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David Lantigua
University of South Florida

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Natural Law Ethics: A Comparison of the Theravāda and Thomistic Traditions

by

David Lantigua

A thesis submitted in partial fulfillment
of the requirements for the degree of
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Major Professor: Darrell J. Fasching, Ph.D.
Wei Zhang, Ph.D.
Thomas Williams, Ph.D.

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human dignity

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in memorium

Ioannes Paulus PP. II

18.V.1920 – 2.IV.2005

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David Lantigua

ABSTRACT

This thesis investigates the topic of natural law in the Theravāda and Thomistic traditions by utilizing the methodology of comparative religious ethics. Approaches to the method such as ethical formalism, ethical naturalism, and narrative ethics are assessed with the author opting for a multidimensional approach that is religious and ethical. This multidimensional approach, as defined by William Schweiker, conducts natural law inquiry from a hermeneutical standpoint of moral diversity and democratic pluralism.

The hermeneutical standpoint warrants a historicizing of natural law ethics that is compatible with modern secularity instead of a classicist metaphysical worldview. To achieve this task, the thought of moral philosopher Alasdair MacIntyre and Jewish theologian David Novak is used to formulate a concept of a natural law tradition. Three normative features define the natural law traditions in question: rationality as tradition-constituted, revelation as a historical phenomenon, and natural law as a cultural construct that is both comparative and ontological.

The central claim of this thesis is that the Theravāda and Thomistic traditions provide a similar conceptual apparatus for rational discourse that can locate ethical commonalities and respect differences across traditions. The commonality between

traditions is secured in natural law ethics because these traditions adhere to a constitutive truth that is the objective ground of all truths and of nature which designates a shared humanity. On the other hand, these natural law traditions are able to at least respect difference because they recognize the autonomy of other traditions outside of and pre-existing their own. Natural law ethics in these religious traditions therefore avoids the ethical challenges of relativism and authoritarianism.

Both traditions define a concept of “nature” with a proper teleological orientation for the moral life. “Nature” is an open category in these traditions that can never be fully defined. This demonstrates how these natural law traditions avoid ontological violence. The overall claim is that natural law ethics, which are evident in the Theravāda and Thomistic traditions, offer something essential to a pluralistic secular democracy: an unconditioned view of human dignity that protects inalienable rights because it is secured by a higher law than civil laws.

List of Abbreviations

<i>AN</i>	<i>Anguttara Nikāya</i>
<i>Dh</i>	<i>Dhammapada</i> (The Path of Truth)
<i>DN</i>	<i>Digha Nikāya</i>
<i>DQChar</i>	Thomas Aquinas, <i>Disputed Questions on the Virtues: On Charity</i>
<i>DQTruth</i>	Thomas Aquinas, <i>Disputed Questions on Truth</i>
<i>DQVirtGen</i>	Thomas Aquinas, <i>Disputed Questions on the Virtues: On the Virtues in General</i>
<i>Mil</i>	<i>Milindapañha</i> (The Questions of King Milinda)
<i>MN</i>	<i>Majjhima Nikāya</i>
<i>NE</i>	Aristotle, <i>Nicomachean Ethics</i>
<i>SN</i>	<i>Samyutta Nikāya</i>
<i>ST</i>	Thomas Aquinas, <i>Summa theologiae</i>
<i>VS</i>	John Paul II, <i>Veritatis splendor</i> (The Splendor of Truth)

Introduction: Ethics in a World of Neighbors

Philosophers... have concerned themselves with morality as a science: they wanted to furnish the *rational ground* of morality – and every philosopher hitherto has believed he has furnished this rational ground; morality itself, however, was taken as ‘given’. [...] they did not so much as catch sight of the real problems of morality—for these come into view only if we compare *many* moralities.¹

Friedrich Nietzsche did catch sight of some of the “real problems” of morality via his genealogical critique and sweeping comparison of modernity and the ancients. He uncovered the traps of foundationalist certainties and disabused many philosophical students of the Enlightenment who claimed to be past “God” and “religion” that their science and rationalism were mere masks disguising a will to power. Their claims to truth based on facts were no more legitimate than Christianity’s metaphysical claims derived from faith.

Although Nietzsche did compare many moralities, he still did not escape the modernist tendency and Enlightenment security of reducing all phenomena to a single explanation. Morality was, for him, “an assessment and ranking of human drives and actions.”² Moral diversity, therefore, was an inevitable outcome because “the conditions of the survival of one community have been very different from the conditions of another

¹ Friedrich Nietzsche, *Beyond Good and Evil* §186, in *A Nietzsche Reader*, trans. R. J. Hollingdale (England: Penguin Books, 2003), 104-105.

² Friedrich Nietzsche, *The Gay Science* §116, in *Existentialism: Basic Writings*, 2nd ed., Charles Guignon and Derk Pereboom, eds. (Indianapolis: Hackett Publishing Company, 2001), 138.

community.”³ In other words, morality is seen as nothing more than the arbitrary convention of wills and drives competing for survival and power in a particular historical situation. Nietzsche, in this regard, was no different than his Enlightenment predecessors by locating a single ground of morality. Not a rational ground to morality, but rather, an *irrational* one.

Nietzsche’s anti-foundationalist legacy and distaste for rational morality has lived on under the gamut of much “postmodern” thinking. Without a language of rationality for honest communication, an unbridgeable gap lay between discourse partners according to many thinkers captivated by the postmodern imagination. This outlook has welcomed the arrival of the postmodern stranger who is radically other. The alterity of the other is so profound that we are unsure and perhaps even unable to adjudicate whether or not this stranger is hostile or friendly, demonic or divine.⁴ For ethics, the issue of alterity and otherness is an important and necessary one, but of equal importance is the issue of commonality and sameness. Meeting the postmodern stranger who is radically different than us is not our aim. Instead, our aim is to meet our global neighbor who is never too far to be a stranger and yet not necessarily close enough to be family. It is within this category of the neighbor who is both different and common that our investigation of ethics shall proceed.

I echo Nietzsche’s position that we can only catch sight of the real problems of morality by way of comparison. Our moral situation demands that we confront the reality that we are living in a pluralistic age with diverse moralities. Everyday across the globe people are taking life-threatening stands on moral positions. Some do so to the point of

³ Ibid.

⁴ See Richard Kearney, *Strangers, Gods, and Monsters* (New York: Routledge, 2003), Chapters 3 and 4.

taking the lives of the enemy to protect a cause while others do so by letting themselves die in order to redeem one. Comparing moralities or ethics is the underlying issue in this investigation. This task of comparing ethics under the theme of neighborliness can yield both our commonalities and differences. The method of comparing ethics will not be through the lens of moral philosophy but of religious ethics.

For this investigation, I compare the religious ethics of Buddhism and Christianity. I concentrate specifically on the issue of natural law in these religions as articulated by the Theravāda and Thomistic traditions. My thesis is that these natural law traditions contain a similar conceptual apparatus for ethical thinking across traditions. These natural law traditions fit our category of neighborliness in that they are able to locate any “overlapping” with other traditions, but also locate and respect differences. The commonality between persons is secured in natural law ethics because these traditions adhere to an ultimate truth that is the objective ground of all truths and of nature thus designating a shared humanity. On the other hand, these natural law traditions are able to at least respect difference because they recognize the autonomy of other traditions outside of and pre-existing their own. The natural law ethics of these religious traditions can therefore avoid the ethical challenges of relativism and authoritarianism. My overall claim is that natural law ethics offer something essential to a pluralistic secular democracy: an unconditioned view of human dignity that can protect inalienable rights because it is secured by a higher law than civil laws.

The method of inquiring about natural law in the Theravāda and Thomistic traditions will be through comparative religious ethics. Chapter 1 begins by situating the field of comparative religious ethics within the academic study of religion. This will

introduce us to two important approaches for the development of this field, the historical-empiricist approach of “ethical naturalism” by Robin Lovin and Frank Reynolds and the ethical formalist or “deep structure” approach by Ronald Green. The approaches used in these thinkers set the parameters that launched the debate for the emergent field of comparative religious ethics. Although commendable for their originality and depth, the deep structure approach by Green and the ethical naturalism approach by Lovin and Reynolds were subject to the dangers of easy translatability and incommensurability. In other words, the approaches have a tendency to overemphasize sameness or difference.

These challenges of easy translatability and incommensurability to the field of comparative religious ethics cannot go unaddressed. As Nietzsche pointed out, there is a problem in locating a *single* model of rationality and a *single* ground, especially within the pluralistic ethos of a secular democracy. This conceit of Enlightenment thinking that has a tendency to inadequately address moral diversity has been associated with Green’s approach. There is a totalizing tendency in this approach that locates a single ground and method of rationality that Green refers to as the deep structure.

On the other hand, Nietzsche’s reactionary account of morality as irrational is far less appealing. Contra Nietzsche, I argue that the problem for ethics is not in using a language of rationality or locating its ground. To reject rationality *in toto* is an invitation to the extreme relativism of the skeptic. Therefore, we are not attempting to uncover a *single* rational ground, but rather, *multiple* grounds of rationality. The work of Lovin and Reynolds does just this by identifying various rationalities within single traditions. Although this approach stresses moral differences, it does so at the expense of comparing rationalities and moralities across traditions. In a pluralistic age threatened by moral

relativism, the approach of ethical naturalism seems unable to sufficiently address this problem because its primary aim is to describe the uniqueness of each tradition, not compare traditions.

The issue of moral diversity and the challenges of relativism and totalism provide the context in which the narrative approach of Darrell Fasching and Dell deChant and the multidimensional approach of William Schweiker are framed. These two approaches have been classified under the “hermeneutical-dialogical” paradigm of doing comparative religious ethics. These authors never cease to think about religious ethics apart from the hermeneutical standpoint of moral diversity and pluralism, which I am adopting. Attempting to bridge religious worlds in order to promote common goods and religious humanism belongs to the comparative and constructive tasks employed by these authors. I also take up these tasks and specifically utilize Schweiker’s multidimensional model for natural law inquiry.

A multidimensional approach to natural law aims for scope, not autonomy. That is to say, we are attempting to retrieve, in some part, the rich ethical complexity of these natural law traditions without claiming to have an all-embracing methodological solution. The various dimensions that will be used to retrieve these traditions include normative, descriptive, fundamental, practical, and metaethical. All of these dimensions fit into our inquiry in some way, with the normative dimension standing out as the most central given our context of moral diversity and the threat of normlessness. Furthermore, this approach to natural law ethics considers the duty of a scholar to be religious and ethical. This means that the traditional strict boundaries between theology and philosophy, church and academy, religion and state, and prescription and description will not be present.

Instead, the relationship between disciplines and conceptual spaces is a fluid one that will strive to be mutually enriching rather than antagonistic.

Our inquiry into natural law from a hermeneutical standpoint of moral diversity and pluralism begins with formulating a concept of a natural law tradition. That is my concern in chapter 2. The purpose of this chapter is to set the parameters of what we are looking for in the Theravāda and Thomistic traditions. The concept of a natural law tradition will show us how truth, law, and authority in these traditions function in similar ways. For this task, I turn to the work of moral philosopher Alasdair MacIntyre and Jewish theologian David Novak. These thinkers will help us define three normative features of a natural law tradition: rationality as tradition-constituted; revelation as a historical phenomenon; and natural law as a cultural construct that is both comparative and ontological. These features contribute to the project of historicizing natural law without denying a tradition's claims to ultimate truth.

Chapter 3 will explicitly defend the thesis of this investigation: that the natural law traditions in question show analogous structures of rational ethical discourse. The Theravāda and Thomistic traditions delineate categories of natural law discourse that recognizes the autonomy and limits of other traditions and the need for special insight and revelation for moral development and liberation. I will use the categories of “general” and “special” to distinguish these modes of discourse *across* traditions and *within* one's tradition. The important point is that neither one of these modes of discourse is purely isolated from the other. In fact, it is because of the “general” knowledge common to all persons that the “special” insight or revelation has any meaningfulness at all.

Chapter 4 addresses the fundamental dimension of our inquiry, the issues of ontology and ethics. The concept of “nature” is necessary to any natural law thinking, and I consider how these traditions define the term. But if nature is *fully* defined then an account commits ontological violence. These natural law traditions, I claim, avoid ontological violence by locating an indefinable or unconditional dimension of human existence that is constituted by an ultimate truth. I claim that the way a religious practitioner of these traditions is able to understand this truth is by pursuing the hypergood. The term hypergood denotes an ethical category. It refers to the specific *telos* or aim that all agents eventually aspire toward thus shaping the moral orientation of a person’s life.

My investigation concludes by suggesting how natural law ethics can and do contribute to socio-political matters, especially within a modern democracy such as our own. The natural law ethics of the Theravāda and Thomistic traditions contain the resources for critically engaging any unjust institution or law on the grounds of higher truth and human dignity. These traditions posit a form of rationality whose warrants is determined by an ultimate measure or law superceding all temporal and worldly standards.

Lastly, these natural law traditions demonstrate an ethic of neighborliness. This ethic illustrates that no matter how wrong or strange another individual’s actions might be there is always the possibility of communicating with them in some rational manner. That is because they are always within proximity of us in virtue of their humanity. They always have the closeness of a neighbor.

Chapter One: Situating Comparative Religious Ethics

In 2006, for the first time in the history of the American Academy of Religion, a session was organized at the annual meeting for the group on “Comparative Religious Ethics.” The session was convened by Aaron Stalnaker, author of the newly acclaimed *Overcoming Our Evil: Human Nature and Spiritual Exercises in Xunzi and Augustine*.¹ Although Stalnaker is not the first to address the topic of religious ethics from a comparative method, his work represents the latest attempt to refine the method of comparative religious ethics as the field continues to define itself alongside other methods in the academic study of religion.

In the spirit of *Religionswissenschaft* pioneers like Max Müller, comparative methodology is set upon the premise that “all higher knowledge is acquired by comparison.”² However, the disciplinary boundaries that have been erected in American universities to protect the academic study of religion as a social science against anything remotely resembling theological reflection was not characteristic of Müller’s humanistic science rooted in charitable hermeneutics, reverence, and loyalty to truth when investigating the subject of religion.³ Although quite unconventional for his time, Müller

¹ Aaron Stalnaker, *Overcoming Our Evil: Human Nature and Spiritual Exercises in Xunzi and Augustine*, (Washington, DC:Georgetown University Press, 2006).

² Max Müller, “Plea for a Science of Religion” in *Classical Approaches to the Study of Religion*, ed. Jacques Waardenburg (Berlin: Walter de Gruyter, 1999), 91.

³ Consider the following excerpt from Müller’s lecture: “No one – this I can promise – who attends these lectures, be he a Christian or Jew, Hindu or Muslim, shall hear his own way of serving God spoken of irreverently. But true reverence does not consist in declaring a subject, because it is dear to us, to be unfit for free and honest inquiry: far from it! True reverence is shown in treating every subject, however sacred,

conversed with believers in theological circles, especially missionaries, because he saw the need for Christians to sympathetically engage other religions by finding a common ground.⁴

This nineteenth century European “science of religion” method does not correspond with the view of contemporary American scholar Donald Wiebe. In the 1988 article entitled, “Why the Academic Study of Religion?” Wiebe claims that the discipline is meant to serve “purely intellectual/scientific reasons and not as instrumental in the achievement of religious, cultural, political or other ends.”⁵ The study of religion is solely construed as the pursuit of “objective” knowledge derived from religious phenomena, which serves as its data to generalize and establish facts. Wiebe, while invoking the message of Max Weber’s “Science as Vocation,” is prey to the modern positivist conceit that divorces facts and values. In Wiebe’s view, the study of religion exists purely for the sake of theoretical reflection in an isolated academy thus betraying the original intent of *Religionswissenschaft* as public vocation.

Although none of the approaches to comparative religious ethics considered here echo Wiebe’s insularity and scientism, the approaches of Ronald Green, Robin Lovin, and Frank Reynolds have been influenced by the aims of modern philosophy and social science. Indebted to the moral philosophy of Immanuel Kant, the approach of Ronald Green understands that all religions, regardless of time and place, demonstrate a universal structure grounded in human reason for responding to moral conflicts. On the other hand,

however dear to us, with perfect confidence; without fear and without favor, with tenderness and love, by all means, but, before all, with an unflinching and uncompromising loyalty to truth.”

⁴ Müller, 87.

⁵ Donald Wiebe, “Why the Academic Study of Religion?” in *Theory and Method in the Study of Religion*, ed. Carl Olson (Belmont, CA: Wadsworth, 2003), 39.

for Lovin and Reynolds, who take the philosopher David Hume as their cue, comparative religious ethics has an empirical-historical task of describing the diverse accounts of morality evident across traditions and within single traditions. In their view, reason is thoroughly contextualized and understood as the product of the interaction between cosmogonic myths, rituals, and feelings. This contrasts radically from Green's view that religions exhibit an ahistorical formal structure of moral reasoning.

The appointment of Christian theologian Margaret Miles as president of the American Academy of Religion in 1999 represented a new and controversial trend in the academic study of religion that harkens back to the vision of Müller. The initial task of her presidential address was to challenge the boundaries between “the study of religion” and “theological studies.”⁶ Miles considered these disciplinary boundaries, which are often hostile to each other, as unhelpful. She encouraged members of whatever academic standing to work constructively together for the common good. This is only possible by bringing “religious studies” as an integrated or mutually beneficial discipline into the public sphere.

Although many of the older scientific methodologists in the academic study of religion were unconvinced by Miles' plea, the field of comparative religious ethics today has preserved her spirit of sensitivity toward context. By situating religious ethics within a context of the plurality of traditions and diverse moralities the field is engaged with the critical resources that allow for the reconstruction of religious traditions in order to promote the common good. This is the religious humanism at work in the approaches of Darrell Fasching, Dell deChant, and William Schweiker. These approaches are distinct in

⁶ Margaret Miles, “Becoming Answerable for What We See” in *Theory and Method in the Study of Religion*, ed. Carl Olson (Belmont, CA: Wadsworth, 2003), 42.

that Fasching and deChant offer a narrative approach and Schweiker offers a multidimensional approach, yet both have been classified under the curricular paradigm of “hermeneutical-dialogical.”⁷ They begin from “the fact that we live in a morally and religiously pluralistic world.”⁸ The project of comparative ethics, in their view, is to engage the stranger in continual dialogue in an effort to see our world anew through their eyes. What is especially important in this paradigm is the hermeneutic task of seeking understanding by crossing over into other traditions and bridging religious worlds. This hermeneutical paradigm is the standpoint of the approach adopted in this thesis.

Approaches to Comparison

The methodology of comparative religious ethics owes its genesis to the work of two highly original approaches by Frank Reynolds and Robin Lovin, and Ronald Green.⁹ My concern here is to give a summary of these approaches and isolate potential strengths and weaknesses in their accounts. I also consider the narrative approach adopted by Darrell Fasching and Dell deChant that offers an alternative to these approaches. Their approach frames the discipline within the context of relativism and ethnocentrism thereby taking a hermeneutical standpoint that is used in my investigation of natural law traditions. My summary and analysis in no way exhausts the literature on comparative religious ethics that has been published over the last couple of decades.¹⁰ More recently,

⁷ Sumner B. Twiss, “Four Paradigms in Teaching Comparative Religious Ethics” in *Explorations in Global Ethics: Comparative Religious Ethics and Interreligious Dialogue*, ed. Sumner B. Twiss and Bruce Grelle (Boulder, CO: Westview Press, 2000), 16-19.

⁸ *Ibid.*, 17

⁹ Also consider David Little and Sumner B. Twiss, *Comparative Religious Ethics: A New Method*, (New York: Harper and Row, 1978). Although I am not addressing this approach, it too deserves credit for its contribution to the inception of comparative religious ethics.

¹⁰ One example includes the comparative virtues approach by Lee Yearley, *Mencius and Aquinas: Theories of Virtue and Conceptions of Courage*, (Albany, NY: SUNY Press, 1990).

with the inclusion of Stalnaker's work, comparative religious ethics has developed some exciting new approaches to inquiry.¹¹

In *Religion and Moral Reason*, Ronald Green argues that he has uncovered a "deep structure" to the method of reasoning in religion. He states in his introduction, "I wish to show that the most basic processes of religious reasoning are the same everywhere and give rise, in understandable ways, to diverse religious expressions."¹² Green's approach is to investigate the religions of the world and demonstrate how they meet the demands of the deep structure and also how they are different from one another. There are essentially three components to this deep structure of religious reasoning: 1) the "moral point of view" or impartiality 2) beliefs affirming reality of moral retribution and 3) "transmoral" beliefs that suspend moral judgment.¹³

Although the deep structure is *a priori* for all people at all times, Green claims that morality across the global religious landscape is not identical in terms of its beliefs, rules, and practices. He states that one "must expect this variability of norms."¹⁴ But this is not an invitation to ethical relativism. Instead, following the logic of Kant, Green asserts that the application of the universal structure to different situations may yield different conclusions. Another reason for difference among traditions is that some religions have "evolved" more than others. In his treatment of the indigenous religions of Confucianism and Daoism in China, Green claims that they failed "to meet the conceptual needs dictated by reason's deep structure" and as a result left a vacuum that

¹¹ See, for example, the conceptual metaphors approach formulated in Edward Slingerland, "Conceptual Metaphor Theory as Methodology for Comparative Religion," *Journal of the American Academy of Religion* 72, no. 1 (March 2004), 1-31 and the special issue, "The Promise of Scriptural Reasoning" in *Modern Theology* 22, no. 3, (July 2006).

¹² Ronald Green, *Religion and Moral Reason* (New York: Oxford University Press, 1988), xii.

¹³ *Ibid.*, 3.

¹⁴ *Ibid.*, 9.

Buddhism could fill.¹⁵ What religions can and do share in common are often basic rules of morality, which include some of the following: no killing wantonly, no lying or breaking promises, giving to the needy, and making reparation for wrongs committed.¹⁶ Of course, certain cultures may promote contrary rules such as the abandoning of elderly parents in Eskimo communities. But these anomalies occur for various circumstantial reasons, like strenuous environmental conditions. The deep structure never changes; it is the “basic method of thinking about choices and making decisions.”¹⁷ Therefore, Green eliminates the possibility of anything like ethical relativism by appealing to the universality of the deep structure and showing how this method can often, though not necessarily, result in basic rules of morality.

The focus of the empirical approach presented in *Cosmogony and Ethical Order* by Robin Lovin and Frank Reynolds is to navigate the contours of the relationship between ethics and human-social-cosmic origins in various cultures. Lovin and Reynolds recognize the “impulse to link moral orientations to accounts of cosmic origins” in traditional cultures and argue that “natural order provides the foundation for much of everyday moral thinking.”¹⁸ Furthermore, the choice and judgment of moral agents is justified by appealing to cosmogonic myths. From the outset, they note that such familiar concepts like natural law and principles of order, like Dao or dependent origination (*paticca-samuppāda*), “can be interpreted as systematic expressions of a far more widespread belief that truly significant actions recapitulate the primordial cosmogenesis

¹⁵ Ibid., 74.

¹⁶ Ibid., 11

¹⁷ Ibid., 9

¹⁸ Robin W. Lovin and Frank E. Reynolds, “In the Beginning,” in *Cosmogony and Ethical Order*, ed. Robin Lovin and Frank Reynolds (Chicago: University of Chicago Press, 1985), 2.

or participate in a pattern established outside of the flux of ordinary events.”¹⁹ Thus, the authors locate a tradition’s moral resources in the myth of the founding event or cosmogony. In their approach, observing mainstream religious and indigenous cultural systems in light of each tradition’s cosmogonic myths provides the empirical data. The approach of Lovin and Reynolds extends an invitation to the research data provided by anthropologists, cultural historians, and historians of religion.²⁰

Rather than turning to the modern philosophical language of Kant’s ethical formalism, Lovin and Reynolds interpret data through an empirically-grounded ethical naturalism indebted to David Hume. This is an important shift in methodology that allows for the possibility of “diversity of human conceptions of the good life.”²¹ The approach of Lovin and Reynolds begins from the premise that there is a diversity of ethical languages both among and within religious traditions. Instead of appealing to a view of reason that is pure, undefiled, and the same at all times and places, their account of rationality and moral judgment are “complex equilibrations of fact, principle, and feeling.”²²

Comparative Religious Ethics: A Narrative Approach, by Darrell Fasching and Dell deChant, provides a model for understanding religious ethics situated in the post/modern period defined by the demonic legacies of Auschwitz and Hiroshima.²³ In a modern, scientific, and industrial age in which techno-bureaucratic rationality has often led to a demise of ethical consciousness, Fasching and deChant argue that comparative

¹⁹ Ibid., 1.

²⁰ Ibid., 4

²¹ Ibid., 9

²² Ibid., 18

²³ Darrell Fasching and Dell deChant, *Comparative Religious Ethics: A Narrative Approach* (Malden, MA: Blackwell, 2001).

religious ethics must confront the challenges posed by genocide, ethnocentrism, pluralism, and relativism. The authors undertake the project of forging a cross-cultural global religious ethic of human dignity and human liberation rooted in the experience of the holy and ancient stories of wrestling with the stranger evident in all the major world religions. The process of engaging other traditions through stories amounts to “the way of all the earth,” or seeking mutual illumination that is reflected in the “passing over, coming back” experiences that have been practiced by twentieth century religious figures like Mohandas K. Gandhi, Martin Luther King, Jr., and Thich Nhat Hanh.

The approach adopted to achieve the goal of insight between traditions is narrative interpretation rooted in the experience of the holy. Thus, the approach is fundamentally dialogical and spiritual in its style. For example, Gandhi’s interpretation of the *Bhagavad-Gītā* was deeply shaped by his experience of reading Jesus’ Sermon on the Mount. Narrative and emotion, rather than theory and reason, are the sources of ethical action in religion. The crucial human faculty that allows this to happen is empathy. According to the authors, “reason must follow, not precede emotion.”²⁴ Furthermore, spiritual practices such as prayer, fasting, meditation, and study are also essential to the moral life of religious practitioners.

The criteria that Fasching and deChant use to gauge whether or not a story, institution, belief, or social group is ethical are the tendencies of the holy and the sacred.²⁵ Although both tendencies may exist simultaneously in a social group or person, they represent radically different ways of responding to otherness. The holy, illustrated by the figure of Socrates and his interior compulsion to question, refers to a personal

²⁴ Ibid., 23.

²⁵ Ibid., 18.

experience of the infinite and ultimate that promotes dignity and justice for all humans, including the stranger. The sacred tendency within societies and humans enforce homogeneity at the expense of what is different. Sacred societies tend to designate what is different as profane and this can often issue forth in acts of hostility and violence toward the stranger. Whereas an ethic of the holy provokes questioning and doubt toward the social-moral order, sacred societies protect it by eliminating that which calls it into question.

Challenges in Comparative Religious Ethics

The project of comparative religious ethics, as the narrative approach of Fasching and deChant demonstrates, must be able to respond to current moral problems. For these thinkers, comparative religious ethics begins with “the serious challenge of cultural and ethical relativism.”²⁶ I argue that the both the deep structure and ethical naturalism approaches are unable to sufficiently address the challenge of moral diversity and relativism. The works of Green, Lovin, and Reynolds are subject to the epistemological temptations of modern thinking that tend towards totalism and relativism.

Totalism refers to the attempt to homogenize all religious and moral traditions into a single theory of rationality that can be derived independently of culture and context. This moral outlook is identified with Kant’s Enlightenment project of justifying morality that appeals to a universal structure of reason. A moral theory such as Green’s that strives to demonstrate that all religious traditions reason from a deep structure does not sufficiently account for the autonomy of different traditions. Ethical relativism, on the other hand, refers to the absence of normative criteria for adjudicating across moral

²⁶ Ibid., 4.

traditions. Although not equal to cultural relativism, it is an outlook that has been associated with the modern social sciences. By adhering to the descriptive aim of modern social science, ethical naturalism is less concerned with contemporary context, or what I am referring to as hermeneutical standpoint. Therefore, the constructive task of locating norms across traditions that promote the common good is not a facet of their work, and this proves to be a limitation of the approach. Let us consider these challenges in more detail.

Kant's version of reason, pure and undefiled, was cast independent of traditional religion and its attendant "superstitions, supernatural dogmas, and cultic practices."²⁷ This is the premise of Kant's "secularization of morality"²⁸ in which the moral law within (the good will) is expressive of the universal law (categorical imperative), neither of which is grasped through divine revelation but by pure practical reason. As Kant so aptly put it, the good will is "determined by reason *alone*."²⁹ Religion is useful in so much as it remains 'within the bounds of reason.' Any of religion's superficial characteristics are only accidental and ultimately of no moral worth to the agent's rational will.

Although Green's account lacks the kind of Enlightenment hostility toward traditional religion evident in Kant, Green maintains the view that there is a single process of moral and religious reasoning that is the same everywhere.³⁰ We noted that moral diversity, according to Green, was the result of historical and environmental circumstances because the deep structure is a universal process of human reasoning.

²⁷ John Caputo, *On Religion* (New York: Routledge, 2001), 48.

²⁸ Alasdair MacIntyre, *After Virtue* (Notre Dame: University of Notre Dame Press, 1984), 60.

²⁹ My emphasis, Immanuel Kant, *Groundwork of the Metaphysics of the Morals*, trans. H.J. Paton (New York: Harper & Row, 1964), 396.8.

³⁰ Green, xii.

Therefore, his response to the problem of ethical relativism is to deny the existence of real moral differences because everyone shares the same exact method of formal reasoning evident in the deep structure. Green argues that “religions must be viewed as evolving rational systems that strain over time to move toward greater sensitivity to reason’s agenda.”³¹ The deep structure presented by Green stands outside of history and functions like Kant’s timeless *a priori*.

The deep structure approach totalizes moral and religious diversity by subsuming difference into a single account of rationality. Any of religion’s features like beliefs, stories, rituals, and doctrines are superficial additions generated by historical and environmental contingency. Although Green considers these features to be the source of diverse religious expressions, they are “imperfect or ‘ragged’ cultural creations.”³² In Green’s account, religions are only different on the surface. What is universal and what is unchanging is the formal structure or method of moral decision-making. The problem with such a view is that it appears to neglect any “deep” moral differences originating from different ultimate truths across religions thus forsaking the possibility of achieving a genuine appreciation and respect of otherness. Nor is it able to allow the possibility of different accounts of rationality among a plurality of traditions.

The empirical approach of Lovin and Reynolds avoids a *universal* account of formal reasoning and posits instead *particular* accounts of rationality that are relative to each tradition. In this sense, it resolves the weakness of Green’s approach. The moral life of communities lies at the intersection of “worldviews and norms.”³³ Instead of viewing

³¹ Ibid., 82.

³² Ibid.

³³ Lovin and Reynolds, 30.

beliefs, cosmogonic myths, rituals, and feelings, as superficial, Lovin and Reynolds see these complex relationships as the empirical ground of rationality that is both natural and observable. As such, these cultural artifacts provide the data or content of rationality for the historian and anthropologist of religion to study.

Although the comparative approach of ethical naturalism aims at “empathetic understanding and appreciation of cultural-moral differences and similarities,”³⁴ it has a shortcoming that should not be overlooked. By aligning itself solely with the descriptive aim of the social sciences, this approach seeks no constructive aim of religious humanism or critical engagement with the religious traditions. Therefore, the empirical approach of ethical naturalism is not weak because it makes untenable claims; it is weak because of what it is unable to claim.

The authors reject outright any Newtonian solution to the problem of ethical relativism that is like the incontrovertible law of gravitation. They seem to deny the possibility of something like a moral law precept (e.g. prohibition of rape or torture) evident across many traditions that can be used to adjudicate moral differences. When moral traditions conflict, the empiricists can only hope, along with the pragmatists, that the parties involved will eventually reach agreement or consensus.³⁵ At least with Green’s account, there is some way of finding common moral ground in the form of precepts across traditions that is worth defending against those who would seek to ignore or eliminate them. The problem of moral relativism that Lovin and Reynolds appear to shirk must be addressed in comparative religious ethics in order to overcome relativism’s

³⁴ Twiss, 21.

³⁵ Lovin and Reynolds, 28-29.

cheap notion of tolerance that might allow dangerous forms of life to flourish.³⁶

Moreover, this public concern is in keeping with the Max Müller's view of religious studies that Margaret Miles echoes.

The weakness of the empirical approach is further illustrated in the sense that the authors "set aside the interesting question of what ways of thinking lead to the rejection of a prevailing moral system on apparently moral grounds."³⁷ It is precisely this question that cannot be set aside. In avoiding the question, their approach overlooks the issue of how traditional myths and worldviews might have perpetuated prejudices and unjust structures within society that oppressed certain groups such as women and slaves. On this issue, the hermeneutical-dialogical paradigm stands out in its veracity. Critical inquiry of religious traditions inherently belongs to discipline of religious studies. It belongs to the constructive task in the method of comparative religious ethics.

A Multidimensional Approach to Natural Law

In *The Blackwell Companion to Religious Ethics* (2006), editor William Schweiker suggests an alternative approach to comparative religious ethics that he identifies as "a multidimensional account of inquiry"³⁸ This model of inquiry affirms certain strengths in the two approaches of ethical formalism and ethical naturalism while avoiding some of the shortcomings. As we noted, a weakness of Green's approach is that he attempts "to isolate one formal structure of reason" – the deep structure – to explain

³⁶ See Chapter 2, "Pluralism and Relativism," in William E. Connolly, *Pluralism* (Durham, NC: Duke University Press, 2005).

³⁷ Lovin and Reynolds, 25.

³⁸ William Schweiker, "On Religious Ethics," in *The Blackwell Companion to Religious Ethics*, ed. William Schweiker (Malden, MA: Blackwell, 2005), 1-15.

universal morality and not allow the possibility of different accounts of rationality.³⁹

Although Green's formalist approach comes up short in accounting for genuine diversity, it succeeds, according to Schweiker, in construing "ethics" as an 'intellectual construct.' Moreover, Green does make the issue of finding norms and precepts one of his primary concerns.

On the other hand, ethical naturalism begins from the brute fact of moral diversity, of which we are adopting. The problem is that Lovin and Reynolds do not suggest a way out of relativism.⁴⁰ The authors are concerned with "worldviews and norms" within a tradition but *not* between traditions. Therefore, very little comparison, if any at all, is actually conducted in their approach. Nonetheless, this is also one of the great strengths of ethical naturalism. By focusing on a single tradition and describing its multiple cosmogonies, beliefs, and practices, the authors do give rich and detailed accounts of moral diversity and rationality within traditions.⁴¹

A multidimensional approach investigates "the 'interacting' dimensions of ethics that aim to explicate a religion's account of and directions for ordering existence and conduct in the moral space of life."⁴² These include the descriptive, normative, practical, fundamental, and metaethical dimensions. I would also add that the multidimensional model should not be limited to these nor should we demarcate the dimensions as if they were wholly separate from each other. In the edited volume, Schweiker uses this multidimensional model to describe the layout and scope of the book. For Schweiker,

³⁹ Ibid., 4.

⁴⁰ Ibid., 5.

⁴¹ See, for example, Part III, "Multiple Cosmogonies and Ethical Order" in Lovin and Reynolds.

⁴² Schweiker (2006), 5.

“*Scope*, rather than *autonomy*, will be essential in deciding the validity of claims.”⁴³ In this thesis, I will adopt this multidimensional model of inquiry to analyze and suggest the scope of natural law ethics within the Theravāda and Thomistic traditions. Let us consider briefly how each of these dimensions might fit in our investigation of natural law traditions.

The *descriptive* dimension is evident in the approach of ethical naturalism. Lovin and Reynolds give accounts of the “wildly complex and different ways” religious practitioners construe the moral life within a single religious tradition like Buddhism, for example.⁴⁴ Pointing to this diversity within traditions is the greatest strength of their approach. Within Buddhism, Thai Theravāda Buddhists, Tibetan Vajrayana Buddhists, Vietnamese Mahayana Buddhists, and Japanese Zen Buddhists, are all traditions expressing the variety of Buddhist practice. Moreover, within any one of these traditions, greater specificity exists, as Frank Reynolds’ work on Theravāda Buddhism has shown. Reynolds recognizes that there are two interdependent but distinct modes of ethical life shaped by overlapping cosmologies: samsaric and Buddhist.⁴⁵ Other scholars have also referred to this distinction as the karmic and nirvanic paths that are sometimes used to distinguish the monastic and lay lifestyles.⁴⁶ Another aspect of the descriptive dimension in religious ethics is that it “is linked to other interpretive disciplines.”⁴⁷ My investigation will utilize the interpretive resources of moral philosophers such as Alasdair MacIntyre and Charles Taylor and the Jewish political theology of David Novak.

⁴³ Ibid., 4.

⁴⁴ Ibid., 6.

⁴⁵ Frank E. Reynolds and Jonathan W. Schofer, “Cosmology,” in *The Blackwell Companion to Religious Ethics*, ed. William Schweiker (Malden, MA: Blackwell, 2005), 121-2.

⁴⁶ Harvey Aronson, “The Relationship of the Karmic to the Nirvanic in Theravada Buddhism,” *Journal of Religious Ethics* 7, no. 1 (1979), 28-36.

⁴⁷ Schweiker (2005), 6.

The *normative* dimension is emphasized the most in this thesis. The rationale for this has to do with my decision, alongside Fasching and Schweiker, to frame comparative religious ethics within the context of moral diversity and a pluralistic society. With the ensuing risk of normlessness inaugurated by ethical relativism, the normative dimension in comparative ethics is especially important. This dimension highlights the norms and values that ought to guide human life according to the traditions in question. But there is also sensitivity to the “distinct and sometimes conflicting *sources*” of those norms and values within a single tradition.⁴⁸ Two common sources often articulated by religious traditions include *reason*, the native intelligence of human beings, and *revelation*, or the ultimate truth claims preserved by the historical community. In our inquiry into natural law ethics, we will see that reason and revelation are two sources that are inextricably bound, with the special revelation or insight as that which illuminates natural or mundane reason. I will also be using the term normative in reference to discourse. By using natural law as a mode of normative discourse the traditions in question distinguish between two levels of discourse: those *within* the tradition and those *outside* the tradition. These two levels translate into the general and special categories of discourse. Formulating the modes of natural law discourse will support my thesis that natural law traditions contain the conceptual resources for transcending traditions to find commonality and differences with others in an effort to pursue the ultimate truth.

The *practical* dimension discloses the point that all moral thinking and judgments are situated in practices. That is because, “Traditions develop complex and subtle patterns

⁴⁸ Ibid.

of moral reasoning in order to answer the practical questions of life.”⁴⁹ Aristotle was among the first great philosophers to show that theoretical knowledge can only be achieved through praxis. This emphasis on practice opens us to the important ethical concept known as virtue. For Aristotle, the virtues are acquired “by first having actually practiced them” (*NE* 1103a32). In other words, habit (*ethos*) produces moral (*ethike*) virtue (*NE* 1103a18). This view assures that ethics is always concrete and lived and never too abstract and theoretical. In our investigation, virtues such as prudence, justice, compassion, and charity are crucial to understanding the Theravāda and Thomistic natural law traditions. When considering natural law ethics within religious traditions we must keep this *practical* dimension at the front of our inquiry, especially since natural law is often misrepresented as an abstract moral theory about a neutral law stemming from a transcendent lawgiver that has ultimately no effect on actual life and public discourse.⁵⁰

Since religions present “fantastically complex accounts of agency,” a *fundamental* dimension in ethical inquiry is needed.⁵¹ As an example, within a Christian framework, moral agency might integrate the complex relations between sin, the will, conscience, and God’s grace. These elements are all fundamental to moral agency and reveal how religions offer a rich language for understanding moral sources. For both of the natural law traditions, the concept of “nature” is fundamental for understanding how moral sources operate. Therefore, an ontological account is necessary for natural law ethics.

⁴⁹ *Ibid.*, 7.

⁵⁰ Jeffrey Stout, *Ethics after Babel: The Languages of Morals and Their Discontents*, (Boston, MA: Beacon Press, 1988), 253.

⁵¹ Schweiker (2005), 8.

Moral philosopher Charles Taylor has noted that “our sense of admiration and awe” for certain capacities that we believe to be in God, the Buddha, or Muhammad “is what empowers us to live up to them.”⁵² The concept of the good that is related to the question, “What is the good life?” focuses the concern on moral sources. The norms, values, and virtues that define the religious ethics of a tradition are constituted by moral sources. Applying this *fundamental* dimension to our inquiry will bring out the various goods that natural law accounts identify as essential to moral agency and offer proper orientation for human “nature.” I use Charles Taylor’s categories for distinguishing these goods as life goods (or virtues), hypergoods (the aim of moral agency) and constitutive goods (that which empowers the moral agent) that have a fundamental teleological orientation.⁵³

The *metaethical* dimension is the last of Schweiker’s multidimensional model and it is often the most overlooked or neglected. He notes that, “Every religion, despite what modern critics hold, purports to be truth seeking.”⁵⁴ In the case of Green’s deep structure approach, the metaethical dimension has superiority over all other dimensions. I am careful not to repeat this methodological limitation of assigning a single structure of reason to all traditions. Instead, we will adopt Alasdair MacIntyre’s view of rationality as tradition-constituted as our metaethical language. Each natural law tradition’s standard of rationality is defined or constituted by a unique conception of ultimate truth that orders all particular truths.

⁵² Charles Taylor, *Sources of the Self: The Making of the Modern Identity* (Cambridge: Harvard University Press, 1989), 94.

⁵³ Charles Taylor, “Leading a Life,” in *Incommensurability, Incomparability, and Practical Reason*, ed. Ruth Chang (Cambridge, MA: Harvard University Press, 1997), 170-183.

⁵⁴ Schweiker (2005), 9.

As a note, our analysis of these traditions cannot strip them of their respective metaphysical and cosmological worldviews. Just as Lovin and Reynolds have argued, “worldview and norms,” or cosmology and ethics, are inseparable. Therefore, our analysis of natural law traditions cannot ignore metaphysics and cosmology because these living traditions are truth seeking and “nature” or ontology is always situated within this context. But metaphysics and cosmology are not the fundamental dimensions because ethics and ontology reserve that position. Instead, they are at best secondary, serving as the “integral heuristic structure” for understanding moral agency and the pursuit of truth through questioning.⁵⁵

Religions often posit a constitutive good that is the originating source of the moral life but also identify this as the constitutive truth as well. Natural law is a metaethical category since it suggests that all human beings have access to the moral structure that is embedded in a metaphysical or cosmological worldview. But these accounts part from Green in the sense that natural law is understood as originating from a metaphysical or cosmological context that is situated within a tradition grounded in special revelation or special insight. In other words, the natural law that can be known by moral agents is revealed by the constitutive truth, be it the Dhamma or God. Natural law is nothing like the deep structure which offers an ahistorical account of religious reason. In the next chapter, I consider a tradition-constituted model of rationality and a notion of revelation as a historical phenomenon that argues for the explanatory power of historical contingency. Both of these views will be compatible with our concept of a natural law tradition from our hermeneutical standpoint.

⁵⁵ See Bernard Lonergan, *Method in Theology* (Great Britain: Herder and Herder, 1972), 343 and “Philosophy and the Religious Phenomenon,” *METHOD: Journal of Lonergan Studies*, 12 (1994), 136.

Hermeneutical Standpoint

Our investigation began by situating the field of comparative religious ethics within the global context of pluralism and moral diversity. This is characteristic of the “hermeneutical-dialogical paradigm” that we are aiming to achieve alongside Fasching, deChant, and Schweiker. Fasching and deChant, I noted, claimed that comparative religious ethics must face the challenge of ethical relativism. The way out of this problem, according to them, is to engage in dialogue regarding global ethical issues with those of other religious and moral traditions. Some of the major global issues that are addressed by Fasching and deChant include ethnocentrism, genocide, war, racism, and sexism.

In my conclusion, I will turn to the question of human dignity within a secular democratic context to see how the natural law traditions in question respond to this issue. It is only from this kind of a hermeneutical and dialogical standpoint that comparative religious ethics can promote “religious humanism” or “the way of all the earth.” Twentieth century saints like Mohandas K. Gandhi and Martin Luther King, Jr. realized this paradigm not only in their comparative studies of each other’s traditions, but also in their socio-political pursuit of justice. Neither one strayed from keeping religious ethics both “religious and ethical.”⁵⁶

The term “global reflexivity” used by Schweiker refers to “the ways in which communities appear in ‘the gaze of the other’.”⁵⁷ It echoes what Fasching and deChant refer to as the sympathetic process of “passing over” into another tradition to see the

⁵⁶ William Schweiker, “On the Future of Religious Ethics: Keeping Religious Ethics, Religious and Ethical,” *Journal of the American Academy of Religion* 74, no. 1, (March 2006), 137.

⁵⁷ *Ibid.* (2005), 12

world from their eyes and “coming back” to one’s own tradition enriched.⁵⁸ The religious ethicist in this model “does not simply exist within or outside actual traditions. She or he is always thinking at the *lateral connections* among communities, traditions, and intellectual practices.”⁵⁹

This concern for lateral connections is the aim of normative discourse. Natural law traditions contain a bicameral view of normative discourse in which they can think and communicate with those in their tradition and with those in other traditions. The important point is that the dialogue partners adjust themselves accordingly and revise their interpretations readily in light of new insights from the other. It makes these traditions quite compatible, in theory at least, for working through global reflexivity alongside others in economic, legal, political, ethical, and cultural matters.⁶⁰

Tasks of Comparative Methodology

There are two tasks to our multidimensional hermeneutical approach to comparative religious ethics: the comparative task and the constructive task. The normative dimension, I pointed out, is the most important among the other dimensions in this thesis because it responds directly to the problem of moral diversity. But this dimension could decrease in importance depending on one’s hermeneutical standpoint. As scholars within a secular and pluralistic society inheriting the disenchanting worldview of technological modernity, our concern is with the preservation and articulation of worthwhile norms and values. If not, our culture might fully succumb to the forces of

⁵⁸ Fasching and deChant 7 and 69.

⁵⁹ Schweiker (2005), 12.

⁶⁰ *Ibid.*, 10.

radical individualism, instrumental reason, atomism, and meaninglessness.⁶¹ Therefore, the dimensions of inquiry are relative to the hermeneutical standpoint of the scholar. Meanwhile, the tasks of our methodology are not as flexible because they define the process and aim of our investigation.

It may seem redundant to declare our task as comparative in the method of comparative religious ethics. This point cannot be overstated because the reality is that many approaches claim to do comparative religious ethics but very few actually succeed. The empirical approach has done comparison the least across traditions. Lovin and Reynolds and their followers succeed in doing comparison within a single tradition but seem to have no concern comparing other traditions side by side. Green's formalist approach, on the surface, may look like he is doing comparison on a grand systematic level. But I noted the limitations of this approach for reasons that include its apparent lack of appreciation for moral diversity and autonomy.

I count the work of Fasching and deChant and the recent project of Aaron Stalnaker among those who have done this successfully. The comparative task for them has the purpose of achieving insight. Gandhi and King lived this comparative task in their path toward nonviolence, of which Fasching and deChant refer to as the greatest ethical response to injustice. It was attained through a "meeting and sharing of religious and cultural insight."⁶² Gandhi read and meditated on Jesus' Sermon on the Mount and then reinterpreted the *Bhagavad-Gītā* through the Gospel ethic of nonviolence. King, on the other hand, reinterpreted his Christian social ethic in light of Gandhi's operational

⁶¹ For a brief and unparalleled account of these modern malaises see Charles Taylor, *The Ethics of Authenticity* (Cambridge, MA: Harvard University Press, 1991).

⁶² Fasching and deChant, 69.

technique of nonviolence. In scholarly academic terms, what these saintly lives translate into and demonstrate is that the process of comparative research is one of moving back and forth between religious worlds refining both the categories of analysis and one's initial hunches.⁶³

This is the task set before us in our investigation of natural law ethics in the Theravāda and Thomistic traditions. The comparative task encourages us to place the natural law traditions side by side in an effort to demonstrate how they are functionally similar for establishing a complex account of moral agency within a specific moral universe. Thus our scope in some way is narrowed to these natural law traditions. But that is because I am not making a universalistic claim like Green that all religious traditions demonstrate a natural law ethic that is a deep structure. Natural law thinking may belong to various religious traditions, but it is only one more way of construing the moral life among others. I claim that natural law traditions function by using similar categories for discourse or dialogue that distinguishes general knowledge and special knowledge. These parameters of discourse can serve as both a bridge and unity between traditions to promote the common good and a way of designating moral differences.

The constructive task, or what Stalnaker refers to as the normative task, assists ethical reflection amidst “our own pluralistic, conflicted, and possibility-strewn contemporary context.”⁶⁴ In other words, it reflects our hermeneutical standpoint and is concerned with the “use of religious sources in meeting current problems.”⁶⁵ But this is not merely enough. With the comparative task in mind, scholars aid in the reconstruction

⁶³ Aaron Stalnaker, “Comparative Religious Ethics and the Problem of ‘Human Nature’,” *Journal of Religious Ethics* 33, no. 2 (2005), 194.

⁶⁴ *Ibid.* (2005), 189.

⁶⁵ Schweiker (2005), 3.

of the religious traditions themselves amidst global reflexivity. This is why Schweiker refers to the scholar's involvement as both religious and ethical. She or he may have to "extend religious enactments of the moral space of life,"⁶⁶ especially if the religious tradition is in some way betraying human dignity. There is no need to wear two hats in this model of scholarly inquiry.

Situating natural law traditions within a hermeneutical context, most especially moral diversity and democratic pluralism, will be our main attempt to pursue this constructive task. The endpoint of this inquiry is to formulate a language of normative discourse derived from the similar conceptual apparatus of these natural law traditions that could be used to address global ethical issues such as human dignity and human rights, interreligious dialogue, and secularity. Our purpose for using the method of comparative religious ethics through a multidimensional hermeneutical approach is to recover these natural law traditions in a way that maintains a level of religious integrity that is amendable to our contemporary context and also suggest what these traditions can constructively offer to moral debates in our global society.

⁶⁶ Ibid. (2006), 143.

Chapter Two: The Concept of a Natural Law Tradition

Since the hermeneutical standpoint of this thesis is framed within a global context of pluralism and moral diversity, the *normative* dimension is of great moral import to our inquiry. In this chapter, we shall consider a few of the primary normative areas in the natural law accounts of the Theravāda and Thomistic traditions. Our purpose for doing this is to formulate a mode of normative discourse that is authentic to these natural law traditions but is in line with our multidimensional hermeneutical inquiry. The areas of normativity for natural law of interest to us include the concept of a natural law tradition, its basis of authority and narrative context, and its mode of discourse. These normative areas should provide the framework for understanding how these natural law traditions avoid the pitfalls of authoritarianism and ethical relativism.

To achieve this from a hermeneutical standpoint, we must address the challenge of a modern secular worldview such as our own. That means the natural law ethics of the Theravāda and Thomistic traditions need to be sensitive to the historical turn of modern and postmodern thinking that has demythologized what Bernard Lonergan refers to as the ‘classisict’ worldview: “classicism is no more than the mistaken view of conceiving culture normatively and of concluding that there is just one human culture.”¹ As a result, there must be a degree of historicizing these natural law accounts. This does not require a radical reinterpretation of the natural law traditions in question because as we shall see,

¹ Lonergan (1972), 124.

their accounts of natural law are quite amendable to the contemporary worldview and even have something to offer it. It will require us though to grant metaphysics and cosmology a secondary role with ethics and ontology our *fundamental* dimension. Metaphysics and cosmology serve as integral heuristic moral structures within which one pursues the question of ultimate truth.

As part of our *descriptive* dimension of conversing with other disciplines, through the help of Alasdair MacIntyre and David Novak, I will construct a concept of a natural law tradition that is compatible with modern secularity and the Theravāda and Thomistic traditions. This is not coincidental. In fact, MacIntyre's concept of tradition is derived specifically from his thoughtful analysis of the thought of Thomas Aquinas and the emergence of the Thomistic tradition.² Similar to this account of tradition, but from a theological perspective, is Novak's notion of "historical communities," which he constructs from the natural law tradition of Judaism.³ A synthesis of their views affords us a concept of natural law tradition that is compatible with the historical turn of modern thinking without denying the tradition's claims to truth. There will be three essential features to this concept of a natural law tradition: a tradition-constituted model of rationality, revelation as historical phenomenon, and natural law as a cultural construct that is both comparative and ontological.

Rationality, Revelation, and Natural Law

Our starting point of formulating a concept of a natural law tradition compatible with our hermeneutical standpoint is Alasdair MacIntyre's view of rationality and

² See Alasdair MacIntyre, *Three Rival Versions of Moral Enquiry* (Notre Dame, IN: University of Notre Dame Press, 1990), Chapters 5 and 6.

³ See David Novak, *Natural Law in Judaism* (New York: Cambridge University Press, 1998), Chapter 1.

tradition. MacIntyre historicizes rationality in the following way: “rationality itself... is a concept with a history.”⁴ As many as there are traditions embodying their own histories, so too are there “rationalities,” each providing its own standards of rational justification. This account is similar to Lovin and Reynolds, except that as a moral philosopher MacIntyre is willing to say a lot more about the issue of relativism.

In MacIntyre’s account, there *is* the possibility of a tradition being superior to rival traditions.⁵ This happens when an alien tradition offers “a cogent and illuminating explanation” to a tradition in epistemological crisis. This tradition in crisis adopts this explanation for itself to establish internal coherence.⁶ Although the tradition in crisis is still using its own standards of rational justification to measure the coherence and cogency of the alien tradition’s explanation, it must acknowledge one fact: “the new explanation does not stand in any substantive unity with the preceding history of the tradition in crisis.”⁷

When considering religious traditions, I find MacIntyre’s language of “rival” and “superior” traditions too antagonistic for our model. There has been enough sectarian religious violence over the course of history and even today to necessitate an alternative kind of discourse. Furthermore, recognizing the superiority of another philosophical or political tradition is not nearly as difficult as claiming the superiority of another religious tradition.⁸ But this does not take away from MacIntyre’s underlying point of value: commensurability and translatability *is* possible in a rational way across traditions. What

⁴ Alasdair MacIntyre, *Whose Justice? Which Rationality?* (Notre Dame, IN: University of Notre Dame Press, 1988), 9.

⁵ I should point out the obvious fact that his notion of superiority is made solely on intellectual grounds.

⁶ *Ibid.*, 364-5.

⁷ *Ibid.*, 365.

⁸ I am not against the possibility of someone acknowledging a privileged access to truth by virtue of their religious tradition. But certainly, self-superiority should not be a feature of interreligious dialogue.

we are interested then is the possibility of other traditions illuminating one's own tradition. A person in one religious tradition might receive illumination from another religious tradition but this need not conclude that the home tradition is inferior. If this were the case, then MacIntyre's account seems to imply the possibility of everyone moving toward a single tradition based on the logical outcome and awareness of that tradition's rational superiority. This would only revert to a universalization or homogenization of discourse, which we trying to avoid in our model. Instead, it makes more sense for religious traditions to consider the possibility that another tradition, religious or not, might illuminate their own understanding of truth. This grants thereby a level of autonomy to the other tradition. In this way, two traditions can have shared insight. It is especially evident in the life of Gandhi when he claimed that the Sermon on the Mount was the interpretive key for understanding the *Gītā* message of nonviolence.⁹

Let us now consider MacIntyre's view of rationality and what he means by standards. Rationality, which is purely contingent upon history, is a tradition-constituted enterprise.¹⁰ But if traditions provide the content for rational justification, what then is the content of traditions? According to MacIntyre, a tradition "is an historically extended, socially embodied argument, and an argument precisely in part about the goods which constitute that tradition."¹¹ Those goods might refer to certain virtues like justice and integrity, what MacIntyre refers to as particular or limited goods.¹² The exercise of virtues, in part, determines the health of a tradition. But, more importantly, these goods are shaped by an overriding good or *telos* that constitutes the tradition. The overriding

⁹ Fasching and deChant, 126.

¹⁰ MacIntyre (1988), 354.

¹¹ Ibid. (1984), 222.

¹² Ibid., 203

good “warrants putting other goods in a subordinate place.”¹³ I shall have more to say about this later because our natural law accounts require conceptions of the good that are set within a teleological framework. Achieving this good is determined by whether or not one is in harmony with the directedness of the higher law.

A *telos* or overriding good for a tradition is a primary constituent in shaping the rationality of that tradition. That is because the pursuit of an overriding good that orders the limited goods “gives a tradition its particular point and purpose.”¹⁴ Since traditions are ‘socially embodied arguments’ that extend through many generations, the pursuit of goods is not without debate and discourse. Every tradition is made up of a community, institutional forms, and practices. The function of these social expressions is to preserve and pass along the goods of a tradition to an individual. Along with the overriding good, a tradition also delivers “a conception of a truth beyond and ordering all particular truths.”¹⁵ This observation is essential to our conception of a natural law tradition. MacIntyre’s conception of a higher truth or constitutive truth ‘ordering all particular truths’ and an overriding good is the framework for understanding the rationality of a natural law tradition.

In this model, an overriding good may be equivalent with the constitutive truth of a tradition. That is the case with the Theravāda and Thomistic traditions, where the overriding good that is also the constitutive truth, is designated as Dhamma and God. The *Dhammapada* (Path of Truth), for example, describes the Buddha’s true Teaching (Dhamma) as a flavor that “excels all other flavors” and a delight that “surpasses all

¹³ Ibid.

¹⁴ Ibid., 222.

¹⁵ Ibid. (1990), 200.

delights” (*Dh* v. 354). This metaphorical language here equates the truth with a supreme good beyond the qualities of taste and pleasure. Similarly, St. Thomas’s Christian metaphysics claims that the “true and good are appropriated to God” (*DQTruth* 1). Truth, according to MacIntyre’s concept of tradition, is the measure of our warrants—the reasonable grounds for some act.¹⁶ In our traditions in question, Dhamma and God, as both the constitutive truth and the overriding good, establish the standards of rationality. When it comes to a single human agent, each tradition also identifies a hypergood as the aim of religious practice.¹⁷ Perfect happiness (*beatitudo perfecta*) attained in heaven for Aquinas and the “blowing out” (*nibbāna*) of desire that is enlightenment for the Buddha both qualify as hypergoods. This theme will receive further exploration in chapter 4.

Natural law thinking and reasoning in the Theravāda and Thomistic traditions is thereby constituted by a higher truth that is also construed as a higher law ordering all particular moral judgments of the human agent. The truth providing the standard is synonymous with the law providing the measure for all human acts. Our work in the next section should demonstrate this congruence between the constitutive truth and the higher law in the natural law traditions. Let us now consider the work of David Novak who uses a similar notion of tradition known as historical community that attempts to preserve the value of religious truths and revelations within a democratic political context. It should assist us in refining our concept of a natural law tradition that is sensitive to the modern secular outlook.

¹⁶ *Ibid.*, 202.

¹⁷ I am using an ethical concept described by Charles Taylor that specifically pertains to what is good for the moral agent thereby distinguishing it from a good that constitutes this. In other words, it is in light of the constitutive good that one achieves the hypergood. In Theravāda Buddhism, for example, it is only by seeing the world through the Dhamma (constitutive good) that one can achieve the hypergood of enlightenment.

The hermeneutical standpoint of David Novak's thinking is secular democratic societies. His argument is that these modern societies should be viewed by citizens as secondary to historical communities, which should be primary. A historical community is a singular and traditional community that precedes the existing temporal order and is rooted in revelation or religiously constituted. He observes, "I know of no historically transmitted culture that when probed deeply enough does not invoke some transcendent reality as its source."¹⁸ Therefore, he interprets a religious concept such as revelation as a "historical phenomenon."¹⁹

Novak's concern is that without a concept of historical communities to ground secular democratic society, the ideas of social contracts and human rights are artificial and without substance. That is because these ideas were founded on a fictional view of society as an agreement made up by self-constituted individuals coming together from a "state of nature."²⁰ The social contract "presupposes that its parties come to it with rights that are their *already*," with those prior rights originating in historical communities.²¹ In the Jewish tradition, the idea of covenant precedes and grounds all other social, legal, and political contracts. Covenants thus serve as the foundation for contracts from a Jewish perspective.²²

Historical communities, in his view, are seen as external authorities because they not only historically precede the current order but also because they derive their authority from a transcendent source. Although I have some reservation about what kinds of

¹⁸ Novak (1998), 22.

¹⁹ *Ibid.*, 12.

²⁰ *Ibid.*, 22.

²¹ David Novak, *The Jewish Social Contract* (Princeton, NJ: Princeton University Press, 2005), 2.

²² *Ibid.*, 63.

traditions might actually be considered historical communities according to Novak,²³ his reflection can nonetheless guide us in formulating a concept of a natural law tradition.

We can see a similarity between what I am calling higher law and a constitutive truth in MacIntyre's concept of tradition and Novak's idea of covenant as a religious foundation rooted in a transcendent source that orders all particular or temporal contracts. The common theme in their accounts is that tradition and historical communities are constituted by an order and truth that is higher than this particular existence. Whereas MacIntyre stops short as a social and moral philosopher in discussing what the higher truth might be, Novak as a theologian identifies it as God's Law.

Indebted to the Hebrew Scriptures, rabbinic theology, and Jewish legal tradition, Novak develops an account of natural law with public relevance. He defines natural law in Judaism as a "border concept" between theology and philosophy and between other traditions in the following way:

On the surface, it functions like the idea of natural rights, that is, it proposes rules, procedures, and even principles for the governance of civil society. But unlike the idea of human rights it does not claim to be self-constituting. By its real assertion of *nature*, it indicates that it is rooted in an order that transcends any imminent society.²⁴

In the preceding passage, we can isolate the two dimensions required for a natural law theory according to Novak: the comparative and the ontological.²⁵ The former dimension illustrates that an account of natural law must seek commonalities across traditions, hence engaging in the comparative task. This is why Novak says, "natural law functions as a bridge between cultures, preventing any of them from cornering the market

²³ For example, would a new religious movement such as Mormonism rooted in revelation be considered a "historical community"?

²⁴ Novak (1998), 25.

²⁵ *Ibid.*, 156.

on humankind and humanity.”²⁶ For Judaism, Novak argues that the Noahide law given as a universal law for mankind represents a Scriptural account of the natural law. Therefore, Scripture serves as the foundation for natural law thinking. This interpretation overcomes the possibility of Enlightenment universalism or totalism that attempts to explain the morality of all diverse cultures in terms of a transcendental viewpoint that has been achieved by a single ethical theory.²⁷ A natural law tradition does not claim to offer a detailed explanation of other moralities. Instead, it offers a “universal horizon” from which it includes other moral traditions and claims at least to have a minimum in common with other traditions.²⁸ Natural law thinking doesn’t attempt to establish a universal morality but instead recognizes the dignity of difference as a precondition for the gift of revelation or insight. Its purpose, in our investigation, is to open up a mode of discourse with other traditions to illuminate overlapping moralities and identify moral divergences. Thus the comparative dimension of natural law thinking transcends cultures by locating both its similarities and differences with other traditions.

The ontological dimension demonstrates that natural law accounts must be conversant with both theology and philosophy, in order to formulate a cogent account of human nature. Philosophical thinking moves from ethics up to ontology, whereas theology is the reverse from ontology up to ethics.²⁹ Regardless, the two shall meet somewhere thereby making the reflection on “nature” a normative endeavor necessary for natural law. Thinking about law without nature would amount to “law without discernible

²⁶ Ibid.,178

²⁷ Ibid., 191.

²⁸ Ibid., 189

²⁹ Ibid.

reason,³⁰ perhaps conjuring up an image of an irrational God or a totalitarian state that deprives basic dignity to others. These ontological and comparative dimensions of Novak's natural law account shall guide our investigation of the Theravāda and Thomistic traditions. They coincide with the *metaethical* and *fundamental* dimensions, and the overall comparative task of our multidimensional approach.

If revelation is a 'historical phenomenon' for Novak, then it should be no surprise that he interprets natural law as a "cultural construct." We have already seen how his conception of historical communities allows for a cultural construct like natural law to still carry weight in public discourse. A cultural construct, in his view, does not have the same meaning as 'human constructs' such as human rights or the social contract. Interpreting natural law as a cultural construct is consistent with our attempt to formulate a concept of a natural law tradition that can designate its importance in public discourse and limits as well. He notes that, "the greatest vulnerability to natural law theory... is its seeming oblivion to and disrespect of cultural diversity, especially in normative matters."³¹ Aristotle and Plato, for example, were guilty of the classicist worldview we noted earlier in their presupposition that Greek thought and culture spoke for humanity as a whole. The Hellenistic military campaigns of Alexander the Great, a student of Aristotle, attest to this.

Novak's response to this vulnerability is to historicize natural law by identifying the revelation upon which it is legitimated (i.e., the Torah) as a historical phenomenon. In this way, he overcomes the vulnerability of a classicist worldview that premoderns and moderns alike have been prey. A historical community with a natural law vocabulary is

³⁰ Ibid., 122

³¹ Ibid., 188.

but one community among a plurality of others participating in a democratic ethos. With this vulnerability in mind, we can agree with Novak to an extent that “metaphysics is not the way to constitute natural law.”³²

What Novak wants to avoid, and rightfully so, is an account of natural theology or metaphysical biology that designates a specific community’s revelation or philosophical anthropology as a self-evident truth binding on everyone. Novak claims that his ontological account of human beings is derived not from metaphysics, but from the doctrine of creation. Since creation of the world precedes the historical revelation to the Jewish community at Sinai, it “does not allow any member of the covenanted community to ignore the world beyond the community facing her.”³³ This might be a faithful move in Judaism but not for the Theravāda and Thomistic traditions. To wholly ignore the metaphysical and cosmological underpinnings of the Theravāda and Thomistic traditions or simply dismiss it as premodern would not be keeping to our ethical *and* religious aim.

The accounts of natural law in these traditions cannot be detached from metaphysics and cosmology because it is central to the metaethical theories of these traditions. Therefore, as we noted, metaphysics and cosmology better serve us as heuristic devices secondary to the *fundamental* dimension of ethics and ontology. As heuristic devices they are quite helpful in locating the place and significance of people outside the tradition. In other words, considering the natural law from within the cosmological and metaphysical worldviews of these traditions will assist us in analyzing the comparative and ontological dimensions of the natural law. It will also illustrate how these traditions pursue ultimate truth.

³² Ibid., 26.

³³ Ibid, 190.

Like Rabbinic Judaism, the Thomistic metaphysics of participation also rests upon the doctrine of creation *ex nihilo*, while the Theravādin cosmology of interdependence is understood in terms of the doctrine of dependent origination (*pattica-samuppāda*). It is from these cosmological and metaphysical worldviews that these natural law traditions pursue the question of constitutive truth. The standards of rationality are determined by the truth that structures the metaphysical or cosmological order in the natural law tradition. To heed Novak's warning of metaphysics and natural theology, these doctrines or truths should be viewed as a special revelation or special insight and interpreted as historical phenomena. Therefore, in the traditions in question, the special revelation of God achieving normative expression in Scripture and the special insight of the Buddha having normative expression in the Pāli Canon, are the ways of constituting natural law. But, of equal importance, is the comparative dimension of illuminating natural law by seeking commonalities with other traditions.

Natural Law Traditions

The concept of a natural law tradition we have been formulating according to the works of MacIntyre and Novak should now be evident. Their accounts contain three primary characteristics for a natural law tradition that I am conceptualizing: rationality as tradition-constituted; revelation as a historical phenomenon; and natural law as a cultural construct that is both comparative and ontological. These characteristics reflect the historical turn in contemporary ethical thought, but do so without abandoning the concepts of higher law and constitutive truth. Their notions of tradition and historical community offer us a working model that is amendable to the natural law traditions in

question and compatible to our hermeneutical standpoint. This model is conducive to our natural law traditions in that it allows for illumination or shared insight between traditions and recognizes the limits and possibilities of democratic participation for these natural law traditions.

Since our hermeneutical standpoint is framed within the global context of moral diversity and pluralism, an account must be given of how the natural law traditions can respond. My claim is that these natural law traditions thrive on discourse about moral truths with other traditions while continuing to pursue ultimate truth claims within their own metaphysical or cosmological worldviews. These traditions aim to discover shared insights and mutual illumination with discourse partners. But they do so without positing moral authoritarianism. The intent is never to proselytize because natural law traditions recognize the autonomy of other traditions. Natural law traditions respect the brute fact of moral differences and begin from this premise.

Dhamma in the Theravāda Tradition

The Theravāda, or “Way of the Elders” tradition, refers to the most ancient school of Buddhism in existence today whose textual authority is derived from the Pāli Canon. This tradition is geographically situated in the Southeast Asian countries of Thailand, Sri Lanka, Burma, Laos and Cambodia. The origin of what we call Buddhism as a religious tradition is attributed to Tathāgata Buddha, born as Prince Siddhartha Gotama (563-483 BCE). Having spent his life in the confines of a palace environment amidst worldly pleasures and wholly ignorant of the outside world, Gotama’s experience of the “passing sights” outside the palace sent him into a whirlwind of confusion and sadness. The three

encounters of an old man, a sick man, and a corpse exposed the prince to the existence of suffering (*dukkha*) and the impermanence (*anicca*) of life. But it was his encounter with an ascetic monk in pursuit of the truth that attracted him to an alternative lifestyle that hinted at a solution to the problems to aging, sickness, and death. Toward the end of his life, the Buddha himself recounted to a student what followed: “When I was twenty-nine, Subhadda, I left home to seek the greatest good. Now more than fifty years have passed, Subhadda, since I renounced the world.”³⁴

Gotama renounced his royal lifestyle leaving behind his wife and child, which was accepted in the context of classical Indian society. For six years, Gotama studied various dharma through meditative concentration (*samādhi*) and other spiritual practices with different teachers, but none of these teachings left him satisfied. He then discovered his own path toward an enlightened state. It occurred one day sitting under the Bodhi tree while he was recovering from his ascetic and emaciated condition. During this experience, the Buddha had direct insight into the true nature of things and achieved enlightenment (*nibbāna*). He decided to return to the world out of compassion to preach the Dhamma, or Teaching.³⁵ In the first discourse of his enlightened state, the Deer Park Sermon, Gotama Buddha, “the Awakened One,” taught the Dhamma as the middle way between austerity and worldly pleasure. The solution lay in the Noble Eightfold Path that leads to the cessation (*nirodha*) of suffering.³⁶

³⁴ From *Digha Nikāya*, referenced by Hajime Nakamura, *Gotama Buddha* (Japan: Kosei, 2000), 107.

³⁵ I use the Pāli spelling of “Dhamma” to maintain the language of Theravāda Buddhism. It is the same word as the Sanskrit, “Dharma.”

³⁶ The Noble Eightfold Path includes Right View, Right Resolve, Right Speech, Right Action, Right Livelihood, Right Effort, Right Mindfulness, and Right Meditation.

The Dhamma preached by the Buddha has a variety of translations in the Theravāda tradition including “holy wisdom, salvific truth, teaching, and doctrine.”³⁷ According to the scholastic Abhidhamma literature that developed a couple of centuries after the Buddha’s final death (*parinibbāna*), dhammā³⁸ or “existents,” refer to separately existing objects of consciousness that can be accessed or penetrated by the trained mind.³⁹ In the Theravāda tradition both Dhamma/dhammā refer to a singular reality of interdependence that the practitioner can experience through insight.⁴⁰

To designate Theravāda Buddhism as a natural law tradition we must focus on the ethical, ontological, and cosmological implications of Dhamma. I am not attempting to articulate a new area of inquiry here but drawing upon the work of Western scholars in Buddhist ethics. My account of Dhamma as “natural law” is indebted primarily to the works of Sallie King, Damien Keown, and Joanna Macy. The obvious challenge in designating Theravāda Buddhism as a natural law tradition is that the term “natural law” already contains the Western bias of monotheistic natural law traditions such as Novak’s Judaism and Thomism. The proliferation of this term in other traditions that function in a similar yet unique way other than the monotheistic accounts belongs to my task. As a starting point, let us consider Keown’s definition of the term:

Dharma may be translated as “natural law,” a term which captures both its important meanings, namely as the principle of order and regularity seen in the behavior of natural phenomena, and also the idea of a universal moral law whose requirements have been discovered (not invented) by enlightened beings such as the Buddha.⁴¹

³⁷ Carl Olson, *The Different Paths of Buddhism* (New Jersey: Rutgers University Press, 2005), 35.

³⁸ Plural form of dhamma.”

³⁹ Steven Collins, *Nirvana and Other Buddhist Felicities* (Cambridge, UK: Cambridge University Press, 1998), 88.

⁴⁰ Noa Ronkin, *Early Buddhist Metaphysics* (New York: RoutledgeCurzon, 2005), 36.

⁴¹ Damien Keown, “Origins of Buddhist Ethics,” in *The Blackwell Companion to Religious Ethics*, ed. William Schweiker (Malden, MA: Blackwell, 2005), 288.

From this definition, the inextricability of natural phenomena and moral law is presented thus demonstrating the importance of having an account of nature available to address the question of Buddhist ethics. Keown also notes another significant point, that the Buddha “discovered” the Dhamma. Therefore, the truth of this teaching preexists the life and death of the “thus come, thus gone” Buddha. The Dhamma as natural law and truth is objective and independent of anyone’s awareness. Thus it meets our criterion of a constitutive truth: “Whether there is an arising of Tathāgatas or no arising of Tathāgatas, that element still persists [dependent origination], the stableness of Dhamma, the fixed course of Dhamma, specific conditionality” (SN 12:20; II 25-27).⁴²

Although some Western scholars of Buddhist ethics have identified Dhamma as natural law, two Thai Theravāda monk-scholars have used this terminology extensively in their teaching, Phra Prayudh Payutto and the late Bhikkhu Buddhadasa.⁴³ Their work is concerned primarily with the ethical, spiritual, and social implications of Dhamma. The moral discipline of proper conduct (*sīla*), the virtue of compassion (*karuna*), the spiritual practice of meditation (*samādhi*), and the achievement of a just society are all the direct result of humans acting in accord with the laws of nature. In the model of natural law shared by both Payutto and Buddhadasa, the “ought” of moral behavior is derived from what “is” the case in nature.⁴⁴ Let us consider some of the basic tenets of Buddhist ethics from a natural law perspective.

⁴² All translations of the Pāli Nikāyas, unless otherwise noted, are taken from *In the Buddha’s Words*, ed. Bhikkhu Bodhi (Boston: Wisdom Publications, 2005).

⁴³ Sallie B. King, *Being Benevolence: The Social Ethics of Engaged Buddhism* (Honolulu: University of Hawai’i Press, 2005), 43.

⁴⁴ Sallie B. King, “From Is to Ought: Natural Law in Buddhadasa Bhikkhu and Phra Prayudh Payutto,” *Journal of Religious Ethics* 30, no. 2 (2002), 281.

The Eightfold Path that leads to enlightenment follows a tripartite structure of moral discipline, meditation, and insight. Although these general divisions of the path are not hierarchically set, of these, *sīla* has been considered “the basis of all good qualities” (*Mil* II.1.9). Often cited as the fundamental teaching for moral discipline in Buddhism is this verse from the *Dhammapada*: “To avoid all evil, to cultivate good deeds, and to purify one’s mind—this is the teaching of the Buddhas” (*Dh* 183). The teaching, which has been called the heart of Buddhism,⁴⁵ is strikingly similar to the primary precept of the natural law according to Aquinas.

What is unclear from this teaching is the content of evil and good deeds. The Theravāda tradition contains a rich language of perspicuous contrast for evil and good acts with terminology like unwholesome and wholesome, unskillful and skillful. The Five Precepts (*pañca-sīla*), identified as the minimum lay obligations, are unwholesome acts that require abstention from everyone. They include the abandonment of killing, stealing, sexual misconduct, false speech, and intoxication. The precepts are not commands of the natural light of reason that originates in a divine lawgiver which compels action as Aquinas will describe it. They are purely rational responses to the natural order. According to Payutto, they are the “first step” toward avoiding evil or unskillful actions that are derived solely from “reason and natural laws.”⁴⁶ This would confirm the Buddha’s perspective that these are ancient, traditional, and unadulterated precepts that people of other traditions deem beneficial as well (*AN* 8:39; IV 245-47). Therefore, the precepts are reasonable in the sense that the common moral agent is capable of

⁴⁵ Bhikkhu Buddhadasa, *Me and Mine: Selected Essays of Bhikkhu Buddhadasa*, ed. Donald K. Swearer (New York: SUNY Press, 1989), 91.

⁴⁶ Phra Prayudh Payutto, *Buddhadhamma: Natural Laws and Values for Life*, trans. Grant A. Olson (New York: SUNY Press, 1995), 245.

understanding its worth through a partial understanding of the natural law. These moral precepts are “a universal set of objective principles established in accordance with natural truths” that are observable to all persons.⁴⁷

With regard to *sīla*, observing the natural law or truth of kamma—the process determining the cause and effect between all relationships—is the key to moral development. That is because kamma determines the proper consequences, whether retributive or rewarding, based on the agent’s actions. The Buddha defines kamma simply as those actions issuing from *cetanā*, translated as “intention” or “volition” (*AN* III 415). Persons marked by extraordinary insight or wisdom (*pañña*) are capable of perceiving those laws of nature that are more difficult. The Theravāda tradition distinguishes between those who are only observing the law of kamma (*kiriya-vāda*) and those who are able to penetrate the higher Dhamma that is more difficult to perceive. The Buddha himself used the terms worldly or mundane (*lokiya*) and world-transcending or supramundane (*lokuttara*) to designate this difference.⁴⁸ This distinction between levels of awareness of the Dhamma will assist us in formulating the general and special categories of natural law discourse in Theravāda Buddhism.

Having defined the law of kamma as part of the natural law, let us now consider the truths of existence and the law that require deeper insight. There are two *dharmic* principles that were taught by the Buddha according to Payutto. The first principle is the “three characteristics of existence” (*tilakkhana*) that include suffering, impermanence, and not-self (*anattā*). With regard to these characteristics, suffering and impermanence are truths able to be penetrated by worldly or mundane realization. The other principle is

⁴⁷ Payutto, 249.

⁴⁸ Damien Keown, *The Nature of Buddhist Ethics* (New York: Palgrave, 2001), 108-110.

dependent origination or dependent co-arising (*pattica-samuppāda*).⁴⁹ This law, is the most difficult to perceive but when realized opens the door to understanding the truth of not-self. Even though distinctions are made between these principles, they all belong to the same reality. As Payutto puts it, “they are presented in different ways in order to reveal the same truth.”⁵⁰

The natural law in Theravāda Buddhism is therefore observable to everyone according to his or her moral and spiritual attunement with nature that is perfected through the Eightfold Path. From this starting point, we have a working model for a Theravāda natural law tradition with Dhamma as the constitutive truth. Let us now turn to the concept of natural law in the Thomistic tradition which is understood in a theistic framework instead of a naturalistic one.

Natural Law in the Thomistic Tradition

Friar Thomas Aquinas (1224-1274 CE) of the Order of Preachers lived during a vibrant era of western Christian Europe. The son of a count, Thomas was sent off to a monastery at Monte Cassino to receive higher learning from clergy to meet the demands of the boy’s exceptional aptitude. Thomas then went to study in the liberal setting at the University of Naples, reading works from Oxford thinkers, Arab Muslims, and that dangerous pagan philosopher, Aristotle.⁵¹ At the disapproval of his parents who had great political and ecclesiastical aspirations for their son, Thomas grew deeply fond of the simple mendicant lifestyle of the Dominicans and decided to embark for Paris to join the order. Hearing word of this and angered by their son’s decision to live this way,

⁴⁹ Payutto, 61.

⁵⁰ Ibid.

⁵¹ Richard E. Rubenstein, *Aristotle’s Children* (Orlando, FL: Harcourt, 2003), 195.

Thomas's own family kidnapped him and held him captive at a castle estate. The only company he had was a couple of works by Aristotle and the Bible. Although a strange pair of reading materials in Aquinas's medieval Christendom, the confluence of both in his thinking would transform his theological reflection into the writings of an "Angelic Doctor." After two years, he was finally able to leave the fortress whereupon he joined the academic community at the University of Paris and studied under the tutelage of Albertus Magnus. Paris was precisely the kind of environment Thomas could engage in public debates with theological masters like St. Bonaventure. In these discourses, Thomas argued from a more liberal-minded Aristotelian viewpoint while the conservative Franciscan Bonaventure attempted to guard the traditional faith from unwelcome pagan philosophy.

In mapping the emergence of the Thomistic tradition, MacIntyre convincingly shows what Aquinas reckoned with in his theological reflection: "two rival, incompatible and apparently incommensurable traditions."⁵² These were of course the Aristotelian and the Augustinian traditions. But Thomas succeeded in synthesizing these two seemingly incompatible traditions. In simple terms, the unified system of thought between Aristotle and Augustine is captured in Aquinas's famous dictum, "grace does not abolish nature, but completes it" (*ST* 1a 1.8).⁵³ Here lies the formula for understanding the role that grace has for nature, theology for philosophy, faith for reason, and divine law for natural law.

Aquinas claimed that Aristotle provided a philosophy proper to man's natural capacities but he believed that humans have a supernatural vocation that only theology can disclose. "God is the ultimate end of man" and it is only in the attainment of this

⁵² MacIntyre, (1990), 116.

⁵³ Cited in Rubenstein, 198.

ultimate end that perfect happiness (*beatitudo perfecta*) consists (*ST* 1a2ae 1.6). But “perfect happiness cannot be had by man in the present state of life,” therefore, it must consist in the afterlife because that is the promise of sacred Scripture (*ST* 1a2ae 3.2). Unlike Aristotle, who said that true happiness (*eudaimonia*) consisted in the intellectual activity of contemplation (*theoria*) afforded by natural reason, Aquinas believed that happiness “especially lies... in contemplation of the divine,” afforded by the infused grace of the supernatural virtues of faith and charity (*ST* 1a2ae 3.5). Again, returning to the Thomistic formula of grace perfecting nature, so too does faith perfect reason, and theology perfect philosophy. The same goes for his model of divine law perfecting natural law. In his own words, “just as grace presupposes nature, so it is right that the divine law should presuppose the natural law” (*ST* 1a2ae 99.2). He uses the term “*superaddens*” here to illustrate the notion of grace building on nature and the divine law building on the natural law.

According to Thomistic anthropology, humans are made *imago dei*, bearing the analogous imprints of God’s intellect and reason (*ST* 1a2ae, prologue).⁵⁴ Because these natural capacities have been created by a supernatural agent, namely God, humans are endowed with the “light of natural reason.” Aquinas defines this natural capacity in the following way: “the light of natural reason (*lumen rationis naturalis*), by which we discern what is good and what is evil—which pertains to the natural law—is nothing other than an impression in us of the divine light” (*ST* 1a2ae 91.2).

Reason (*ratio*), therefore, impressed by the divine light, is that which contains the capacity to discern what is good and what is evil. This is, in the simplest manner,

⁵⁴ I would like to point out that Thomas also identifies intellect, free will, and power of self-direction, as *imago Dei* characteristics. See *ST* 1a2ae, prologue.

Aquinas's definition of the natural law (*lex naturalis*). The fundamental habit that "secures us accessibility to notions of good and evil" is *synderesis*.⁵⁵ This natural habit of *synderesis*, according to Aquinas, "is said to be the law of our intellect" because it "contains the precepts of the natural law which are the first principles (*prima principia*) of human acts" (*ST* 1a2ae 94.1 ad3). The primary precept that is grasped by *synderesis* from which reasoning proceeds is this: "That good should be done and pursued and evil avoided (*bonum est faciendum et prosequendum, et malum vitandum*)" (*ST* 1a2ae 94.2). The first principles of rational human agency include generally known principles such as 'do no harm' and 'give every man his due.'

Aquinas understands humans to have a natural desire (*inclinatione*) toward the good. Practical reason, which also naturally apprehends the good, works in tandem with desire toward certain ends that define the common good (*bonum commune*): preservation of life, sexual intercourse and education, religious truth and social living (*Ibid.*). The primary precept or *principium* and the first principles that provide the reasonable starting points for pursuing the common good listed above are universally known or understood as self-evident truths (*per se nota*). As Aquinas puts it, "these belong to the law of nature *absolutely*" (*ST* 1a2ae 100, my emphasis). Knowing the wrongness of these acts can never be abolished from the human heart since it has been written in the human heart independent of special revelation (*ST* 1a2ae 94.6 r3).

There are secondary precepts as well, which "are like detailed conclusions drawn from first principles" (*ST* 1a2ae 94.5 r3). These precepts illustrate the movement from the general knowable principles that guide practical reasoning to the particular conclusions.

⁵⁵ Pamela M. Hall, *Narrative and the Natural Law: An Interpretation of Thomistic Ethics* (Notre Dame, IN: University of Notre Dame Press, 1994), 30.

The secondary precepts allow for the contingency of communities, experience, and human weakness to shape them. This is where the activity of virtues like prudence (*prudentia*) is essential. *Synderesis* may secure “the starting point,” but the virtue of prudence aims at “the particular conclusions that can guide action.”⁵⁶ In Aquinas’s account, practical reason is a “rule and measure” containing the law of the intellect (*ST* 1a2ae 90.1).

The moral precepts are considered *external* principles of human action.⁵⁷ They originate in God’s act of creation, unlike the Five Precepts of Theravāda Buddhism that are natural responses derived purely from a cosmological account of nature independent of a deity. On the other hand, the virtues, as *internal* dispositions toward action, complete practical reason and “enable it to make correct judgments about the human good in particular contexts” (*DQVirtGen* a6). The role of virtues, therefore, in any natural law account is essential. The possibility of embodying certain virtues is contingent upon what law the moral agent is able to understand and follow.

The divine law refers to God’s twofold (*duplicem*) revelation in the Old Law and the New Law (*ST* 1a2ae 91.5 r3). The Old Law refers to the revelation of God given to the Jews in the Old Testament to instruct them about the natural law. The New Law is the Gospel of Christ that fulfills the Old Law through the work of charity and grace. In the Thomistic account, the natural law and its precepts “provide the necessary anchor for practical reasoning” that “must rest on ends”⁵⁸ the content of which only the divine law

⁵⁶ Thomas Williams, introduction to *Disputed Questions on the Virtues*, by Thomas Aquinas (eds. E.M. Atkins and Thomas Williams, New York: Cambridge University Press, 2005), xix.

⁵⁷ Jean Porter, *Nature as Reason: A Thomistic Theory of the Natural Law* (Grand Rapids, MI: William B. Eerdmans, 2005), 176.

⁵⁸ Williams, xxix.

can truly reveal. *Synderesis* grasps the first principles of rational moral agency, but it “does not provide content for our moral deliberations.”⁵⁹ We noted that because humans have a supernatural vocation, they need the gift of faith to understand their true end of eternal happiness, attained in God. The natural law alone “does not suffice to order us to God.”⁶⁰ Therefore, the revelation of divine law is “necessary for the direction of human life” because only God can satisfy human longing (*ST* 1a2ae 91.4). Still, both of these kinds of law, the natural and the divine, derive from a single source—the eternal law.

For Aquinas, the natural law is said to be “nothing other than a participation in the eternal law by the rational creature” (*ST* 1a2ae 91.2). In fact, both the natural law and divine law *participate* in the eternal law. The eternal law is God’s Providence, understood by Aquinas as the idea in Divine wisdom (*divinae sapientiae*) that directs all acts and movements (*ST* 1a2ae 93.1). A rational creature (*rationalis creatura*) thus participates in the eternal law “by providing for itself and others” (*ST* 1a2ae 91.2). This relationship between the natural law and divine law sharing in the eternal law illustrates the model of Aquinas’s metaphysics of participation.

To illustrate this relationship and to support my argument about truth construed as law in natural law traditions, let us consider the following statement by St. Thomas: “For all knowledge of the truth is an irradiation or participation (*irradiatio et participatio*) of the eternal law which is the unchanging truth (*veritas incommutabilis*) (*ST* 1a2ae 93.2).” Evident in this passage, Aquinas equates the eternal law with the unchanging truth. The eternal law refers therefore to the very essence (*essentia*) of God. As such, I want to

⁵⁹ Eugene F. Rogers, Jr., “Aquinas on the Natural Law and Virtues in Biblical Context: Homosexuality as a Test Case,” *Journal of Religious Ethics* 27, vol. 1 (1999): 40.

⁶⁰ Hall, 44.

designate it as the constitutive truth of the Thomistic natural law tradition. It is a truth that “no one can fully comprehend” because it precedes the creation of natural law and extends beyond its limitations infinitely (Ibid.).

Authority in the Natural Law Traditions

The question of authority or sources, a facet of the normative dimension in our approach, is central to our concept of a natural law tradition. Our hermeneutical standpoint discourages deriving authority from a metaphysical or cosmological worldview that is characteristic of premodern cultures. In other words, no account of natural law should be taken merely on self-evident truths. What is self-evident in these natural law traditions is always situated within the rationality of the tradition and its attendant sources. That, of course, in no way implies that the natural law accounts should be kept out of public discourse. This irruption of the natural law in public discourse, because it is derived from a constitutive truth that is beyond measure, has no set limits on human dignity and what it can challenge. In the next chapter I will illustrate how reasonable claims to natural law can be made across traditions by way of normative discourse.

In this section, I would like to consider the origin and proper locus of authority for natural law in both traditions. Authority within traditions, according to MacIntyre, is “conferred upon certain texts and certain voices.”⁶¹ Let us consider what these voices and texts might be in the Theravada and Thomistic traditions. Locating natural law ethics within the narrative context of sacred texts legitimated by an authoritative voice is a characteristic of these traditions. This section will further illustrate the tradition-

⁶¹ MacIntyre (1988), 354.

dependent rationality of these traditions, revelation or insight as a historical phenomenon, and the claim that natural law is a cultural construct in Novak's sense of the term.

Buddha, Pariyatti, and Pāli Canon

As noted, natural law in the Theravāda tradition is identified specifically with the Dhamma, or the "Teaching," of the Buddha. Unlike natural law in the Thomistic tradition, which is an intrinsic quality of rational creatures, Dhamma in the Theravāda tradition is the law of nature that constitutes all living things. It functions as the constitutive truth and cosmic law in the Theravāda tradition whereas the eternal law (i.e., Divine wisdom) is the constitutive truth for Aquinas. Dhamma, as Payutto has noted, is both natural truth and natural law. Therefore, it is not a supernatural reality like the eternal law for Aquinas that no one, save God Himself, and the blessed in heaven, can fully comprehend. In the Theravāda tradition, the figure of the Buddha and the *arahant* refer to those awakened ones who have fully penetrated the Dhamma in this life by achieving *nibbāna* (enlightenment).

As the constitutive truth and natural law, Dhamma "provides the measure against which acts are judged, though each case is viewed as a response to the infinite variety of circumstances" that confront the free choices made by persons.⁶² Dhamma, in the sense we are using it, is the all-encompassing truth or the "cosmic principle of truth"⁶³ about the laws of reality that is to be penetrated through insight (*paññā*) and the spiritual practice of *vipassana*-meditation. It is not a principle in the sense of mere propositions or

⁶² Douglas Renfrew Brooks, "Indian, Tibetan, and Southeast Asian Buddhist Ethics," in *A Bibliographic Guide to the Comparative Study of Ethics*, ed. John Carman and Mark Juergensmeyer (New York: Cambridge University Press, 1991), 70.

⁶³ Bodhi, "Glossary," 469.

abstractions. It is an experiential and empirical truth that is corporeal inasmuch as it is cognitive. The following excerpt from the Pāli Suttas (or Discourses) of the Buddha illustrates the embodied nature of Dhamma: “He who sees the Dhamma sees me, and he who sees me sees the Dhamma” (*SN III.120*).⁶⁴ The singularity of the Buddha and the Dhamma serve as the authoritative nexus of the Theravāda tradition. Theravāda practitioners pay homage to the Buddha for his “breakthrough” and “vision of the Dhamma” and his compassion to return to society to teach the Noble Path (*SN 13:1; II 133-34*). Thus, it is his voice that preaches the Dhamma, and therefore his voice that is granted authority because he has attained special insight.

Within the Theravāda tradition, the term *pariyatti* is used to designate the “authoritative teaching” or the “words of the Buddha” pertaining to his insight into the true Dhamma.⁶⁵ According to commentarial tradition in Theravāda Buddhism, *pariyatti* originally was in reference to the discourses “heard from the mouth of the Buddha and passed down orally.”⁶⁶ Therefore, its purpose was to designate the “official” spoken Dhamma of the Buddha. Due to the Indian cultural context of Gotama Buddha, this task of preserving the truth was necessary. We noted earlier that before his enlightenment, Gotama tread various dharma for six years in order to discover the answer to the problem of suffering and impermanence. During his quest, Gotama studied the different dharma under teachers like Ālāra Kālāma and Uddaka Rāmaputta and on both occasions said, “Not being satisfied with that dharma, disappointed with it, I left” (*MN 26: I 160-67*).

⁶⁴ Cited in Olson (2005), 35.

⁶⁵ John Ross Carter, *Dhamma: A Study of a Religious Concept* (Tokyo: The Hokuseido Press, 1978), Chapter 2 and Olson (2005), 35 and 131.

⁶⁶ Carter, 58.

Other religious paths were also available in this period that included the Brahmanical tradition of Hinduism and the Jain followers of Mahāvīra.

This demonstrates that there were many meanings of dharma in the Buddha's context occasioned by the Hindu usage of that term. The word dharma is derived from the Sanskrit root, *dhr*, meaning "to support," or "to maintain."⁶⁷ In the Hindu worldview, dharma refers to the structure regulating the cosmic, social, and moral orders that all operate on different levels having different roles and expectations. In contrast to the singularity of the Dhamma taught by the Buddha, Hindu dharma is a plurality. According to one scholar, it "resists the application of categorical and universal laws."⁶⁸ That is not to say that no attempts have been made in Hinduism to establish universal rules of conduct. Consider, for example, the universal significance of *ahimsā* (non-harmfulness) defined in the *Mahābhārata*.⁶⁹ But in the Indian imagination of the Buddha's time, conduct appropriate to one's social position, gender, and age was the normative practice, and it was expressed through the caste structure. This translates into various kinds of dharma corresponding to caste or vocation (*varnadharma*), womanhood (*strīdharmā*), and stage in life (*āśhrmadharma*).⁷⁰ Therefore, identifying the authoritative teaching of the Buddha's insight in terms of *pariyatti* was central to the early followers to distinguish it from other dharma.

Although there are a variety of meanings for Dhamma in Buddhism, we noted that they all point to the singular reality of the truths and laws of nature: suffering,

⁶⁷ Damien Keown, *A Dictionary of Buddhism* (New York: Oxford University Press, 2004).

⁶⁸ Maria Heim, "Differentiations in Hindu Ethics," in *The Blackwell Companion to Religious Ethics*, ed. William Schweiker (Malden, MA: Blackwell, 2005), 343.

⁶⁹ Cited in Arti Dhand, "The Dharma of Ethics, the Ethics of Dharma: Quizzing the Ideals of Hinduism," *Journal of Religious Ethics* 30, vol. 3 (Fall 2002), 354.

⁷⁰ *Ibid.*, 357.

impermanence, no-self, kamma, and dependent origination. The law of kamma, which regulates “natural justice,”⁷¹ produces pleasant or negative consequences based on an agent’s intentional actions (*cetanā*) through mind, body, and speech (*AN* III.415). Yet its effect is contingent upon whether or not the agent remains in the wheel of rebirth known as *samsāra*. Earlier, I discussed the Buddha’s distinction between two levels of insight: worldly (*lokiya*) and world-transcending (*lokuttara*). The enlightened Buddha, having uprooted the fundamental twofold problem of craving (*tanhā*) and ignorance (*avijjā*), no longer lived according to worldly *samsāra* and its characteristics of suffering and kamma. This is the level of awareness that defines the world-transcending Buddhadhamma.

Pariyatti, as the authoritative teaching for the Buddhadhamma, required a medium of expression. Originally, this might have referred to oral tradition. Evidence for this claim is presented in the *Dhammaññu Sutta*, where the Buddha responds to a disciple’s question about how a monk is one with a sense of Dhamma:

There is the case where a monk knows the Dhamma: dialogues, narratives of mixed prose and verse, explanations, spontaneous exclamations, quotations, birth stories, amazing events, questions and answer sessions... its because he knows the Dhamma that he is said to be one with the Dhamma (*AN* 7.64 & IV.113).⁷²

Knowing the Dhamma, according to this passage, is made possible through the penetration of narrative and speech acts. This illustrates its location in oral authoritative teaching and experiential learning. The term *pariyatti* eventually became synonymous with “religious texts”⁷³ and when rendered as *pariyattidhamma*, “it means *dhamma* that is

⁷¹ Payutto, 248.

⁷² Access to Insight: Readings in Theravāda Buddhism, “*Dhammaññu Sutta* (One with a Sense of Dhamma),” trans. Thanisarro Bhikkhu, revised 18 June 2006, accessed 5 March 2007; available from <http://www.accesstoinsight.org/tipitaka/an/an07/an07.064.than.html>.

⁷³ Carter, 132.

be thoroughly learned, memorized, and remembered.”⁷⁴ Its function was so crucial that, according to Sinhalese commentary, the disappearance of the Buddhadhamma “will not occur so long as *pariyatti* remains.”⁷⁵ Two mediums of expression were therefore central in extending *pariyatti*: the Pāli Canon and the Sangha.

The Buddha challenged the classical caste structure by establishing a social institution according to the Dhamma known as the Sangha. This religious order was a composite of monks (*bhikkhus*) and nuns (*bhikkhunis*).⁷⁶ For many outcastes, women, and members of the lower *varnas*, the Sangha offered a religious refuge and community of liberation hitherto unavailable. Its purpose was so crucial in Buddhist life that taking refuge in the Sangha was identified as part of the Triple Gem (*tiratna*), along with the Buddha and the Dhamma. The Sangha was always situated within the larger Buddhist community of lay followers. Monks and nuns required different observances than one another, and both had more codes than the laity. This dual structure of monastic and lay lifestyles embedded itself in the Buddhist social imaginary and translated, to some degree, into two ways of comporting to existence: the way of pleasurable rebirth (*kamma*) and the way of *nibbāna*. Both lifestyles were dependent on each other: the monks and nuns offered training and education in the Dhamma, and the laity exercised the public virtue of generosity (*dāna*) to sustain the Sangha and acquire merit.

The Pāli Canon, or *Tipitika*, descended from a collection of ancient Theravāda texts that were composed as early as 350 BCE.⁷⁷ There are “Three Baskets” or divisions to the canonical literature. The first two include the Suttas (Discourses of the Buddha) and

⁷⁴ Ibid., 66.

⁷⁵ Ibid., 131.

⁷⁶ Frank E. Reynolds, “Four Modes of Theravāda Action,” *Journal of Religious Ethics* 7, no. 1 (1979), 15.

⁷⁷ Keown (2005), 287.

the *Vinaya* monastic codes. Among the Discourses, the various *Nikāyas* contain over five thousand individual sutras all pertaining to the Buddha's *pariyatti*.⁷⁸ The *Vinaya* texts define the religious observances and moral precepts for monks and nuns, which include the 227 rules of conduct known as the *Pātimokkha*. The last division, the Abhidhammic scholastic treatises, was gathered approximately a century after the other two baskets. These writings are an extrapolation of the Dhamma taught by the Buddha by emphasizing the emptiness of all psychological and physical events with analytical rigor and technical precision. The reification of the notion of Dhamma as a result of the teachings expanding textually and institutionally is said to be one of the concerns that inspired this literature.⁷⁹ Thus the Abhidhammic philosophy renders the Buddhist cosmology as a continuous process of psycho-physical occurrences to refute the tendency of construing reality in terms of ontological substances.

All of the canonical literature, especially the Suttas, represents the narrative context of Dhamma in a way similar to Novak's Scriptural foundation of natural law ethics in Judaism. The true Dhamma, secured by *pariyatti*, and expounded in the Pāli Canon and taught by the Sangha, is the experiential matrix of special insight into natural law. This is important because it demonstrates the contextual setting of natural law and the limits of its claims on others who have not received the "gift of Dhamma" (*dhammadānam*) (*Dh* 354). In the next chapter, we will consider how the life story of the Buddha in conjunction with his teachings illustrates the different levels of insight that can serve as model for natural law discourse across traditions and within the Therāvada tradition.

⁷⁸ Keown (2004).

⁷⁹ Ronkin, 86.

God, Sacra Doctrina, and Scripture

We have already identified the eternal law in the Thomistic account as the constitutive truth ordering all particular truths of which the natural law would consist. The eternal law, as Divine wisdom, is the source of providential order for all creation that aims to return creation to itself (*ST* 1a2ae 91.1). It is God who imprints the natural law in creation through “the light of natural reason” and it is God who reveals the higher aim (*altiori modo*) of man’s supernatural vocation within the fabric of creation by means of the divine law (*ST* 1a2ae 91.4). In the Thomistic tradition, the natural law is the artifice of God and thereby finds its resources within the context of theological reflection.

This has not been the position of proponents of the “new natural law theory” who claim to uncover self-evident truths from pure practical reason’s grasp of “basic goods” without turning to metaphysics.⁸⁰ To their credit, these thinkers admit a departure from the Thomistic tradition and it is evident in their disagreement with Aquinas on this point:

Human reason by itself is not the rule of things, but principles naturally instilled in man are certain rules and measures of all things to be done by man, and of these things natural reason is the rule and measures although it is not the measure of things that come from nature (*ST* 1a2ae 91.3).

In other words, a concept of pure natural reason as the source of rule and measure is not Aquinas’s claim. Rather, human reason, not “by itself,” but within the matrix of the eternal law has its proper locus of authority. The eternal law therefore is the infinite measure of the natural law. Such a claim secures the idea of an infinite measure of law originating in the eternal law that can check the measure of any law.

⁸⁰ See Hall for a brief review of the Grisez-Finnis theory of natural law, 16-19.

This brings us to Aquinas's notion of human law (*lex humana*). As one scholar puts it, human law is the "law of specific communities."⁸¹ Human law works in tandem with the natural law to extend its precepts, mainly through jurisprudence or legal reasoning. But the issue now arises, what if a human law is unjust? I turn to Aquinas's point: "the law of the Holy Spirit is superior to every law humanly established" (*ST* 1a2ae 96.5 r2). As such, there is no better instruction of moral law than the teaching of God, which is the basis of authority for natural law thinking in the Thomistic tradition. This is why it can be said that Aquinas locates natural law in *sacra doctrina*, or "Divine Teaching."⁸²

In the opening question of the *Summa theologiae*, Aquinas describes his major work, which was never completed, as a science of *sacra doctrina*. He understands *sacra doctrina* as a higher science "established on principles revealed by God" to complement philosophical science for the sake of human salvation: "It was therefore necessary that besides the philosophical science built up by reason, there should be a sacred science learned through revelation" (*ST* 1.1-2) The aim of *sacra doctrina* is to demonstrate the complementarity between faith and reason while maintaining the authority of revelation.

In the case of natural law, even though it belongs to all rational creatures and contains precepts that are self-evident (*per se nota*), it requires the authority of *sacra doctrina* from within the tradition to maintain its coherence and legitimacy. This goes for all the precepts of the natural law. In other words, the natural law tradition of Aquinas safeguards an account of an immutable natural moral law inherent in all human beings.

⁸¹ *Ibid.*, 41.

⁸² See Romanus Cessario, "Why Aquinas Locates Natural Law within the *Sacra Doctrina*," in *St. Thomas Aquinas and the Natural Law Tradition: Contemporary Perspectives*, ed. John Goyette, Mark S. Latkovic, Richard S. Myers (Washington, D.C.: The Catholic University of America Press, 2004), 79-93.

Yet although the natural law participates in the eternal law, it is not necessary for the natural law to participate in the divine law. That is because Aquinas grants Aristotle's account of the moral life a legitimate place within Divine Providence. The autonomy of the natural law is evident in the *Summa* because it has a kind of permanent status in nature that precedes the gift of grace: "grace (*gratia*) is more effective than nature, yet nature is more essential to man, therefore, more permanent" (1a2ae 94.6 r2). As such, those people exercising the natural law outside of the religious tradition are protected from any possible religious authoritarianism masquerading as divine law because they are still viewed as participants in the eternal law.

A Thomistic natural law tradition, in theory, approves and protects other communities of rational persons that may be outside of the divine law. The *sacra doctrina* is therefore the locus of authority for God's voice in a living Thomistic natural law tradition. Church leaders, theologians, and everyday saints, all contribute to this living tradition by protecting the sanctity of the eternal law on earth as the following excerpt from the Roman Catholic encyclical by Pope John Paul II shows:

Within Tradition, *the authentic interpretation* of the Lord's law develops, with the help of the Holy Spirit. The same Spirit who is at the origin of the Revelation of Jesus' commandments and teachings, guarantees that they will be reverently preserved, faithfully expounded and correctly applied in different times and places (*VS* § 27).

If *sacra doctrina* represents the authoritative teaching given by God—the voice—in a living Thomistic natural law tradition, then Scripture would be the textual authority of natural law. Some Christian ethicists like Stanley Hauerwas and Richard McCormick claim that Scripture and natural law represent two distinct sources for ethical reflection.⁸³

⁸³ Porter, 332.

For Aquinas, natural law and Scripture are inseparable. Thomas locates natural law in *sacra doctrina*, of which Scripture is a most faithful guide, thereby illustrating the narrative and divinely revealed context of natural law. Scripture, but also human scholars, represent the *auctoritates* of Thomas's concept of natural law.

The purpose of locating natural law in narrative for Aquinas is for argumentation and evidence. I noted earlier that the divine law is expressed through the Biblical narrative of the Old and New Laws or Testaments. This authority, originating in revelation, is "decisive" over the authority granted to human authors such as "the Philosopher" Aristotle and church fathers like Augustine and Jerome.⁸⁴ So the particular truth of the human *auctoritas*, of whom Aquinas may not always agree with, must be measured against the constitutive truth of God's word revealed in Scripture. The Biblical narrative, and specifically the Pauline narrative in the *Letter to the Romans*, is "the storied context in which Aquinas places assertions of natural law."⁸⁵ It is in this epistle of St. Paul that the most authoritative claims for the natural law are made. Here are a couple of examples:

Ever since the creation of the world his eternal power and divine nature, invisible though they are, have been understood and seen through the things that he has made. [1:20]

When Gentiles, who do not possess the law, do by nature (*phusei*) what the law requires, these, though not having the law, are a law to themselves. They show that what the law requires is written on their hearts, to which their own conscience (*syndeiseos*) also bears witness; and their conflicting thoughts will accuse or perhaps excuse them. [2:14-15]

In the second passage, I have italicized two words from the ancient Greek, "nature" and "conscience," to highlight the significance of Scripture for the authoritative

⁸⁴ Robert J. Henle, "Part A," Introduction to St. Thomas Aquinas, *The Treatise on Law* (Notre Dame, IN: University of Notre Dame Press, 1993), 94.

⁸⁵ Rogers, 40.

basis of Aquinas's view of natural law. The Greek term, *syndesis*, functions as a cognate of the Latin *synderesis* referring to a natural capacity for moral discernment. These excerpts given in the context of Paul's account of the historical fall of the Gentiles into idolatry fits into Aquinas's narrative account of the natural law that begins with the Old Law and is completed with the New Law.⁸⁶

The Law of Moses, according to Aquinas, although given as a divine law, was an imperfect law in the sense that it only predisposed Jews to the arrival of Christ (*ST* 1a2ae 98.2). Its work was to teach humanity about the natural law and prefigure the Messiah.⁸⁷ The supernatural vocation of humanity is then revealed in the work of Christ, the New Law according to grace and charity, of which Paul is the main expositor. This is the basic narrative of Aquinas's Biblical account of natural law.

Locating the natural law within the *sacra doctrina* and its expression through the narrative of Scripture, a move faithful to Aquinas, corresponds to our aim of identifying natural law as a cultural construct. Novak's model also gives credence to natural law traditions by offering them a vital role within the functioning of a healthy democracy, a theme that will conclude our investigation. It simultaneously places necessary limits on the claims of natural law traditions since they exist as one among an entire network of historical communities thus avoiding any possible authoritarianism. In the next section, I consider how it is that these natural law traditions can engage in normative discourse with other traditions in the hermeneutic project of mutual illumination or shared insight and consider how it is that one can pursue the constitutive truth within one's own tradition.

⁸⁶ See Rogers for a thorough discussion of this as it relates to homosexuality.

⁸⁷ Hall, 48.

Chapter Three: Natural Law Discourse

My argument at this point is that the natural law ethics of the Theravāda and Thomistic traditions fit our concept of a natural law tradition formulated through the work of MacIntyre and Novak from our hermeneutical standpoint. I have attempted to demonstrate this by focusing primarily on the *normative* dimension of our multidimensional model. This led us to consider the authoritative basis and narrative context in both traditions of natural law ethics to show they function as a cultural construct. In this chapter, I focus on the comparative and ontological dimensions of natural law ethics. My claim is that these natural law traditions contain analogous structures for normative discourse that have the ability to bridge with other cultures and traditions. Natural law must be located within the rationality of one tradition among many so that it can avoid making totalistic claims. And this, I argue, is compatible with these traditions anyway since they possess the conceptual resources for recognizing moral diversity and the autonomy of other traditions. These natural law traditions are also able to identify common moral claims and adjudicate moral differences across traditions to avoid incommensurability.

In the *Journal of Religious Ethics* article, “Is Natural Law a Border Concept between Judaism and Christianity?” David Novak compares the natural law ethics of

Christianity and Judaism in order to find common ground between the traditions.¹ He claims that Christianity and Judaism “must locate an ethical border” around themselves and then between each other and some third tradition.² He appeals to the other Abrahamic tradition, Islam, as a potential dialogue partner. To delineate the parameters of dialogue, Novak designates two categories of normative natural law discourse that I will employ: *special* and *general*.³ In Novak’s Jewish account, the former category refers to the special revelation of Judaism, i.e., the Mosaic Law that establishes the Jewish people in history as a community chosen by God. Speaking as a Jewish theologian, Novak says, “that special revelation enables us to accept God as the immediate source of our communal life.”⁴ The latter category refers to general revelation. I noted earlier that for Novak, this designates the Noahide law that God established with all human beings. Discourse on the level of general revelation is a minimalist account concerning the basic norms or ethical commonality between traditions. It is a regulatory principle that “only offers *rights*, not *the good*.”⁵ In other words, its aim is to shape the “overlapping consensus” among the plurality of voices in the public sphere. General revelation thereby maintains the important status of historical communities within the democratic ethos as a precondition for justice to prevent religious traditions from being ‘kept at the doorstep’ by doctrinaire secularists.⁶

¹ David Novak, “Is Natural Law a Border Concept between Judaism and Christianity?”, *Journal of Religious Ethics* 32, no.2 (2004), 237-254.

² Novak (2004), 250.

³ I should also note that Robert Merrihew Adams’ essay, “Religious Ethics in a Pluralistic Society,” also uses these categories in *Prospects for a Common Morality*, ed. Gene Outka and John P. Reeder, Jr. (Princeton, NJ: Princeton University Press, 1993).

⁴ Novak (2004), 245

⁵ *Ibid.*, 246.

⁶ *Ibid.*

I believe that Novak has set the parameters for two modes of discourse in an intriguing way among the monotheistic natural law traditions. But a shortcoming in his work is that he limits this dialogue to monotheistic faiths. I have intended to address this limitation in Novak by considering how a Buddhist natural law tradition might fit in these categories of discourse and participate in the dialogue. Let us consider these categories in more detail.

The special category is specifically aimed at discourse *within* the tradition and the general category aimed at discourse *across* traditions. Broadly speaking, the special category pertains specifically to “theological” claims whereas the general category is concerned with ethical claims.⁷ Each mode of discourse therefore has a specific function in the development of that tradition. But that does not exclude the possibility of overlapping in these categories. For example, that God is the benevolent creator of the world is a special revelation claim that all monotheistic traditions share and are able to discuss. This is not properly the task of comparative religious ethics. As we explore this normative dimension of discourse in the Theravāda and Thomistic traditions, I am using the special category to refer specifically to the Buddhadhamma and the divine law.

The general category (or general knowledge), which isolates a language for comparison with other traditions, refers to the kammic law in the Theravāda tradition and the *lex naturalis* (natural law) in Aquinas. To be consistent with our traditions in question, general knowledge and special *revelation* categories are assigned to the Thomistic tradition whereas general knowledge and special *insight* categories are used

⁷ The field of Comparative Theology seems more adept and appropriate to engage the question of ultimate truth claims across religious traditions. This is not befitting of the task of Comparative Religious Ethics, which primarily engages other traditions on the level of ethics.

for the Theravāda tradition. Within each tradition, the special and general categories of natural law discourse are not separate. Both categories are dependent on the other. There is no divine law without *lex naturalis* just as there is no realization of the Buddhadhamma without having first realized the law of kamma and the suffering characterizing *samsāra*. This truism secures the autonomy of other traditions. Conversely, *lex naturalis* requires divine law for its supernatural fulfillment whereas kamma and suffering can only be extinguished by penetrating the Buddhadhamma. Thus enlightenment takes place within existence, or *samsāra*. Grace transforms nature in this world.

Lastly, I claim that these modes of natural law discourse can answer the two challenges of relativism and perspectivism posed by the post-Enlightenment skepticism of a genealogist such as Nietzsche. The relativist position denies “that rational debate between and rational choice among rival traditions is possible.”⁸ Meanwhile, the perspectivist outlook “puts in question the possibility of making any truth claims from within any one tradition.”⁹ The normative discourse of natural law traditions are structured in such a way that can meet these two challenges.

I argue that general discourse opens up a path of mutual illumination between traditions thus demonstrating the reasonableness of moral claims across traditions. General discourse locates what these traditions purport to have in common with other religions and cultures thereby inviting the possibility of shared insight. It also allows the possibility for moral divergence to surface that can lead to adjudication across traditions, if need be. These factors can respond to the relativist challenge. On the other hand, through special discourse with other practitioners of one’s home tradition or any other

⁸ MacIntyre (1988), 352.

⁹ Ibid.

tradition sharing special claims, one can pursue the truth from within their particular horizon. The special category designates the unique revelation or insight available to religious practitioners regarding truth claims that is internally debated within the tradition. It concerns more theological and speculative matters. As such, this mode of discourse can respond to the perspectivist challenge.

General Category

Having a language of normative discourse between traditions on the level of ethics is a crucial feature of natural law traditions and it is central to our method of comparative ethical inquiry. I am claiming that this structural similarity in both the Thomistic and Theravāda traditions can serve as a bridge with other cultures and as a means for different religious traditions to join together on matters of shared insight, especially in regard to ethical commonalities. This feature responds to the challenge posed by the relativist claiming that no intelligible assessment or rational moral claims can be made across cultures. These natural law traditions recognize that a certain level of knowledge regarding the ultimate truth and higher law is available to all human beings by virtue of their natural faculties. That kind of natural knowledge or natural wisdom is possible because the constitutive truth is the basis of reality. Using the thought of Robert Merrihew Adams, general knowledge denotes, “facts about life and the world that are generally accessible to human beings, and through tendencies of belief and feeling that are natural to human beings are at least widely and commonly present in people of different places, times, and cultures.”¹⁰

¹⁰ Adams, 100.

This is the parameter of general discourse for natural law traditions. I have already suggested that each tradition uses a category for discriminating the special and the general. For the Thomistic tradition, natural law (*lex naturalis*) in tandem with human law illustrates the potential for common morality accessible to all rational persons. In the Theravāda tradition, we have noted that observing the law of kamma, an aspect of mundane (*lokiya*) awareness, is general knowledge available to all persons regardless of dharma. In keeping with the claim that natural law is situated in a narrative context, we will consider the narrative of Gotama Buddha's life as recounted by the Pāli Canon and also consider the interpretation of contemporary scholars. This can afford us a working model for the categories of general knowledge and special insight within the Theravāda tradition.

Law of Kamma

I noted earlier the observation made by Frank Reynolds that Theravāda Buddhism has two cosmologies with distinct proximal aims: the samsaric cosmology aimed at pleasurable rebirth and the Buddhist cosmology aimed at enlightenment.¹¹ For the Theravāda scholar Harvey Aronson, these distinctions translate into the kammic and nibbanic paths. The two cosmologies and paths formulated by these scholars, which is derived from the Pāli Canon and ethnography, provide the framework for delineating the general and special modes of discourse in the Theravāda tradition. It is important to note that for both scholars, the distinguishable cosmologies or paths are not fully separated so as to define two different religions. This was an inaccuracy recorded by a number of

¹¹ Reynolds and Schofer, 121-22.

anthropologists of Theravāda Buddhism who concluded that these separate paths are expressed through the social institutions of the monastic and lay lifestyles.¹²

Instead, the mundane (*lokiya*) and supramundane (*lokuttara*) levels of reality interpenetrate one another so that the two levels are “overlapping cosmologies.” As Aronson puts it, “The mundane serves as the matrix for the transcendent.”¹³ Aronson echoes, in a sense, Aquinas’s model of grace presupposing and transforming nature, by pointing out that the nibbanic path of liberation from rebirth presupposes and transforms the kammic path of ethical activity.¹⁴ The samsaric cosmology that is governed by the law of kamma is by no means unique to the Theravāda tradition but is an appropriation of ancient Hindu cosmology and ethics. According to Reynolds, the general knowledge of this cosmology is echoed by the First Noble Truth of the Buddha: that all existence is suffering.¹⁵ *Samsāra* is characterized by suffering or unsatisfactoriness, with the law of kamma regulating the favorable or unfavorable outcomes and rebirths according to one’s intentional actions.

Having noted the distinguishable but inseparable paths, it is the case that the Buddha often associated the kammic path with the laity as is evident in the following verse to a householder from the *Anguttara Nikāya*: “Four things lead to a family man’s welfare and happiness in the future life. What four? Accomplishment in faith [in the Buddha’s enlightenment], moral discipline, generosity (*dāna*), and wisdom” (8:54; IV 281-85). The first three of these qualities are virtues and precepts that characterize

¹² See Aronson.

¹³ Aronson, 34.

¹⁴ *Ibid.*, 35.

¹⁵ Reynolds and Schofer, 121.

wholesome moral action. But the last quality, wisdom, should not be confused with the wisdom or insight into “the true nature of things” achieved by the enlightened Buddha.

In this discourse Gotama Buddha is specifically referring to the wisdom attained when a householder “sees the arising and passing away of phenomena” (Ibid.). It is this level of knowledge, along with faith, morality, and generosity that can eventually lead to the cessation of suffering, but proximally only leads to a pleasurable rebirth. The level of reality for the householder is governed by kammic law, which belongs to the law of nature, but does not encompass the fullness of Dhamma. The householder has attained the “right view” (*sammā ditthi*) on the mundane (*lokiya*) level that is the source of wholesome actions leading to fortunate rebirth.¹⁶ This level of kammic insight delineates the mode of general discourse in the Theravāda tradition.

We can also locate this distinction between two levels of insight in the Buddha’s retelling of his knowledge before and after enlightenment. In the following excerpt, he states that he was aware of two out of the ‘three characteristics of existence’ (*tilakkhana*) before *nibbāna*:

Before my enlightenment... it occurred to me: ‘Whatever pleasure and joy there is in this world, this is the gratification in the world; that the world is impermanent (*anicca*), bound up with suffering (*dukkha*), and subject to change, this is the danger in the world; the removal and abandoning of desire (*tanhā*) and lust (*rāga*) for the world, this is the escape from the world’ (AN 3:101 §§1-2; I 258-59).

The Buddha identified two characteristics—suffering and impermanence—that led to his renunciation and search for the truth.¹⁷ This pursuit was triggered by his experience of the passing sights of aging, disease, and death. His partial insight into the

¹⁶ Bodhi, 147.

¹⁷ Joanna Macy, *Mutual Causality in Buddhism and General Systems Theory: The Dharma of Natural Systems* (Albany: SUNY Press, 1991), 40.

true Dhamma at this stage in his life demonstrates that this general knowledge can be achieved as a householder, the stage he inhabited when he encountered the passing sights.

The Theravāda tradition makes no theoretical distinction between householders who are Buddhists and non-Buddhist householders. Everyone belonging to this lifestyle is capable of understanding this level of general insight into the Dhamma. That is not to say that Theravāda Buddhist lay persons are restricted to this general insight. On the contrary, the proliferation of insight-meditation among laity and the reinterpretation of Sangha as a fourfold institution comprised of monks, nuns, laymen, and laywomen attest to this.¹⁸ Understanding the kammic law and the truths of impermanence and suffering define the criteria of general knowledge available to all persons open to perception, regardless of background. In support of this view, Buddhadasa suggested that all religions should be able to avoid conflict and disagreement because they agree on the problem of *dukkha*, the “central truth to humanity,” and are able to at least point to its solution in Dhamma.¹⁹ In the next section, I shall consider how the Buddha’s special insight leading to his enlightenment functions as the mode of special discourse.

Lex Naturalis

Locating the general and special modes of discourse in Aquinas’s thought poses no challenge because of his synthesis of two seemingly incommensurable traditions. His Aristotelian viewpoint, as well as Scriptural authority, shapes his sense of the natural law (*lex naturalis*) residing in the faculty of reason. The natural law that is grasped by the habit of *synderesis* and compelled by natural inclination is the starting point of general

¹⁸ Keown (2004).

¹⁹ Buddhadasa, 168.

discourse from a Thomistic perspective. Aquinas recognized the autonomy of other traditions early in his life. His exposure to Muslim thinkers in Naples and enjoyment of Aristotle during his castigation showed him that natural reason transcended the boundaries of traditions, religious or pagan. Although special discourse in terms of trinitarian revelation was not possible with the *tawhīd* doctrine of Islam²⁰ and the philosopher's impersonal god of metaphysics, general discourse on account of natural reason was "not only possible but imperative."²¹ For Aquinas, these other traditions might lack the specific revelation that transforms nature, but there is no denying these traditions their inherent dignity because the natural law participates in the eternal law.

Earlier, we considered the various dimensions of natural law. The primary precept of 'doing good, avoiding evil' and the first principles of human acts like 'do no harm' and 'respect property of others' were known by nature absolutely and universally. Natural law, at this level, cannot be abolished from human hearts. These fundamental precepts of the natural law serve as a starting point for the moral life because they provide direction toward the goods of human nature.²² I noted that Aquinas describes the natural goods as the common good (*bonum commune*) that includes preservation of life, sexual intercourse and education, religious truth and social living. The common good is not merely pursued because natural reason commands it so. A moral agent pursues the common good because she also has a natural inclination or desire that is an internal

²⁰ The term *tawhīd* means "oneness of God" and illustrates the strict monotheism of Islam that considers the doctrine of the trinity as associating partners with God. I would also note that Aquinas makes this distinction between oneness of God as a mode of general discourse pertaining to natural reason and the trinity as a subject of special discourse or revelation. See *ST* 1a2ae 99.2.

²¹ Kate McCarthy, "Reckoning with Religious Difference: Models of Interreligious Moral Dialogue," in *Explorations in Global Ethics: Comparative Religious Ethics and Interreligious Dialogue*, ed. Sumner B. Twiss and Bruce Grelle (Boulder, CO: Westview Press, 2000), 86.

²² Hall, 42.

principle of action. Therefore, natural law is a twofold constitution of *synderesis* and *inclinationes*.²³ But this is not enough to attain what the natural law intends. Therefore, natural law requires application to particular situations for the sake of obtaining natural goods.

It is in this application that natural law finds its deeper expression and diversity among communities. Application of the natural law in a general mode is the work of human law and virtues. Human law, I referenced, is the law of specific communities, and it provides the rules or general conclusions for natural law that can be applied to specific circumstances. ‘Do no harm’ may be a first principle of moral agency, but human law determines the particular rule that it is illegal to harm one’s own child. In Aquinas’s thought, a human law is a secondary precept: “detailed... conclusions (*quasi conclusiones*) following closely from the first principles” (*ST* 1a2ae 94.6). As such, this type of precept allows for historical contingency and social customs to shape its expression. Aquinas identifies three possible factors that can prevent secondary precepts from extending the common good of the natural law: evil passions, depraved customs, or corrupt habits (*Ibid.*, r3). He uses the Roman example of legitimating theft and robbery as described in Caesar’s *Gallic Wars* to explain this. The depraved customs prevented Caesar’s army from clearly apprehending knowledge of the first principle of respecting another’s property. Lacking a clear apprehension of the general principles of natural law because of flawed customs and passions makes unjust actions possible. These unjust actions can then find disordered expression in unjust human law.

²³ *Ibid.*, 99.

The true purpose of human law is to bring about the aim of natural law, which is the common good of a society and regulate relations among society (*ST 1a2ae 96.1*). Moreover, human law “intends to bring men to virtue,” but it can only do so in a limited way because too many precepts might discourage imperfect people from civil stability altogether (*ST 1a2ae 96.2 r2*). The social virtues that the human law can bring about in society include justice and peace (*ST 1a2ae 96.3*). Essential to the application of secondary precepts or human law to particular situations is the virtue of *prudentia*. It is a virtue that “learns from the past and present about the future” (*ST 2a2ae 47.1*). Therefore, it is a virtue that demonstrates that knowledge of the natural law is dynamic because it is inextricably time-bound and historical.²⁴ Prudence, located in reason, secures the right means in a particular circumstance to draw one closer to the proper good. It is a virtue that is necessary for the operation of all virtues, both natural ones and those supernatural virtues infused by the grace of the Spirit.

Prudence qualifies as one of Aquinas’s natural or moral virtues available to all moral agents possessing general knowledge of the natural law. And this is important especially when one considers that “it is moral activity that is the door through which we enter to reach the contemplation in which wisdom engages” (*DQVirtGen 1 r4*). Similar to the Buddhist example of the mundane as the matrix for the supramundane, Aquinas views moral agency guided by prudence as the door to contemplation and wisdom. Aquinas never says that prudence or reason alone is sufficient because nature and reason need the perfection of grace and revelation. But the natural law as a “participated theonomy” in the eternal law shows that it is a precondition for the divine law, and therefore

²⁴ Hall, 38-40.

autonomous in this regard (*VS* §41). Were it not so, the Thomistic natural law tradition embodied in the Roman Catholic Church today would not make the claim that other religious traditions, which do not embrace revelation, “often reflect a ray of that Truth which enlightens all men.”²⁵

Special Category

In any tradition, discourse over truth claims or the goods which constitute it belong to the very health of that tradition. For MacIntyre, “traditions, when vital, embody continuities in conflict.”²⁶ The debates in medieval Paris between Augustinians and the rising Aristotelian thinkers is one such example. St. Bonaventure’s condemnation of Aristotelianism and Siger de Brabant’s reluctant submission to orthodoxy over any kind of philosophical challenge to theology attest to this in Aquinas’s period.²⁷ This debate and dialectic of seemingly incommensurable traditions is embodied in the writings of St. Thomas. The argumentative technique of the *Summa*, of resolving conflicts between competing *auctoritas*, belongs to the oeuvre’s brilliance and demonstrates the “rationality” of the tradition. This highlights one of the crucial features of the Thomistic tradition and tradition in general according to MacIntyre: “...certain radical disagreements may be both recognized and rationally overcome within the context of any kind of tradition.”²⁸

The dialectical enterprise is the basis for the rationality of any tradition. Moreover, “implicit in any rationality of such enquiry [e.g. Aquinas] there is indeed a

²⁵ *Nostra aetate*

²⁶ MacIntyre (1984), 222.

²⁷ *Ibid.* (1990), 112.

²⁸ *Ibid.*, 118.

conception of final truth.”²⁹ A similar enterprise is reflected throughout the entire Pāli Suttas, where the Buddha is constantly debating and discoursing with householders, Brahmins, and monk disciples about the Dhamma. Within three centuries of the Buddha’s death (*parinibbāna*), eighteen schools of sectarian Buddhism had already formed based on doctrinal disputes.³⁰

It is this vitality in the pursuit of truth and the good that counters the perspectivist challenge and defines the purpose of special discourse. It often occurs through specific theological disputes between believers having “explicit commitment in foundations.”³¹ In other words, special discourse partners have some level of shared commitment to the truth claims of a single religious tradition or sometimes across traditions as evident in monotheistic traditions. The special insight or special revelation that occupies this mode of discourse “will be known to most people only through a link of tradition or culture that connects them with the original source.”³² Dhamma and God could therefore be defined as the final or constitutive truths that link these natural law traditions to a transcendent ground or unconditioned state. Special discourse in our natural law traditions is expressed in the context of Buddhadhamma and divine law. Again, I turn to the Pāli narrative and Theravāda scholars for delineating the Buddhadhamma. In the matter of Aquinas’s divine law, we will consider more in depth his distinction between the Old Law and the New Law. Not only does special discourse respond to the perspectivist challenge of pursuing the truth, but it is also the context from which discussion about natural law in these

²⁹ Ibid. (1988), 360.

³⁰ Bodhi, 8.

³¹ Lonergan (1972), 292.

³² Adams, 100.

traditions is framed. It also allows the possibility of extending the measure of human dignity.

Buddhadhamma

The previous section on general discourse considered the law of kamma regulating the wheel of rebirth as the general knowledge available to all perceptive persons. This level of knowledge is often represented by the figure of the householder. I turn attention now to the highest level of insight, the *Buddhadhamma*, which is associated with Gotama Buddha and the *arahant* figure in the Pāli Canon. It receives this title because it was the level of insight that was penetrated by the Buddha during his enlightenment and later preached by him. The *Buddhadhamma* is the highest level of insight because it leads to the cessation (*nirodha*) of suffering, the fundamental problem of existence. It entails the complete vision of the Dhamma that is directly perceived when one realizes the truth of dependent origination (*pattica-samuppāda*).³³ Consider how the Pāli Canon equates this doctrine with the fullness of Dhamma: “One who sees dependent origination sees the Dhamma, and one who sees the Dhamma sees dependent origination” (*MN* 28; I 190-91).

Dependent origination refers to the law that is the most “difficult to perceive” of all conditioned phenomena: the arising and passing away of suffering by way of twelve interdependent factors that characterize *samsāra* (*SN* 12:1; II 1-2). The first six factors are associated with the arising of suffering and the last six are associated with the passing away of suffering. The doctrine of *pattica-samuppāda* as taught by the Buddha identifies ignorance (*avijjā*) as the primary factor through which all other factors arise in the wheel

³³ Payutto, 160.

of rebirth. Yet ignorance is not a singular cause or source in the sense of linear causality. Dependent origination illustrates the simultaneous arising of *all* phenomena, what Joanna Macy has referred to as a “mutual causality.”³⁴ This doctrine structures the Theravādin cosmology of interdependence. The eventual uprooting of ignorance and all the other factors through direct insight (*paññā*) into the true nature of things is the only way to attain *nibbāna*.

It is through this awareness of *pattica-samuppāda* that the third characteristic of existence, not-self (*anattā*), is fully understood. All phenomena, therefore, in light of this doctrine of interdependent co-arising, lack eternal substance or being (*svabhāva*).³⁵ The human person, from this special insight, is comprised of five aggregates (*khandhas*) that make up an individual during a given life. Upon death, the components of the single person are disentangled and reintegrated with other components to comprise an entirely new person without any essential properties. In this view of interdependent “empty” persons, the Upanishadic doctrine of the permanent self (*atman*) is undermined. Moreover, in light of this special insight, the natural law of kamma and the truths of suffering and impermanence are revealed with the greatest of clarity and depth.

We noted that the Buddha’s distinction between levels of insight or awareness into the Dhamma by referring to the mundane (*lokiya*) and the supramundane (*lokuttara*). The mundane or worldly level refers to actions, virtues, and meditations that can produce only pleasurable results and merit (*puñña*). The supramundane level, or world-transcending path, refers to nine dimensions that lead to enlightenment: four paths (*magga*), four fruits of those paths (*phala*), and *nibbāna*. In the context of the

³⁴ See Macy, Chapters 1 and 2.

³⁵ Fasching and deChant, 141.

Buddhadhamma, these levels of awareness disappear because one's direct realization of the fullness of Dhamma illuminates all other truths about reality.

The ethical implications of special insight of Buddhadhamma are transformative. When the practitioner is in the proximity of *nibbāna*, she can truly behave in accord with the Dhamma and have a deeper engagement with the cessation of suffering for all living things.³⁶ This higher insight, according to Reynolds, is framed within a Buddhist cosmology: "Ignorance is overcome by wisdom, craving is replaced by compassion, and the ongoing experience of suffering and impermanence gives way to liberation."³⁷ Seeking refuge in the Buddha, Dhamma, and Sangha, those on the way to enlightenment in this life devote themselves to the Eightfold Path to extinguish kamma and achieve the liberation that is enlightenment.

Divine Law

As a result of the effects of sin on the natural law and its expression in bad customs, vices, and unjust human law, St. Thomas believed that God revealed the divine law (*lex divina*) in order to repair and transform the human heart. Therefore, the natural law is fully contained in the divine law. No discrepancy or incongruence exists between the two. Aquinas gives four reasons why this divine law was necessary (*ST* 1a2ae 91.4). The first reason is that humans have a supernatural vocation or ultimate end of eternal happiness (*finem beatitudinis aeternae*) that only God can direct. Second, because of moral diversity, God offers a way of knowing what is good and what to avoid "without any doubt at all." The third reason is that although human law intends to cultivate some

³⁶ Prayutto, 86.

³⁷ Reynolds and Schofer, 121.

virtues, it is insufficient for cultivating all virtues, especially private ones. Finally, the divine law prevents any sin or evil deeds from going unnoticed and unpunished.

Since the natural law only establishes general principles evident to everyone, the divine law was given to direct in “certain detailed matters” (*ST* 1a2ae 91.5 r3). Therefore, it is like human law, in the sense that it applies the general principles of the natural law to particular circumstances. The fundamental difference between human law and divine law has to do with teleological orientation. Whereas the end of human law is “that the State shall have tranquility in its temporal affairs,” the end of divine law is eternal happiness (*ST* 1a2ae 98.1).

The divine law and its precepts that orient one toward this supernatural end are, as we mentioned, twofold. The twofold revelation of the divine law, for Aquinas, is analogous to the development from childhood to adulthood. The Old Law (*lex vetus*) given to the Jewish people, functions pedagogically to instruct the natural law. In this regard, it is like human law because it functions as an external principle of action. The moral precepts of the Old Law written in the Decalogue are in accord with reason and assist in the cultivation of virtues like justice. But its purpose was to prepare the Jewish people for the arrival of Jesus and the New Law. For this reason, Aquinas says the Old Law is good, but incomplete (*ST* 1a2ae 98.1).

According to Aquinas, the fulfillment of humanity’s supernatural vocation is only possible through the New Law (*lex nova*), or the law of the Gospel (*ST* 1a2ae 106.1).³⁸ The work of Christ’s righteousness completes or perfects what the Old Law intends, which is the eternal happiness of union with God. Freedom or salvation from sinfulness is

³⁸ Cited in Hall, 68.

made possible through the New Law of Christ and the faith born from it. The New Law is delivered by the grace of the Holy Spirit that instructs humans about the twofold Gospel ethic to love God and love neighbor. Unlike the moral precepts of the Old Law that are external written commandments for ordering people toward justice and friendship with one another, the New Law of love is an interior prompting of grace that allows friendship with God. Therefore the New Law is like the natural law in the sense that it is an internal prompting.³⁹ But instead of reason and desire as the prompting mechanism, the grace of the Spirit is what moves one to act. Grace is superadded to nature so that humans are able to attain friendship and union with God thus establishing a higher mode (*altiori modo*) of participating in the eternal law.

A new order of virtues is accessible through the gift of grace. Aquinas refers to these as “infused” or theological virtues which are listed in St. Paul’s famous words to the church at Corinth: “And now faith, hope, and love abide, these three; and the greatest of these is love.”⁴⁰ The supernatural virtues make it possible for those humans who possess them to be “good” (*DQChar 2 r*). The graced virtue of love or charity is the “mother” and “moving cause” of all the virtues (*DQChar 3 riii*). It unites us to God “through the actions of our intelligence and feelings” (*DQChar 2.7*) thereby establishing a *connatural* relationship with God that is the basis of divine friendship.

³⁹ Ibid.

⁴⁰ 1 Cor 13.12

Chapter Four: “Nature” and the Hypergood

The term “nature” as a normative expression might appear trivial with the historicizing of natural law and designating it as a cultural construct. But this is not the case for the natural law traditions in question because nature is a necessary concept for ethical reflection. According to Novak, the ontological constitution of natural law is the work of theology whereas the ethical constitution of natural law is the work of philosophy. Since our approach is both religious and ethical, ontology *and* ethics designate this *fundamental* dimension of natural law to which we now turn, which is also inescapably metaethical.

For the Theravāda and Thomistic traditions, “nature” is rooted in a constitutive truth or higher law that transcends all particularity. Nature itself is posited by the objective reality—the Dhamma and God—that precedes and extends beyond the human person. Buddhadasa cited this similarity between both traditions in the following manner: “Natural law governs creation and has power over it. In this sense dhamma *functions* as the Buddhist God” (my emphasis).¹ Perhaps familiar with Aquinas, Buddhadasa acknowledged that Dhamma is like the eternal law of God in the sense that both govern the natural order of human beings. Therefore, harmony with Dhamma or participation in the eternal law is the proper orientation of nature.

¹ Buddhadasa, 133.

It is in the context of “nature” from the level of special insight or revelation that the Dhamma and the eternal law provide an “infinite” or “empty” measure of all human acts. From the perspective of general knowledge, these natural law traditions claim that “justice” is the measure of human acts. In both traditions, justice refers to a kind of rendering of what is due. Concepts like fairness, equality, restitution, and retribution define the measure of justice. It is only from within the natural law traditions and the perspective of revelation and insight that an ultimate standard can be defended.

When a natural law account removes this ultimate or transcendent measure of the human then it runs the risk of absolutizing nature. This is where natural law becomes dangerous and is susceptible to the homogenization of natural law discourse. Such a move is a form of ontological violence, which refers to a final or complete account of nature having been fully disclosed or defined. Ontological violence wedded with politics was evident, perhaps in the most extreme form, in Nazi Germany’s Aryan eugenics, but also in the constitutional history of the United States. The *Dred Scott v. Sanford* Supreme Court ruling of 1857, which Abraham Lincoln publicly opposed, declared that blacks were non-citizens or non-persons thereby depriving them of their “inalienable rights” and any legal protection from slavery.² These two examples would have included both religious and secular proponents of ontological violence and terror. Hitler’s irreligious anti-Semitism coalesced with German Christian anti-Jewish nationalists. The fact is that terror can surface with little or no opposition in any society unable to measure itself against a higher law or transcendent order.

² Robert P. George, *The Clash of Orthodoxies: Law, Religion, and Morality in Crisis* (Wilmington, DE: ISI Books, 2001), 149.

I claimed that the natural law traditions in question overcome the temptation of ontological violence by identifying an ultimate measure as the constitutive truth that transcends or grounds reality. As a result, in light of the constitutive truth and the authoritative traditions that preserve it, “nature” is a revisable normative concept. It does not have the fixity or absoluteness that leads to ontological violence. To assure this, I restate that Dhamma is the “empty” measure of all things and the eternal law is the “infinite” measure of all persons.³ Because of these higher laws, nature also has, in a certain sense, directionality. The law of nature measured by emptiness and infinity has a teleological orientation that for both traditions ends in liberation or salvation. I refer to this teleological orientation as a “hypergood,” a concept borrowed from moral and political philosopher, Charles Taylor. It refers to those higher goods, “which not only are incomparably more important than others but provide the standpoint from which these must be weighed, judged, decided about.”⁴

In our traditions, the hypergoods refer to the unconditioned awareness of enlightenment (*nibbāna*) and the perfected state of happiness (*beatitudo*). All other goods, or limited goods like virtuous actions, are seen as secondary, though perhaps necessary to achieving the hypergood in this life or the next. The truth or law that constitutes the hypergood is the “constitutive good.” Taylor defines the constitutive good as “the order of being or principle of that order.”⁵ We said earlier that the overriding good

³ I am echoing Fasching’s account of human dignity as an “unseen measure of the infinite” and Buddhism’s “emptiness” or “not-self” doctrine, but from a natural law perspective instead of the experience of the holy. See Darrell J. Fasching, *The Ethical Challenge of Auschwitz and Hiroshima: Apocalypse or Utopia?* (Albany, NY: SUNY Press, 1993), 145-146.

⁴ Taylor, 63.

⁵ *Ibid.*, 92.

or constitutive good is equal to the constitutive truth and higher law. Therefore, Dhamma and God constitute this teleological orientation of the moral life and religious quest.

This model afforded by the natural law traditions can address one of the major ethical problems for natural law thinking since the Enlightenment: the separation of is-ought. I concur with scholar Pamela Hall when she says that this separation “seems precisely inimical to any authentic doctrine of natural law.”⁶ Although she was referring to the Thomistic tradition, this can also apply to the Theravāda natural law tradition. Both traditions require congruence between the way things are and the way they ought to be. The protean term “nature” that is posited by the constitutive truth establishes normativity within these traditions. I noted that this ontological outlook is also inherently comparative in these traditions since moral truth is shared across traditions. I shall designate it as the “is” dimension of natural law thinking because it provides the ontological starting point of moral agency.

On the other hand, without the appropriate instruction from the source of truth, nature is incapable of achieving the aim. Nature points to the hypergood. As such, I designate the hypergood as the “ought” or ethical dimension of natural law thinking. The hypergoods are “a step to higher moral consciousness” and this undoubtedly means a deeper engagement with the world as a moral agent.⁷ Because these refer to the perfected state of happiness or unconditioned awareness of enlightenment in these traditions, they provide the content for an image of the good that orients nature toward its end. The hypergood represents what “ought” to be for the religious practitioner. In this model of natural law ethics, nature seeks the hypergood, or is → ought. The higher law or

⁶ Hall, 18.

⁷ Taylor, 64.

constitutive truth of Dhamma and the eternal law are the inspirational sources of the moral life that posit “nature,” but also give its proper orientation to the hypergood.

Conditionality and Enlightenment

The Theravāda tradition identifies “three characteristics of existence” (*tilakkhana*) that include suffering, impermanence, and not-self. They are, in other words, the truths that define the conditionality of all living things. Therefore, I identify “nature” as conditionality. Every person starts from this situation. Person, in Theravāda terms, refers to the five aggregates that comprise this particular existence. The task of the Buddhist practitioner is to penetrate these truths and recognize the law of nature governing this conditionality. The regulative justice of the law of kamma, as noted, is generally observable. With this mundane awareness, one is able to at most recognize the truths of suffering and impermanence. As a measure of justice, the law of kamma is purely retributive. It renders good and bad consequences determined by wholesome (*kusala*) and unwholesome (*akusala*) actions.

The special insight of the Buddhadhamma, on the other hand, discloses another law the knowledge of which extinguishes the effects of kamma. This is the law of interdependence or dependent origination. It is a non-linear causal law that illuminates the conditions of the arising and passing away of suffering and impermanent phenomena. Moreover, the special experiential insight into dependent origination leads to a direct realization of the truth of not-self. Gotama Buddha taught, “What is nonself should be seen as it really is with correct wisdom thus: ‘This is not mine, this I am not, this is not

my self.’ When one sees this thus as it really is with correct wisdom, the mind becomes dispassionate and is liberated from the taints by nonclinging (*SN* 22:45; III 44-45).”

As Buddhadasa put it, “all suffering arises from me and mine.”⁸ And what he meant by “me and mine” are the five aggregates (*khandhas*) deluded by wrong view, attachments, and clinging. Buddhadasa also stated that the perception of not-self is “the transcending of all kamma” thereby illustrating awareness of it as a higher level of insight.⁹ Penetrating this Buddhadhamma level of insight into the truth of not-self and the law of interdependent arising is synonymous with attaining enlightenment.

That enlightenment can be designated as the hypergood is confirmed by the teaching: “The Buddhas declare that nibbāna is the supreme state (*paramam*)” (*Dh* 184). Damien Keown has also made great efforts to compare enlightenment in Buddhism with flourishing (*eudaimonia*) in Aristotle, both serving as the highest good (*summum bonum*).¹⁰ Although I would argue that this Buddhist-Aristotelian comparison is problematic,¹¹ its point is well taken. According to Gotama Buddha, enlightenment is the destruction of the three cardinal vices: lust (*rāga*), hatred (*dosa*), and delusion (*moha*) (*SN* 38:1; IV 251-52). In the same *Nikāya*, the Buddha identifies thirty-three synonyms for what he refers to as “the unconditioned,” including terms like “the far shore,” “the sublime,” and “the deathless” (*SN* 43:1-44, combined; IV 359-373). The unconditioned is none other than enlightenment. It is the “destination” of those on the Eightfold Path (*Ibid.*).

⁸ See Buddhadasa, Chapter 5.

⁹ *Ibid.*, 135.

¹⁰ See Keown (2001), Chapter 8.

¹¹ For example, Aristotle’s account *eudaimonia* is purely mundane, whereas the pursuit of enlightenment unfolds over countless lifetimes. This is why I prefer to use Taylor’s notion of hypergood, since it is more Platonic than Aristotelian in the sense that pursuit of the hypergood can transcend this world.

Although there might be a distinction between the kammic and nibbanic paths, the ultimate aim for both is enlightenment. Achieving this unconditioned awareness by experiential insight of the true Dhamma discloses the true measure of all things, emptiness (*suññatā*). Buddhadasa equates emptiness with the truth of not-self, saying it represents the “highest dhamma” and that it “makes a man immortal because it makes him free of the self idea.”¹² The unconditioned or “empty” measure of all things is understood by those having penetrated the true Dhamma. In other words, there is no condition and there is no limit to the dignity of all living things. The empty measure provided by the true Dhamma thus surpasses the measure of retributive justice regulated by kamma.

Reason and Happiness

According to Jean Porter, a Thomistic scholar, Aquinas’s account of nature fits appropriately within his medieval scholastic context that understood “nature as reason.”¹³ Reason, in most of the Western philosophical tradition, was seen as the defining characteristic of nature distinguishing humans from the lower animals. In the *Summa*, Thomas is in accord with this view when he claims that all operations or actions are the works of reason (*ratio*) and will (*voluntas*) and that the will is moved by appetite and commanded by reason (*ST 1a2ae 91.2 r2*). This is distinctively human agency that is ordered by reason.

We noted earlier that reason is the analogous imprint of the *imago dei*, and being such, it contains the light of moral discernment. And this light that originates in God is

¹² Buddhadasa, 135.

¹³ Porter, 231-4.

none other than the natural law. Therefore, “the natural law is constituted through reason (*per rationem constitutum*)” (*ST* 1a2ae 94.1). “Nature” as reason, which contains the precepts of the natural law, provides the proper teleological orientation of human agency. Since all actions are for the sake of some end and that end is simultaneously a good one, the good that everyone seeks is felicity or happiness (*felicitas vel beatitudo*) (*ST* 1a2ae 90.2 c1). The last end of the natural law that issues in happiness is, as we have noted, the common good. Achieving these goods is expressive of a flourishing, healthy society. It was also mentioned that human law, at its best, serves the purpose of securing these goods of society and individuals by properly guiding the orientation of natural law.

The virtue that best promotes the common good, according to St. Thomas, is justice (*justitia*), which means “none other than to render to each his own” (*ST* 2a2ae 58.11). This is not merely retributive justice, as is the case with punishing a criminal, but also includes restitution and fair distribution of social goods. Justice is perhaps the most important social virtue because it is the basis of a peaceful society by properly ordering all relationships. Moreover, justice is a virtue that is certainly attainable among those with general knowledge because “it is the only virtue of the will that can be acquired without grace.”¹⁴

Human law and the moral virtues of justice and prudence demonstrate the capacities of the natural law among those with general knowledge. For Aquinas, happiness can be achieved on this level, albeit an imperfect form (*beatitudo imperfecta*). The reality for Thomas is that no form of happiness achieved in this life is perfect. Not even that given by the divine law. But what the divine law offers, especially the New

¹⁴ Porter, 204.

Law, is a higher mode (*altiori modo*) of participating in the eternal law, and therefore a more profound happiness, in this life. We noted that the Spirit of grace and charity transforms humans in such a way so that they can attain a deeper friendship with God. The perfect fulfillment of friendship or union with God is only available in the beatific vision of heaven. It is in this heavenly state that perfect happiness consists.

Since God is love,¹⁵ the eternal law can be nothing other than the perfect expression of the law of love. This is why the New Law of Christ's love is the highest expression of the eternal law. It offers a more fulfilling happiness than natural happiness. Participation in the eternal law by way of divine law initiates the standard of love as the new measure of human dignity and human acts as illustrated in the following statement by Aquinas: "For the uncreated law [the law of love] is the first standard and measure of our love" (*DQChar* 1.23). Aquinas is clear to point out that the infused virtue of charity that serves as our new standard "has no limit" (*DQChar* 2.13). Thus, reason is no longer bound to the limits of nature and natural justice because it is now opened to the infinite measure of love. This is the supernatural vocation of humanity offered by Christ that serves as the infinite measure of human dignity.

¹⁵ 1 John 4.8

Conclusion: Natural Law Ethics and Human Dignity

Our investigation of natural law in the Theravāda and Thomistic traditions concludes with a shared horizon of a global neighborly ethic in view. This shared horizon locates commonalities with the neighbor as well as differences. In this ethic, the close proximity and distance of the neighbor hangs in balance. It is from this standpoint that the dignity of the neighbor can be protected.

The distance or otherness of the neighbor is secured by the autonomy granted to her tradition. Any moral authoritarian attempt to swallow the neighbor's tradition into its own is bad faith and not characteristic of these natural law traditions. That is because the neighbor's tradition is guaranteed in theory to be, at minimum, open to the general knowledge upon which any revelation or special insight depends. Because of this autonomy of the neighbor's tradition based on the view that they are "outside" of the tradition that receives the special insight or revelation, they may draw different moral conclusions regarding certain matters. Moral diversity is therefore a brute fact supported by the natural law traditions.

On the other hand, the close proximity of the neighbor is always assumed because she shares a common humanity or "nature." By having this common "nature," her tradition is guaranteed the possibility of attaining at least general knowledge. We noted that this general knowledge, in the Theravāda and Thomistic traditions, is rooted in the law of kamma or the *lex naturalis*. General knowledge of these laws provides the basis

for rational assessments and discourse across traditions thus overcoming the relativist challenge. This is not to say that the neighbor's tradition is incapable of knowing more than what is generally accessible. The aims of interreligious dialogue and even comparative theology enters here as an exciting prospect of locating deeper truths among traditions than basic moral truths. Therefore, recognizing ethical commonalities, sharing insights, and receiving mutual illumination are the fruits of maintaining the close proximity and otherness of the neighbor.

By putting our two traditions in dialogue with each other, we can see the level of general discourse in operation. For example, we noted that Gotama Buddha recognized the importance and value of the Five Precepts (*pañca-sīla*). He declared that these teachings about what unwholesome actions should be avoided were ancient, traditional, and unadulterated precepts that preexisted his teaching. In other words, they were naturally accessible and valuable independent of the special insight of the Buddhadhamma. These precepts are meant to be the basis for purifying the three doors of kamma: body, speech, and mind.

In the Thomistic tradition, Aquinas's discussion of the Decalogue and the propaedeutic role of the divine law for natural law functions in a similar way to the Five Precepts. St. Thomas claims that although the Decalogue is divine law, its purpose in educating the natural law demonstrates that its precepts are accessible to all by virtue of natural reason. That is so because the natural law obliges all "to refrain from doing harm, whether by deed, word, or thought" to one's neighbor (*ST 1a2ae*, 100).

From this comparison of both traditions, we can locate ethical commonality on the precepts against lying, stealing, killing, and sexual misconduct. These shared precepts

constitute a minimum neighborly ethic. At its very least, natural law thinking can set the limits to fundamental norms of human dignity. At most, natural law thinking can stretch the limits of the human imagination for compassion, love, and interdependence. That is possible, after all, since truth is the measure of all warrants and if truth is “empty” or “infinite,” the possibilities for natural law ethics within a secular democratic context are more than promising.

I conclude by stating that natural law traditions embodied in institutions like the sangha and the church have something essential to offer for the health of democratic societies. What is that? The answer comes from no greater example in than the Reverend Martin Luther King, Jr., who wrote the following in his “Letter from a Birmingham Jail”:

[...] there are two types of laws: there are *just* and there are *unjust* laws... Now what is the difference between the two? How does one determine when a law is just or unjust? A just law is a man-made code that squares away with the moral law or law of God. An unjust law is a code that is out of harmony with the moral law. To put it in terms of Saint Thomas Aquinas, an unjust law is a human law that is not rooted in eternal law and natural law.¹

Notice that Reverend King did not say that an unjust law is a human law not rooted in divine law. He mentioned only the eternal law and the natural law. That is because he recognized the autonomy and dignity of natural law, but also the sovereignty of God. From a natural law perspective, we *ought* to be in harmony with eternal law, and respectively, with Dhamma. As evident, the natural law traditions claim that some form of harmony through participation in the eternal law or understanding of Dhamma is possible in other traditions. But through the divine law and the Buddhadhamma, one is able to participate in the eternal law in a higher mode or understand the fullness of

¹ Martin Luther King, Jr., “Letter from a Birmingham Jail,” *I Have a Dream: Writings and Speeches that Changed the World*, ed. James Melvin Washington (New York: HarperCollins, 1992), 89.

Dhamma leading to liberation in this life. From the revelation or special insight of a natural law perspective, the natural law *within* us should be the “infinite measure” or “empty measure” of our human laws. In the Thomistic tradition, we have seen that the “infinite measure” refers to the eternal law that cannot be fully comprehended, which is the uncreated law of love. For Theravāda Buddhism, the “empty measure” refers to the law of interdependence and the law of emptiness or not-self.

These natural law traditions therefore respect the autonomy of other traditions, promote discourse, and contain the resources for defending human dignity. These natural law traditions place no limit on human dignity and no limit on taking care of creation or the existence of all living things because all human laws are measured by infinity or emptiness. As such, there is no limit to how *good* one can be. Simultaneously, natural law thinking recognizes that there is a limit on how *bad* one should be. Those shared moral precepts stated earlier serve as an illustration of this limit.

Natural law thinking, therefore, does have something essential to offer a democratic society: it can evoke the audacity to challenge any unjust human law, no matter who institutes it. As Novak puts it, “Natural law, then, is the necessary and perpetual critique needed by all culture and all positive law, even by that culture whose adherents are still conscious of its origin in revelation.”² This is the perennial promise of natural law ethics in a world of neighbors.

² Novak (1998), 193.

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