

Human Rights and Compassion

Toward a Unified Moral Framework

A compassionate mind, nondualistic awareness and
The aspiration for enlightenment are the causes of the
Bodhisattvas.

However, chief among all of these is compassion.
Like nurturing a seed with water, in time
It ripens the causes of the victors.
So I praise compassion above all else.

(*Candrakīrti, Madhyamakāvatāra, 1: 1cd, 2*)

HIS HOLINESS THE DALAI LAMA has been a tireless advocate for human rights in a global context. Some leaders and moral theorists of non-Western cultures—and some contemporary Western moral and political theorists—have argued that the assertion of fundamental human rights is merely an accidental feature of the moral outlook of modern Western moral and political theory. The extension or imposition of this moral framework and its demands on non-Western cultures, they argue, is an instance of cultural imperialism and hegemony, incompatible with and disruptive of those cultures. Some in the West have even argued that this framework has outlived its usefulness even in Western cultures and that the overcoming of modernism should include the abandonment of a moral and political discourse grounded in rights. His Holiness has consistently rejected this view and has urged in his public statements and in his writings on morality and politics that the demand for the recognition of human rights is indeed universal in scope, and that to the extent that a culture deprives its citizenry of fundamental human rights, that culture is morally deficient. It follows from such a view that to demand of a society that it respect some fundamental set of such rights is not an instance of illegitimate cultural imperialism but one of mandatory moral criticism, even if it is not so experienced by those to whom such an effort is directed at the time.

On the other hand, His Holiness, grounded in and advancing with considerable eloquence the tradition of Buddhist moral theory rooted in the teachings of the

Buddha, as transmitted through texts such as Āryadeva's *Catuhśataka* and Śāntideva's *Bodhicaryāvatāra*, has been a consistent exponent of the view that moral life is grounded in the cultivation and exercise of compassion. He has urged in many public religious teachings, addresses, and numerous writings that the most important moral quality to cultivate is compassion, and that compassion, skill in its exercise, and insight into the nature of reality are jointly necessary and sufficient for human moral perfection.¹ This view, is of course, not original with His Holiness. It is the essence of Buddhist moral theory. On the other hand, His Holiness is certainly the most eloquent exponent and advocate of this moral position of our time, and his application of this moral vision to public life and to international relations is highly original and of the first importance, justly recognized by the Nobel Peace Prize, which was awarded to him in 1989. For instance, in one recent discussion His Holiness writes:

To me it is clear that a genuine sense of responsibility can result only if we develop compassion. Only a spontaneous feeling of empathy for others can really motivate us to act on their behalf.

...

[D]emocracy is [the system] which is closest to humanity's essential nature. Hence those of us who enjoy it must continue to fight for all people's right to do so. . . . [W]e must respect the right of all peoples and nations to maintain their own distinctive characters and values. (1992, pp. 6-7)

Now at first glance, there is nothing surprising about this pair of commitments—that to the universality of human rights and that to the cultivation and exercise of compassion as the foundation of morality. Both seem laudable. Both seem to be *prima facie* noble moral commitments. But a second look may raise deep and difficult questions. A number of influential moral theorists² have recently argued persuasively that moral theories grounded in rights (to which I will henceforth refer as *liberal* theories) and moral theories grounded in compassion are fundamentally incompatible with one another. Moreover, they have argued that liberal theories are critically deficient—that they fail to account for, and to provide guidance in, our morally most important circumstances—matters of interpersonal relations where sentiments, attitudes, and behaviors are of moral significance, but where questions concerning the rights and duties of those involved are at best beside the point. If these critics of liberal moral theory are correct, focusing on rights and duties impoverishes our moral discourse and distorts our moral vision and is to be abandoned in favor of a morality grounded exclusively in compassion and attention to interpersonal relations.

Importantly, responses to this view have typically defended liberal theories against compassion theories, arguing that the former are indeed adequate to the

full range of moral questions, and that compassion theories, to the extent that they are accurate, are no more than restatements of liberal theories.³ The significance of this response is not its degree of success, but its concession to the compassion-theorist of the most important point, that rights and compassion are in tension with one another. And if that point, on which the parties to this debate concur, is correct, then His Holiness's advocacy of *both* of these approaches to morality would turn out to be incoherent. On the other hand, if his moral vision is, as I will argue, both coherent and compelling; the argument will require some clarification of the precise relation between compassion and rights.

In this essay in honor of His Holiness and his ceaseless campaign to keep morality and its demands at the center of public discourse, I will first explore the *prima facie* tension between liberal and compassion-based approaches to morality. I will then argue that these approaches are in fact *not* incompatible, but that fusing them into a coherent whole requires a particular ordering: compassion must be taken as fundamental. Rights can be coherently formulated and advanced in the context of a moral vision incorporating compassion only if they are grounded in compassion. It is when we attempt to subordinate compassion to rights and duties, or to give these considerations equal status that incoherence looms. This essay hence defends the fundamental Buddhist insight that compassion is the foundation of moral life as well as the liberal vision of human rights as universal and hence defends His Holiness's moral teaching against both liberal and compassionate critics.

WHAT WE WANT FROM RIGHTS

In coming to an understanding of just what rights are, it is instructive to first ask what work they do, question that is best answered by noting when they are asserted. That, of course, is when they are violated or threatened with violation. When individuals or groups are threatened with abuse or actually abused, rights are asserted—when people are hurt physically, deprived of opportunities for expression of views, opportunities to practice religion, to move about, and so on. . . . We then speak of a right being violated. Rights can be hence seen as *fundamentally protective*. They protect individuals against interference. Rights such as this can be called “negative rights.” The right to life is such a right. It is a right *not to be killed*. Fundamental rights typically have this character.⁴

To be sure, some rights have a more positive character. For instance, in many countries a child has a right to receive an education. But two kinds of considerations mitigate this observation: first, positive rights such as this require the active construction of the obligations or institutions concerned. A right to a primary education requires the establishment of an educational system and the enactment of appropriate legislation, just as one's right to the repayment of a debt by a borrower requires the occurrence of the loan and the promise to repay it.

Contrast this with the right to free exercise of religion. A nation that does not recognize such a right has not simply failed to confer it; in failing to do so, it violates a right that is more fundamental than any legislative authority. This is what makes possible the liberal moral critique of institutions, as opposed to the mere bland comparison of democracy with tyranny as two interesting alternatives for ordering society. Second, positive rights such as these are always specific to particular actions by particular individuals or institutions. Fundamental negative rights are rights against *everybody*. My child's right to an education is a right that the local school system admit him to school. The shopkeeper on the corner is irrelevant to this right. He can neither satisfy nor violate it. But my right to life is satisfied by all who do not kill me and can be violated by any assailant.⁵

We can identify three more specific functions that rights serve, which are central to defining the liberal moral outlook: they create a domain of free expression; they establish clarity regarding life expectations; they enable moral criticism. Each of these functions is complex and deserves examination.

Human flourishing—both at the individual and at the social level—requires the freedom of expression must be realized in a number of ways. For an individual to experience him or herself as creative, as responsible, as a being whose views matter, who is taken seriously, who can interact spontaneously and genuinely with those with whom he or she lives, it is essential that he or she be able to express his or her views without fear of persecution. Moreover, for a human society to flourish, it is essential that as many voices be heard as possible, and that no views be suppressed. The suppression of free speech harms not only the individual whose voice is silenced but also the community deprived of what might have been the correct view of a crucial matter, or the beauty of a work of art never created. And of course a society of individuals who fear to express their views is miserable. Social and individual flourishing hence require enforcement of the right to free speech.

But of course not all speech is protected absolutely. Speech may be slanderous. Speech may be used to menace or to deceive. So it becomes important to demarcate the domain of speech to be protected. This is notoriously difficult and almost certainly cannot be accomplished explicitly by any clear set of general principles. But, given the general motivations just sketched for the protection of speech, there are central cases of speech that merits protection: speech critical for individual self-development, such as that related to scholarship, art, or the development of bonds of friendship of family is clearly to be so protected. Moreover, speech related to the political process, to debates regarding social policy, and to the pursuit of religious practice is also to be protected. In short, for those domains central to individual and collective flourishing, to contribute to those goals, there must be domains in which one can advance views free of the fear of censorship. This is the definition of the freedom of speech.

But rights protect not only discourse and discursive practices such as the creation of art and the practice of religion. They also allow us to organize our lives rationally, and to plan our lives with the confidence that our plans have some chance of success. That is, rights ensure a relative clarity of expectations. That others will respect our rights to property, for instance, allows us to plan to use that property. That others will respect our right to move freely allows us to plan to travel, and to plan a career or course of action that will involve travel. And it is of course the recognition of these rights and their instantiation in a set of institutions enforcing them that allows this confidence necessary for rationally lived lives, free from the terror of the unexpected crushing of legitimate expectations.

Rights have yet another central role in our moral lives. They enable moral criticism.⁶ Among our most ethically significant activities is our criticism of ourselves, our fellows, and of alien practices. The role of rights is most central in the latter case, in that we often encounter practices that we find morally abhorrent and wish to condemn and even to extirpate. And we often find that those engaged in those practices not only show reluctance to abandon them but defend them as morally acceptable. And to make matters more disturbing, the participants in these practices may urge that our condemnation represents an illicit—even culturally imperialist—universalization of the parochial moral prejudices of our own culture to their very different context. They argue that just as they do not interfere with our moral practices, we should leave their very different culture intact and mind our own business.

A case in point is the rejoinder of the government of the People's Republic of China against pressure from Western governments and from nongovernment human rights advocacy groups, as well as the statements made by representatives of this government at the 1994 Conference on Human Rights in Asia. In these statements this government asserted that such putative fundamental rights free speech, freedom of emigration, freedom to practice religion, and indeed the entire framework of individual human rights are artifacts of Western liberalism, and that any attempt to impose respect for such a set of rights on Asian cultures is simply a new version of imperialism.

Now, leaving aside how the debate between the Chinese leadership and its critics *ought* to turn out, let us notice what the liberal discourse of rights accomplishes for its exponents in this debate: To put the matter simply, it makes the criticism of these practices possible in the first place. For absent the liberal framework, the most that we can do is notice that the Chinese government adopts different practices from our own, and comment that we, given our preferences, would prefer to live under our system than under theirs, and perhaps even that so would many of the Chinese and colonial subjects of that government. But that fact does not allow us, as outsiders, to intervene in that system, or even, with any justification, to criticize it in a way that its practitioners should take seriously any

more than our noting *culinary* differences between us and the Chinese, any more than our preference for *our* food would justify *criticism* of Chinese gastronomy. For they can respond to us in a parallel fashion: they could note that we liberals have a different system. They could remark that they, the Chinese, would prefer not to live in it, and prefer their own. However, they could remark, they acknowledge that they have no grounds on which to *criticize* our system, and ask that just as they refrain from doing so, we do likewise with respect to them. What makes moral criticism possible for the liberal is that the discourse of rights presents itself as a *universal* discourse in an important sense. It makes claims that transcend cultural difference. The rights posited are not *American* rights, *Tibetan* rights, or *Buddhist* rights, *Western* rights, or *men's* rights, and so on. They are precisely *human* rights, which are self-evidently possessed by any person. A social structure that abrogates them is not, on this view, simply different from our own in that respect: it is morally wrong in that respect.⁷ And to the extent that we can make the liberal framework precise—and that turns out to be a very great extent⁸—we can specify precise ways in which such a system in wrong and in which it must reform or be reformed.

RIGHTS, DUTIES, AND PRIVACY

Rights entail duties on the part of others. Where I have a right to something, you have a duty to respect that right. Moreover, duties toward specific persons entail rights on the part of those to whom duties accrue. If you—say as a consequence of a loan—have a duty to pay me a sum of money, I have a right that you do so. If I have a right to practice my religion, you have a duty not to interfere with that practice. Since, as we have noted, rights divide into positive and negative rights, duties similarly divide into positive and negative duties. Negative rights and duties are those liberals regard as universal. And all of the fundamental rights I have noted are of this character. Positive rights are accorded by particular kinds of institutions, such as government structures, laws, employment contracts, or voluntary agreements or associations. These last may be more conventional, less universal, and as such are generally justified on pragmatic grounds or on grounds of mutual agreement, rather than on universal moral grounds.

The important consequence of this mutual entailment between rights and duties for present purposes is that any moral theory that takes rights as foundational *ipso facto* takes duties as foundational. To the extent that our collective moral landscape is defined by our human rights, it is equally well defined by our duties. While this may seem like a trivial restatement, it raises a problem: I will argue below that compassion has as a defining characteristic an intention and aspiration to benefit even those to whom we have no particular duties, and who have no particular rights against us. We act compassionately, I will argue, precisely when we act not from duty, and precisely when we do not simply respect the rights of

others, but when we positively benefit or refrain from harming where there are no rights and duties. Moreover, as I will show, compassion governs our interactions in a private sphere where talk about rights would seem bizarre, for example, relations between parents and children.⁹ To the extent that we define the moral landscape by rights and duties, we appear not to define it through compassion.¹⁰ Liberalism and Buddhism are apparently at odds.

We can sharpen this point by attending to the deep connection between the liberal conception of the private/public distinction and the liberal discourse of rights and duties, and the consequent centrality of this distinction and of the demarcation of a specifically private sphere to liberal moral theory. This point is conceptual but can be usefully illuminated through attention to the history of liberal theory. Modern liberal moral theory has its origins in the work of the Western philosophers Locke and Kant (as well as Hobbes and Rousseau). Each was concerned in his own way to defend the rights of individuals against hegemonic powers that militated against individual liberty—in the case of Locke, the British Crown that threatened the development of constitutional democracy and mercantile capitalism, and in the case of Kant ecclesiastical authority that threatened academic freedom and the development of science. Each saw it necessary to demarcate that sphere of life in which one's liberty is properly limited by legitimate public authority from that in which one is properly regarded as autonomous, and so to demarcate a private sphere. For Kant the most important domain to protect as private is that of thought, and as such he is properly seen as the earliest forceful exponent of a fundamental right to freedom of thought and expression.¹¹ But for Locke, his philosophical predecessor, the original private domain is the home, and the most important right to privacy is the right to property, and to the noninterference with one's use of one's property and conduct in one's home.¹²

Both strains of privacy theory are influential in the contemporary world's most influential articulation of liberal moral and political theory, the Constitution of the United States of America. The constitutional protection of the right to privacy has been forcefully articulated in a series of interpretively important decisions in the past century according to which the boundaries of the private sphere are demarcated by rights against self-incrimination, against the intrusion of the state into one's home and documents, against religious coercion, against the abridgment of speech, and so on . . . , and against the dictation of one's decisions regarding one's family size and structure.¹³ These have been summed up by one U.S. Supreme Court justice in the famous epigram, "The most important right is the right to be let alone."¹⁴

This epigram in a certain sense simply sums up liberal moral theory. Liberalism is predicated on the demarcation of a private sphere in which one is free to articulate one's ideology, daily life, and vision of the good as one sees fit. What one does there may be the subject of comment by others, but not of moral

criticism. One's duties concern what one does in the public sphere. Restrictions of one's prerogatives in the private sphere are always *prima facie* violations of rights.¹⁵ I may be obligated to pay my taxes (a public matter), but I cannot be required to give money to my temple (a private matter); and if I do so, it is not out of any duty (unless I have established one through a promise). Failing to come to work on time is a breach of duty to my employer (a public matter), but failing to go to bed at a reasonable hour is a private matter—perhaps stupid, but nobody's business but my own. Or so liberal theory would have it. Liberal theory, in sum, adumbrates the goods for us earlier—security of thought and conscience, security in planning our lives, access to the good ideas and beautiful works of others, and a platform for moral criticism—simply by restricting the zone of such criticism to the public and establishing the sanctity of the private.¹⁶

Now to a certain degree, I have overstated my case. For liberal moral theory does not in fact ignore moral phenomena other than rights completely, and indeed the most prominent liberal moral theorists often have a great deal to say about character and about virtue. To do justice to all of the nuances of the liberal tradition would take us far beyond the scope of this discussion. For now, these few remarks will have to suffice to emphasize the contrast to which I wish to draw attention: first, while liberal *moral* theory is indeed richer than one might believe were one to focus solely on its discussion of rights, liberal *political* theory is very much concerned to articulate a framework of rights as an exclusive characterization of the moral structure of the public sphere. (Indeed, the separation of the moral from the political is another respect in which liberalism diverges from compassion-based moral theory.) Second, even within the moral domain, there is a preoccupation in liberal theory with an articulation of rights which often obscures other moral concerns, and a preoccupation within liberal theory generally with the articulation of the political dimension of our moral lives to the detriment of attention to the private sphere, a preoccupation explained by the demarcation of that sphere within liberalism in the first place. Third, even when liberal moral theory *does* turn its attention to matters of character and virtue, the account of these phenomena is often grounded in a primary account of rights and duties.¹⁷

THE LIMITS OF RIGHTS IN MORAL DISCOURSE

We are now in more of a position to see what is problematic about liberal theory if we want compassion to have an important place in our moral life. When rights are taken to be fundamental, too much emerges as morally permissible. Since, for instance, a person with whom I have no particular contractual arrangement has no right to my generosity, I am in no way obligated to be generous. Since no one has a claim on my concern, I need not be concerned for anyone else.

Compassion is, hence, on this view, strictly optional—one of the many permissible ways to address the world.¹⁸

This highlights the most important limitation of liberal moral discourse: it is in an important sense silent about character. Since a person's character—his or her fundamental values and set of virtues, vices, dispositions, and attitudes—is a private matter, and the first principal of liberal moral theory is to protect individual liberty in the private sphere, liberal theory can in no way by itself recommend or condemn any particular qualities of character.¹⁹ To the extent that we find character to be a morally significant phenomenon, this is deeply problematic. In particular, to the extent that the cultivation of compassion is of genuine moral significance—and for any Buddhist moral theorist it must be—then liberalism is at least deficient in its neglect of this attribute and at worst wrongheaded in characterizing it as optional.²⁰

But yet another difficulty afflicts the foundation of liberal theory, one that is indeed acknowledged by the social contract tradition, but that is never satisfactorily resolved: the general duty to respect the rights of others requires a justification. Or, to look at the other side of the coin, the claim that persons have natural rights at all must be justified, antecedent to the task that often occupies most of a liberal's attention, that of specifying exactly what our rights and duties are. And of course one cannot simply appeal to a right to have one's rights respected, or a duty to do one's duty, on pain of infinite regress.

The social contract tradition adopts one of two strategies: theorists in this tradition sometimes argue that the sanction of the rights and duties we recognize lies in an explicit or implicit original agreement to which we are all either tacit parties or heirs.²¹ Aside from the odd historical problems this raises, and the problems with the status of implicit or inherited contracts, there is a stunning logical problem with this kind of reasoning. For the original agreement to be in any sense binding, there must already be duties to keep one's word and to be bound by agreements presupposed, and correlatively rights that others abide by their agreements. The regress just adumbrated is merely ignored by talk of social contracts as binding.

The second strategy is to argue that it is in each of our self-interests to abide by the hypothesized or hypostasized right-establishing contract—that the alternative is a social disintegration that benefits none of us. There are at least two problems with this form of reasoning, though: first, for most of us most of the time, it is simply false. It is often, in fact, in terms of the kind of narrow self-interest to which morality is supposed to be a countervailing force, precisely in our self-interest to shirk our duties, and to violate the rights of others. This is not surprising. It is one of the reasons for the prevalence of evil. But more deeply, even were this true, it would be the *wrong kind* of justification for a structure of rights and duties. For it would then be the case that our having rights and duties

would be contingent upon the supposed fact that it is in others' and our own self-interest to respect them. And again, the very point of rights and duties is to *restrain* action that, while justified from the standpoint of narrow self-interest, is morally wrong. Such restraint clearly demands independent justification.

Now of course the demonstration of the inadequacy of *these* routes to the justification of liberalism as a foundation for morality does not show that *no* route will succeed. But if some route is to succeed, it will require a lot of argument to show how. And it does appear that the reasons for the failure to provide a truly adequate foundation for liberalism are principled. Valuable as rights are, they are not self-justifying, and broad as their scope is, it is not broad enough to encompass all that is morally significant. It is therefore appropriate to look for a broader foundation for our moral life, and to hope that such a foundation will allow us to preserve what goods rights promise, while giving us moral guidance in those areas where rights fail us. It is with such hopes in mind that I turn to an examination of compassion.

WHY IS COMPASSION MORALLY SIGNIFICANT?

The first thing to notice about a discourse grounded in compassion is that it allows us to address moral life in what the liberal regards as the private domain.²² That is, we can assess relations between parents and children; between spouses; between friends and siblings with regard to whether the interactions in question are compassionate or not, and with regard to whether they are of a kind conducive to the cultivation and encouragement of compassion. This is important not only because so much of moral life focuses on precisely these domains, and because liberalism is so problematically silent about these domains, but also because our moral sensibilities, even though they are often played out on a more public stage, are cultivated in these domains. The importance of attending to the nature of our "private" affairs hence transcends the already great moment of those affairs themselves in our lives.²³

Moreover, regarding our moral life in this way allows us to talk about a broad range of our choices regarding morally significant behavior about which liberalism is silent simply because of its focus on rights and duties. So my choice to give or not to give to a beggar or to a temple, or my choice to treat my fellows with patience or courtesy become matters—as they ought to be—of moral evaluation. In short, speaking in terms of compassion significantly broadens the sphere of morality to encompass more of what we pretheoretically place in that domain, and more of what is recognizably foundational even to issues that liberalism locates at center stage.²⁴

In addition, we can make greater sense of moral development from the standpoint of compassion than we can from the standpoint of liberalism. There is a certain mystery about moral development as seen by the liberal: how do we come

to be good persons? Since for the liberal to be a good person is for him or her to respect rights and discharge duties, moral education would seem to require and to comprise exactly education regarding duties and rights and training in discharging and respecting them. But if we actually examine what kind of upbringing in fact leads to the development of morally admirable persons, it just does not conform to this pattern. Loving families, close relationships, and exposure to kindness seem as a matter of fact to be the necessary conditions for satisfactory moral development. This makes little sense if moral development is *liberal* moral development but makes perfect sense if to develop morally is to develop compassion. For children learn modes of interaction and attitudes to which they are exposed in childhood. Those brought up compassionately learn to be compassionate. And it is these children who grow to moral maturity by any standards. They are precisely the individuals who respect the rights of others and who discharge their duties. Grounding that moral maturity in their compassion makes moral development comprehensible.

Grounding moral theory in compassion has an interesting consequence: the public/private distinction so fundamental to liberal moral theory vanishes. That divide is, as I discussed earlier, that between what is of moral concern—one's public life—and what is a matter of personal taste—one's attitudes and values. Liberalism constructs that divide because of its essential concern with the right to privacy as the fundamental moral good to be protected. But when we take compassion as the primary object of moral concern, there is no basis for the primacy of such a divide. The concerns of morality are, from this standpoint, both broad and uniform. The same questions can be asked about my behavior in my home that can be asked about my behavior in the street. The same standards of evaluation apply to my business and political relations that apply to my fundamental values or religious commitments.²⁵ This represents a very different view of the moral landscape. Again, we must ask just how this view can be reconciled with the view embodied in liberalism. They cannot simply be joined. Moral life cannot be both heterogeneous and homogenous. And yet, there is something, as we have seen, of great value and truth in both.

Before reconciling these divergent perspectives, I will note another way in which compassion and liberalism differ as perspectives on ethics: moral criticism must be seen differently. When a liberal criticizes a social practice or institution on moral grounds, she or he argues that it violates of certain fundamental human rights. When one criticizes a social practice or institution from the standpoint of compassion, on the other hand, the grounds of such criticism are equally universalist, but somewhat different and more straightforward: institutions and practices are not deemed wrong because they violate some right (though, as we shall see, this might often be the case, and might often be derivative grounds for such criticism) but rather simply because they are harm people; because they are not expressive of individual or collective compassion, and because they do not foster

it among the citizens exposed to those institutions.²⁶ From the standpoint of liberal moral theory, this is an inadequate basis for *moral* criticism, simply because the individuals harmed or denied benefits may have no particular *rights* against those harms or to those benefits. But from the standpoint of compassion, that is irrelevant to the question of the immorality of such institutions.²⁷

RIGHTS WITHIN COMPASSION

Having scouted the principal differences in outlook between liberalism and compassion-based moral theory, I now return to the central problem this chapter aims to resolve: given that these two approaches to moral theory—which at first glance appear so harmonious—turn out upon inspection to be very much in tension with one another, is it possible to join them in any way? That is, is the recurrent plea of His Holiness the Dalai Lama on behalf of both human rights and compassion coherent? If so, how?

Given our accounts of these two frameworks, it should be apparent that if liberalism is taken as foundational, this task is hopeless. For central to liberalism is the protection of the private, and central to that protection is the protection of individuals from obligations to undertake any particular attitudes or visions of the good life. And compassion is nothing if not a very particular moral attitude, and an embodiment of a very particular vision of the good life. Liberalism essentially makes compassion optional.²⁸

But what happens if we adopt compassion as the foundation of our moral outlook and try to reconstruct what we can of a liberal account of rights and duties upon that foundation? There is more hope in this direction. Moreover, not only can we construct a unified moral framework in such a way, but also some of the outstanding problems concerning rights insoluble within the framework of liberalism admit of solution within the framework provided by compassion. In particular, the problem of the sanction of rights and duties will turn out to have a straightforward resolution.

To begin from compassion is to begin by taking the good of others as one's own motive for action.²⁹ This happens quite naturally within the family and the circle of one's intimate friends and associates, when those relationships are healthy and intact. Hume remarks: "[T] rare to meet with one, in whom all the kind affections, taken together, do not over-balance all the selfish . . . [T]here are few that do not bestow the largest part of their fortunes on the pleasure of their wives, and the education of their children, reserving the smallest portion for their own proper use and entertainment" (1978, p. 487).

But compassion, like the gravitational force to which in local social life it is so analogous, obeys something like an inverse square law and so will end up being counterproductive on a large scale: the related to us a person or other less sentient being is, the less natural compassion we feel for his or her suffering, and

the easier it is to be indifferent or even hostile. Were this phenomenon to persist unchecked in human affairs, the sentient universe would, as a consequence of the operation of this essentially local force, come to resemble the physical universe, shaped as it is by the essentially local force of gravitation: we would find ourselves living in small, internally tightly bound but mutually hostile bands, each one of us bound to our immediate fellows, and intensely loyal to members of our clans at the expense of the interests of others, like tiny planets floating in sterile isolation in the frigid vastness of space:

But tho' this generosity must be acknowledged to the honour of human nature, we may at the same time remark that so noble an affection, instead of fitting men for large societies, is almost as contrary to them, as the most narrow selfishness. For while each person loves himself better than any other single person, and in his love to others bears the greatest affection to his relation and acquaintance, this must necessarily produce an opposition of passions, and a consequent opposition of actions . . . (ibid.)

This would of course be a profoundly unsatisfactory state of affairs. For one thing, it runs against even the narrow self-interest of all concerned. We deprive not only others of the benefits to be derived from interaction with us, but also ourselves the benefits to be derived from interactions with them. Moreover, we perpetuate an unstable and dangerous hostility that keeps us all in a state of peril. But moreover, it runs against both reason and another component of human nature—our capacity for imaginative exchange of our own situation for that of others. For reason urges that drawing distinctions in the absence of genuine difference is arbitrary, and that doing so in ways detrimental to the interests of all concerned is downright stupid.³⁰ And that is precisely what the narrow limitation of compassion does. For this reason compassion must be deliberately given a public, social face.

The construction of an edifice of rights can hence be seen, as Hume saw it, as a device for extending the reach of natural compassion and for securing the goods that compassion enables to all persons in a society. For, he saw, compassion is a natural endowment of the human being, present in each of us as the innate attitude toward those close to us—those for whom we care and those who care for us. Since we all require, as we have argued, the many goods that rights enable, including the ability to express ourselves, the security to plan and to conduct our lives, and the availability of a platform for moral criticism; and since we each benefit from a society in which all enjoy these goods, not only self-interest but regard for each other demands that we adopt a mechanism for enabling these goods. By a natural process of generalization, compassion extends to those in our larger family, and in our circle of friends, associates, and acquaintances. So while compassion is of the utmost moral significance, we need no moral theory or explicit social structure to ensure its operation in this intimate ambience. Human

nature takes care of this (and even on an antiessentialist Buddhist view of the nature of persons, we can successfully appeal to contingent universal, and even innate facts about human psychology). But to extend it far enough to ensure necessary social goods, we need a mechanism, a human convention. Conferring rights is simply the best mechanism we have devised to this end. Hume expresses the idea this way:

The remedy, then, is not deriv'd from nature, but from *artifice*; or more properly speaking, nature provides a remedy in the judgment and understanding, for what is irregular and incommensurable in the affections. For when men, from their early education in society, have become sensible to the infinite advantages that result from it, and have besides acquir'd a new affection to company and convention; and when they have observ'd, that the principal disturbance in society arises from the goods, which we call external, and from their looseness and easy transitions from one person to another; they must seek for a remedy by putting these goods, as far as possible, on the same footing with the fix'd and constant advantages of the mind and body. This can be done after no other manner, than by a convention enter'd into by all the members of the society to bestow stability on the possession of these external goods, and leave everyone in the peaceable enjoyment of what he may acquire by his fortune and industry. (Hume 1978, p. 489)

...

After this convention . . . , there immediately arises the ideas of justice and injustice; as also those of *property*, *right*, and *obligation*. The latter are altogether unintelligible without understanding the former. (*ibid.*, pp. 490–491)

Moreover, as we are all aware both as a consequence of our introspective evidence but also as a consequence of the evident ability of the media to stir the sympathy of millions for even those who are very distant physically, culturally, and circumstantially, we are endowed with an innate ability and propensity to imagine ourselves in the place of others and to be moved by their suffering and interests, even when these others are far from us on every relevant dimension of distance. We teach each other to cultivate this capacity, and it forms the basis of our ability to extend the bounds of our community of interests beyond our immediate circle of friends. It gives rise to sentiments of solidarity with those we recognize as like us: in its most limited form, petty nationalism or communalism (dangerous sentiments, perhaps, but better than egoism and steps on the way to something better); with greater scope, to nationalism; and finally, in those of the highest moral character, to universalism. In each case, the greater generalization is achieved by coming to see others as more like us, or like those to whom we

already extend compassionate regard, and by imagining ourselves or those we already love in the circumstances of the other.³¹

But having extended the sentiment of compassion, we must then ask how to turn that sentiment into tangible goods for those to whom it is directed, as well as how to ensure that those goods are available even when imagination and instinctive human goodness fail, as they all too often do. And that is where rights come in. By extending either a basic set of general human rights to our fellow persons, or more particular rights of citizenship to those who share our vision of civic life and who participate with us in its institutions, we grant enforceable claims to the goods of life and against oppression. These provide the tools with which each individual can protect him or herself and achieve his or her own flourishing. These tools will be available even when our compassion or those of others fails and can even be used as rhetorical vehicles to reawaken that compassion.

This has been successfully demonstrated in the Indian independence movement, the American civil rights movement, the South African anti-apartheid movement, and, though sadly with less tangible success, in the Tibetan freedom movement. In each case, a double role can be discerned for rights: on the one hand rights are used as tools to fight against those who show a paucity of compassionate regard for the oppressed. They can be asserted in courts of law, in political processes, or in diplomatic channels in order to secure the goods that would ordinarily be available through fellowship. On the other hand, the very assertion of those rights makes a claim to humanity and hence a claim to compassionate regard. Mahatma Gandhi, the Rev. Dr. Martin Luther King, President Nelson Mandela, and of course His Holiness the Dalai Lama have, in strikingly similar ways, used the assertion of rights as part of a rhetorical demonstration of the humanity of those on whose behalf those rights are asserted. This demand to recognize humanity is at the same time a call to others to imagine themselves in the place of the oppressed, and so to generate compassion, and so to act on behalf of the oppressed.³²

The important feature of such appeals for present purposes is this: in no case is it either necessary or helpful to take the rights to which appeal is made as constituting moral bedrock. To merely note that someone has a right is not to establish that that person has a claim on *me* to act. And in general, rights claims by themselves will be impotent to establish such obligations. No particular English person could have been shown to have an obligation to assist any particular Indian; no American stands under any definite obligation to liberate any particular Tibetan. What generates our sense of moral duty in such cases is the fact that we come to *care* about those in need, and that we see them as *our fellows*. And we treat our fellows in a way nicely captured by the rights we are called upon to recognize. In short, others' rights generate claims on us not because of the brute fact of rights-possession, but rather because of the brute fact that those

others are seen *not* to be *other*, but rather as *our own*. And hence they have a claim on our feeling. Rights are on this account not insignificant: they have a central moral role in gaining recognition, in giving specificity to claims for action, and even as tools against those who withhold recognition. But without a foundation in the compassion that recognition facilitates, rights become pointless. And if there is an antecedent relation of compassion, rights are unnecessary. To quote Schopenhauer:

If anyone were to ask me what he gets from giving alms, my answer in all conscience would be: "This, that the lot of that poor man is made so much the lighter; otherwise absolutely nothing. Now if this is of no use and no importance to you, then your wish was really not to give alms, but to make a purchase; and in that case you are defrauded of your money. If, however, it is a matter of importance to you that that man who is oppressed by want suffers less, then you have attained your object from the fact that he suffers less . . . (1965, p. 165, trans. E.F.J. Payne)

Neither rights nor incentives can motivate compassionate action. But compassion can certainly provide the motivation for constructing a system of rights, and for the creation of incentives to further compassionate action.

BEYOND PRIVACY

The foregoing discussion entails neither rejection of a central role of rights in moral and political discourse nor regarding them as morally fundamental. In its preservation of a role for rights, it recontextualizes them as a mode of expression of and as a call for the exercise of compassion, and as moral tools to ensure the personal and collective flourishing that is possible and valuable only in the context of compassionate interpersonal relationships and a compassionate attitude toward the world. Without such a context, a meaningful human life is not possible; meaningful accomplishments would not find their necessary conditions. And even if by some miracle these conditions were satisfied, and what would otherwise be meaningful accomplishments were achieved, they would have no larger significance absent a culture designed to enable them to benefit other beings and the world.

But we thus retain rights in a very different form than that recognized by that liberal moral theory responsible for their articulation. This is true because by taking compassion as our moral foundation we erase the fundamental divide between the public and the private spheres that grounds liberal theory and a liberal construal of rights. The reason for this is that once one regards one's character, attitudes, and relations to others as topics of moral discourse, one

allows morality and moral criticism to intrude into the most intimate realm of personal life; once one subjects one's view of the good to moral evaluation, there is no sphere of thought and action protected from such scrutiny by a demarcation of a zone of privacy; and once one allows the same moral questions to be raised about one's behavior in the household and family as about one's behavior in the marketplace or in the international political arena, the very line between the public and the private domains whose demarcation is the point of liberalism and the task of rights is erased completely.

This erasure could be seen in one of two ways: negatively, it means that we open the boundaries of our private lives to intrusion to the demands of morality. We cannot say, as can the liberal, that our choice about what kind of person to be, and other such moral decisions are "nobody's business but our own."³³ On the other hand, it also means that the positive reach of morality, and its potential as a force for human development is extended from the marketplace and political arena into the family and into our most intimate deliberations.

But the erasure of this fundamental principled divide must not be seen as the rejection of the value of privacy *tout court*. For privacy is indeed a good, and, as we saw above, a good essential to many kinds of flourishing. Much of what we do in life requires the kinds of protection comprised by the general right to privacy—including freedom of speech, association, religious practice, and so forth. The security that allows us to order our lives, to develop our talents, and to express our views is a good deserving of protection, and its protection is a matter of primary concern to morality as it is articulated in public policy. But the very fact that privacy so understood, and the cluster of rights it comprises are such goods entails that they are goods that compassion leads us to grant to one another, and that a compassionate society grants to its citizens. The failure to do so would constitute a kind of cruelty. The privacy so granted, however, is different from the privacy understood by the liberal: it is a set of freedoms *to* pursue ends, *to* express views, and *to* develop talents. But it is not a freedom *from* moral constraint. Those ends, views, and talents are themselves understood as bound by our interrelations, and the freedom that is one aspect of privacy so understood is hence constrained by our moral bonds to one another. On this view, our mutual responsibility is fundamental, not our personal rights. Personal rights emerge only as goods we extend to one another as a consequence of our concern.³⁴

CONCLUSION: RIGHTS AS FOUNDATIONS VERSUS RIGHTS AS DERIVATIVE

We can now sum this investigation up straightforwardly: human rights in the West have, for the past three centuries, been most frequently articulated within

a liberal moral framework. While there is a real conflict between such a framework and an outlook that grounds morality in compassion, there is nonetheless no real conflict between seeing compassion as the fundamental moral phenomenon and recognizing and utilizing rights in moral criticism and in moral and political discourse. The apparent conflict is resolved by grounding rights not in the liberal theory of the public/private dichotomy, but rather in compassion itself. On such a view the purpose and sanction of rights derive exactly from their role in extending natural compassion when it might not naturally be extended, in eliciting compassion where it is tardy, and in articulating compassion skillfully. Rights are hence important at a number of levels, despite being morally derivative.

Moreover, despite the erasure this entails of the principled boundary between the public and the private, a morality based on compassion allows us to recognize and to protect the fundamental values that are embodied in a right to privacy. The very rights that liberals properly advance and protect so vigorously are reconstructed and protected with equal vigor on a new basis when they are grounded not in individual autonomy but rather in collective mutual responsibility.

Taking rights and individual autonomy as foundational to morality does indeed give us a great deal ethically and politically, and nobody who looks at the general trend—albeit occasionally halting and marked by setbacks—toward greater freedom, democracy, and their ancillary human goods in the world can help but be grateful to liberal moral theory for its significant role in facilitating this progress. At the same time, however, we must recognize that this approach to morality comes at a price, the essential individualism of liberal theory. And while that individualism is a useful liberative tool against tyranny, it can also be an obstacle to the development of mutual responsibility and to the extension of compassion to others that moral life also demands. The development of these traits of character are, of course, on a Buddhist understanding, enabled precisely by the relinquishing of a sense of oneself as an isolated, integrated entity, and the tension between the liberal commitment to the integrity and individuality of the self as the foundation of morality and the Buddhist commitment to the annihilation of precisely that conception as a condition of moral progress is the root of the conflict between these two perspectives.

By instead starting from a perspective that takes our mutual responsibilities and our moral sentiments as foundational, we can avoid paying the price of this individualism, and can reconstruct, albeit on new foundations, many of the same rights the liberal defends. We thus get a more far-reaching moral sensibility. To be sure, we lose something the liberal values: the protection of our right not to care about others, and to pursue our own vision of the good life in isolation. But in a world characterized by the omnipresence of suffering, that is a right well lost. Finally, we can now understand how it is possible, despite the vast difference

in theoretical outlook between liberal and Buddhist moral theory, for a moral advocate such as His Holiness the Dalai Lama simultaneously to advocate the cultivation of compassion as the most basic moral task and work toward the recognition of human rights. For properly conceived, the latter is but the social face of the former.