-taking is more intense because it "makes a direct connection between the victim's affective state and the observer's own need system" (2000, p. 56). This concept of a "need system" was developed by Kurt Lewin, who created a schema of human needs that recognizes various "need regions" that at times may be in conflict or equilibrium. If a particular need is in tension to the rest of the system, then that person will take measures to reduce the disequilibrium by satisfying the need (Levine, Rodrigues, and Zelezny, 2013, p. 193). Hoffman's claim is that self-oriented perspective-taking is more intense because it connects the distress of the other to the need system of the empathic subject. Hoffman explains: "Imagining oneself in the other's place reflects processes generated from within the observer . . . in which connections are made between the stimuli impinging on the other person and similar stimulus events in the observer's own past. That is, imagining oneself in the other's place produces an empathic response because it has the power to evoke association with real events in one's own past in which one actually experienced the affect in question" (1978, p. 180). In Buddhist terms, Hoffman's account of the intensity of self-oriented perspective-taking dovetails with the aforementioned strategy in the *Guide* to enlist the power of the self-habit in order to promote prosocial behavior and conventional altruism.

In the verses on "exchanging self and other," Śāntideva enacts this strategy in different way that seems to utilize both self- and other-oriented perspective-taking in a very unique manner. Starting at verse 8.140 Śāntideva begins a series of contemplations that are aimed at cultivating the type of empathy Tibetan Buddhists describe in terms of exchanging self and other. Śāntideva writes:

140. Placing your own identity in inferior ones and placing the identity of others in your own self, cultivate envy and pride with the mind free of discursive thoughts (cited in Wallace and Wallace, 1997, p. 107).

Dharma Rinchen explains that in this verse, Śāntideva is enjoining the practitioner to exchange perspectives with those one feels are “inferior.” By this he means one of three different ways in which one evaluates all others. In essence, these are the most basic and automatic judgments that one makes of the other. The complete list of three is as follows: 1) those whom one considers to be better or “higher” than oneself (*mtho ba*), 2) those whom one feels “equal” (*mnyam pa*), and 3) those people whom one deems to be lesser or “lower” (*dman pa*) (Roach, 1997). When Śāntideva recommends that the practitioner “cultivate envy and pride,” Dharma Rinchen explains that this refers to the destructive emotion Buddhist psychology pairs with the evaluation of the other as “lower” or “inferior.” Each of the aforementioned stratum has a correlative mental affliction. Thus “jealousy” (*phrag dok*) is how one usually feels toward those who are “higher.” One tends to regard “equals” with an unhealthy sense of “competitiveness” (*'gran sems*). And, finally, one feels “pride” (*nga rgyal*) when confronted with those whom one feels are inferior. Dharma Rinchen says that the practitioner contemplating this verse should imagine examples of all three, and then perform the exchange of self and other.

The exchange of self and other is a unique form of perspective-taking that exhibits elements of both the self- and other-oriented types previously described from western psychology and philosophy. Dharma Rinchen’s gloss on verse 8.140 is as follows:

Here you, the bodhisattva, should focus upon those living beings who are inferior to you, those who are equal, those who are superior, and so on. Then you should make them be yourself, and you should make yourself now be none other than these others; that is, you should reverse the states of mind which hold to “me” and “other.” When you engage in this practice of exchanging yourself and others then you should do so with a state of mind which is resolved, which is free of any idea such as hesitation about what you’re doing. If you are the bodhisattva named “John” [the translational equivalent to “Devadatta”] then you should practice

feeling jealous of John; or if you're equal to him you should practice feeling competitive towards him; or if he's inferior to you, you should practice feeling proud towards him (Roach, 1997, p. 201).

Dharma Rinchen explains that the practitioner “John” should imagine a living being whom he evaluates as “inferior.” The correlative emotion here is pride, but from the perspective of the other it is a feeling of envy. Hence when “John” enacts the “reversal of the states of mind which hold to ‘me’ and ‘other,’” it is a feeling of envy he imagines having for himself from the perspective of the other. In a more recent commentary on this verse, Khenpo Kunzang Palden (*mkhan po kun bzang dpal ldan*) (1872-1943) explains: “When you perform the meditation of exchange, take other sentient being who are your inferiors, superiors, or equals and consider them as yourself, putting yourself in their position. Simply take their place and entertain no other thought. Imagine yourself in the position of someone lower than yourself and develop a sense of envy [*i.e.*, toward yourself]. Consider yourself from the viewpoint of someone on a par with yourself and generate an attitude of rivalry and competitiveness” (cited in Padmakara Translation Group, 2008, p. 187). Taken together, the root verse and Tibetan commentaries all seem to suggest that the exchange of self and other is similar to the kind of other-oriented perspective-taking described by psychologists such as Hoffman above. The original root text instructs the practitioner to “place your own identity in an inferior one . . . and cultivate envy and pride with the mind free of discursive thoughts.” Dharma Rinchen writes that “you should make yourself be none other than the other . . . reversing the states of mind which hold to ‘me’ and ‘other’ . . . with a state of mind which is free of any idea such as hesitation about what you’re doing. And if you are the bodhisattva named ‘John,’ then you should practice feeling jealous of ‘John.’” And Khenpo Kunzang Palden writes that one should “simply take the place of the other and entertain no other thought. Imagine yourself in the position of someone lower than yourself and develop a

sense of envy.” It is clear that the purpose of the exchange is not to imagine how one feels being the other, but, rather, to really imagine what that other person must feel in relation to oneself. And it is the relation to oneself that I think distinguishes this form of perspective-taking from any other.

The verses following this one are somewhat confusing in that it is not entirely clear who Śāntideva is talking about when he alternatives between the pronouns “he” and “I.” Such confusion of identity is arguably part of Śāntideva’s objective. Khenpo Kunzang Palden writes: “In each of these three meditations, whenever the text says ‘he,’ the reference is to our [real] ‘I’ now regarded as ‘other,’ someone else.” And when the text says ‘I,’ it is referring to the other—high, low, or equal, as the case may be—with whom we have now identified” (cited in Padmakara Translation Group, 2008, p. 187). Moreover, the exchange implies that the world-view of the other now becomes one’s own. When you are imagining the perspective of the other you are, therefore, seeing yourself with jealousy, and the other is now seeing you with pride. This seems to imply that while you are engaged in the act of imagination “without hesitation,” there remains an element of awareness that is conscious of your original self—not unlike Hume’s comments regarding the “impression of ourselves that is always intimately present with us.” Moreover, the entire project is ultimately based on one’s own evaluation of the other. When one begins by imagining the other as inferior, it is assumed that the other experiences oneself as superior. Hence, even though one is stepping into the shoes of the other, one is still drawing upon one’s own experience of the other in order to imagine that state of mind. When the practitioner turns his or her judgment back on him- or herself (while imagining the perspective of the other), it is implied that the practitioner is also feeling what it is like to be judged in the same way one judges others. The awareness of being judged by oneself in the manner one had previously

judged others sounds somewhat akin to the idea of the categorical imperative. In the same way the categorical imperative tests the morality of a maxim through universalizing it, one is essentially testing the morality of one's vices by universalizing it. As one Tibetan Buddhist Geshe puts it, "imagine being in a room where everyone has the same destructive emotion as you" (cited in Roach, 1997). This is, of course, not altogether fantasy since the self-habit is considered to be a trans-cultural and universal tendency.

In the verses following 8.140, Śāntideva walks the practitioner through some various contemplations that support the three previously mentioned stratum. Verses 8.141-142 continue with the theme of taking the role of the inferior. Śāntideva writes:

141. He is respected, not I. I am not wealthy as he is. He is praised, while I am despised. I am unhappy, while he is happy.
142. I do chores while he lives at ease. It seems he is great in the world, while I am debased, lacking good qualities (cited in Wallace and Wallace, 1997, p. 107).

While reading these, keep in mind that the "he" refers to the practitioner's real self, and the "I" is the imagined other. Śāntideva is instructing the practitioner to look upon his or her former self in a way that is compatible with the original feeling of superiority that one felt for oneself (vis-à-vis the inferior other) before the exchange. Previous to engaging in the role-play, the practitioner felt a sense of superiority to the other. Verses 8.141-142 describe the kind of emotions that would support that from the perspective of the other. Khenpo Kunzang Palden explains: "Looking up at yourself, your ego, now regarded as someone else, someone talented, consider how happy he must be, praised by all and sundry. You, on the other hand, are nothing, nobody, a complete down-and-out. You are utterly miserable. The other person is rich, with plenty to eat, clothes to wear, money to spend—while you have nothing" (cited in Shambhala, 2008, p. 190). Multiple things are happening when one engages in this imagined perspective. The first is that the

practitioner achieves empathetic connection with the other by imagining what it would be like to be that person in relation to him- or herself. One also familiarizes oneself with the type of virtuous emotions Buddhism prescribes (*i.e.*, humility, modesty, generosity, and altruism). And, I would speculate, there is an element of mockery in Śāntideva's tone when writes "It seems he is great in the world." It is one thing to clandestinely harbor a feeling of superiority over another person, and it quite another thing to actually see all the implications of that attitude manifest in the other (who you are imagining you are). It would be in keeping with Śāntideva's tone to mock the self-habit through this kind of hyperbole or sarcasm.

Thus far I have examined select verses from the *Guide* that I have chosen because I deem them to be relevant to my line of inquiry. The inherent danger in cherry picking verses in this manner is that the reader of this dissertation will go away with a misinterpretation of Śāntideva's overall project. My concern is that in framing the Buddhist concept of empathy and altruism as admitting some degree of egoism, and in describing Śāntideva's "strategy" as aimed at enlisting such egoism, I may keep the reader from appreciating the enmity Śāntideva actually has for the self-habit and concomitant mental afflictions. There are many instances when Śāntideva identifies the self-habit as the cause of suffering. Perhaps the most relevant, in terms of the DL's claim regarding empathy and legislation, is verse 8.134. Śāntideva writes:

Every single harm that comes in this
Entire world, every fear that comes, and so too
Every pain that ever comes,
Comes from grasping to myself [the self-habit];
What use for me then is this,
The single greatest demon? (cited in Roach, 1997, p. 197).

In his commentary on this verse, Gyaltsab Dharma Rinchen reiterates Śāntideva's sweeping statement above regarding the belief that all pain and suffering has its origin in the self-habit.

And, moreover, until this "habit of cherishing your self" is abandoned, "you'll not be able to stop

the suffering of all living kind” (cited in Roach, 1997, p. 197). This is the same basic presupposition with which the DL makes his claim regarding the efficacy of empathy. Legislation, like the temporal powers offered to the young Siddhartha, can mitigate suffering. However, until the self-habit is fully eradicated, there will always be suffering (*i.e.*, human rights violations). Hence the enhancement of empathy is the means by which one can embark on that project that ultimately sees the end of the self-habit and thus the end of all suffering. Dharma Rinchen offers a haunting metaphor that truly echoes Śāntideva’s sense of urgency here. He writes, “Until the day that you let go of some coal of fire that you’re holding in your hand, you will not be able to stop your hand from burning” (cited in Roach, 1997, p. 197-198). The self-habit is the source of all destructive emotions or “mental afflictions/addictions.” As in the aforementioned opioid addiction, the destructive consequences of the self-habit have little influence on actually stopping the addiction. Thus Dharma Rinchen likens this state of affairs to grasping a burning ember of coal. The pain that comes from clutching the burning ember of coal is unable to ease the addictive nature of the self-habit. Previously I mentioned the Buddhist redescription of the Vedic fire ritual in terms of the five “bundles” that comprise the human person. Here again, one sees a related use of the fire metaphor to convey the destructive nature of the self-habit—the root of evil in Buddhism. In Buddhism, one’s personal edification shares the same path as the one to world peace. In other words, world peace requires more than legislation; it demands a personal commitment to eradicating the self-habit.

Chapter conclusion

The DL believes that the enhancement of the human capacity for empathy can safeguard human rights better than conventional legislation. In this chapter I have explored the presuppositions and implication of this claim, namely, that it reflects the Tibetan Buddhist belief

that empathetic feelings invariably lead one to behave in a many that is congruent with the moral principles associated with the various human rights. In other words, the DL supports Batson's "empathy-altruism hypothesis," where altruism describes the kind of behavior that would safeguard one's rights. The DL's claim also involves a much more nuanced view of the different types of altruism that Tibetan Buddhists maintain are possible. Tibetan Buddhists recognize a wide spectrum of altruisms that are indexed to varying degrees of egoism. Then there are also varying conceptions of empathy that Tibetan Buddhists espouse that, although very similar to those in western philosophy and psychology, are singular and unique. I have tried to illuminate both the similarities and differences. The thesis that feelings of empathy result in prosocial behavior seems to require a common moral epistemology. The DL's claim regarding empathy and the protection of human rights therefore necessitates a certain degree of moral universalism. In the next chapter I continue my analysis of the implications of the DL's view of empathy and human rights in terms of moral universalism.

Chapter 5: The Heart of Human Rights Education

Chapter outline

§5. 1. *The Human Rights Education (HRE) Movement*

§5. 2. *HRE for Global Citizenship*

§5. 3. *How to Fit a Global Education into a National Curriculum*

Education is essential to a Buddhist philosophy of human rights. The DL's vision for a culture of human rights can only be realized through a holistic program of organized teaching and learning. In the first half of *Beyond Religion*, the DL reiterates much of what he wrote in *Ethics for the New Millennium* regarding his ideas on interdependence, universal responsibility, our common humanity, and so forth. However, the second half the book is largely dedicated to new material on what he broadly labels "Educating The Heart Through Mind Training." In this portion of his work, he offers a curriculum of practical tools, drawn from the Tibetan mind-training tradition, for realizing the ideals put forth in his secular ethics and human rights vision. Empathy may be an effective safeguard for human rights, but only insofar as that capacity is properly developed through formal training. The DL explains: ". . . I must emphasize that these suggestions [*i.e.*, the principles in his system of secular ethics] are not an instant cure for all our problems. Educating the heart takes both time and sustained effort, though I have no doubt that with sincere motivation we can all learn kindheartedness, and we can all benefit from it" (2011, p. 102). "Educating the heart" is the DL's phrase for the programmatic enhancement of one's capacity for empathy and compassion. His vision of a human rights culture creates a world in which "our regard for one another's feelings at a simple human level" (2001, p. 64) is sufficiently developed to prevent human rights disasters like the Holocaust. What this calls for is

a long-term plan that entails a radical grassroots reform in the way we teach and learn human rights. In the afterword to *Beyond Religion*, he asserts:

. . . [Since] effective societal change can only come about through the efforts of individuals, a key part of our strategy for dealing with these problems must be the education of the next generation. This is one reason why, during my travels, I always try to reach out to young people and spend some time with them. My hope and wish is that, one day, formal education will pay attention to what I call educating of the heart. Just as we take for granted the need to acquire proficiency in the basic academic subjects, I am hopeful that a time will come when we can take it for granted that children will learn, as part of their school curriculum, the indispensability of inner values such as love, compassion, justice, and forgiveness (2011, p. 187).

The DL is calling for nothing less than fundamental education reform. He equates “proficiency in the basic academic subjects” with learning “inner values such as love, compassion, justice, and forgiveness” (2011, p. 187). At a conference held in the fall of 2007 in Vancouver, British Columbia, entitled *Educating the Heart*, the DL said: “Real change is in the heart, but in modern education there is not sufficient talk about compassion . . . Through education, through training the mind and using intelligence, we can see the value of compassion and the harmfulness of anger and hatred. . . . One of the most important influential things in society is education . . . through education, new generations eventually can create a society that is more peaceful, more compassionate” (cited in McLeod, 2007). Educating the heart is more than just learning about ideas. It is an education in emotional development. Like Śāntideva, the DL regards both intellectual and innate manifestations of the self-habit as the ultimate source of all the problems in the world. Hence the objective of educating the heart is to re-habituate that compulsion through a program of study that employs both cognitive and emotional pedagogies. Traditionally, western formal education has focused more heavily on the cognitive dimension. While this is slowly changing (see the work of Paul Tough), the DL believes more must be done on teaching what the psychologist Daniel Goleman calls “emotional intelligence.” In his remarks at the

Vancouver conference, the DL said, “no one [in political leadership] takes the emotional level seriously, they just look at actions” (cited in McLeod, 2007).

The DL has taken action and does more than just talk about the need for education reform. He has helped launch several initiatives aimed at influencing the way we teach ethics and human rights. One of the outcomes of the conference in Vancouver was the creation of The Dalai Lama Center for Peace and Education. It is based in Vancouver and offers a program, the Dalai Lama Fellows, in which university students are invited to propose projects that “promote mutual understanding across culture and religions, alleviate poverty, lessen violence, and protect the environment” (Callahan, 2013). There is also the Dalai Lama Center for Ethics and Transformative Values at the Massachusetts Institute of Technology (MIT) in Boston, which was founded in order to “honor the vision of the Fourteenth Dalai Lama and his call for a holistic education that includes the development of human and global ethics” (MIT, 2014). The type of education reform the DL’s theory of human rights solicits is a long-term investment. Needless to say, his efforts have had little impact on real curriculum change. Until recently, this was also the case for the human rights education movement.

The drafters of the UDHR considered that document to be first and foremost an “educational or pedagogical tool for human rights education” (Morsink 2009, p. 186). In the last decade, the Human Rights Education (HRE) movement has made significant inroads in international education. The HRE movement has introduced new ways of learning and teaching the ideas and values represented in the UDHR. In some cases, HRE employs an affective pedagogy that aims to cultivate one’s capacity for empathy and compassion through games and multimedia (*i.e.*, film, drama, and reading stories). Parallel to, but separate from, the HRE movement is mounting empirical evidence that certain forms of Buddhist meditation have

demonstrable effects on the physiological and psychological well-being of individuals (Keyes, 2007). Traditionally, a large part of the scientific research on meditation has focused on “mindfulness-based” practices and their ability to alleviate stress in adult clinical populations. However, in recent years more attention has been given to empathy- and compassion-based meditation. And this has given rise to the development of school curricula that employ these types of meditations to facilitate the moral-emotional development of students (Ozawa-de Silva & Dodson-Lavelle, 2011). As of yet, however, very little if any connection has been made between contemplative and HRE curricula.

In this chapter, I explore the prospect of bringing the DL’s vision of educating the heart together with HRE. I assert that acting on the DL’s call for education reform is the only way to operationalize the kind of empathy he believes can ultimately be more effective than human rights legislation. I begin with a brief survey of the history of HRE in order to show how it has evolved and what it stands for today. HRE is more than just another topic for students to study; it is the beginning of a potential paradigm shift toward a new way of teaching and learning universal human values. Most HRE curricula aim to develop global citizenship—a cosmopolitan world-view. I argue that this orientation is compatible with the DL’s theory of human rights and ethics, and that his philosophy of Dialectical Centrism may be able to help ease the current resistance to privileging world-citizenship over traditional national-citizenship in HRE curricula.

5. 1. The Human Rights Education (HRE) Movement

The creators of the UDHR were well aware of the importance of teaching and learning human rights. Article 26 states that education is one of its prime objectives: “Education shall be directed to the full development of human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and

friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace” (1948). Morsink argues that HRE is the “first and primary purpose of the Universal Declaration as a whole” (Morsink, 1999). He writes:

It is not just that the Declaration is an authoritative exposition of the principles enunciated in the [UN] Charter, and not just that Article 26 of the Declaration makes human rights an educational goal. Human rights education itself is the first and primary purpose of the Universal Declaration as a whole. The entire Declaration was proclaimed by the Third General Assembly, “to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms (1999, p. 326).

Despite this initial enthusiasm for HRE, genuine curriculum change has taken several decades to get underway. Here I offer a chronology of the development of an educational component to HRE. Much of the early work in the human rights movement was preoccupied with the creation and enforcement of international law (Scoble & Wiseberg, 1981). Many of the organizations charged with developing HRE therefore had a legal focus (Miller, 2002). The legal dimension of human rights education is very important, but there is newfound recognition that the realization of Article 26 requires more than just legal scholarship—it demands a curriculum shift towards a program of study that supports the “full development of human personality.” To this end, researchers and educators have come to appreciate that teaching and learning about human rights requires a unique approach that combines both cognitive and emotional learning (Tibbitts, 2005). This more progressive and expansive view of education has invited new and different ways for teaching HRE that incorporates interdisciplinary studies. It was not, however, until the establishment of the UNESCO Associated Schools Program in 1953 that the very idea of introducing a human rights curriculum into a formal classroom setting was seriously considered by the General Assembly (UNESCO, 2003).

According to many HRE scholars, the preliminary attempts at HRE were “inconsistent

and uncommon” (Suarez, 2006, p. 45). The movement did not really get off the ground until 1974, when the General Conference adopted UNESCO’s Recommendation Concerning Education for International Understanding, Cooperation and Peace, and Education Relating to Human Rights and Fundamental Freedoms. Even then, it seems, because so much of the early work in the human rights movement required the development of international law, most of the organizations that were supporting HRE still had a strong legal orientation and did not value the importance of emotional development (Wiseberg and Scoble, 1981). According to one human rights educator: “Much of what was defined as human rights education [in the 1970s] was shaped principally by lawyers . . . Not surprisingly, on a practical or methodological level, this often led to a focus on the law and a formal discussion of rights as the entry point to human rights education” (Miller, 2002). In 1978, a new delineation of the aims of HRE was developed at the International Congress on the Teaching of Humans Rights. The “final document” that came out of that meeting clearly puts the cultivation of particular “attitudes” at the top of the list. It advocates:

- (i) Fostering the attitudes of tolerance, respect and solidarity inherent in human rights;
- (ii) Providing knowledge about human rights, in both their national and international dimensions, and the institutions established for their implementation;
- (iii) Developing the individual's awareness of the ways and means by which human rights can be translated into social and political reality at both the national and the international levels (UNESCO, 1979).

It is significant that the second and third aims listed above mention implementing HRE at both the “national and international” levels. One of the perennial stumbling blocks for any human rights initiative is the inherent tension between national sovereignty and international law. HRE is no exception. Morsink says that U.N. member-states tend to develop systems of education and

curricula that encourage nationalism before more cosmopolitan values (Morsink, 2009). Moral cosmopolitanism or educating for world-citizenship is indeed a major theme in most HRE curricula. The subject of privileging global human rights concerns over national interests is an ongoing topic of heated debate. I will return to it in greater depth in the following section.

The Vienna World Conference on Human Rights in 1993 was a watershed moment for the HRE movement. One of the outcomes of the conference was a strategy to promote human rights education. The Vienna Declaration asserts: “The World Conference on Human Rights considers human rights education, training and public information essential for the promotion and achievement of stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace” (Vienna Declaration and Programme of Action, Part II. D, para. 78). One year after the Vienna Conference, the General Assembly decided to adopt Resolution 184, which proclaimed “the 10-year period beginning on 1 January 1995 the United Nations Decade for Human Rights Education” (Ofreneo, 1997). The Decade for Human Rights Education significantly helped raise awareness of HRE, and led to an even stronger definition of HRE that emphasizes the importance of character development in the creation of a “universal culture of human rights.” The new and current UN definition of HRE is as follows:

Education, training and information aiming at building a universal culture of human rights through the sharing of knowledge, imparting of skills and moulding of attitudes directed to:

- a) the strengthening of respect for human rights and fundamental freedoms;
 - b) the full development of the human personality and the sense of its dignity;
 - c) the promotion of understanding, tolerance, gender equality and friendship among all nations, indigenous peoples and racial, national, ethnic, religious and linguistic groups;
 - d) the enabling of all persons to participate effectively in a free and democratic society governed by the rule of law;
 - e) the building and maintenance of peace;
- and

f) the promotion of people-centered sustainable development and social justice (UNESCO, 2011).

The inclusion of vocabulary such as “universal culture of human rights” and a “moulding of attitudes” reflects the heightened recognition of the original import of Article 26 that human rights education should be directed toward the “full development of the human personality” and the promotion of “understanding, tolerance and friendship among all nations, racial or religious groups.” In an article entitled “The Significance of the UN Decade for Human Rights Education: Its Background and Future,” John Pace (the former Director of the United Nations Center for Human Rights) asserts “education is a prior condition for any meaningful implementation of human rights standards” (Pace, 1995). He explains: “The United Nations is seeking to build a universal culture of human rights . . . As phrased by the United Nations Secretary General, human rights should become the ‘common language of humanity.’ Human rights education is the means to attain this” (Pace, 1995). Pace says that despite the “acrimony and polarization” at the Vienna Conference, HRE received the “greatest concurrence by governments,” and that this led to the adoption of Resolution 184. Pace describes an ambitious “Plan of Action” to reach “as wide an audience as possible for both formal and non-formal education . . . including the training of trainers [HRE teachers]” (Pace, 1995). Eventually this Plan of Action was incorporated into a World Program for Human Rights Education in 2004.

The purpose of the World Program is to “further the implementation of human rights education programmes in all sectors” (Resolution 59/113A). According to UNESCO this has two phases: the first spans from 2005 to 2007 and focuses on promoting HRE at the primary and secondary levels, and the second runs from 2010 to 2014 and is aimed at higher education and teacher-training programs (UNESCO, 2006). UNESCO describes phase one as follows: “Unlike the limited time frame of the United Nations Decade for Human Rights Education (1995-2004),

the World Programme is structured around an ongoing series of phases, the first of which covers the period 2005-2007 and focuses on the primary and secondary school systems. Developed by a broad group of education and human rights practitioners from all continents, the Plan of Action for the first phase proposes a concrete strategy and practical ideas for implementing human rights education nationally” (UNESCO, 2006). One the “five key components” listed in the Plan of Action for the World Program is to make the “learning environment” more conducive for both “cognitive learning” and “emotional development” (UNESCO, 2006). This approach is described as “holistic” in that “human rights concepts and practices are integrated into all aspects of education . . . all materials and textbooks [not just those explicitly on human rights] are consistent with human right values” (UNESCO, 2006). In other words, the plan of action for HRE entails significant systematic changes to the intellectual infrastructure of education in general. UNESCO describes the plan of action for the second phase as follows: “The emphasis of the World Programme’s first phase (2005–2009) was on the school system. Building on the achievements of those five years, the second phase (2010–2014) focuses on those who further mentor tomorrow’s citizens and leaders, such as higher education institutions, as well as on those who have a major responsibility for respecting, protecting and fulfilling the rights of others – from civil servants and law enforcement officials to the women and men serving in the military” (UNESCO, 2012). Whereas phase one was oriented toward creating a holistic environment or curriculum for primary and secondary students, in this second phase HRE aims to introduce specialized programs for world citizenship. This means the introduction of both undergraduate and graduate programs of study in human rights, as well as more non-academic programs for civil servants and law enforcement personnel. UNESCO states that this “should not translate into just one-off training courses for selected officials but should encourage the establishment of a

sound national training structure, involving both the sector in question and those sectors of society it is supposed to serve” (UNESCO, 2012).

One example of a human-rights-based curriculum that uses the UDHR at the primary and secondary level is the Rex Foundation’s initiative The World As It Could Be Human Rights Education Program (TWAICB) at San Francisco’s Balboa High School and Arroyo High School in San Lorenzo, California. Members and friends of the music band The Grateful Dead founded the Rex Foundation in 1983 as a non-profit charitable organization to support “creative endeavors in the arts, sciences, and education” (TWAICB, 2014). Since 1984 the Rex Foundation has awarded over nine million dollars to more than a thousand individual recipients (TWAICB, 2014). TWAICB program is an outgrowth of a series of initiatives the Rex Foundation started in 2006 to “educate and inspire youth and adults to further human rights for all people” (TWAICB, 2014). TWAICB uses the creative arts in innovative ways to teach and learn about the values and ideas in the UDHR. At Balboa High School (the alma mater of the late band leader Jerry Garcia), the program has two initiatives: “1) To distribute and further develop a project-based HRE curriculum, coupled with teacher training, which integrates arts and presentation to inspire the students toward deep learning, personal growth, and civic engagement; and 2) Commission original productions that provide youth participation in community-based creative arts programs with opportunities to develop and perform work based on UDHR percepts” (TWAICB, 2014). In addition to raising awareness of the UDHR, the venture strives to provide multiple levels of benefits in a number of areas, which include: supporting grassroots non-profits arts professionals, engaging critical thinking and positive social

interaction in youth, engaging the broader community to not only support, but also celebrate, the accomplishments of youth.¹⁰

At the level of higher education, students at Columbia College and Barnard College currently have the opportunity to pursue a program of human rights studies. In fact, the first academic center dedicated to an interdisciplinary approach to the study of human rights was founded in 1978 at Columbia University (ISHR, 2014). In 1998, Columbia established the Human Rights Studies Program as part of its Liberal Studies Master of Arts degree in the Graduate School of Arts and Sciences. That program was absorbed into the Institute for the Study of Human Rights (ISHR) in 2011. At present, the ISHR oversees three human rights education programs at Columbia University: 1) the Human Rights Studies Masters of Arts (GSAS), 2) the Undergraduate Human Rights Program at Columbia College and General Studies, as well as 3) a special Baccalaureate Summer Program that is offered through the School of Continuing Education (ISHR, 2014). ISHR also organizes events that further help support the growing community of faculty and students in the Columbia community who are interested in human rights.

One of the more important developments in HRE is the emergence of a robust “epistemic community” in the form of an online list-serve and website that is hosted by the Human Rights Education Associates (HREA). This community has more than 5,000 members from across the globe and facilitates constructive engagement around the various issues concerning HRE (Suarez, 2006, pp. 57-58). The HREA is a small international nongovernmental organization that was founded in 1996, and it partners with various organizations that include universities and

¹⁰ The curriculum for in-class learning hosts a number of exercises geared toward developing the kind of emotions the DL and Tibetan Buddhism contend are integral to moral behavior. I have used these exercises in my own class on Buddhism and human rights at Lang College, The New School University. I have also met with Sandra Sohcot (director of TWAICB) and have begun conversations on how to insert a mind-training module alongside these types of exercises. She agrees that they would complement and augment the aims of TWAICB.

governments. Discussion topics on its list-serve include issues of pedagogy and competing models for HRE. This is probably the most important digital resource for scholars and practitioners of HRE in the world today. The HREA forum “empowers professionals from around the world to discuss, debate, and recreate the human rights movement as part of the education process” (Suarez, 2006, p. 57). In the words of one HRE scholar: “[These online exchanges] suggest that the movement has matured to the point where debates about process and content have real meaning and salience. A discussion about human rights education as process would have been unimaginable thirty years ago when few nations even discussed human rights in education” (Suarez, 2006, p. 82). This epistemic community has become one of the more vibrant and constructive intellectual engines for HRE theory and practice. The sophistication of the global discussions is indicative of how much the HRE movement has evolved since the Vienna Conference. According to Felisa Tibbitts, the current director of the HREA, the number of HRE organizations worldwide “quadrupled between 1980 and 1995, from 12 to 50” (Tibbitts & Fritzsche, 2006). And since the Vienna Conference, several countries have incorporated HRE into their national curriculums, teacher- training guides, and textbooks (Moon, 2009). According to the U.N., eighty-nine countries reported having HRE initiatives, sixty-seven of which are in the realm of formal education (UNHCHR, 2003). Tibbitts also cites a review from 1996 that claims, “through the cooperative efforts of NGOs and educational authorities, human rights courses and topics had been introduced into the national curricula in Albania, Australia, Brazil, Canada, Denmark, Norway, the UK and Ukraine” (Tibbitts & Fritzsche, 2006).

Clearly the HRE movement is making progress, but there are many obstacles. Several governments (including the U.S.) are wary about adopting a curriculum that privileges universal values over nationalistic interests. The fact that the DL’s vision for education reform and human

rights can be construed as a non-western form of cosmopolitanism has direct bearing on operationalizing his project to educate the heart. In the following section, I explore this, as well as the aforementioned controversy concerning cosmopolitanism and nationalism, in greater depth.

5. 2. HRE for Global Citizenship

The HREA website reflects the strength and commitment of the aforementioned epistemic community; it contains a rich database of resources for learning and teaching human rights. When this is combined with the digital resources of UNESCO and OHCHR, the plethora of online HRE curricula is somewhat staggering. In her essay “Human Rights Education: Ideology, Location, and Approaches,” Monisha Bajaj (Assistant Professor of Education at Teachers College, Columbia University) distinguishes the following three ideological orientations in most HRE curricula: 1) HRE for Global Citizenship, 2) HRE Coexistence, and 3) HRE Transformative Action (Bajaj, 2011). She glosses them as follows:

HRE for Global Citizenship seeks to provide learners with membership to an international community through fostering knowledge and skills related to universal values and standards. HRE for Coexistence focuses on the inter-personal and inter-group aspects of rights and is usually a strategy utilized where conflict emerges not from absolute deprivation, but from ethnic or civil strife. The third approach, HRE for Transformative Action, usually involves learners who are marginalized from economic and political power and for whom HRE includes a significant process of understanding their own realities. This approach is most akin to Paulo Freire’s process of developing a critical consciousness and what Meintjes terms a “critical human rights consciousness” (Bajaj, 2011, p. 489).

These are not competing ideologies, but, rather, overlapping models of HRE that approach content, pedagogy, and action in skillful ways. What privileges one approach over another are the particular circumstances of the target community. For instance, HRE for Coexistence is geared toward post-conflict communities. It aims to re-humanize the “other” when and where inter-group conflict has occurred. “Information related to each group,” explains Bajaj, “is taught

as a way of creating greater empathy and understanding” (Bajaj, 2011, p. 492). HRE for Global Citizenship resembles a more conventional curriculum in that it presents information about the UDHR, but it specifically aims to impart a cosmopolitan concept of those rights. Cultivating empathy and compassion are, according to Bajaj, integral to fostering the attitude of a global citizen. This means reducing parochial prejudice and stereotypes, as well as fostering a feeling of moral concern for the whole of humanity. An HRE syllabus with a global citizenship approach will therefore often combine both cognitive and emotional pedagogies (*i.e.*, the TWAICB program described above).¹¹ Lastly, HRE for Transformative Action focuses on “an analysis of power and how one might act in the face of injustice” (Bajaj, 2011, p. 494). Here learners are presented with the values and skills for actually taking action in a meaningful and constructive way. This might lead to participating in organized protests, enlisting in a particular social movement, or joining an NGO that is working toward a particular cause. I believe that there are many ways in which Tibetan Buddhism can contribute to all three of these approaches. My concern here, however, is HRE for Global Citizenship (HRE-GC).

In what follows, I lay out some of the ways in which I think the cosmopolitan ideology of HRE-GC is compatible with the DL’s human rights project. Most governments see a cosmopolitan education as a threat to the standard national curricula that aim to promote patriotism and nationalism. This presents a major obstacle to implementing HRE-GC as well as the DL’s own project of educating the heart. I argue for how I think Dialectical Centrism can help alleviate the tension between moral cosmopolitanism and nationalism.

Most scholarly accounts of moral cosmopolitanism invariably begin with an evocation to

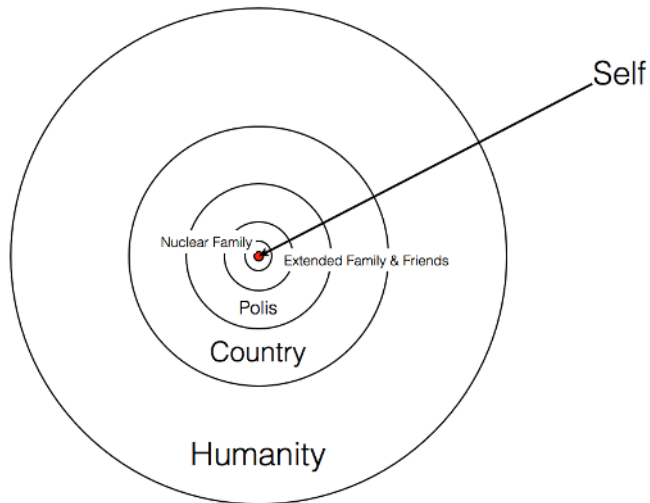
¹¹ In addition to programs like TWAICB, another good example of this is Amnesty International’s Voice Our Concern program in Ireland, where thousands of students in secondary schools throughout the country have worked with HRE “facilitators” who present a curriculum that combines traditional human rights theory and practice with the arts (*i.e.*, music, visual art, drama, poetry, photography and film).

Diogenes the Cynic (fourth century BCE), who famously identified himself as a “citizen of the world” (*kosmu polites*) (Rapport, 2012) and claimed that all men belong to a single moral community that he referred to as the “city of the world” (a kind of antecedent to the present day concept of a “global village”) (Vertovec & Cohen, 2002). From the cosmopolitan perspective, all human beings—regardless of their individual political, ethnic, or religious affiliations—are world-citizens (Kleingeld & Brown, 2011). The origins of western cosmopolitanism go deeper than Diogenes; they can be traced back to the writings of the Stoic philosopher Hierocles (second century BCE). In a passage from one of the few existing fragments of his writings, Hierocles communicates the aims of moral cosmopolitanism by way of a schema of concentric circles. Phillip Mitsis translates the relevant stanzas as follows:

(1) Each of us is as it were entirely encompassed by many circles, some smaller, others larger, the latter enclosing the former on the basis of their different and unequal dispositions relative to each other. (2) The first and closest circle is the one which a person has drawn as though around a centre, his own mind. This circle enclosed the body and anything taken for the sake of the body. For it is virtually the smallest circle, and almost touches the centre itself. (3) Next, the second on further removed from the centre but enclosing the first circle; this contains parents, siblings, wife, and children (cited in Klosko, 2011).

Hierocles’s envisions a series of expanding concentric circles radiating out from the zero point of the “self.” The image here is like a dartboard, in which each circle represents a particular social group, and the distance of each circle from the center correlates to one’s natural feelings of moral concern. Hence the closest circle stands for one’s nuclear family (the in-group whom one has the most natural inclination to help), followed by a slightly larger circle that represents one’s extended family and friends (those for whom one might enjoy bonds of reciprocity and friendship), succeeded by an even larger circle that symbolizes one’s fellow citizens of the *polis*, and finally there are those out-groups that literally exist outside the walls of the polis and extend to the whole of humanity—or *cosmos* (see Figure I below).

Figure I: (Hierocles’s vision of expanding circles).



Hierocles asserts that it is “incumbent on us [cosmopolitans] to respect people from the third circle as if they were those from the second, and again to respect our other relatives as if they were those from the third circle” (Klosko, 2011, p. 138). In other words, the cosmopolitan should try to draw the circles inward towards the zero point of the individual and treat all of humanity as like his or her closest relatives. The contemporary philosopher Martha Nussbaum subscribes to this way of thinking and argues that “the task before the contemporary cosmopolitan citizen is to draw in groups from the outer circles so that affiliations toward them become identical to those extended to fellow city dwellers” (Naseem & Hyslop-Margison, 2006). In fact, the DL expresses the objectives of his secular ethics in strikingly similar terms.

In an interview with the psychologist Howard Cutler the DL describes his project in terms that would be familiar to Hierocles. He says: “Now, the sense of self and the attachment to one’s existence is of course a very natural trait. And I think that this sense of Us is simply an extension of this sense of self—it becomes extended so others get included in it, especially your

immediate kin. You expand your horizon of identification, of personal identity, to include others, those to whom you look for support. So, as this expands, first it extends to your family, then your cultural group, then your nation, wherever it takes” (Cutler, 2009, pp. 48-49). The DL contends that the aspiring altruist should try to transcend parochial differences and embrace a larger sense of “Us.” This stratagem comes directly out of the previously discussed mind-training tradition in which one’s natural tendency to reify the self is redirected toward a larger conception of personal identity that includes others and their welfare. Previously I compared this to Rorty’s “we-statement” that seeks to exploit one’s pre-given affiliation with a particular group (*i.e.*, one’s country) as a way gaining solidarity with others, as well as Cialdini’s notion of “merged conceptual identity” in the context of the EAH. Here I wish to draw yet another line of cross-cultural comparison with moral cosmopolitanism. I believe the DL’s secular ethics and human rights should be recognized as a form of non-western cosmopolitanism. Much of the justification for this claim can be derived from those sections in this dissertation where I discuss the DL’s appeal to a “shared humanity,” interdependence, and empathy. Here I will try to reformulate much of that in terms of education—and specifically for this controversy concerning nationalism and cosmopolitanism.

5.3. How to Fit a Global Education into a National Curriculum

In its most robust form, cosmopolitans are “compelled not to act on the dictates of local cultures or nationalistic and patriotic expectations when these values and behaviors contravene universal standards of human behavior” (Naseem & Hyslop-Margison, 2006). This makes any HRE curriculum that is oriented toward global citizenry extremely threatening to most government-sponsored education systems. Morsink asserts that the governments of U.N. member states “guard their own sovereignty just as much in the field of education as they do in security”

(Morsink, 2009, p. 187). He writes: “States create systems of education and curricula that are openly geared toward patriotism and nationalism and that seek to mold citizens who have loyalty, love, and respect for their own country, usually at the expense of the larger cosmopolitan connections . . .” (Morsink, 2009, p. 187). Morsink believes that “patriotism in school curricula is best taught within the larger cosmopolitan framework” (Morsink, 2009, p. 186). Needless to say, this is a very contentious issue.

In a special issue of the *Boston Review* (1994) entitled “Patriotism or Cosmopolitanism?” Martha Nussbaum wrote a target essay to which a legion of notable scholars contributed responses. Many of the those essays, including Nussbaum’s, were subsequently published in a volume edited by Nussbaum (1996) entitled *For Love of Country?* The nub of dispute in both publications is Nussbaum’s claim that American students should be “taught that they are above all citizens of a world of human beings” (Nussbaum, 1996, p. 6). Nussbaum calls this a “cosmopolitan education” and argues that “emphasis on patriotic pride is both morally dangerous and, ultimately, subversive of some of the worthy goals patriotism sets out to serve” (Nussbaum, 1994, p. 2). Nussbaum begins her argument by summoning the cosmopolitan theme in Tagore’s novel *The Home and the World* (1916).

Rabindranath Tagore (1861-1941) was an influential Bengali writer and educator who was also the first non-European to win the Nobel Prize for literature (in 1913). The plot in *The Home and the World* revolves around a love triangle between the erudite and wealthy cosmopolitan Nikhil, his naïve but beautiful wife Bimala, and the passionate Indian nationalist Sandip. It takes place amidst the aftermath of Lord Curzon's (Viceroy of India) partition of Bengal into Muslim and Hindu states in 1905. Nikhil is an undemonstrative and erudite figure contentedly married to his wife Bimala until the arrival of his old friend Sandip, who captivates

Bimala with his passion and zealotry for the Swadeshi movement. The Swadeshi (*svadēśī*, “self-sufficiency”) movement sought to foster a strong Indian identity independent of, and *self-sufficient* from, the influence of the British colonial government. Its methods included boycotting British goods and also occasionally engaging in acts of revolutionary violence. The pivotal moment in the story is when Sandip persuades Bimala to steal money from Nikhil for Swadeshi. Bimala commits the crime but later realizes that Sandip is actually an egomaniac. She deeply regrets stealing from her husband and tries in vain to replace the money. The irony is clear; in her attempt at nationalism, she ends up subverting morality.

Nussbaum opens her essay with a passage from the novel in which Nikhil denounces nationalism and proclaims his allegiance to cosmopolitanism saying “I am willing . . . to serve my country; but my worship I reserve for Right which is far greater than my country. To worship my country as a god is to bring a curse upon it” (1996, p. 1). Nussbaum’s gloss of the novel and its salient theme is as follows: “[T]he novel is a story of education for world citizenship, since the entire tragic story is told by the widowed Bimala, who understands, if too late, that Nikhil’s morality was vastly superior to Sandip’s empty symbol-mongering, that what looked like passion in Sandip was egocentric self-exaltation, and that what looked like lack of passion in Nikhil contained a truly loving perception of her as a person” (1996, p. 9-10). Nussbaum asserts that nationalism “subverts, ultimately, even the values that hold a nation together because it substitutes a colorful idol for the substantive universal values of [cosmopolitan] justice and right” (1996). She believes, with Tagore, that: “. . . [A]t bottom, nationalism and ethnocentric particularism are not alien to one another, but akin—that to give support to nationalist sentiments subverts, ultimately, even the values that hold a nation together, because it substitutes a colorful idol for the substantive universal values of justice and right” (Nussbaum, 1996).

Nussbaum explains that once someone has identified themselves as “Indian first, a citizen of the world second . . .” then it is just slippery slope to saying “I am a Hindu first, and an Indian second” (1996, p. 5). Nussbaum's contends that nationality is “ethically irrelevant,” and that one should identify instead with all human beings and treat them as having the same moral worth. In *Ethics for the New Millennium*, the DL makes a similar claim, saying “we put too much emphasis on superficial differences [of religion, language, and culture] . . . we cannot avoid bringing about additional suffering both for ourselves and others” (2001). However, for the DL, at the root of the attraction of nationalism is the self-habit. Reifying differences and contracting one’s circle of moral concern (whether it be in the name of nationalism, ethnocentrism, etc.) is symptomatic of the self-habit. One way to curb the reification of parochial differences that excludes others is to contemplate the concept of shared humanity. The DL writes:

In order to overcome our tendency to ignore others’ needs and rights, we must continually remind ourselves of what is obvious; that basically we are all the same. I come from Tibet; most of the readers of this book will not be Tibetans. If I were to meet each reader individually and look them over, I would see that the majority do indeed have characteristics superficially different from mine. If I were then to concentrate on these differences, I could certainly amplify them and make them into something important. But the result would be that we grew more distant rather than closer. If, on the other hand, I were to look on each as one of my own kind—as a human being like myself with one nose, two eyes, and so forth, ignoring differences of shape and color—then automatically that sense of distance would fade. I would see that we have the same human flesh and that, moreover, just as I want to be happy and to avoid suffering, so do they. On the basis of this recognition, I would quite naturally feel well disposed toward them. And concern for their well-being would arise almost by itself (2001, p. 164).

This is how the DL claims one can develop a sense of “universal responsibility.” Through greater familiarization and habituation with one’s shared humanity comes an expanded sense of moral concern. The more one is able to intimately feel the fundamental vulnerability to suffering and yearning for happiness that is the universal human condition, the more one is able to empathize with others, and thereby be motivated to engage in altruism. However, it is not so much the circle

with which you identify as it is whether or not that circle is inclusive or exclusive in a particular context.

From the perspective of Dialectical Centrism, there is nothing intrinsically noble about reifying one circle over another. The reader will recall that this school accepts a “conventional realism” that recognizes the emergence of valid meaning from out of a network of veridical frameworks or relationships between phenomena that ultimately lack intrinsic ontological existence (*i.e.*, they are “empty”). Thubten Jinpa writes:

. . . [T]here is an element of realism in Tsongkhapa’s concept of knowledge. Yet it must be noted that the realism is relative to a framework that is, in itself, ultimately a construct. Just as the propositions pertaining to Sherlock Holmes are verifiable within the framework of the world of fiction so is Tsongkhapa’s knowledge veridical only within the limited framework of our everyday transactional, conventional world. In the ultimate sense, all such knowledge remains provisional. So if Tsongkhapa’s epistemology can be characterized as realism at all, it must be regarded as such with an important qualification, that is to say, as “conventional realism” (Jinpa, 2013, p. 168).

Jinpa’s mention of Sherlock Holmes above is a reference back to a previous discussion on what he calls the “pan-fictional view of Madhyamaka” (Jinpa, 2013, p. 165). In his account of Dialectical Centrism, Jinpa draws an epistemological parallel between the veridical frameworks of fictional conventions in Sir Arthur Conan Doyle’s literary world and the veridical frameworks of worldly conventions in the real world. Jinpa explains: “So, according to Tsongkhapa, we can safely surmise that as far as the applicability of semantic and logical principle is concerned, there is no difference between the world of fiction and that of actual living beings. Just as true and valid propositions can be made concerning the actual world, so can valid propositions can be made relating to the fictional world [*i.e.*, Sherlock Holmes lives in London]” (Jinpa, 2013, p. 166). In other words, the integrity of the epistemological frameworks in the fictional world and the real world are essentially the same. Just as it would be incorrect to say that Sherlock Holmes

lives in Tibet (because that would be incompatible with the world of Conan Doyle), it would be incorrect to assert any intrinsic privilege to either nationalism or cosmopolitanism. The moral value in favoring one circle over another is only meaningful in relation to a particular veridical framework or context. If, for instance, the reification of one's allegiance to his or her country yields a more inclusive and altruistic motivation, the action can be labeled morally "right." If, however, the reification of one's allegiance to a country yields a more exclusive and egoistic motivation that dehumanizes and intentionally neglects others, the action can be said to be morally "wrong." In either case, the self-habit is still deemed to be ultimately problematic. Therefore such binary labels fail to capture the full spectrum of moral valence in Buddhism. (The reader will recall the wide many types of altruism explored in the previous chapter.)

One might argue that the exclusion of others is a necessary consequence of choosing any of the circles (*i.e.*, if you love your country you therefore must not love those outside your country). In his response to Nussbaum's essay entitled "Crude Alternatives," the philosopher Stephen Nathanson addresses this in the following way:

I argue that extreme patriotism is not the only kind of patriotism, and I describe a "moderate" form that is not chauvinistic, militaristic, or hostile to dissent. In brief, if we see the essence of patriotism as love of one's own country, it is clear that one can love one's country without hating other countries, being an enthusiast about war, limiting one's concerns to one's own country, or believing in mindless obedience and support. A moderate patriot is not a cosmopolitan in Nussbaum's sense, but such a person could well possess at least some of the virtues Nussbaum wants to promote (Nathanson, 1994).

The point is not that moderate patriotism is better than cosmopolitanism, but merely that there is a spectrum of varying kinds of each—it is not a binary. There is nothing, according to the philosophy of Dialectical Centrism, intrinsically bad about being a nationalist. Moreover, it is important to acknowledge difference, since it is part of the matrix or framework of relations from whence meaning is derived. The DL does not dismiss the importance of ethnic differences when

he says one should expand one's moral horizon. He says: "Our differences are not necessarily superficial . . . For example, there is one senior Lama I know who is from Ladakh. Now, I am very close to this Lama, but at the same time, I know that he is a Ladakhee. No matter how close I may feel toward this person it's never going to make him Tibetan. The fact remains that he is a Ladakhee" (Cutler, 2009, p. 5). It is only when one's reification of nationality actively and intentionally subverts the interests of others that it becomes morally wrong, or just less right.

In her introduction to *For Love of Country?* Nussbaum recalls the events of September 11, 2001, in New York City and juxtaposes two responses on the part of the American people, one patriotic and one cosmopolitan. She writes: "We can take this disaster as occasion for narrowing our focus, distrusting the rest of the world, and feeling solidarity with Americans alone. Or we can take it as an occasion for expansion of our ethical horizons. Seeing how vulnerable our great country is, we can learn something about the vulnerability all human beings have, about what it is like for distant others to lose those they love to a disaster not of their own making, whether it is hunger or flood or ethnic cleansing" (1996). Nussbaum clearly favors the cosmopolitan response. Dialectical Centrism, however, would refrain from ascribing a general privilege to one or the other without first making an evaluation of the context. The morally right response would have to be relative to the individual agent's unique set of circumstances. There is of course a general moral ideal (which would be cosmopolitan), but as I have tried to show in previous chapters, the spectrum between ideal and not ideal is quite wide. There are varying degrees of altruism as well as different types of empathy, each being relative to the particular circumstances of the individual practitioner. For instance, one can imagine a white Irish-American firefighter (who might normally harbor a prejudice against African-Americans) arriving at Ground Zero, transcending his racism, and risking his own life to save an African-

American person.¹² Conversely, one can also imagine a scenario in which a feeling of nationalism in the wake of 9/11 might lead to a misplaced bias against Arab-Americans. There are documented instances of both, but the point here is that the criteria for moral valence is relative to whether or not the individual's moral concern is inclusive or exclusive. The DL's appeal to a shared humanity is the ideal to which one strives—but that is not to suggest it is intrinsically ideal. In Buddhist literature the practitioner is continually encouraged to aspire to the ideal of the bodhisattva (*i.e.*, a purely altruistic wish to achieve enlightenment for the sake of all sentient beings), but in practice that same individual must attenuate his or her own aspirations in accordance with the severity of his or her particular self-habit. This is a potentially self-sabotaging task, which is why the Tibetan tradition puts unusually heavy emphasis on the role of the teacher. It is largely the responsibility of the teacher to employ a pedagogy of “skill-in-means” (*upāya*) that adjusts appropriately to the spiritual or moral aptitude of the student.

The view from Tibetan Buddhist Dialectical Centrism can be vividly expressed using some of the elements from Hiercoles' metaphor of concentric circles. Doing that, however, would require re-imagining the circles as a matrix of three-dimensional spheres within spheres radiating outwards and inwards with no discernable beginning or end (not unlike the previously mentioned web of Indra that is often used to convey interdependence). Doing this would reflect Dialectical Centrists' view of reality and persons as interrelated systems of parts within parts. It would also convey the fantastic breadth of different forms of sentient life in Buddhist cosmology. Buddhism recognizes numerous planes of existence outside of the ordinary world. For example, the Abhidharma identify thirty-one different realms of existence, and that is not

¹² Testimony during a bench trial to determine ways of improving minority recruiting revealed numerous instances of racism occurring within the predominantly Irish-American FDNY just a short time after the events of September 11. According to one news source, in 2001, African-Americans made up 26% of the city's total population, but only 3% of firefighters are African-American (“FDNY Captain,” n.d.).

even including the various different “formless realms” (*arūpadhātu*). According to Rupert Gethin, “any being may be born at any one of these levels. Indeed, one should rather say that every being has during the course of his or her wandering through saṃsāra at sometime or another been born in every one of these conditions” (Gethin, 1998). Hence these are not abstractions for Buddhist practitioners who feel intimately connected to the possibility of myriad forms of life. Though this cosmology is anchored in Buddhist religious presupposition, there is a more secular open-mindedness that can be extracted from it. For instance, it is not at all irrational to posit the possibility of intelligent life outside of our modest solar system. The effect of adding another circle/sphere to the schema, beyond that of humanity, would immediately alter the relative distance from the center. And this would radically change the way most people think about the attraction of one circle over another (*i.e.*, nationalism over cosmopolitanism). The DL suggests as much in his interview with Cutler. He says: “Now if we could get beings from Mars to come down to the earth, and pose some kind of threat, then I think you would see all the people on Earth unite very quickly! They would join together, and say, ‘We, the people of the earth!’” (Cutler, 2009, p. 7). When confronted with an even larger circle (*i.e.*, “beings from Mars”), the seemingly insurmountable differences based on culture, ethnicity, religion, and so forth are immediately dwarfed by the radical dissimilarity of the new (previously inconceivable) “other.” The addition of an “extra-terrestrial” circle (particularly one that is hostile) that would engulf the circle of humanity would become the new locus for the type of feelings most people presently have for humanity. In other words, cosmopolitanism would become less of an abstraction when contrasted with “beings from Mars.” This makes Bimala’s lack of passion for Nikhil’s cosmopolitanism really just a consequence of insufficient imagination. The point I am making here is that Dialectical Centrism’s multi-dimensional view of the circles of Hierocles

reveals the false dichotomy in the nationalism-cosmopolitanism debate.

Nussbaum mounts her attack on nationalistic education by drawing on ancient Stoic thought. She qualifies Stoic cosmopolitanism by saying that they were not “proposing the abolition of local and national forms of political organization and the creation of world state” (1996, pp. 4-7). In fact, it is much more significant than that. She explains: “The point was more radical still: that we should give our first allegiance to no mere government, no temporal power, but the moral community made up by the humanity of all human beings” (1996, pp. 4-7). Nussbaum extracts three reasons from Stoicism for the taking up of a cosmopolitan attitude in education: 1) It provides the kind of self-knowledge characterized by being able to see oneself in relation to all others, 2) Problems can be solved more effectively by transcending local allegiances and partisan loyalties, and 3) This position is intrinsically valuable (albeit less colorful than the passionate rhetoric of nationalism/patriotism). These three reasons are refined in her subsequent books *Cultivating Humanity: A Classical Defense of Reform in Liberal Education* (1996) and *Not for Profit: Why Democracy Needs the Humanities* (2010). In both, Nussbaum reasserts her claim that a truly liberal education should free an individual’s mind from the provincial “bondage of habit and custom, producing people who can function with sensitivity and alertness as citizens of the whole world” (1998b, 8). She writes that the cultivation of world citizenship requires the development of three essential capacities: 1) an ability to think critically (*i.e.*, examine one’s own cultural-philosophical presuppositions and attain a kind of self-reflexivity), 2) an ability to transcend local loyalties and approach world problems as a “citizen of the world,” and 3) an ability to imagine sympathetically/empathetically the predicament of another person (*i.e.*, to be able to imagine cultural difference so that one can better understand alternative narratives). With regard to the first, she writes: “First, there is the capacity for critical

examination of oneself and one's own traditions. For living what, following Socrates, we may call the examined life. This means, a life that accepts no belief that is authoritative simply because it has been handed down by tradition or becomes familiar through habit; a life that questions all beliefs and accepts only those that survive reason's demand for consistency and for justification (1998a)." Nussbaum maintains that "attaining membership in the world community entails a willingness to doubt the goodness of one's own way and to enter into the give-and-take of critical argument about ethical and political choices" (1998b, p. 62). Learning how to reason and think critically will enable an individual to distinguish between which of his or her beliefs is "arbitrary and unjustified from that which may be justified by reasoned argument" (1998b, p. 62). And this supports a constructive and productive exchange of ideas that results in the kind of intellectual transformation thinkers like "Socrates and the Stoics had in mind" (1998a).

According to Nussbaum this can be achieved by requiring students to take a couple of semesters of western philosophy. I think the DL would support this, but he also would probably advocate broadening that requirement to include non-western critical thinking. He often expresses a willingness to question his own Buddhist beliefs in the context of scientific inquiry. In his book *The Universe in a Single Atom*, he credits the Buddha with having first set the example of privileging reason above scriptural authority. He writes: "Although Buddhism has come to evolve as a religion with a characteristic body of scriptures and rituals, strictly speaking, in Buddhism scriptural authority cannot outweigh an understanding based on reason and experience. In fact the Buddha himself, in a famous statement, undermines the scriptural authority of his own words when he exhorts his followers not to accept the validity of his teachings simply on the basis of reverence to him" (2006, p. 24). The classic analogy for this is the Buddha's exhortation to treat his teaching like a goldsmith would treat purchasing gold in the

marketplace. The relevant passage is from the *Catuhpratisaranasūtra*: “O Bhikshus, just as a goldsmith gets his gold, First testing by melting, cutting, and rubbing, Sages accept my teachings after full examination. And not just out of devotion (to me)” (cited in Thurman, 1984, p. 190).

There are important epistemological caveats that must be considered before drawing too close a connection between Socratic reasoning, the scientific method, and Buddhist logic.¹³

Nevertheless, self-examination is an important starting point in Buddhist education.

The second capacity Nussbaum believes is integral to a cosmopolitan education is the idea of world citizenry. She writes:

The second part of my proposal is the idea of world citizenship . . . We very easily think of ourselves in narrow group terms: as Americans first and foremost, and as human beings second. Or even more narrowly, as Italian-Americans or heterosexuals or African-Americans first, Americans second, human beings third—if at all. We neglect needs and capacities that link us to fellow citizens who live differently or look different from ourselves. This means that we’re unaware of many aspects of communication and fellowship with them, and also of responsibilities we may have to them. We also often err by neglect of differences, simply assuming that lives in different places must be like ours, and lacking curiosity about what they’re really like. Cultivating our humanity in a complex, interlocking world involves cultivating an understanding of the way common needs and aims are differently realized in highly different circumstances (1998b, p. 10).

Nussbaum believes that the American education system has “not done very well in producing the sort of citizen who can interact well with distinct cultures” (1998b, p. 116). This is particularly problematic given that the United States is constantly involved with other countries in debates about the world’s future. Nussbaum contends that the solution requires us to ask about non-western religions, non-western culture. She writes: “To be ignorant of Islam, of Buddhism and Hinduism, of the traditions and religious practices of China and Japan, is not only to lack an essential prerequisite of international enterprise and political debate. It is also . . . to lack the

¹³ Owen Flanagan offers an insightful analysis of the DL’s willingness to alter traditional Buddhist beliefs in light of scientific fact in his book *The Bodhisattva’s Brain* (2011).

equipment necessary to talk to one's neighbors, to vote with understanding. . ." (1998b, p. 115).

The DL shares Nussbaum's view of an "interlocking world" and the need for realistic thinking that recognizes that national boundaries have little bearing on the wind. He often argues for a practical application of the Buddhist doctrine of interdependence, and talks about how the "world is becoming smaller" and that "our lives are becoming increasingly intertwined" (Cutler 2009, p. 290). This is why, more than ever before, it is important to understand what is happening in places outside of one's own country. He says: ". . . [A]nytime there is a resurgence of violence in the Middle East, it immediately affects oil prices; there is a kind of domino effect through a chain reaction the consequences of which is ultimately felt acutely even by an ordinary family living on the other side of the globe" (Cutler 2009, p. 290). Both Nussbaum and the DL conclude that an education that teaches an appreciation for the history and culture of foreign places is necessary for both responsible world- and national-citizenship. It is, however, one thing to know about the history and culture of lands outside of the United States, and quite another thing to be able to imagine and empathize with the way others think and behave.

In Nussbaum's account of the third capacity she draws attention to the importance of reading literature and the arts as a means for enhancing one's ability to empathize with the other. Nussbaum explains: "The third ability of the citizen is closely related to my first two: what I would call the narrative imagination. This means the ability to think what it might be like to be in the shoes of someone different from oneself; to be an intelligent reader of that person's story; and to understand the emotions and wishes and desires that someone so placed might have, including the many ways in which social circumstances shape emotions and wishes and desires" (1998b, p. 10). Nussbaum, along with Rorty, believes that reading (often sad) stories about others helps cultivate one's ability to imagine the suffering of others. She asserts, "without the

training of the imagination that storytelling promotes” it is impossible for a child to develop the ability to empathize with the other (1998b, p. 89). In previous chapters, I discussed Rorty’s rejection of the rationalist appeal to foundational truths as a justification for human rights and how he asserts that human rights should be understood in terms of what he calls a “sentimental education.” One of the features Rorty identifies as an integral component to that type of education is the reading of sad stories that invite the reader vicariously to imagine what it is like to be in the protagonist’s situation. Rorty asserts that a “liberal” is someone who thinks that cruelty is the worst thing we do, and that an “ironist” is someone “who faces up to the contingency of his or her own most central beliefs and desires” (1989, p. xv). Hence, the “liberal ironist” is a person who wishes for a reduction of human suffering and understands at the same time that those values are themselves contingent and relative to a particular context. If Rorty has a theory of HRE it is encapsulated in these two ideas—“sentimental education” and “liberal irony.” Rortian HRE should effectively sensitize students to the cruelty and suffering of other human beings and thereby enable them to want to refrain from engaging in actions that violate other’s rights—not because of some of foundational or intrinsic truth, but merely on the basis of one’s unique circumstances and feelings. Rorty’s staunch anti-essentialism, however, makes him loath to concede the existence of any type of “common human nature” that might inherently unify people. (The DL gets around this by qualifying our “shared humanity” as a conventional truth and not an ultimate one). Both Rorty and Nussbaum agree on the powerful influence storytelling has on one’s capacity for empathy, and how that feeling of empathetic connection creates a sense of we-ness or solidarity that results in the protection of human rights. Rorty, however, is not optimistic about the prospects of cosmopolitanism.

Rorty is dubious about the “politics of difference” and accuses the academic left’s

celebration of cosmopolitan multiculturalism as potentially damaging to American pluralism. In an opinion piece for *The New York Times*, he writes: “But there is a problem with this left: it is unpatriotic. In the name of ‘the politics of difference,’ it refuses to rejoice in the country it inhabits. It repudiates the idea of a national identity, and the emotion of national pride. This repudiation is the difference between traditional American pluralism and the new movement called multiculturalism” (Rorty, 1994). Rorty argues that “a sense of shared national identity is not an evil,” but is instead “an absolutely essential component of citizenship” (1994). He admits that there is plenty to be ashamed about in American history, but that it is a good sense of shame that can lead to hope. And that sense of shame depends upon one’s feeling that it is his or her country. “If we fail in national hope,” he writes, “we shall no longer even try to change our ways” (1994). He concludes that an unpatriotic left “that refuses to take pride in its country will have no impact on that country’s politics, and will eventually become an object of contempt” (1994). Given Rorty’s anti-essentialism, it is not reasonable to attribute his nationalism to some sort of reification of the intrinsic superiority of nationalism over cosmopolitanism. Moreover, he subscribes to the idea that expanding one’s circle of moral concern is moral progress. The philosopher Richard J. Bernstein writes that Rorty believes that moral and liberal progress “involves enlarging our sense of sympathy for suffering human beings and those are institutionally humiliated” (cited in Guignon & Hiley, 2003, p. 132). So what are we to make of his provocative nationalism? Bernstein writes:

He [Rorty] has been deliberately provocative in labeling his position “ethnocentric.” But in doing so, he wants to call attention to the fact that solidarity begins “at home”—that it is typically a local phenomenon that can only gradually be extended. Moral progress comes about when our sense of solidarity, our sympathy with those who are institutionally humiliated, is extended and deepened. So Rorty’s ethnocentrism, his localism, his concern to start with building up a new American pride is not incompatible with the social hope for achieving a global cosmopolitan liberal utopia (cited in Guignon & Hiley, 2003,

p. 132).

Bernstein seems to be suggesting that Rorty's decision to start "at home" is utterly practical. One cannot possibly identify with the abstract circle of humanity if one cannot first establish solidarity at home. This is not incompatible with the cosmopolitan mind-training strategy that I have described previously wherein the practitioner gradually expands the self-habit to include other circles. Rorty clearly subscribes to the we-statement, but he does not seem to believe that the circle of moral concern (*i.e.*, solidarity) can be fully expanded to include all of humanity. Delineating why Rorty favors nationalism over cosmopolitanism is the subject of some debate. However, given their common anti-essentialism, Dialectical Centrism may yield some worthwhile speculation.

The self-habit has two levels—one cultural and one innate. Buddhism aims to dissolve the self-habit completely by gradually weaning the individual off the former, and then moving on to the latter. This is largely achieved through a process of cognitive and emotional training—in other words, education. However, even at the more advanced stages of Buddhist altruism, the intellectual self-habit is still operative. Moreover, even when the intellectual self-habit has been eradicated, conventional appearances still matter. For instance, if an individual ceases to reify his or her ethnicity, it does not mean that individual no longer identifies with that particular ethnic group. I referenced the DL's statement regarding the persistence of parochial differences even though we all share a common humanity. He gave the example of the Ladakhee Lama: "No matter how close I may feel toward this person it's never going to make him Tibetan." What he means by this is, I think, not altogether different from what I take to be Rorty's position vis-à-vis nationalism and ethnocentrism. Facts are facts. Context is everything. One cannot change the fact that one is born into one set of circumstances rather than another. And these differences have

meaning, but their meaning must not be confused with their reification. It is one thing to be Ladakhee, and it is another to be a Ladakhee fundamentalist. Rorty seems to make this distinction in terms of pride when he describes how it can take two forms: 1) “arrogant, bellicose nationalism” and 2) “yearning to live up to the nation’s professed ideals” (Rorty, 1994).

In his op-ed, Rorty mentions the civil rights leader the Reverend Dr. Martin Luther King Jr. as somebody “every American can be proud of.” He asserts “It is just as appropriate for white Americans to take pride in Dr. King and in his (limited) success as for black Americans to take pride in Ralph Waldo Emerson and John Dewey and their (limited) successes” (Rorty, 1994). It has only been about sixty years since the United States Supreme Court decided in *Brown vs. Board of Education* that state laws establishing separate public schools for black and white students is unconstitutional. Perhaps Rorty’s nationalism is based on his evaluation of the particular historical *context* in which America finds itself today. I believe Rorty’s nationalism is predicated on a belief that we are not yet ready to make the leap to a truly cosmopolitan world-view in education. Instead, we should focus our collective energies on cultivating that toward which we already have a stronger inclination (given our particular time and place in history)—nationalism. He writes in *Consequences of Pragmatism* (1982): “Our identification with our community—our society, our political tradition, our intellectual heritage—is heightened when we see this community as ours rather than nature’s, shaped rather than found, one among many which men have made. . . . [W]hat matters is our loyalty to other human beings clinging together against the dark, not our hope of getting things right” (Rorty, 1982, p. 166). We may ultimately share a common humanity, but that is too abstract for Rorty to posit as a viable circle of identification. We are, in Rorty’s eyes, more like Sandip than Nikhil. Or better yet, we are Bimala—more easily drawn toward the local, but deep down perhaps eventually capable of

coming to understand the cosmopolitan as more enlightened.

It is important to reiterate that, from the Buddhist perspective, the reification of any and every circle is ultimately problematic. Hence the best circle to privilege is the one that is better in light of the individuals' particular circumstances. There is no absolute or intrinsic nature to any of the circles that can make one better than another. The criterion is relative to whether or not the moral agent is actively expanding or contracting that circle. If the practitioner is actively contracting that circle in order to dehumanize the other (*i.e.*, the Irish-American firefighter who responds to 9/11 with heightened nationalism that excludes Arab-Americans), then it is morally reprehensible. However, if the practitioner is actively expanding that circle in order to humanize the other (*i.e.*, the Irish-American firefighter who responds to 9/11 with heightened nationalism that includes African-Americans), then it is morally praise-worthy. Rorty praises the nationalist who eschews the type of pride that is "arrogant and bellicose," for the type that "rejoices" and "yearns to live up to the nation's professed ideals." In Tibetan Buddhism, there are also two kinds of pride that roughly parallel this distinction.

In the Tibetan tradition, where esoteric Vajrayāna methodologies are practiced alongside exoteric Sūtra discourse, the Tantric concept of "divine pride" refers to a mental state that is very different from ordinary pride. The Buddhologist John Powers explains, "Divine pride is different from ordinary, afflicted pride because it is motivated by compassion for others and is based on an understanding of emptiness" (Powers, 2007, p. 273). Divine pride is an essential component of what is called "deity yoga" in the DL's Tibetan tradition of Buddhism. Deity yoga is a Vajrayāna technique for becoming more familiar with the kind of pure altruism and wisdom associated with the moral ideal in Buddhism. In deity yoga, one visualizes oneself as having the body, speech, and mind of a Buddha. The presupposition here is that by gradually becoming

more familiar with the attributes of the moral ideal, the practitioner will become more naturally and spontaneously able to enact those virtues. The *modus operandi* in Tantra is “fake it ’til you make it.” When the Buddhist practitioner visualizes him- or herself as Avalokiteśvara (the archetypal personification of compassion), for instance, he or she is yearning to live up to the kind of compassion that deity embodies. Powers writes: “Deity yoga is a technique for becoming progressively more familiar with the thoughts and deeds of a buddha, until the state of buddhahood is actualized through repeated practice. As one develops an increasing ability to identify with the meditational deity, one approximates the awakened attributes of that deity, and in so doing one simulates in oneself the qualities that the deity represents” (Powers, 2007, p. 272). The divine pride that one cultivates does not entail egoistic attachment or other mental afflictions; this tendency is ostensibly “counteracted by meditation on emptiness” (Powers, 2007, p. 272). There is nothing intrinsically compassionate about the image of the deity. The traditional depiction of Avalokiteśvara is the product of culture, and thus resonates most with members from that culture. Since the self-habit is, at least partially, informed by culture, then it follows that the imagery that the practitioner visualizes should be compatible with his or her native milieu. This is why the DL, in his interfaith discussions with Christians, will often advise them to do a form of deity yoga in which they visualize Jesus in lieu of a Buddha. In a secular context, in which one is yearning to live up to one’s nation’s professed ideals, one might visualize the image of Uncle Sam, or even something abstract like the American flag and the national anthem. In other words, there is a way in which divine pride can be generated in the context of nationalism. This means that one can have pride about one’s nation without reifying it to the extent that one confuses it for an absolute truth. When one confuses a relative truth for an absolute truth, that obviates all other perspectives other than one’s own. And it is specifically this type of myopia

that is used to justify the violation of other's human rights.

This is all, nevertheless, creative speculation from the perspective of Dialectical Centrism. One is still left to wonder why Rorty is not more optimistic about the practicality of a truly cosmopolitan world-view. In her more measured conclusion to the volume, Nussbaum somewhat softens her own strong cosmopolitan stance and acknowledges that global citizenship is an ideal that one can only aspire to via the "local," saying that, "Compassion begins with the local." This could very easily be a phrase from the DL's writings on secular ethics. What I think distinguishes the DL's project most from both Rorty's and Nussbaum's is his prescription for training the mind through meditation as part of HRE. I will discuss the DL's program in the concluding section.

Chapter conclusion

The DL's vision for a human rights culture relies on the institutionalization of a program of cognitive and emotional training he labels "educating the heart." In his writings and speeches, the DL has called for education reform that would accomplish a shift toward a more cosmopolitan curriculum that assigns equal footing to moral development and traditional studies, which would be studied alongside one another. I have argued that this is compatible with the import of Article 26 in the UDHR, as well as with the evolution of HRE curricula. Furthermore, I have suggested that the conventional realism of Dialectical Centrism might be used to help reconcile concerns, such as those that emerged in debates between Nussbaum and other scholars, and in Rorty's writings, that adopting a cosmopolitan curriculum would threaten civic education. What I think makes the DL's cosmopolitan project so interesting and different from those of Rorty and Nussbaum is his education of the heart—the Tibetan mind-training tradition.

Traditionally, a large part of the scientific research on meditation has focused on

“mindfulness-based” practices and their ability to alleviate stress in adult clinical populations. However, in recent years more attention has been given to empathy- and compassion-based meditation. A team of researchers at Emory University, for instance, has developed a secularized meditation practice modified from the Tibetan Buddhist mind-training tradition they call Cognitive-Based Compassion Training (CBCT). In an article entitled “An Education of Heart and Mind: Practical and Theoretical Issues in Teaching Cognitive-Based Compassion Training to Children,” Brendan Ozawa-de Silva and Brooke Dodson-Lavelle developed a curriculum for an education setting that specifically uses Buddhist meditation to foster “emotion regulation, emotional intelligence, conflict resolution, and the promotion of prosocial behavior” (2011).

They write:

[W]e developed a curriculum for elementary school children and adolescent youth that employs a secular and analytically oriented style of meditation that cannot only teach children the practices of mindfulness and attention but also facilitate their emotional intelligence and moral-emotional development through the practices of self-compassion, equanimity, empathy, and engaged compassion for others. The aim of the program was to see if empathy, prosocial attitudes and behaviors such as compassion, and a reduction in negative stereotype and bias could be effectively taught in an experiential way through a contemplative pedagogy to children in these age groups in developmentally appropriate ways (Ozawa-de Silva & Dodson-Lavelle, 2011, p. 3).

The protocol for this project was first used in a study of undergraduates at Emory in 2005 to evaluate whether compassion training might be used to reduce the increasing rate of depression on college campuses. The results from that study led researchers to conclude that the mind-training practice “reduced neuroendocrine, inflammatory and behavioral responses to psychosocial stress that have been previously linked to the development of mental and physical disease” (Pace et al. (2008) and Pace et al. (2009)). These encouraging results led to further studies, such as the one at the elementary school mentioned above. These days Emory University is a nexus for Tibetan studies. In February of 2007, Emory announced that the DL would be

joining the faculty as a Presidential Distinguished Professor. According to the university's website, the DL is "playing an active role on campus and in the community through visits and lectures" (2014). I believe programs such as the one at Emory can help develop HRE curricula that incorporate CBCT in manner that supports the vision of the DL and the drafters of the UDHR.

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