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# BEING A BUDDHIST AND A LAWYER

*Kinji Kanazawa*<sup>✱</sup>

PROFESSOR Joseph Allegretti, in his commentary on the relevance of religion to the practice of law, provided a Judeo-Christian perspective.<sup>1</sup> Certainly, the question of such a relationship will be approached somewhat differently in different religious traditions.

My response is based on Buddhism as the informing religious tradition in my experience, both as a person and as a lawyer. It may be well for me to provide some background on Buddhism in order to shed light on my functioning as a whole being. Too often, Buddhism, because it is practiced by relatively few Americans, is unknown or misunderstood. A movie actor who announces that he has converted to Buddhism, proceeding to shave his head and wear robes, or a celebrity that *Time* selects as one of the most influential people in America,<sup>2</sup> do not provide the most useful reference point in a discussion of this sort.

Buddhism is not only a religion, but is also a philosophy, a psychology, and a way of life—a path to enlightenment. Buddhism is not based on mandates or commandments, nor does it depend on the concept of a powerful god or divine savior, such as the Judeo-Christian God or the Muslim Allah. Buddhism's founder, Shakyamuni Buddha, was a prince in northern India more than 2500 years ago, a unique religious teacher who provided counsel on the path to enlightenment.<sup>3</sup>

Buddhism provides a framework for people to see things as they are, and as they inevitably change—to recognize that beauty abounds, and also to accept suffering as a part of life. It provides instructions on living in a thoughtful, tolerant, and compassionate manner, recognizing the diversity and interdependence of all living beings and all things. In Buddhism, everyone is possessed of a Buddha nature and has the potential to become a Buddha.

Buddhism is not an evangelical or apostolic creed; it does not seek followers, yet it encourages anyone who would follow the path to enlightenment. All people are seen as equal in Buddhism—whatever

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1. See Joseph Allegretti, *Lawyers, Clients, and Covenant: A Religious Perspective on Legal Practice and Ethics*, 66 *Ford. L. Rev.* 1101 (1998).

2. For a report on the recent popularization of Buddhism in America, see David van Biema, *Buddhism in America*, *Time*, Oct. 13, 1997, at 72.

3. For general discussions of Buddhism and the life of Buddha, see Bukkyo Dendo Kyokai [Buddhist Promoting Foundation], *The Teaching of Buddha* (1979); Gyodo Haguri, *The Awareness of Self: A Guide to the Understanding of Shin Buddhism* (1967); Nolan Pliny Jacobson, *Buddhism: The Religion of Analysis* (1965); George N. Marshall, *Buddha, the Quest for Serenity: A Biography* (1978).

their ethnicity, whatever their socioeconomic level, whatever their educational background, whatever their geographic location, whatever their gender. There is no I-Thou relationship often found in other traditions.<sup>4</sup> Buddhism supports the notion that each and every person has the potential to become an enlightened being, at one with and equal to Amida Buddha.<sup>5</sup>

Buddhism espouses the doctrine of impermanence, the idea that all beings and all things are constantly changing. A Buddhist cannot grow depressed when things are going poorly, because those things will change. A Buddhist cannot grow overly happy when things are going well, because those things will change, too. Buddhists know that life is indeed a bumpy road, and that a measured, contemplative approach to all things—to all conditions of life—is best.

In Buddhist terms, good and evil are not opposites to be rewarded or punished, and the same is true of their practitioners. Because of the boundless compassion found in Buddhism, even those who may have exhibited evil *karma*<sup>6</sup> by harming others or slandering the teachings of Buddhism through their thoughts, their words, or their actions, enjoy the assurance of enlightenment. It is well understood in Buddhism that human nature is such that no one is immune to feelings of greed, anger, selfishness, or hatred; it is also well understood that through a life of appreciation, self-awareness, self-effort, and compassion for others, progress toward enlightenment is achievable. The “middle path” espoused by Buddhism condones neither asceticism nor indulgence, avoids superstition, sacrifice, and petitioner practices, and denies the existence of an immortal “soul.”<sup>7</sup>

There are six *paramitas*, or precepts, of Buddhism. The first is *dana*, meaning generosity or selfless giving of our love and time to all. Let me give you a brief example of *dana* in action. Noting the growing population of elderly and frail persons in Hawaii, many with little assistance and support, a group of volunteers from the Buddhist tem-

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4. That is, the central emphasis of Buddhism is to assist man to become truly aware of the profound interrelated-interdependent oneness, of the self and the environment, leading toward the attainment of enlightenment and Buddhahood. In the Judeo-Christian dualistic concept, by contrast, God is the creator and man the created. Because of the fundamental sin of man, religion is viewed as a means of assisting man to reestablish its original relationship with God. Man cannot become God and God cannot become man, giving rise to the “I-Thou” concept. See generally Martin Buber, *I and Thou* (1974).

5. “Amida” (or Amitābha in Sanskrit) is the name of a Buddha who has Infinite Light and Infinite Life. See Christmas Humphreys, *A Popular Dictionary of Buddhism* 30 (2d ed. 1976) [hereinafter Humphreys, *Dictionary*]; Hisao Inagaki, *The Three Pure Land Sutras* 20-26 (1994).

6. *Karma* literally means “action.” Humphreys, *Dictionary*, *supra* note 6, at 105-06; see also 2 *The Collected Works of Shinran* 183 (Dennis Hirota et al. eds. and trans., 1997); Christmas Humphreys, *Exploring Buddhism* (1974).

7. See Jacobson, *supra* note 1, at 38-39. Humphreys, *Dictionary*, *supra* note 6, at 128 (“The Middle Way”).

ples started a program called Project Dana.<sup>8</sup> Volunteers, committed to providing a range of services for these needy individuals and their families, offered their services without desire for recognition or appreciation. In providing those services, the volunteers proceeded further down the path toward enlightenment.

The help they provide is not dramatic or perhaps even exceptional. They take elderly and frail people to doctors' appointments, grocery shopping, and church services; do light housekeeping and make small household repairs; stop by to visit, providing some relief to the principal care-givers; and make reassuring telephone calls to let the frail and aged know that they are not forgotten. Project Dana is a simple and clear manifestation of Buddhism in daily practice.

The second *paramita* is *sila*, or morality; to think, speak, and act in the kindest way. The third precept is *ksanti*, or patience; to be grateful for lessons learned, to be forgiving, and to avoid fault-finding. The fourth is *viryā*, or perseverance; to make every effort to live a good life, following the teachings of Buddha in everyday activity. The fifth is *dhyana*, or meditation; to refresh our thinking each day and to be mindful of our goal in life. The sixth is *prajna*, or wisdom; to recall that the light of the Buddha's teachings obliterates the darkness of ignorance.

Buddhism, as noted above, recognizes and cherishes the diversity of all things. In our worldly presence and in our limited sphere of life, we find, for example, a multitude of people with different cultural, economic, and educational backgrounds in various geographic locations, all sharing their unique qualities and values. Our nation is displaying greater diversity each day. Although we should celebrate this diversity, not everyone is comfortable with it. Buddhists, however, treasure the profound interconnections of all the components of the world: From the atom to gigantic mountains; from minute single-celled organisms to the largest mammals; from the tiniest to the largest organizations. The perpetual movements of these differences in their total dimensions support the Buddhist teachings of impermanence, interdependence, and the dependent origination of change.

A now familiar but useful social metaphor is provided by the concept of a tossed salad, prepared with loving care as one of several dishes for a family supper. A variety of ingredients—leafy greens and other vegetables—are tossed together and mixed with a favorite dressing. When we eat the completely blended salad, we enjoy its most appetizing flavor, savoring the goodness of the whole. This delightful experience reminds us that each ingredient, with each being given respect for its distinctive contribution, has become part of the

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8. For discussions of Project Dana, as well as the six *paramitas*, see Project Dana documents on file with the *Fordham Law Review*. See also Humphreys, Dictionary, 145-46 ("Paramita").

harmony and oneness of the salad. Buddhism would have us treat each person just as each ingredient in our salad is treated—with respect for diversity and interdependence. To diminish or degrade anyone because of differences in culture or background is contrary to the teachings of Buddhism. To attempt to elevate one individual over another is counter-productive and destructive; to try to force everyone to be the same is hurtful. Grinding the distinctiveness of each individual into a common powder yields a dull pancake mix. The hearty tossed salad must remain our objective. Be a hearty tossed salad, not a flat and uninteresting pancake.

The application of any religious teachings to the work of lawyers can generate multiple manifestations of behavior with regard to moral conduct, ethical codes, just practices, and judicial respect. How the benefits of constructive religious conduct will apply in given cases is dependent wholly on the nature of each individual attorney and how open he or she is to positive influence.

I agree fully with Professor Allegretti that faith cannot be rigidly separated from work.<sup>9</sup> I am sympathetic, too, to the Christian message expressed by Reverend Davida Foy Crabtree that every moment, every place and every interaction is sacred and holy.<sup>10</sup> While Buddhism, as I have explained, is not a religion in common parlance nor a compilation of commandments, the path to enlightenment that it proposes informs every aspect of a Buddhist's daily life. It "cannot be rigidly separated from work," or from any other activity for that matter.

An unrestricted application of the doctrines of diversity, impermanence, inter-relatedness, and the all-embracing doctrine of interdependency in any judicial case, whether criminal, civil, or constitutional, would generate varying views in our society. There is no case in which one person is solely guilty, liable, or responsible. Any case whatsoever, or any karmic act whatsoever, involves a hidden series of karmic acts.<sup>11</sup> "It takes a village" to make a person.<sup>12</sup> Every individual case is like the tip of an iceberg. In a criminal case, we cannot solve the problem simply by saying "guilty" or "not guilty"—it

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9. See Allegretti, *supra* note 1.

10. Reverend Crabtree enunciates a Buddhist theory of causation, in that every deed (physical, oral, or mental) and every moment is interrelated and interdependent. See Davida Foy Crabtree, *Empowering the Ministry of the Laity in Workplace, Home and Community: A Programmatic and Systemic Approach in the Local Church* (1989).

11. Each of our acts has an influencing power upon our future, and this is regarded as one's *karma*. Repeated acts of a certain nature will be accumulated, and their potential impact will be reflected accordingly in future conduct.

12. Hillary Rodham Clinton, *It Takes a Village, and Other Lessons that Children Teach Us* (1996). A manifestation of the impact of the cumulative actions, good or bad, is reflected in the description of the person she has in mind. (She is a good Buddhist!)

is not that simple. The prevailing laws, judicial precedents, and social and cultural considerations obviously will affect our conclusions.

As a lawyer, I have tried to approach each client, each case, each jury, and each judge in a manner that reflects my respect for life as a whole. I have attempted to treat every situation with regard for diversity and interdependence. I have seen myself as one with the community in which I function, learning from all and urging mutual understanding, respect, and a common solution.

For a Buddhist, each activity in his daily life provides an opportunity for greater enlightenment. Therefore, I have not separated my legal affairs from my community responsibilities. In fact, they have often come into concert, as in my service as counsel for the Honpa Hongwanji Mission Buddhist temples in Hawaii. Because Buddhism is "a way of life"—a set of encouragements rather than of mandates—I cannot connect easily legal concepts, such as covenants and contracts, with Buddhism, as may be done more easily in the Judeo-Christian tradition.<sup>13</sup> Suffice it to say that I am what I am—a Buddhist and an attorney—the two designations being, not distinct parts of my life, but aspects of a whole.

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13. See Allegretti, *supra* note 1.

*Notes & Observations*