Secular Buddhism and Justice

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Abstract

The core idea of secular Buddhism is to grasp the spirit of early Buddhism and transpose it into the present. An application of this idea to the doctrine of rebirth leads to the following result:

The doctrine of rebirth cannot be revised in a strict sense, but there are some striking similarities between the ancient and modern (biological) view on the topic. Since the stream of genetic and epigenetic information has the power to create consciousness and reflects experiences of past lives, it can be associated with the stream of consciousness (*cittasantana*) in the Mahayana model of rebirth. Parents not only determine the genetic constitution of their children, but they also transfer character traits by means of epigenetic heredity. If genetic inheritance is associated with karma, then genes become an element of synchronic and diachronic connectedness (*pratitya-samutpada*). Instead of an individual learning process across successive lives, there is a collective learning process across successive generations.

Given the biological model of rebirth, the belief in cosmic justice turns into a quest for mundane justice. There is a thought experiment for constructing such a concept, which complies well with the secular Buddhist spirit. John Rawls assumes that the legislative deliberation is taking place "behind a veil of ignorance", so that the participants of the deliberation do not know their future genetic constitution and their future position within the society. If the participants imagine that their future self is contingent and impermanent – in accordance with the Buddhist doctrine of *anatta* and *anitya* – then the resulting principles of justice will be impartial.

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1. Introduction

Starting point
The core idea of secular Buddhism is to grasp the spirit of early Buddhism and transpose it into the present. The best-known approach to implement this idea is Stephen Batchelor's *Buddhism Without Beliefs*, an approach which advocates an agnostic stance about the doctrine of rebirth and denies its relevance for daily practice (Batchelor 1998).

Type of problem
- Is there a way to revise the doctrine of rebirth, instead of completely dropping it?
- What is the impact on the notion of justice?

2. A Mahayana Model of Rebirth

We start the investigation with a (very rough) description of a Mahayana model of rebirth, as phrased by Ernst Steinkellner, an Austrian specialist on Indology and Tibetology (Steinkellner 1995, 6). According to this model the phenomenon which we perceive as a personality in this world – and which we call the *self* – is nothing but a unification of five autonomous psychic and physic constituents or groups (*skandhas*). The physical and most psychic constituents do not proceed to the next existence in the moment of death. They separate from the transient context, which defines a human life. Only rebirth-consciousness (*vijnana*) continues to exist. Instead of a wandering and lasting soul (as assumed in Hindu religions), there is a lasting stream of consciousness (*cittasantana*), which has to be understood as a causal chain of moments of consciousness. This evolving stream contains spiritual "seeds" which reflect the experiences of past existences and which unfold slowly in the newborn.

Was rebirth just a matter of belief or was it also a matter of critical-rational discourse? Evidence for the latter can be found in the Kalama Sutta, a text drawn from the Theravada canon. In this Sutta the Buddha denies dogmatism and blind faith and assures the Kalamas – inhabitants of the village of Kesaputta – that in an environment of contradicting beliefs it is reasonable to doubt and to rely on one's own experience. He then establishes a basis for moral behavior as follows (Thanissaro 2013, chapt.2):

First he refers to the experience that our attitude towards others influences their attitude towards us. A life of kindness, compassion and equanimity is rewarded by happiness in the here and now. A life of greed, hate and malice, in contrast, causes harm both personal and social. Subsequently he considers the hypothesis of an afterlife and a karmic result (Thanissaro 2013, chapt.2):

> "If there is a world after death, if there is the fruit of actions rightly and wrongly done, then this is the basis by which, with the breakup of the body, after death, I will reappear in a good destination, a heavenly world.
>
> But if there is no world after death, if there is no fruit of actions rightly and wrongly done, then here in the present life I look after myself with ease — free from hostility, free from ill will, free from trouble.
>
> If evil is done through acting, still I have willed no evil for anyone. Having done no evil action, from where will suffering touch me?
>
> But if no evil is done through acting, then I can assume myself pure in both respects."

This section of the Kalama Sutta attracts attention by both, structure, and content. The language resembles the one of a systems analyst and the recommended behavior would be called "rational under uncertainty" today. The best-known recommendation of a probabilistic rationality stems from the 17th century and is called "Pascal's wager". In a situation where people felt disoriented by the debates about the existence of God, the French philosopher Blaise Pascal argued that a rational person should live as though God exists.

It seems that Buddha was able to convince the audience in this case, but in other cases it was necessary to reduce the uncertainty. The Kalama Sutta only assures that possible karmic rewards and retributions are in harmony with moral behavior, but it does not give evidence for the existence of rebirth. Such evidence, however, was requested by competing doctrines:

"By teaching rebirth, Buddha addressed an issue that was hotly debated in a culture that expected him to articulate clearly his explanation for how and why rebirth did or didn't happen" (Thanissaro 2013, chapt.2).

According to Ernst Steinkellner Buddhist scholars were quite aware of the difference between case examples (where people remember a past life) and argumentation. From the very beginning of Buddhism, believers and interested persons were guided with an often entertaining mix of fairy tales and legends and their instructive applications in concrete cases. But these "cases" were probably never used as evidence, but presupposed a devout audience. The Buddhist "proofs" on the other hand did not aim at a devout public, and therefore had to adjust to the polemic that was always fierce in ancient India. When proofs were intended to serve the theoretical assurance of Mahayana's religious practice, they were written in the strict logical forms of their time. The argumentation used two kinds of proofs (Steinkellner 1995, 8-9):

The older kind was based on the observation of phenomena, which could not be explained with the knowledge available at the time. One of these phenomena was the development of cognition in children. Buddhist scholars analyzed what could have been acquired from the environment and what was beyond a materialist explanation. The latter part (which is explained by genetics today) was the reason to assume a stream of consciousness (*cittasantana*), which is inherited from the previous life. They compared this stream with spiritual "seeds", unfolding slowly in the newborn.

In contrast to these older arguments, the proofs which were developed in the middle of the first millennium A.D. were indirect, i.e. they explored alternative hypotheses and then demonstrated that they can be refuted. There were detailed refutations of the following four explanations for the emergence of cognition in the newborn:

1. Cognition is created as something new by an eternal creator. Buddhist scholars argued that the development of cognition is a gradual process and not a single act of creation. The gradual process depends on factors which cannot be reconciled with the idea of a single and complete cause.

2. Cognition springs from the cognition of the parents. This hypothesis was refuted by pointing out that children with the same parents develop different cognitive characteristics.

3. Cognition springs from a mixture of semen and menstrual blood. Buddhists scholars argued that material causes cannot create mental phenomena. The possibility of a causal connection between a material body and conscious cognition was thoroughly examined and rejected.

4. Cognition emerges spontaneously, without a cause. This hypothesis could not explain the existence of creatures without cognition and the different cognitive abilities of humans.

The doctrine of rebirth and karma is a complex cultural phenomenon, with a different function and a different mindset in popular belief, mythology and philosophical analysis. With regard to philosophical analysis, the mindset of the Buddhist scholars seems having been close to empirical science. The older of the above-mentioned kind of "proofs" describes the development of a hypothesis based on observation; the newer kind is in line with Karl Popper's critical rationalism, which says that empirical sciences should strive to falsify their hypotheses.

According to Ernst Steinkellner the Buddhist proofs for rebirth express a vivid and strong rationality in large parts of the Buddhist tradition (Steinkellner 1995, 9). They suggest that the doctrine did not just insist on the acceptance of beliefs; but that it was open to rational examination. In the following we will resume this tradition.

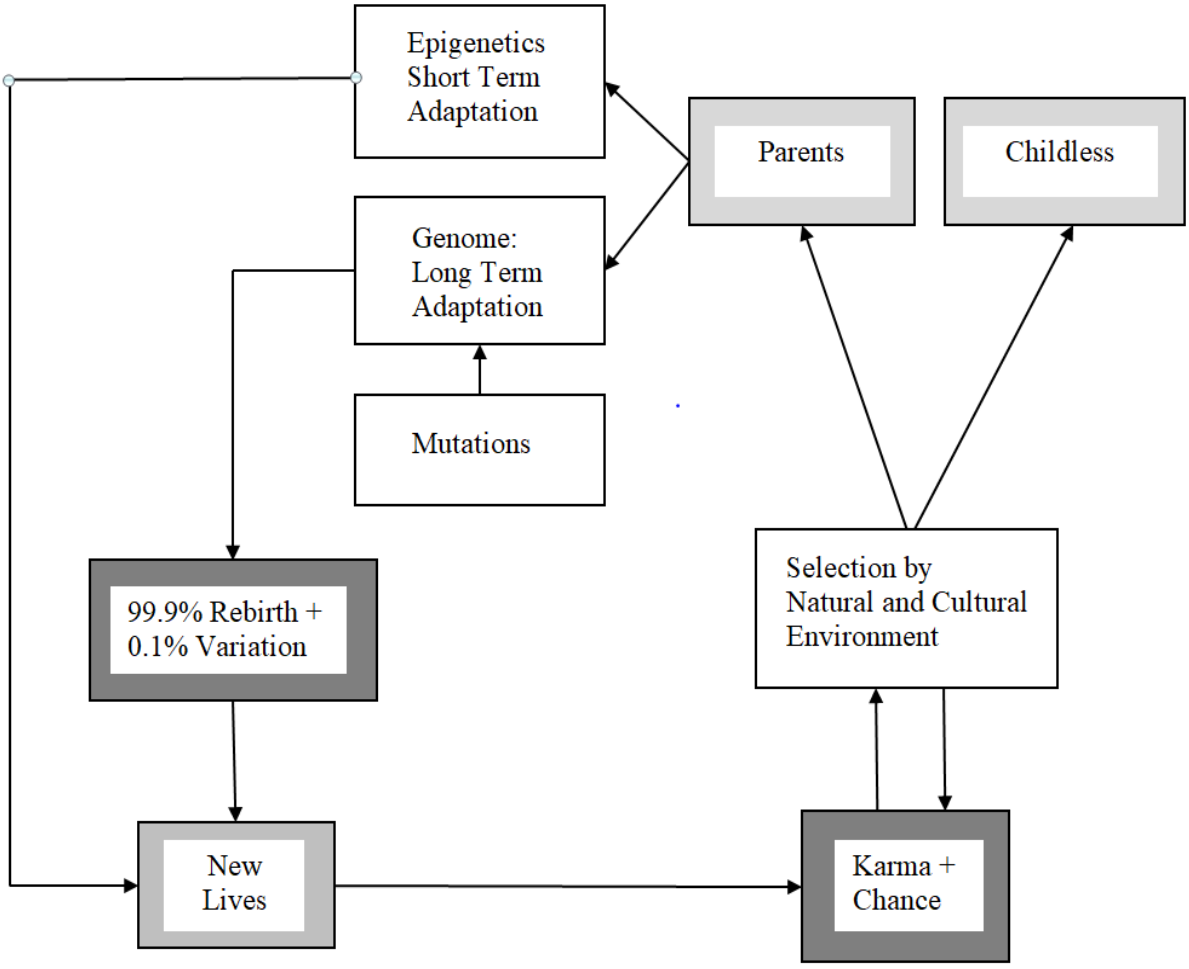
3. The Biological Model of Rebirth

Let us assume that Buddha was born in our time. Would he not use the knowledge of genetics? The language of life is written in just four chemical letters, consisting of two base pairs. The human genome contains about three billion of these pairs, whereof 99.9% are identical for all humans (Embacher 2003). In other words:

99.9% of our genome is permanently being reborn.

Fig.1 illustrates the cycle of rebirth in biological terms. Light shaded squares represent people, dark shaded squares indicate, where the terms *rebirth* and *karma* (deeds, actions) have to be assigned. The diagram is necessarily a simplification. Biological evolution is a highly complex process, which works on many levels.

Fig.1
Biological model of rebirth



The term *epigenetic* describes anything other than genes, which influences the development of an organism. The rates of epigenetic mutations are much faster than the ones of genetic mutations and are more easily reversible. Epigenetic information is accordingly suitable to improve the *short-term adaptation* to the environment.

Mutations of the genome result from errors during replication or other kinds of damage. Most mutations are deleterious, but they have no effect on the ability of the organism to survive and reproduce, because they are rapidly removed by natural selection. In contrast to epigenetic mutations the coding genes change slowly. Genes represent *long-term adaptations* to the environment.

There are some striking similarities between the biological model of rebirth and the Mahayana model:

1. Instead of a stream of consciousness (*cittasantana*), there is a stream of genetic and epigenetic information. The biological stream has the power to *create* consciousness; "consciousness is in the genes" (Feinberg 2013). Buddhists talk about streams of consciousness coursing through innumerable generations, evolutionary scientists talk about genes doing the same thing (Barash 2014, 72).

2. Genetic and epigenetic information can be compared to the spiritual "seeds" in the Mahayana model. The biological information reflects *experiences of past lives* because it is shaped by the adaptation to the environment. Parents not only determine the genetic constitution of their children, they also transfer character traits like addiction, anxiety and depression by means of epigenetic heredity. As far as parents consider children to be their next life, this mechanism is reminiscent of the karmic law (Batchelor 1992, 20) (Barash 2014, 72). If genetic inheritance is associated with karma, then genes become an element of synchronic and diachronic connectedness (*pratitya-samutpada*) (Smith 1997, 144).

3. In most Buddhist traditions it is assumed that consciousness arises in codependence with a new body (Barash 2014, 10) (Schlieter 2003, 24) in analogy to the unfolding of genetic and epigenetic information in the biological model.

4. Buddhists, who strive to leave the cycle of rebirth (*samsara*) with utmost consequence, like monks and wandering ascetics, adhere to the ethical ideal of childlessness. In genetic terms, the endeavor to leave the cycle of rebirth has the same consequence.

5. In the Mahayana model personality traits can be modified or lost in successive lives. Similarly in the biological model personality traits can be modified or lost in successive generations. In the words of Richard Dawkins:

> "Your child, even your grandchild may bear a passing resemblance to you, perhaps in a talent for music, in the color of her hair. But as each generation passes the contribution of your genes is halved. It does not take long to reach negligible proportions. Our genes may be immortal but the collection of genes which is anyone of us, is bound to crumble away. Elizabeth II is a direct descendent of Will the Conqueror, yet it is quite probable that she bears not a single one of the old king's genes." (Dawkins 1995)

The contingency and impermanence of personality traits is reminiscent of Buddha's doctrine of *anatta* and *anitya.* Recent findings in brain research, according to which even consciousness and ego-feeling are compound and dependent phenomena, point into the same direction (Metzinger 2009, 36, 113-117).

Taking into account the empirical knowledge at the time, the Mahayana model was amazingly close to genetics. Buddha's description of nature with the three concepts non-selfhood (*anatta*), impermanence (*anitya*) and connectedness (*pratitya-samutpada*) accords as far as possible with contemporary biology (Barash 2014).

4. The Loss of Cosmic Justice

Annihilationists was the term for those who denied rebirth, *eternalists* for those who believed in the rebirth of an eternal soul (Thanissaro 2013, chapt.2). The annihilists could not explain the cognitive development of children and the eternalists used unnecessary assumptions to explain it. The transfer of spiritual "seeds" at the end of life was a convincing hypothesis to explain the observed phenomena without making unnecessary assumptions. Buddha's middle way between the two extremes annihilationism and eternalism corresponds to Ockham's *law of parsimony*, which says that among the hypotheses which can explain the observed phenomena, the one with the fewest assumptions should be selected.

With the knowledge about biological heredity, the transfer of spiritual "seeds" *at the end of life* loses its plausibility. The Mahayana model of rebirth is not any more the hypothesis with the fewest assumptions. The main changes are the following:

1. Mahayana Buddhists believe that there can be a spiritual learning process across successive lives – driven by karmic rewards and retributions – and that this process ends with the liberation from the cycle of rebirth (*samsara*). In the biological model, in contrast, there is no one-to-one correspondence between dying and new-born persons. Genetic and epigenetic information is distributed throughout the population, so that one could only speak of a learning process with regard to the *population as a whole*.
2. If there is a spiritual learning process across successive lives, then it is theoretically possible to remember a past life. In the biological model there are no corresponding memories.
3. Orthodox Buddhists struggle to fit genetics into the Mahayana model. Rebirth-consciousness (*vijnana*) is interpreted as spiritual genetic information which enters the body at the time of conception and then starts to drive the material genetic information. Genetic disorders, like all human suffering, are considered to be the retribution for offenses that were committed in past lives (Schlieter 2003, 21-23). In the biological model gene mutations can occur spontaneously and do not relate to any alleged offense.

Interestingly the first two doctrinal claims were already disputed in Buddha's time:
1. The special state of consciousness connecting successive lives was the topic of much speculation (Gowans 2015, 79). "Buddha was careful to avoid an issue that animated his contemporaries when they discussed rebirth: the metaphysics of what a person is, and what does or doesn't get reborn after death" (Thanissaro 2013, chapt.5).
2. The memories of past lives never gained general credibility. In antique debates with competing doctrines, Buddhist scholars referred to the cognitive development of children. Case examples were probably never used as proofs, but presupposed a devout audience (Steinkellner 1995, 8).

Buddha avoided metaphysical speculations in general and rejected the existence of an eternal soul (*atman*) in particular (Fowler 1999, 81) (Webster 2005, 96). Let us assume that he was born in our time and knew that the assumed stream of consciousness (*cittasantana*) is not necessary to explain the cognitive development of children. Would he drop the doctrine of rebirth? In this paper we commit to Ockham's law of parsimony and continue with the biological model.

A major consequence of the biological model as compared to the Mahayana model is the loss of cosmic justice. Mahayana Buddhists are convinced to live in a world where the disregard of Buddha's teachings (*dharma*) is punished by rebirth and karmic retributions. To practice the *dharma* in daily life is therefore in the practitioner's own interest. For adherents of the biological model, however, there is no such motivation. In the words of Punnadhammo:

"If there is no rebirth and all alike are annihilated, what possible difference could dharma practice make?" (Punnadhammo 2005)

5. The Construction of Mundane Justice

“In Socrates’ day, almost all Greek thinkers assumed or argued that the polis, the community, was the correct and only environment for developing morality – that a good polis created good citizens. As a moral philosopher, then, Socrates was also a *political philosopher*” (Waterfield 2009, 29). Why was Buddha less active as a political philosopher than Socrates?

A possible reason is that democracy – in contrast to ancient Greece – was no issue in ancient India. Another reason could be that there was less need for political philosophy in a world, where the belief in cosmic justice was predominant. Both reasons make sense in the light of their cultural and historical context, but both reasons do not apply in the present. Secularization means, amongst others, that the belief in cosmic justice transforms in a quest for mundane justice. The concern for justice descends to earth, so to speak. Mundane justice can only be a pale reflection of the former cosmic perfection, but it works as a concrete system of rewards and retributions.

Are there Buddhist resources for constructing a concept of justice? Virtue ethics could theoretically be a basis (if justice was declared a virtue), but the Buddhist virtues – in contrast to the Aristotelian ones – emphasize compassion and not justice. Another resource is the idea of moral impartiality, an idea which was made popular in Western philosophy by Kant's *categorical imperative*. The concept of moral impartiality, however, is much older than Kant’s philosophy. It exists in many religions under the term “Golden Rule” or “ethic of reciprocity”. In Buddhism the ethics of reciprocity can be found in a very explicit form in the Nãlaka Sutta (Hare 1945, 105, paragraph 705):

> “With them identify thyself. As I, so they. As they, so I.”

If this rule is applied in a compassionate context – as in the Nãlaka Sutta – it leads to the Five Precepts. The Five Precepts are uncontroversial, but in the case of more complex issues, we need a normative framework for deriving moral rules. According to Kant the ideal decision process is characterized by the equality, freedom and autonomy of the participants, by an empathic attitude and a rational deliberation. Such a process makes sure that everyone’s concerns are heard and that the decision will be supported by all participants. Adherents of the Kantian line of social contract theory (so-called contractualists) assume that it is possible to find generally acceptable moral principles on this basis. The decision process is non-consequential insofar, as it matters *how* the result is reached. Interestingly a similar non-consequential ideal can also be found in Mahayana Buddhism, hundreds of years before the beginning of modernity (Davis 2013, 275, 290-291).

Social contracts existed implicitly in Ancient India in the form of caste systems, but they can only serve as counterexamples to Kant’s ideal. Critique of the hierarchical and oppressive Indian caste system is not hard to discover in Buddhism (Keown 1995, 8) (Beckwith 2015, 43). What lacks is the transformation of this critique into a well-defined concept of justice.

A possible candidate for defining such a concept is John Rawls, a philosopher who belongs to the contractualist line of social contract theory and is therefore closer to the above-mentioned Mahayana ideal than contractarians like Hobbes.

In Rawls' theory the deliberation about the principles of justice is taking place in the so-called *original position* behind a *veil of ignorance*. According to this thought experiment the participants of the deliberation do not know their future position within the society. The possibility "to be in anyone's position" also implies that the participants do not know their future genetic constitution (ethnicity, gender, talents etc.). Furthermore, the deliberation concerns a multi-generation concept, where the environment and the genetic constitution are subject to change. The self is imagined to be contingent and impermanent, in accordance with the Buddhist doctrine of *anatta* and *anitya.*

This thought experiment can be connected with the doctrine of rebirth, if we associate Rawls' veil of ignorance with the Hindu veil of Maya (*avarana*). Hindus imagine that a soul which descends into a body comes under the influence of a cosmic delusion called *Maya*. Individual delusion creates ego-consciousness and attachments to worldly objects, which in turn produce the suffering in this world. Similarly, in Rawls' scenario the participants have the "right view" *before* they know their genetic variation (i.e. before they are reborn), in a contemplative state of impartiality and empathy (i.e. before their perception is deluded by ego-consciousness).

In the deliberation about the principles of justice the participants represent and advocate all possible conflicting interests, but the imagination to be in the opponent's situation forces them to take an empathic stance. Under these premises, how will the participants construct the principles of justice? John Rawls suggested the following answer (Rawls 1971, 60):

1) First principle of justice: Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all.

2) Second principle of justice: Social and economic inequalities are to be arranged so that they are both
   a) attached to offices and positions open to all under conditions of fair equality of opportunity and
   b) to the greatest benefit of the least advantaged, consistent with the just savings principle.

"Just savings" is what a generation owes its descendants. The principle says that the actual generation is not allowed living at the cost of future generations. Moral impartiality not only applies to future generations, but also to persons who lack the capacity to judge. The interests of these persons have to be represented by the judicious participants of the social contract.

The *liberty principle* (1) and to some extent also the *opportunity principle* (2a) are analogously included in the Universal Declaration of Human Rights (UDHR). Would Buddha endorse this declaration? L.P.N. Perera, after having analyzed the UDHR in detail comes to the conclusion that every single article is in harmony with early Buddhist teachings in letter and spirit (Perera 1995). The UDHR is the result of historical experiences with totalitarianism and prevents some of the worst kinds of suffering. Without the freedom of thought Buddhism and philosophy cease to exist.

The so-called *difference principle* (2b) considers that liberty creates inequality and therefore requires a compensation mechanism. It says that welfare has to be redistributed in favour of the worst-off without disadvantaging future generations. This principle accords well with the Buddhist intuition of compassion, applied in a multi-generation view.

6. Concerns

"Writers who treat morality as primarily contractual tend to discuss non-contractual cases briefly, casually, and parenthetically, as though they were rather rare." (Midgley 1994, 38-40) Rawls presupposes that the interests of non-contractual cases are represented by the participants of the social contract, but he does not elaborate on the topic. Animal welfare, for example, is completely neglected in his theory. It is remarkable that Buddhists always perceived animals as sentient beings, whereas Descartes – one of the most influential precursors of Western Enlightenment – in the 17th century still maintained that all non-human beings are merely automata, without self-awareness and incapable of feeling (Stelling 2014, 39).

Rawls was aware of the limitations of social contract theory and called his concept "justice as fairness", admitting that there are other meanings of justice. In his thought experiment empathy can be extended to all sentient beings, if we assume – as Hindus and orthodox Buddhists do – that the genetic variation of rebirth is larger than 0.1%. Empathy with all sentient beings leads to complex discussions how to weigh and balance human and non-human interests and how to extend the notion of justice to animals (VanDeVeer 1994) (Garner 2013).

The extension of empathy to all sentient beings is reminiscent of the idea to conceive secular Buddhism as a consequentialism of compassion (Verhaeghen 2015). Negative utilitarianism, for example, shares the intuition of compassion with Buddhism (Contestabile 2014) and is considered to be the consequentialist ethics that comes closest to Buddhism (Keown 1992, 176). As long as there is no consensus on the desirable *degree* of compassion, however, the normative force of this approach is limited.

More disturbing, for many people, may be the fact that consequentialism has a totalitarian potential, independent of the driving ethical goal. Actually, much of Rawls' motivation to work on a theory of justice was founded in the totalitarian potential of classical utilitarianism (Thomas 2015, 16). The problem can be mitigated by adopting the Buddhist virtue of non-violence (*ahimsa*), but then the theory ceases to be consequentialist. The tolerance, which is expressed in the commitment to non-violence points back to Rawls' liberty principle. A plausible alternative (to consequentialism) is therefore to ratify Rawls' principles as a framework for tolerance and solidarity, and then to promote specific Buddhist values *within* this framework.

A different issue is the *motivation* to promote Buddhist values. Justice as fairness is only a partial answer to Punnadhammo's question about the foundation of morality. It explains the motivation to subscribe a social contract, but not the motivation to go *beyond* this contract. In contrast to the adoption of Rawls' principles, the realization and promotion of Buddhist values requires an over-average degree of selflessness. What is the motivation to lead a life of contentment, compassion and (secular) spirituality, *if there are no karmic rewards*?

There is no uniform answer to this question. The decision to follow the Buddhist path can be – as with any other philosophy of life – a conscious choice of specific chances and risks. The Kalama Sutta illustrates that these chances exist in the here and now, and that they do not presuppose any rewards after death. In most cases the development of compassion and (secular) spirituality requires "practice, commitment, training, and perhaps contact with a likewise engaged community of fellow practitioners." (Verhaegen 2015, 50) In other cases the insight into the contingency and impermanence of the self induces a spontaneous degradation of self-interest and egocentrism (Parfit 1984, 281).

And sometimes life experience is the best teacher. According to the legend of the four signs the direct confrontation with suffering and transience marks the beginning of Buddhist reasoning.

7. Conclusion

The doctrine of rebirth cannot be revised in a strict sense, but there are some striking similarities between the ancient and modern (biological) view on the topic. Since the stream of genetic and epigenetic information has the power to create consciousness and reflects experiences of past lives, it can be associated with the stream of consciousness (*cittasantana*) in the Mahayana model of rebirth. Parents not only determine the genetic constitution of their children, but they also transfer character traits by means of epigenetic heredity. If genetic inheritance is associated with karma, then genes become an element of synchronic and diachronic connectedness (*pratitya-samutpada*). Instead of an individual learning process across successive lives, there is a collective learning process across successive generations.

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