APPLYING BUDDHIST PRINCIPLES TO AMERICAN LEGAL EDUCATION

The following is an excerpt from an essay titled "The Daishonin's Path: Applying Nichiren's Buddhist Principles to American Legal Education," authored by SGI-USA member John W. Teeter Jr., professor of law at St. Mary's University School of Law in San Antonio, Texas. The entire article will be featured in an upcoming issue of Living Buddhism*. Professor Teeter comments: "In this article, I explain the important role Nichiren Daishonin's wisdom and compassion can play in the education of lawyers." It was published in the scholarly legal journal* McGeorge Law Review*, University of the Pacific, in Sacramento, Calif. (Not all footnotes in the original article are cited; footnotes used have been revised.)*

I. Introduction

Nichiren Daishonin was a Buddhist priest in 13th-century Japan. He was a radical figure whose unceasing attack on the official Buddhist practices of the day incurred the wrath of both secular and religious officials. Twice he was sent into exile and once he was nearly beheaded for his refusal to remain silent in the face of what he considered the corruption of true Buddhist principles.

The Daishonin emphasized the primacy of the Lotus Sutra as the foundation of Buddhist beliefs. This sutra, which embodies the highest teaching of Shakyamuni Buddha, declares that all living beings inherently possess the Buddha nature with its accompanying virtues of wisdom, courage, compassion and life force. Regardless of gender, social class or previous life-condition, all of us have an equal opportunity to attain enlightenment. Furthermore, it is possible to manifest our Buddha nature in this lifetime instead of having to practice austerities for *kalpas* or yearning to be reborn in some heavenly land. Throughout his life, Nichiren Daishonin exhorted his followers to adhere to the Lotus Sutra and pursue enlightenment regardless of the persecution and other temporal hardships they endured.

These lessons are inspiring, but their relevance to American legal education may be less than obvious. Upon reflection, however, I find that fundamental aspects of Nichiren Daishonin's teachings merit our attention. The Daishonin was a tireless mentor for his disciples, and his call for compassion, critique, courage, and wisdom are essential for law students and teachers alike.

The purpose of this essay is not to convert readers to my faith or to purport to decide how Nichiren Daishonin would reform legal education. Moreover, I trust I am not trying to load my homespun ideas with artificial import by appropriating the garb of an esoteric philosophy. Instead, I offer my thoughts in the spirit of sharing a remarkable man's perceptions and how they might inform the way we teach and advise our students. By doing so, I hope to encourage others to reflect on their own sources of spiritual sustenance and examine the contributions they can make toward deepening the relevance, meaning and joy of legal education.

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II. A Look in the Mirror

*"[A]n animal dressed in priestly robes."*1

Before pondering how we can help students, we must first examine ourselves. Professors are the high priests of the academy, enjoying enviable prestige, power and financial remuneration. It is apparent, however, that so many of us are fallen priests, going through the motions of performing sacraments in which we no longer believe. As Roberto Unger illustrates, professors can resemble "a priesthood that had lost their faith and kept their jobs" while standing "in tedious embarrassment before cold altars."[2]

Nichiren Daishonin's verdict is even harsher. As he charged:

This is an urgent call to those who profess to profess, a call to a self-criticism more piercing and painful than any critique we could rightfully levy toward students. The Daishonin well understood the temptations of tenure, the penchant to jabber rather than sing. A recurrent theme throughout Nichiren's Buddhism is the need for humility in priests, and by extension, all others who purport to guide or instruct. Professorial posturing is merely "thunder that rolls but brings no rain,"4 and "the braying of a donkey cannot cause the winds to blow."5

Most professors lead enviable lives. Our congenital pouting and "unearned unhappiness"6 are therefore difficult to fathom. Take your three most serious grievances and relate them to a real "worker," whether she be the managing partner of a law firm or a dishwasher at the local delicatessen. Your wails of woe will be met with either bitter snickering or stunned silence. We are remarkably well paid for what we do and precious few jobs offer the personal liberty and intellectual satisfaction we take as our birthright.

A price for this is inevitable. We can pay it either by becoming the jaded priests of little faith or by striving, pushing and demanding of ourselves that we mentor our students and pursue pedagogical excellence — however subjectively defined — with the loving tenacity of a relentless pilgrim. Our profession does not permit complacent goodness; we must strive to excel or else lapse into fraudulence. This is simply the choice we embrace through our audacity in purporting to teach others.

Is such effort necessary to make it as a teacher? No. At least not in any material sense. Any high-bright carnival barker can entertain students, and there is always some journal that will publish the dreck we spew. Generations of mediocrities have attained tenure, and "[t]he banners of their pride were lifted up higher than the heaven where there is neither thought nor no thought, and their dogmatic rigidity was harder than metal or stone."[7]

All actions have consequences, however, and a glorified fossil is nonetheless petrified. Professional security is of little consequence when one knows he is merely a competent showman. "To be praised by fools—that is the greatest shame,"8 even when the applause emanates from tenure committees.

As professors, we must traverse the double helix of both being teachers and being taught. We must also recognize our dual obligations to transform our perceptions of the law while empowering our students to do the same. This requires toil, which can seem so unrequited, and a sustaining belief that we have something worth developing for ourselves and our students. As the Daishonin enjoined a follower, "[y]ou must not only persevere yourself; you must also teach others. Both practice and study arise from faith. Teach others to the best of your ability, even if only a single sentence or phrase."9

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III. The Professor As Mentor

Mentoring is a special form of teaching, a one-to-one journey for the enrichment of both. Nichiren Daishonin understood the importance of relating to his followers on a personal, mentor–disciple basis. Although he wrote major doctrinal treatises on Buddhism, he also penned hundreds of letters to followers, counseling them on a myriad spiritual and practical issues. This empathy undoubtedly has contributed to the faith his teachings have engendered over the past seven centuries.

To be candid, few professors serve as mentors in any meaningful sense. The nuances of empathy seldom arise among us because we are seldom available to our students in the first place. This widespread lack of accessibility is as puzzling as it is detrimental. Why, one wonders, do people go into teaching when they are so loath to spend time with students? How can they justify their bloated salaries based on only a few hours' teaching per week? The quick retort is that we are paid to publish, and that our ceaseless efforts to enlighten the professoriat with our scholarship excuses our refusal to grace students with our time.

A trade-off inevitably exists between accessibility to students and time for scholarship. It is disheartening, however, that so many of us use the "research defense" to shirk our obligations to students. First, it seems that the most prolific professors are often quite generous with their time. Based on my observations as both a student and a teacher, I would conclude that the drive-to-publish defense is more commonly employed by tenured rascals with skimpy output. Second, we need to undertake an unblinking assessment of whether we will actually reach and help more people through grinding out yet another article or by giving our students the time and attention they deserve.10 Before reaching any firm conclusions, type your name into the "TP-ALL" library on Westlaw and see what you harvest. Is your work commonly cited in leading reviews? Or, like me, are you stabbing at peas with a fork? (When "Teeter" comes up on Westlaw, it is usually as a verb.) We must continually push ourselves to be productive scholars, for it is part of our professional duty to participate in a collective discussion of the law. In all frankness, however, the vast majority of us cannot pretend that our contributions to legal literature will excuse a snotty disregard for our apprentices. Like Nichiren Daishonin, our entire bearing toward students should radiate the words, "I am always ready to clear up any further questions you may have."11

Does this mean we should endeavor to be our students' friends? Yes, with the explicit recognition discussed below that a true friend should unflinchingly offer sincerely felt criticisms. From Buddhas to barristers, no one reaches her potential alone. There is always the need for a *zenchishiki*, a good friend. As Nichiren Daishonin pondered, "How far can one's own wisdom take him? If one has even enough wisdom to distinguish hot from cold, he should seek out a good friend."12

The concept of the professor as "friend" may appear sappy and even pernicious. Students must learn to be independent, and true friendship may prove problematic amidst the hierarchical distance between professor and student. As Unger warns:

Unger's point is provocative but seems hardly apropos to the student–teacher relationship. Simply put, the interaction between law professors and their students cannot fairly be described as one of "inalterable superiority and subordination." Students need to be reminded that they are not without a voice and that their judgments of professors carry some undeniable impact. Students "grade" us in numerous ways: by deciding whether to

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take our elective courses, by their level of class participation, through their evaluations of our teaching, and, in the law review context, by deciding whether our scholarship is worthy of publication. Finally, as graduates, their feedback from the world of practice offers rich and occasionally biting analyses of whether we prepared them for life in the law. Pretending that students are helpless serfs corrupts teachers, infantilizes students and obscures the potential for mutually rewarding mentor–disciple relationships.

Mentoring is greatly needed, highly feasible, and carries tremendous potential for both teacher and taught. Students undergo considerable stress as they struggle to adjust to the demands of law school. As demonstrated in one recent study, some 40 percent of law students rank extremely high "on symptoms relating to obsessive-compulsiveness, anxiety, social alienation and isolation, and interpersonal sensitivity."13 There is a deep need for what Beck and Burns have termed the "faculty-friend," someone the student can turn to in confidence for counseling and encouragement.

Transforming oneself into a faculty–friend has its obstacles and limitations. Many of us feel more at home with "intellectual puzzles" than with "emotional problems." Furthermore, the professor must recognize her finite capacity to help students cope with serious emotional or psychological problems. Indeed, in some cases it is critical for her to refer to a medical professional rather than attempt "treatment" herself.

In many other instances, however, the faculty–friend is the ideal counselor for the beleaguered student. As Beck and Burns assert:

Even the student who cannot be described as "distressed" can certainly benefit from the guidance and encouragement of a faculty–friend. The sharing of hopes and fears with a trusted teacher both enlivens and personalizes the academic experience for all. This interaction should not imitate the doctor–patient relationship but instead should resemble the synergy of two rowers pulling equally hard toward some promising yet ever-shifting shore. As Lani Guinier reflects, "[m]entors see learning as a dynamic process that builds on students' emotional engagement and emphasizes the mutuality of their role in the educational conversation."16

IV. Traversing the Obstacles

The complexity of teaching and mentoring deepens when one realizes that pedagogy is not a one-size-fits-all affair. To propagate Buddhism, explore proximate causation, or explicate the Rule in Shelley's case, one "must understand the capacity and basic nature of the persons he is addressing."17 Teaching should not be a study in onanism; in addition to teaching oneself, one must undergo a rigorous process of translation to provide useful insights for others. Furthermore, our students are not all mayonnaise-scented spawn of the elite, but a remarkably diverse population with varying strengths, vulnerabilities and means of learning.

This diversity underscores the need for law schools to offer a range of pedagogical methods to reach, teach and mentor as many students as we can. Only by having aggressively diverse and diversely talented professors can we aspire to further the intellectual growth of all of our students. As stated in *The Lotus Sutra*:

With regard to the Law, the Buddhas
are able to exercise complete freedom.
They understand the various desires and joys

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of living beings,
as well as their aims and abilities,
and can adjust to what they are capable of,
employing innumerable similes
*to expound the Law for them.*18

Nichiren Daishonin realized this centrality of matching methodology with the student. He related how one of Shakyamuni's disciples tried to instruct a washerman by telling him to count his breaths in meditation, while he endeavored to teach a blacksmith by having him focus on the vileness of the body. This merely led both pupils into the chasm of incorrigible disbelief. In contrast, Shakyamuni realized that the washerman should meditate on the vileness of the body while the blacksmith undertook count-of-breath meditation. Under the new approaches, both disciples rapidly gained an understanding of the Buddha's law.19 While students must claim responsibility for their own development, we too must recognize that often the fault might lie less in our students' capacities than in our methodological assumptions.

A. *"At the start I pledged to make all people perfectly equal to me, without any distinction between us."*20

Here Nichiren Daishonin quotes Shakyamuni to emphasize the mission of Buddhas and more prosaic teachers to eliminate distinctions based on status in a mutual quest for enlightenment. Indeed, "[i]n Nichiren Daishonin's Buddhism the relation between mentor and disciple is based on the principle of perfect equality." Law professors, however, are endowed with undeniable emotional and hierarchical leverage over our students, a power some find all too intoxicating. We must therefore focus on the ultimate essence of our calling, to enable our students to equal or surpass us in whatever lawyerly attributes we possess. It should be with joy, not discomfort, that we embrace those instances where our students out-think us in the classroom or eclipse us in their careers. As Nichiren Daishonin emphasized, the Lotus Sutra teaches that the role of the Buddha is "to awaken in all beings the Buddha wisdom, to reveal it, to let all beings know it and enter into it."21 Similarly, our role as teachers must be to arouse in our students a love of the law, with a full recognition of the joys and challenges it presents. Any goal short of that reduces us to bureaucratic gatekeepers.

B. *"There should be no discrimination...."*

Nichiren Daishonin's Buddhism emphasizes the absolute equality of all people. As he explained, "the heart of the Lotus Sutra is the teaching that all people equally possess the Buddha nature."22 As a consequence, "faith in the Lotus Sutra will enable anyone, man or woman, to attain Buddhahood in his or her present form as a common mortal."23 This bears particular emphasis with regard to the subordination of females. The Daishonin emphatically taught that "the Lotus Sutra places the highest importance on women attaining Buddhahood."24

So? Is this not merely a spiritual precursor to the equality we can take for granted in the post-civil rights law school? Unfortunately not. Legal education continues to be beset by racial and sexual disparities in power, representation and respect.25 Furthermore, even the

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"best" of professors may unknowingly mirror and reinforce such illegitimate hierarchies in the classroom. This is not a call for political piety in legal education. Diversity of thought is just as important as diversity of gender, ethnicity and socioeconomic background in coagulating the life blood of academic excellence. Professors should therefore practice the preaching of individual autonomy by insisting on their right to determine their own pedagogical rhythms. Such diversity of approaches must share the same foundation, however, for the house to stand. That foundation must be one based on the innate and emphatic recognition of our students equality as human beings.

C. *"I believe I can understand something of your feelings."*26

The art of teaching — and most especially the art of mentoring — cannot thrive without a heartfelt empathy for our students. Empathy is central to our humanity, and without some ability to perceive life through our students' eyes we cannot hope to offer them insights of any value. And yet we must avoid emotional chauvinism, where we presume to understand the pain and aspirations of others based on the limited capital of our own existence. This danger is particularly prevalent when we presume to transmit empathy to students across ethnic, gender or economic frontiers.

Dangers lie on either side, and the well-intentioned teacher can bemoan a certain fatalism. If you try to empathize, you can be castigated for attempting to appropriate the pain of others (whether these alleged "others" are students of color, angry white males, or first years crushed by their fall-semester grades). And yet to abandon the effort at empathy would surrender your individual right to human revolution27 as well as all dreams of societal transformation.

Nichiren Daishonin recognized the appropriate response. In comforting a heartsick widow, he neither presumed to "feel her pain" in its undiluted state nor refrained from attempting to bridge the existential chasm. He chose, instead, an intermediate route, the only one consistent with respect for both the autonomy and interconnectedness of oneself and others. Trying to assuage her grief, he acknowledged both the extent of his sorrow and the limits of his perceptual prowess. Even if he could not share the full depth of the widow's grief, he could recognize her agony, tap into the universality of human emotions, and move in good faith toward words of comfort and inspiration.

This, I believe, is a product of putting the other person's needs before our own. We must resist the urge to dominate others with smothering avowals of our "understanding," yet eschew ostentatious self-flagellation over our gilded ghetto of privileged ignorance. We can elide this Hobson's choice of emetics by proceeding with the Daishonin's blend of compassion and humility. One need not suffer a particular pain to sense its presence in others, and one can render insights and encouragement without being the student's clone. Some degree of detachment will exist whenever two people meet, but there is no a priori necessity that this should trump our interconnectedness as humans equally endowed with the Buddha nature.

V. Preparing for Practice

*"Never seek this Gohonzon outside yourself."*28

In Nichiren Daishonin's Buddhism, the Gohonzon is a cherished mandala that we focus

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upon while chanting and that serves to reflect and embody our Buddha nature. This Buddha nature must be found within ourselves, and the true Gohonzon exists in our hearts rather than our altars. Enlightenment, therefore, is a process of self-discovery as opposed to acceptance or salvation by an external deity.

Nichiren Daishonin emphasized this throughout his life. As he warned, "If you seek enlightenment outside yourself, any discipline or good deed you do will be meaningless, just as a poor man cannot earn a penny just by counting his neighbor's wealth...."29 The same is true of law students. Especially as first years, their anxiety propels them to seek moral and intellectual sustenance form a tawdry range of external sources. From professors to hornbooks, from study groups to outlines, they seek the mirage of certainty and miasma of meaning from sources outside themselves. It is a primal, infantilizing time for most, with a screeching abandonment of autonomy in favor of some illusionary totem.

This is where the basic underpinnings of the Daishonin's philosophy can come into play. At some point, most law students figure out that the best way to "learn the law" is to sit back, close their eyes and think about the material they cover.They resist this, however, because it seems simultaneously too easy and too complex. It sounds deceptively simple that a first-year student can abandon her crutches and sprint further alone in the recesses of her own mind. Conversely, actually thinking one's way through the doctrine, probing its strengths, flaws and lacunae, is infinitely more painful than highlighting Emanuel's, clinging to professors, or melting into the "me too" chorus of the study group.

This is where the law is learned and doubt gives way to passion — in the wilderness of the student's own skull. The solitary journey gives rise to insights and inspiration that permit her to rejoin the tribe as a potential leader rather than a mendicant. This process could be hastened and humanized, however, by the Daishonin's message of self-reliance. As he realized, "to see one's own mind is to see the Buddha."30 Ideally, the student enters *samadhi*, a state of supreme concentration that engenders a sense of inner peace.31

The liberty of self-discovery, of course, entails the freedom to fail. Both are a corollary to taking responsibility for one's life. That, too, is a message for students to ponder. As a student, I was shocked by the entrenched bitterness so many peers felt after the first semester or so. Never before had I witnessed such a sense by bright, upwardly mobile young adults that they had been wronged and limited by forces beyond their control.

The truth is nothing stopped them but themselves. The only effective way to show compassion for such students — whose pain is undeniably real — is by urging them to take undivided responsibility for their own happiness. This stems from the Buddhist principle of *esho funi*, the oneness of life and its environment. Our environment should be understood as a reflection of our inner state. No one *forced* such students to compete for grades, study like fiends or peddle themselves to corporate mavens. These were their choices, and balming moot court, the cafeteria, or the dean only obfuscates the true source of responsibility.

In other words, it is our internal state that dictates the quality of our surroundings. As Nichiren Daishonin explained:

Neither the pure land nor hell exists outside ourselves; both lie within our own hearts. Awakened to this truth, one is called a Buddha; deluded about it, one is called a common mortal. The Lotus Sutra reveals this truth, and one who embraces the Lotus Sutra will realize that hell is itself the Land of Tranquil Light.32

This insight prompts the obvious rejoinder that not everyone is enlightened, not everyone will make law review, and that even the maws of Wall Street can encompass only so

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many fresh spirits. That, of course, is precisely the point. Given the uncertainty of life, it is disastrous to predicate one's self-esteem on the judgments of professors, hiring committees, and the like. The human revolution is an inherently personal one, and appeals to external forces will only drain students of their innate vitality. From spiritual development to academic growth, "the strength of your own faith will be the decisive thing."33

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