

Buddhism and Wisdom

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When I saw that one of the general themes for this year's conference was the nature of wisdom, I asked Bob Cochran whether anyone was going to speak about wisdom from the Buddhist perspective. He said, no but he'd love to have someone do so. Having spent twenty years of my life practicing Buddhism before returning to Christianity, I jumped at the opportunity to speak on this subject.

What does Buddhism teach about the nature of wisdom? And how, if at all, do those teachings relate to, or perhaps enrich, a Christian understanding of wisdom? And how does a Buddhist understanding of wisdom impact our view of the law and the legal profession. Ten minutes is impossibly short to sufficiently address one of those questions, let alone three, so my remarks will do little more than open a conversation.

A quick observation at the start: Like any major religious tradition, Buddhism is not monolithic. There are many schools of Buddhism and there are some important variations among them. However, the different strands of Buddhism do share a basic understanding of wisdom.

What is Wisdom and How Do we Acquire It

First, what is wisdom in Buddhism and how do we acquire it? Wisdom in Buddhism refers to a direct realization of things as they are. Wisdom cuts through the ignorance that is the root cause of our suffering.

To say wisdom means seeing things as they really are does not do a lot to distinguish Buddhism from any other tradition. Wisdom and ignorance (about

fundamental matters) cannot co-exist and thus, wisdom requires cutting through the veil of ignorance.

So let me focus on what Buddhism means by seeing things as they are.

From a Buddhist perspective, it is our ignorance of the related truths of impermanence, suffering and no-self (or shunyata) that is the root cause of the cycle of birth and rebirth in which we exist.

First, *impermanence*. One of the fundamental truths of *Buddhism* is impermanence. The idea is that everything in the physical world is impermanent, changing all the time. Everything constantly rises and vanishes.

Some changes are obvious – my daughter today is visibly different from my daughter several years ago; the weather in Minneapolis today is very different from the weather there in August.

But others are more subtle. From a Buddhist perspective the table that exists in this instance is not the same as in the minute before. Indeed, the person standing before you is not the same as the person a moment ago. Things and people change moment by moment. Everything is impermanent and in flow, rising arising and passing away moment to moment. Consciousness, the object of which we are conscious, all the different mental factors, the body – all phenomena share this impermanence.

Buddhists believe that we are habituated not to see impermanence and thus live under an illusion – the illusion of permanence. We come to believe that things possess a constancy that they lack, an illusion that creates frustration and insecurity as we continually try to grasp at things that are not there.. And so the Buddhist path aims at

seeing the basic impermanent nature of things, realizing it fully and integrating that realization into our lives.

Second, *suffering*. The First Noble Truth of Buddhism is that all life is suffering. Life itself is suffering because it inevitably involves sickness, aging, death, being separated from what one loves and being tied to what one dislikes. (In particularly the Tibetan Buddhist tradition, there is extensive teaching about the suffering of what are termed the lower realms of existence – since Buddhists believe humans can be reborn as animals, hungry ghosts and in hell realms as well as in the human realm.)

But suffering also arises because everything changes. That means nothing can be a lasting source of satisfaction. Even those things that are pleasant are a source of suffering because they do not last and our clinging to them produces suffering. (All attachment and aversion is a source of suffering in Buddhism.)

Finally, *no-self*. This refers to the idea that the belief in an individual self-existent person is the product of illusion. From a Buddhist standpoint, there is no self that exists other than in interdependence and part of the human goal is to dispel the illusion of dualism. One great Tibetan teacher describes the shunyata or emptiness mantra as expressing: “All existent phenomena in the universe and I are of one reality.”

The Dalai Lama speaks of the interdependence of all beings as “a fundamental law of nature.” He explains:

Not only higher forms of life but also many of the smallest insects are social beings who, without any religion, law or education, survive by mutual cooperation based on an innate recognition of their interconnectedness. The most subtle level of material phenomena is also governed by interdependence. All phenomena, from the planet we inhabit to the oceans, clouds, forests and flowers that surround us, arise in dependence upon subtle patterns of energy.

Our ignorance of this truth arises from the fact that from birth there strongly develops a sense of me and not me, of self and of other phenomena separate from self. “Not me” is directly perceptible and strong, but although there is a strong belief of “me,” there is not a strong appearance of what that “I” is, something that creates a sense of anxiety and fear. The mind always instinctively grasps at an I that is one thing and permanent but its appearance always changes and so we keep grasping to maintain a sense of self. That, in turn, results in separating “not me” into what benefits me, harms me or is neutral: if it makes I happy, it is labeled good and attachment arises; if it makes the I insecure, it is labeled bad and aversion develops. If it neither strengthens nor weakens the I, it is viewed as neutral.

The Buddhist view of emptiness, or lack of independent existence, falls between extremes of nihilism and concrete and permanent existence. Not saying I does not exist but that it doesn’t exist the way it appears. Phenomena exist, but they lack an intrinsic nature.

In defining wisdom, I referred to a “direct realization” of the way things are. That is because intellectual understanding is not sufficient. The truth of impermanence provides a good example. I can say “everything is impermanent” and every Buddhist will nod his or head in agreement and say yes, we know that. Everything is impermanent.

But while one may intellectually understand impermanence, that intellectual understanding does not go very far. The reality is that I experience myself as the same person this morning as I was last night and I experience you the same way. I look at the table or chair I sit in every morning and it seems to be the same chair this morning as it

was yesterday. Despite what one may understand intellectually, instinctively we cling to people and things as if they were permanent and unchanging. (In fact we don't want the nice person or the beautiful object to change.) And we cling especially strongly to our view of our own person. Hence the need for a deep realization that can only be attained through meditation practice. The source of wisdom is one's own experience. (No room for grace here; fundamental difference between Buddhism and Christianity.)

[I'm truncating here to focus on the need to apprehend wisdom through our own meditation experience. But the Buddhist 8-fold path to overcoming the cycle of birth and rebirth also includes what we might refer to as "right living," that is avoiding the creation of negative karma by committing negative acts of body, speech and mind.]

Is Wisdom Alone Sufficient

In Theravadan Buddhism, wisdom is the prime attribute of enlightenment. Theravadan Buddhists believe that from the realization of emptiness, automatically flow the virtues of loving-kindness, compassion, equanimity and joy in the happiness and well-being of others.

Thus, nothing is necessary but the pursuit of wisdom. [Jitamaro when I expressed desire to help others - only way to help is to become enlightened; nothing else matters.]

Mahayana Buddhists, however, do not believe that compassion is an automatic fruit of wisdom. Rather, compassion must be cultivated deliberately. While Tibetan Buddhist teachers say some realize emptiness first and then bodhicitta (the mind that cherishes others over the self) and some the other way around, some Mahayana Buddhists express concern that if develop wisdom alone without compassion there is a danger.

Relationship to Christianity

There are a lot of things Christianity cares about that Buddhism doesn't really care about. Huston Smith quotes: "Whether the world is eternal or not eternal, whether the world is finite or not, whether the soul is the same as the body or whether the soul is one thing and the body another, whether a Buddha exists after death or does not exist after death – these things one of his disciples observed, "The Lord does not explain to me."

Having said that, there are some parallels with Christianity, both regarding what wisdom is and how we obtain it. There are Christian analogues to the three Buddhist truths of which I spoke.

Christians do not use the term impermanence the way that Buddhists do, but Christianity does have a similar conception of the transience of the things of this world. In the First Letter to the Corinthians, Paul says, "if there are gifts of prophecy, they will be done away; if there are tongues, they will cease; if there is knowledge, it will be done away. For we know in part and we prophesy in part; but when the perfect comes, the partial will be done away." In Luke, Jesus says, "Heaven and earth will pass away, but My words will not pass away." (Lk 21:33)

What Buddhists call the fundamental suffering of the cycle of birth and rebirth – the basic unsatisfactoriness of human existence – is not unrelated to Augustine's notion that "our hearts are restless until they rest in you. (I'm not saying there is an identity here; our notion of the world as gift and the beauty of the world in which we live have no real counterpart in Buddhism.)

Christians do not speak of no-self, but the fundamental idea of interconnectedness the underlies the Buddhist notion is no less Christian than Buddhist. And although

Christians would posit a self (albeit one existing in interrelationship with God and others), when I read Buddhist descriptions of realizing emptiness or shunyata, they sound a lot to me like a Christian understanding of dying to self and rising in Christ.

I say this not to ignore what I think are some fundamental differences between Buddhism and Christianity – including the one I already mentioned: the absence of God’s grace as part of the equation for achieving wisdom – but in terms of what we understand by wisdom, I think pointing out the parallels is useful.

What Implications for Law and Legal System

By and large the study of law and religion is a field that has been dominated by discussions focused on the western religious traditions. Theologians and legal scholars have devoted attention to law and religion in the Christian, Jewish and Islamic contexts. Only recently have some scholars – notable people like Prof. Rebecca French at Buffalo – started focusing on law from a Buddhist perspective. Indeed the first comprehensive book on Buddhism and Law was only published last year.

The Buddha developed a detailed law code for his community, referred to as the Vinaya. Reflecting the heavy monastic element of Buddhism, the Vinaya is the guiding principle for monastic life. In the words of one scholar, it aims “to create a social community and a lifestyle that will lead to the successful practice of a moral and religious life and ultimately, enlightenment for each individual.” An examination of the Vinaya is beyond the time here and, in any event, much of it is focused on monastic living.

But we can consider to what extent the Buddhist view of wisdom aids in our thinking about law and justice. It may be that Buddhism adds nothing that one cannot also derive from Christianity, but a couple of thoughts:

First, the emphasis on individual practice to attain enlightenment rather than religion or doctrine might lead one to think that Buddhism requires less emphasis on freedom of religion than do faiths that require a communal or public expression of faith. But there is an important communal dimension of the faith. “Buddhists come together in order to pay homage to a Buddha or bodhisattva. They assemble in order to receive training in the Buddha’s teachings, observe a festival, or celebrate a rite of passage.”

In addition, a system that does not allow individuals to have the leisure time for practice would make it hard for people to obtain the necessary realizations. (Theravada Buddhism – belief that in this life accumulate merit to be able to meditate in the next life.) So, as Catholic Social thought demands that social systems promote the common good, that is, “the sum total of social conditions which allow people, either as groups or as individuals, to reach their fulfillment more fully and more easily, Buddhism makes a similar demand.

Second, Buddhism embodies a preference for resolving conflict in a way that recognizes the interconnectedness/interdependence of all beings. Rebecca French, who has devoted significant attention to Buddhist conception of law, suggests that the US legal system, which tends to produce winners and losers, gives “little thought” to the interconnectedness of people and how the decision affects all the individuals involved in the case.” In contrast, she writes, “Buddhists believe that you can’t have closure in a case unless all parties are in agreement with the decision, and unless the whole network of people affected by the case is compensated. From this process, you have a social catharsis; you have a feeling that society has been healed.” The Dalai Lama, speaking at

a program on law, Buddhism and social changes several years ago, spoke of the need to employ reconciliation and mediation before going to court.

In a related vein, Professor Deborah Cantrell has discussed how Buddhist thought might affect our thoughts about addressing domestic violence against women. She suggests reforms of the legal system along several lines, including participating in resolution programs other than adversarial adjudications, mediation and restorative justice. She also suggests reforms on the social service side that “would decouple receipt of government benefits or services from cooperation with domestic violence prosecutions or from requiring that a woman permanently separate from a relationship.” While there are other grounds to support some of these reforms, Cantrell views these as flowing from the consciousness of interconnectedness, interbeing, and impermanence.

Third, the doctrine of no-self, taken to its fullest, means “there is no legitimate basis for self-orientation, self-aggrandizement, or self-defense, since we have no inner self to serve.” This leads to a different view of self-defense and stand-your-ground laws than one would get under our legal system.

Fourth, there is a risk that the Buddhist truth of suffering and impermanence, leads to a fatalism about this life. Indeed some critics have claimed that the Buddhist emphasis on liberation from the suffering of samsara has led to a neglect of working for social justice. In the words of one scholar, “the law of karma is said to justify the status quo because worldly suffering is recognized as the inevitable ripening of karmic consequences.”

I think there is some truth to that criticism as a historical matter, as some Buddhist teachers like Thich Nhat Hanh have acknowledged. But many Buddhist leaders in recent years have promoted an “engaged Buddhism” that accepts what the Dalai Lama has termed a “universal responsibility” to take action against social oppression and injustice.

Finally, there are broader questions we could ask if we were in a Buddhist society, such as to what extent the law should reflect the truths Buddhism teaches and what role, if any, does the law have in helping people see reality. Even not being in a Buddhist society, I think there is value in exploring, as people like Professor Deborah Cantrell are starting to so, what it means for lawyers to live in accordance with a Buddhist conception of wisdom