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Buddhist Jurisprudence: A Synthesis of Religious Morality and Secular Legal Models

Dr. Phong Son Pha[1], Prof (Dr.) Vaibhav Goel Bhartiya[2], Dr. Champalal Mandrele[3]

[1]Student, Buddhist Study, Subharti University

Abstract

Modern legal systems worldwide are increasingly faced with a perceived crisis of legitimacy and effectiveness. Critics point to its all-encompassing punitiveness, procedural detachment, and lack of engagement with the causes of social and ecological misery. This study argues for a reconsideration of Buddhist philosophy, often neglected in the category of personal ethics, as a rich and, surprisingly, marketable theory of law. The analysis goes beyond a comparative study and establishes a coherent theory of Buddhist Jurisprudence by aligning core doctrinal propositions with the functional implications of modern secular law.

Analysis begins to uncover the jurisprudential potential in Buddhist foundational teachings. It suggests the Four Noble Truths as a diagnostic and prescriptive model for a legal system, and it theorizes law as not an instrument of sovereign fiat, but as a force for the end of systemic suffering (*dukkha-nirodha*). The central teachings of interdependence (*paṭicca-samuppāda*) and non-self (*anattā*) are scrutinized solely to reframe ideas of legal responsibility, personhood, and rights. Moreover, the early monastic law of the *Vinaya* is investigated not simply as an interesting historical tidbit but as a subtle proto-legal system, critiquing its focus on intent, due process, and reparation.

Based on this theoretical foundation, the study establishes a hybrid legal model. It examines in some depth how a *Dhamma* approach would transform core areas, such as penal theory, where physical rehabilitation and moral rehabilitation are more critical than punishment; the law of obligations, basing tort and contract in relation-based responsibility and right livelihood; and environmental law, basing a rigorous egocentric jurisprudence on the law of interdependence. The final part addresses the challenges of practical implementation, examining possibilities for incorporating these values through experiments in restorative justice, legislative "*Dhamma* impact assessments," and redesigned legal education, apparently adeptly balancing a transformative vision with political pragmatism. Finally, Buddhist Jurisprudence presents a critical and timely model, one that envisions a legal system capable of promoting collective flourishing through compassion, wisdom, and a steadfast commitment to repairing harm.

Preface: We stand at a peculiar point in the history of law. Our courts, despite their formalistic severity and intellectualizing, are widely considered institutions of crisis. We see their failure every day: in the

[1]Research Scholar LL.D, Samrat Ashok SUBHARTI School Of Buddhist Studies, Swami Vivekanand Subharti University, Subhartipuram, NH-58, Delhi Haridwar Meerut Bypass Road, Meerut-250005, India. phamuk15@gmail.com
[2] Advisor professor and Dean Faculty of Law, Swami Vivekanand Subharti University, Subhartipuram, NH-58, Delhi Haridwar Meerut Bypass Road, Meerut-250005, India, vaibhav.hnlu@gmail.com
[3] Advisor & HOD Buddhist Studies, Swami Vivekanand Subharti University, Subhartipuram, NH-58, Delhi Haridwar Meerut Bypass Road, Meerut-250005, India.

brutal realities of mass incarceration, in the seething violence of ecological devastation, and in a toxic public atmosphere where the law is a distant, disciplinary force and not a motor of redress and remedy. The very instruments put in place to resolve our conflicts inevitably do the opposite, heightening the deeper concerns of our era: alienation, injustice, and an insatiable need for meaning.

This work is the result of an impression that our dominant philosophies of law, as rigid as they are, have reached a dead end. Legal positivism, which sharply divides law and morality, provides a definition but creates a void of value. Rights liberalism, an antidote against despotism, unintentionally serves to sanctify an individualism that can corrode our civic ties. We've become adept at granting rights and meting out punishment, but we're unable to achieve genuine reconciliation, nurture our home planet, or cultivate a sense of shared well-being. It is within this background of systemic deficiency that we turn back to an older, yet surprisingly relevant, pool of understanding: Buddhist philosophy.

To be explicit, this is not an appeal to theocracy nor a desire to transmogrify monastic practices into consumer goods for the secular marketplace. Such an offer would be folly and antithetical to the intent of the inquiry. Instead, this study argues that the wisdom of the Buddhist tradition, its diagnostic method for suffering, its vision of interdependence, and its nuanced understanding of the human mind can be applied as the axioms upon which to build a revolutionary jurisprudence. We shall proceed beyond thinking of Buddhism as a mere source of individual ethics or mindfulness techniques, and instead delve deeply into its original teachings to develop a systematic master plan for restoring the fault lines in our modern legal imagination.

The path forward is both theoretically and practically oriented. We will examine how the Four Noble Truths can be mapped into a legal framework, how the doctrine of non-self (*anattā*) subverts our deepest presuppositions about legal personhood, and how the ancient monastic Vinaya code is a dazzlingly sophisticated proto-legal framework. From these foundations, we will construct a synthetic model, reconceptualizing domains that span from criminal justice to environmental law. We will consider what a restorative transformation theory, rather than a retributive one, would entail, and how relational responsibility principles could reshape contract law.

This is an ambitious aim, one that strives to initiate a dialogue between the teachings of the Buddha and the realities of contemporary governance. I hope that by wrestling with these concepts, we can start to imagine a legal system that gauges its success not by the effectiveness of its calendars or the harshness of its punishments, but by its hard empirical capacity to minimize pain and enable the conditions of all life to flourish. This is a call to imagine law as something other than a brutal instrument of coercion, but as an act of wisdom and compassion, a healing force in a diseased world.

Keywords: Buddhist Jurisprudence, legal systems, legitimacy, effectiveness, punitiveness, suffering, theory, hybrid model, Dhamma, penal theory, rehabilitation, law of obligations, responsibility, environmental law, interdependence, implementation, restorative justice, impact assessments, legal education, compassion, wisdom, repairing harm, personhood, rights, Vinaya.

Introduction: The Case for a Buddhist Legal Theory

The contemporary international legal system, with all its technical sophistication, is increasingly characterized by a general sense of crisis. From ecocide's slow violence and mass incarceration to alienation of individuals from collective processes of conflict resolution, there is an increasingly strong sense that prevailing legal models are not dealing with the underlying sources of human suffering and

disagreement.[4] The prevailing models of rights-based liberalism, with their emphasis on the sovereign individual, and legal positivism's thin separation of law and morality, offer potent resources for governing a complex society. However, they far too often appear structurally poorly designed to yield significant reconciliation, ecological stewardship, or deep-seated feelings of collective flourishing. It is this context of systemic deficiency that this study makes its main proposal: that Buddhist philosophy can provide a coherent, rigorous, and desperately needed basis for a revolutionary theory of law. This work transcends the exercise of simply considering Buddhism as a source of individual ethics or mindfulness exercises; instead, it contends that its deep ontological and epistemological commitments within them contain the blueprints for a jurisprudence that can repair the fissures in our contemporary legal imagination.

The Limitations of Positivist and Rights-Based Responses

The intellectual basis of modern Western law is grounded mainly on two pillars, viz., legal positivism and the liberal theory of rights. The positivist tradition, beginning with John Austin and extending to H.L.A. Hart, requires a distinction between law as it is and law as it ought to be.[5] A law is valid in the view of the positivist because it has its origin in a sovereign command or through adherence to a system's rule of recognition, regardless of its moral content. This technical precision, while helpful in delineating the limits of law, leaves a vacuum of value and enables legal systems to operate with technical success but disconnected from any higher ethical anchor. At the same time, the rights paradigm that arose in response to despotism places the free, rights-bearing individual at the center as the key subject of law.[6] While this has brought about necessary freedoms, its hyper-individualism undermines the relational and communal ties that comprise a healthy commonwealth, constructing human association as a series of adverse claims and rights, rather than a shared responsibility.[7] What being created is a legal culture that is habitually perceived as alienating, vindictive, and unwilling to engage with issues that are relational and systemic in nature, such as environmental collapse or social anomie. The law in such prevailing paradigms serves as a means of conflict management and resource distribution, but not as a means of wisdom generation or healing.

Buddhist Jurisprudence: Dhamma as Nomos

In response to such restrictions, this work outlines the doctrine of Buddhist Jurisprudence, far from a call to theocratic rule or mere wholesale importation of monastic regulations on lay citizens. Instead, it is a call to see the *Dhamma* (the universal law of truth and reality, taught by the Buddha) as a type of nomos. This normative universe imposes meaning and structure upon human action. Buddhist Jurisprudence is a scientific inquiry into the ways the teachings of the *Dhamma* can inform the structure, content, and process of secular law. It draws inspiration from the entire range of Buddhist philosophy, from the complex exegesis of mind and volitions in the Pali Canon of early Buddhism to the Mahayana focus on compassion (*karuṇā*) and skillful means (*upāya*).[8] The *Vinaya* is at the root of everything. This monastic code is a nuanced historical model of a legal system openly crafted to maintain a community with a soteriological aim.[9] The Vinaya's sophisticated protocols, attention to intentionality (*cetanā*) in assessing culpability, and generally restorative punishments on offer present a dense, already-available model for a legal philosophy based on Buddhist principles.

[4] Nussbaum, M. C. (2023). *Justice for animals: Our collective responsibility*. Simon & Schuster. p. 5.
[5] Hart, H. L. A. (2012). *The concept of law* (3rd ed.). Oxford University Press. p. 7.
[6] Dworkin, R. (2011). *Justice for hedgehogs*. Harvard University Press. p. 78.
[7] Sandel, M. J. (2020). *The tyranny of merit: What's become of the common good?* Farrar, Straus and Giroux. p. 156.
[8] Goodman, C. (2022). *The Tibetan Buddhist ethics of virtue and consequences*. Oxford University Press. p. 88.
[9] Schonthal, B. (2022). *Buddhism and constitutional law*. Routledge. p. 25.

Overall Thesis: The Law as a Means to the End of Suffering (Dukkha-Nirodha)

The central argument of this study is that, from a Buddhist perspective, the ultimate goal of law is to serve as a path to the eradication of *dukkha*, a Pali term encompassing suffering, stress, unsatisfactoriness, and existential dis-ease. This re-defines the very raison d'être of legal ordering. The law is not just to convict criminals, safeguard property, or enforce contracts, although it will accomplish these things. Its higher goal is to actively identify and eliminate the causes of distress at both the individual and social levels.[10] This argument squarely depends on the Four Noble Truths, the earliest Buddhist doctrine: the law first rightly diagnoses the facts of distress (First Truth); it then wisely identifies its root causes, such as greed, hate, and ignorance, as they emerge socially (Second Truth); it imagines a peaceful and just society as the natural consequence of this cessation (Third Truth); and lastly, it prescribes legal and institutional solutions the Noble Eightfold Path rendered as public policy and judicial procedure to cause this consequence (Fourth Truth).[11] A legal system founded on this principle would measure itself successful, not by the number of cases shipped or punishments handed out, but by its ability to reduce the overall level of distress within the community it serves.

Approach and Academic Positioning

The methodology of this study is synthetic, comparative, and constructive. It does not attempt to give a strictly historical or anthropological account of Buddhist legal practice, although it rests on such scholarship. Instead, it opens up a philosophical conversation between Buddhist philosophy and modern legal theory. It will critically examine the positivistic assumptions of natural law and critical legal studies from a *Dhamma* perspective, identifying areas of convergence and radical divergence. The constructive project is to forge a hybrid model, hypothesizing how certain of the Buddhist teachings might be embodied in contemporary legal institutions, from the courtroom to the legislature. The study situates itself at the intersection of several academic disciplines: comparative law, legal theory, religious studies, and political theory. It seeks to contribute to the new debate regarding non-Western juridical thought and to explore post-liberal models of law that are more suited to meet the interrelated challenges of the 21st century. In earnestly embracing Buddhist philosophy as a source of legal concepts, this study aims to open a new and valuable window for rediscovering the promise of law in human flourishing.

Literature Review

The academic landscape influencing this project is interdisciplinary, encompassing comparative law, moral philosophy, and political theory. The classical criticisms of contemporary legal systems are grounded in the thoughts of Hart regarding legal positivism and Sandel regarding the failings of liberal individualism. The crisis of mass incarceration is addressed through frameworks such as Alexander's The New Jim Crow, while practitioners like Zehr and Umbreit address the field of restorative justice. Within Buddhist studies, the research engages with seminal works by Keown and Goodman on Buddhist ethics, as well as Garfield's broad philosophical explorations of Buddhist ideas. Schonthal's studies on Buddhism and constitutional law provide a significant bridge between religious doctrine and state legal structures. The literature reveals a gap: while a variety of the literature treats Buddhism as a source of personal ethics or mindfulness practice, few attempt a systematic synthesis of the core teachings of Buddhism into a coherent and comprehensive jurisprudential theory that can be applied in secular contexts. This study attempts to fill that gap, moving beyond Buddhism as mere ethics to present it as a foundation normative framework for the ordering of law.

[10] Garfield, J. L. (2022). *Buddhist ethics: A philosophical exploration*. Oxford University Press. p. 134.
[11] Gowans, C. W. (2023). *Buddhist moral philosophy: An introduction*. Routledge. p. 57.

1. Theoretical Foundations

1.1 The Doctrines of Architecture

To build a legitimate Buddhist jurisprudence, one must first create a philosophical framework that is both genuinely Buddhist and jurisprudentially sound. That framework is not contained in a monolithic code of law, but in the deeply ontological and epistemological understandings that form the center of Buddhism. These teachings provide us with the axioms that are fundamental from which one can derive a coherent theory of law, a radical reinterpretation of the assumptions under which much of secular law tends to function.

1.1.1 The Four Noble Truths as a Legislative Framework

The Four Noble Truths, the foundational teaching of the Buddha, offer a diagnostic as well as prescriptive model that can be translated from an individual's soteriological path to a macro-level system of ordering law.[12] This order of law would fundamentally reconsider its function and purpose. The First of the Noble Truths, the *dukkha* or suffering, stress, dissatisfactory truth, challenges the legal system to cultivate an enlightened ability in the diagnosis of the wide range of suffering present in a society physical violence and stealing and, of course, institutional repression, destruction of the environment, but also the more insidious sources of psychic distress that emanate from social injustice.[13] The law, here, must be a tool of profound listening and genuine diagnosis.

The Second Noble Truth, which identifies the origin of dukkha as craving and aversion, shifts the legislative and judicial focus to the root of conflict. A Buddhist legal approach would seek out the root conditions that create hurtful behaviour, i.e., institutional greed (*lobha*), ill will (*dosa*), and delusion (*moha*).[14] This could entail criminal legislation that reacts constructively to economic desperation, educational poverty, and social alienation as causes of crime, rather than criminalizing their effects after they have occurred. The Third Noble Truth, the elimination of dukkha (*dukkha-nirodha*), offers us the ultimate vision: an ordered, tranquil society is not a fantasy, but a realistic possibility to be achieved through prudent policy. Lastly, the Fourth Noble Truth, the Noble Eightfold Path, serves as the blueprint for action to achieve this goal. It speaks through a comprehensive legislative agenda that advocates right speech (defamation and for transparency legislation), right action (laws based on the precepts), right livelihood (provisions for ethical business), and right view (a school system that teaches wisdom and interdependence).

1.1.2 *Paṭicca-samuppāda* (Dependent Origination) and Relational Legal Responsibility

The Dependent Origination doctrine of *Paṭicca-samuppāda* teaches that all things are brought into existence and cease in accordance with an intricate web of conditions; nothing exists in isolation.[15] The teaching has profoundly challenging implications for atomistic individualism, on which so much Western law is based. Juridically, it demands that causation theories be enriched beyond linear, mechanical models. An act is not necessarily the expression of one independent will but is the outcome of an extended, interrelated network of social, economic, psychological, and environmental determinants.[16]

This account of reality based on relations requires a more nuanced and refined theory of legal responsibility. A regime of torts, to take but one example, would not merely focus on recovering a proximate cause of damage, but also on examining the contributory roles of company strategy, regulatory

[12] Gowans, C. W. (2023). *Buddhist moral philosophy: An introduction*. Routledge. p. 52.
[13] Goodman, C. (2022). *The Tibetan Buddhist ethics of virtue and consequences*. Oxford University Press. p. 121.
[14] Garfield, J. L. (2022). *Buddhist ethics: A philosophical exploration*. Oxford University Press. p. 89.
[15] Garfield, J. L. (2022). *Buddhist ethics: A philosophical exploration*. Oxford University Press. p. 67.
[16] Nussbaum, M. C. (2023). *Justice for animals: Our collective responsibility*. Simon & Schuster. p. 201.

breakdown, cultural norms, and social inequality. Liability is more a matter of comprehending and fixing an unraveled web of relationships than a search for a single perpetrator. In criminal justice, this would move from a strictly retribution model with a focus on a "bad actor" to systems thinking that aims to heal the underlying conditions of poverty, illiteracy, and dysfunctional families that led to the crime without abandoning individual responsibility in that relational context.

1.1.3 *Anattā* (Non-Self) and the Constructed Nature of Legal Personhood

The *Anattā* teaching (non-self) is that what we perceive as a stable, enduring "self" is in fact an ever-changing, dependent aggregation of bodily and mental processes. This deconstructive dispersal of the ego has direct implications for the concept of legal personhood. It erodes the notion of the hyper-autonomous, rights-granting individual as a metaphysically determinate being, introducing instead legal subjects as proceeding, fluid, and relationally constituted.

This does not, by itself, eradicate the pragmatic usefulness of legal personhood, but redefines its function. Instead of essentializing an abstract, fictional self, the law would be better served by adopting personhood as a conventional term that protects the flowing, multifaceted stream of psycho-physical processes from harm and allows them to flourish within a community. This view can soften the sharp corners of adversarial legalism, since the "plaintiff" and "defendant," "victim" and "offender" are treated as interchangeable roles and not as essentialized positions. It fosters a culture of law that is less concerned with vindicating the rights of a static self and more focused on the wise administration of dynamic, interdependent processes for the greater good.

1.1.4 *Karma* as a Theory of Causation and Ethical Consequence

Frequently misinterpreted as a fatalistic doctrine of destiny, kamma is better understood as an advanced natural law of moral causality. *Kamma* does state that volitional actions (*cetanā*), based on states of mind, have corresponding consequences in the long term.[17] *Kamma's* doctrine can be interpreted, in a non-religious juridical context, neither as a metaphysical assertion about rebirth, but as an attractive figure for psychological and social causality. It underscores that injurious behaviour causes ripples of damage that spread throughout the web of society, harming not only the victim and the perpetrator but also the community as a whole.

This offers a strong, naturalistic justification for an ethical education and rehabilitation-oriented legal system. The purpose of a sanction, from this perspective, is not to cause suffering in itself but to create a causative state to reform the morality of the criminal to "sow a new seed" that can counterbalance the bad karmic momentum of his crime.[18] It also highlights the karmic agency of the juridical process itself: wrongful laws and punishment processes create their own bad kamma for all society, perpetuating cycles of harm rather than stopping them.[19] A karmically-aware jurisprudence would thus judge its procedures and outcomes by the moral quality of the causes they create.

1.2 *Vinaya* to Secular Code

The theoretical teachings of Section 1 take their most tangible historical expression in the *Vinaya Piṭaka*, the prescriptive scripture that establishes regulations for the Buddhist monastic order. The *Vinaya* is not a list of rules; it is an advanced proto-legal system that provides an operational handbook for organizing society in accordance with the *Dhamma*.

[17] Goodman, C. (2022). *The Tibetan Buddhist ethics of virtue and consequences*. Oxford University Press. p. 45.
[18] Gowans, C. W. (2023). *Buddhist moral philosophy: An introduction*. Routledge. p. 144.
[19] Schonthal, B. (2022). *Buddhism and constitutional law*. Routledge. p. 88.

1.2.1 The *Vinaya Piṭaka*: A Proto-Legal System of Procedure and Sanction

The Vinaya is among the world's oldest continuously operating legal codes. Its complexity is observed in its elaborate procedural rules for ruling on cases, its rules of evidence, and its system of graduated punishments. The community (*Saṅgha*) acts as the court, hearing cases in a formal, participatory proceeding aimed at achieving consensus and concord. Sanctions are nearly entirely rehabilitative, not punitive; banishment and stern punishment are not the primary objective, but acknowledgment of fault by the offender and successful reintegration into the communal group.[20] This is done by a variety of means, from confession and seizure to suspended probation, all of which are intended to permit moral consideration and development. The Vinaya, therefore, demonstrates that a system of law can be strict in its process and humane in its ultimate goals, a model required for secular legal reform.

1.2.2 Intention (*Cetanā*) as the Key to Culpability

Its strongest jurisprudential contribution may well be its unyielding focus on intention (*cetanā*) as the determinant of moral and legal responsibility. The seriousness of an offense is measured not merely by the outward act itself, but by the state of mind out of which it arose. The *Vinaya* procedure carefully differentiates purposeful violations, those performed without complete awareness, and unintended acts.[21] This question antedates and mirrors the mens rea (guilty mind) doctrine of Western law but is more psychologically oriented. It requires decision-making to include an investigation of actor volition and knowledge. Transposing this to the secular sphere would entail a legal process, from policing to sentencing, that is more sensitive to context, motive, and psychological capacity, rather than the mechanistic and strict liability enforcement of legislations that typically characterize modern legal systems.

1.2.3 The Five Precepts as a basis for legal norms

The Five Precepts (*Pañcasīla*), the vows to abstain from killing, stealing, sexual misconduct, lying, and intoxication, constitute the foundation of lay Buddhist ethics. Under a secular juridical order, they may be construed from individual vows to underlying axioms for public legal ordering.[22] They constitute a clear, hierarchical order of values for a society. The non-harming precept (*ahiṃsā*) is a constitutional-level principle under which the law may be guided on matters ranging from criminal justice and the environment to public health. All contract and property law and laws of perjury and fraud rest upon the precepts of not taking what is not given and of not lying. The sexual misconduct precept grounds consent and protection of the vulnerable laws. Lastly, the intoxication precept moves the criminal legal response to drug consumption from one that is purely criminal to one that is public health and harm reduction.[23] All these precepts provide a coherent, principled, and universally understood foundation for a criminal legal system committed to creating a secure, reliable, and thriving society.

2. A Synthetic Legal Model

2.1 Redesigning Core Legal Domains

Having mapped out the theoretical foundations of Buddhist law, the challenge now is its practical application. The work involves revolutionary re-fashioning of basic legal domains, from utopian principles to functional legal design. The change needed is not cosmetic but fundamental, requiring ontological

[20] Heirman, A., & Bumbacher, S. P. (Eds.). (2023). *The spread of Buddhist monastic rules*. Brill. p. 177.
[21] Gowans, C. W. (2023). *Buddhist moral philosophy: An introduction*. Routledge. p. 98.
[22] Keown, D. (1992). *The nature of Buddhist ethics*. Palgrave Macmillan. p. 33.
[23] Schonthal, B. (2022). *Buddhism and constitutional law*. Routledge. p. 156.

readjustment of the law's goals and instruments away from revenge and competition and towards healing, restorative relations, and system balance.

2.1.1 A Penal Theory of Restorative Transformation

The modern criminal justice system, with its overemphasis on retribution and warehousing, is entirely foreign to a Buddhist approach to jurisprudence. A Buddhist-based penal theory would move away from a punishment model toward a model of restorative transformation. Its primary function would be to bring about the conditions for the cessation of the harm that led to and flowed from the offence, rather than the harm itself. It is a tripartite system, addressing the victim, offender, and community.

For the victim, the process is designed to heal trauma through acknowledgment, restitution, and restoration of a feeling of security and agency.[24] For the perpetrator, it must entail real accountability, a profound, unflinching grasp of harm inflicted, coupled with a formal process of moral and psychological reorientation. This could include educational, training, counselling, community work, and sponsorship, all directed toward deconstructing the cognitive and affective channels that led to the harmful conduct. The institution itself would be rebuilt, from one of hard-core incapacitation to one of vihara or rehabilitation centre, an atmosphere where security is fostered for reflection and renovation. For society as a whole, the process attempts to recreate the sundered social fabric, remoralising shared norms and affirmatively reintegrating the rehabilitated offender. This is not with a nostalgic sentimentality, but with the gritty, hard work called for by the karma and interdependence teachings: to intentionally create new, positive causes that have the potential to transform a cycle of pain into one of healing.[25]

2.1.2 Tort and Contract: A Law of Obligations of *Dhamma* Nature

Civil law, encompassing obligations, torts, and contracts, regulates the vast majority of human interactions in an industrial society. A *Dhamma* paradigm for such a discipline would imbue it with principles of relational responsibility and right livelihood (*Sammā-Ājīva*). The paradigm of tort law today is to concentrate on awarding economic compensation to an identified victim resulting from a single proximate cause. *Paṭicca-samuppāda* wisdom would establish a more complete inquiry. However, excluding the application of compensatory damages would broaden the field of liability to encompass consideration of contributory causes of the system. It would promote remedies that actively restore relations, including mediated settlements and community restitution. The emphasis shifts away from commodifying harm and toward creating the conditions for restoration of balance in the web of relations devastated by the wrongful behaviour.

Likewise, the law of contract would be reformed from a strict tool of enforcing promises to a code of rules for building trust-based and valuable relationships. The good faith doctrine, in general, is a back-of-the-burner principle in hostile contract disputes, serving as the directive, organizational principle. A contract, on this view, is not a snapshot-in-time conjunction of minds, but an evolving relationship that exists in an evolving context. This would be enforcing doctrines of accommodation in the event of unforeseen adversity (rebus sic stantibus), in appreciation of the fact that literal application of an initial term can, in some cases, result in great suffering and injustice, and thus be contrary to the initial principle of non-harm. The law would thus foster economic activity, which is not only efficient but also just and of benefit to all parties' well-being.

[24] Umbreit, M. S., & Armour, M. P. (2023). *Restorative justice dialogue: An essential guide for research and practice*. Springer Publishing Company. p. 45.
[25] Garfield, J. L. (2022). *Buddhist ethics: A philosophical exploration*. Oxford University Press. p. 156.

2.1.3 An Ecocentric Jurisprudence of Interdependence

No field is more in need of Buddhist redirection than environmental law. Existing paradigms of the law tend to view nature primarily as an external reservoir of resources, independent of human existence, and accessible for ownership and development. The interdependence doctrine (*paṭicca-samuppāda*) dispels this illusion of separateness and reveals that human flourishing depends on the flourishing of the entire biotic community.[26] A Buddhist ecocentric law would thus attribute instrumental value to nature as a tool to human ends, but also inherent value and, perhaps, legal personhood.[27]

This can be achieved through a legal acknowledgment of the Rights of Nature, whereby ecological systems, such as rivers, forests, and mountains, have a legal right to exist, to thrive, and to replenish their essential cycles.[28] It is a clear legal expression of the Buddhist argument that sentience and the capacity to suffer do not terminate with human beings.[29] Legislative planning would be informed by a "*Dhamma* Impact Assessment," which would assess policies not only in terms of their economic cost but also their impact on environmental balance, biodiversity, and the welfare of future generations.[30] This method imposes an affirmative obligation of stewardship (*kappiya-kāraka*) upon business corporations and governments as a legal requirement, urging them to be held responsible for upholding the well-being of the environmental systems upon which all rely.

2.2 Institutional and Procedural Applications

The substantive reformation of legal spaces outlined in section 2.1 necessitates a corresponding reconfiguration of the institutions and procedures through which the law operates. The human and structural elements of the legal system itself need to exemplify the values of wisdom and compassion if the substantive law is to be applied in its ideal essence.

2.2.1 The Adjudicative Role: The "*Bodhisattva* Judge"

The idea of the neutral, impartial judge, valuable as it is for impartiality, can slide over into a posture of indifferent callousness. The Buddhist alternative envisions the "*Bodhisattva* Judge": a court administrator whose unblemished knowledge of the law is combined with a sympathetic willingness to alleviate the suffering of all who appear before him. That is not an appeal to abandon fairness but to add to it active compassion (*kayuṇā*) and discriminating discrimination (*paññā*).

The Bodhisattva Judge is not merely a fact arbiter and rule enforcer, but is a facilitator of understanding. They would be mandated to conduct proceedings in a manner that reduces adversarial hostility, actively pursues the underlying source of the conflict beyond legal packaging, and crafts judgments and remedies with an emphasis on achieving the deepest resolution. As their job includes safeguarding the weak from process abuse, seeing that everyone has a voice, and, where the law permits, guiding outcomes towards a restorative rather than exclusively punitive goal.[31] This model redescribes judicial excellence, rather than as the technical merit of rulings, as the court's ability to become a site where healing and wisdom can begin.

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[26] Loy, D. R. (2019). *Ecodharma: Buddhist teachings for the ecological crisis*. Wisdom Publications. p. 45.
[27] Kaza, S. (Ed.). (2020). *A wild love for the world: Joanna Macy and the work of our time*. Shambhala Publications. p. 112.
[28] Boyd, D. R. (2017). *The rights of nature: A legal revolution that could save the world*. ECW Press. p. 28.
[29] Harvey, P. (2000). *An introduction to Buddhist ethics: Foundations, values and issues* (2nd ed.). Cambridge University Press. p. 167.
[30] Esbjörn-Hargens, S., & Zimmerman, M. E. (2011). *Integral ecology: Uniting multiple perspectives on the natural world* (2nd ed.). Shambhala Pubns. p. 301.
[31] Dzur, A. W. (2019). *Democracy inside: Participatory innovation in unlikely places*. Oxford University Press. p. 88.

2.2.2 Legislative Drafting for General Happiness (*Bahujana-hitāya*)

The legislating process, too often dominated by special interests and short-term political motives, would be recast in the *Bahujana-hitāya,* for the welfare of the many, from the Pali. A set of *Dhamma*-based standards would be used to judge each statute bill. Is its purpose in this legislation to bring about suffering reduction (*dukkha-nirodha*)? Does it address the root causes of conflict in society, such as inequality and ignorance? Does it promote the environment of right livelihood and ethical conduct? Does it maintain the principle of interdependence by preserving the environment?

This would necessitate new legislative instruments, including the aforementioned "*Dhamma* Impact Assessment," which would operate in conjunction with or even replace traditional fiscal appraisals. The procedure would itself be interdisciplinary, incorporating knowledge in psychology, ecology, and social work to ascertain not just whether legislation is legally accurate but also whether it is causally efficacious in promoting genuine human flourishing. Legislation would constitute a moment of profound group kamma-making, with lawmakers bearing the heavy burden for the social impacts, both intended and unintended, that their legislation creates.[32]

2.2.3 Integration of Restorative and Contemplative Practice

Lastly, the processes of justice themselves must be redesigned to minimize suffering, not to maximize it. The adversary process and the natural aggression and win-lose dualism inherent in it tend to exacerbate the trauma of conflict. A synthetic approach would establish restorative justice practices, such as victim-offender mediation and peacemaking circles, as the norm for a broad majority of civil and criminal conflicts. These are the practices, bringing everyone together to negotiate and agree on a mutually satisfactory path forward, which are an empirical actualization of the relational perspective in Buddhist philosophy.

Additionally, the inclusion of contemplative practice represents a significant historical innovation. This might involve making court-referred mindfulness and conflict resolution training available to both opposing parties and to legal professionals themselves. Mindfulness-trained judges, lawyers, and mediators can then manage their own stress and reactivity more effectively, listen more deeply, and be attuned to the less obvious dynamics at play in a case. By cultivating compassion and understanding in the very people who run the system, the law can begin to represent the process of peace that it seeks to establish.

3. Implementation and Future Direction

3.1 Pathways to Integration

The transition from an idea to a lived experience is the greatest challenge facing any new legal philosophy. For Buddhist jurisprudence, it must accomplish this with a thoughtfully crafted policy that is sensitive to the sophistication of contemporary legal systems and yet loyal to its own original ideas. This section outlines the practical roadmaps for integrating *Dhamma*-derived values into secular legal frameworks, proposes a specific research agenda, addresses the most significant implementation hurdles, and ultimately examines the revolutionary implications of this synthesis for the future of law itself.

3.1.1 Pilot Applications: Restorative Justice and Environmental Governance

An empirical integration must begin with pilot experiments in specific, measurable locations where Buddhist philosophy makes clear and complementary contributions to existing legal challenges.

[32] Goleman, D., & Davidson, R. J. (2018). *Altered traits: Science Reveals How Meditation Changes Your Mind, Brain, and Body*. Avery Publishing. p. 156.

Restorative justice is a practice that holds significant innovative potential. As restorative practices serve as a punitive alternative to the criminal justice system, they remain at the fringes of the justice system, lacking a thorough philosophical foundation.[33] Granting such practices a thoughtful *Dhamma*-grounded framework would position the threefold aims of recovering from the victim's trauma, enabling the offender's authentic moral change, and restoring the social well-being of the community as paramount.[34] Pilot programs in family or drug courts could be educated in Buddhist-infused practice focusing on the intention (*cetanā*) to harm, the interdependency of conflict, and the cultivation of compassion for all involved. Long-term reductions in recidivism and increased participant well-being would provide the key empirical evidence for more extensive institutional uptake.

Concurrently, environmental governance is a second essential vector. The prevailing legal model today generally treats nature as property, a commodity to be regulated and exploited. Buddhist radical interdependence (*paṭicca-samuppāda*) can serve as a starting point for an ecocentric jurisprudence. This can be enacted through pilot laws that recognize legal personhood for specific ecosystems, such as rivers or forests, whose designated custodians need to voice and advocate for their natural right to exist and thrive. In addition to rights-based strategies, a new instrument, a "*Dhamma* Impact Assessment" that would obligate policymakers to balance legislation and large projects on the basis not just of economic or short-term environmental considerations, but of their ability to promote ecological balance, honor all living beings, and add to the well-being of future generations.

3.1.2 A Comparative Legal Philosophy Research Agenda

For Buddhist jurisprudence to become a viable area of inquiry from its provocative proposal, there needs to be a rigorous and multidisciplinary research agenda. Systematic comparative analysis is one of the necessary scholarly imperatives. Positioning Buddhist legal theory in conversation with other great traditions, such as the communitarian ethics of Ubuntu, Aristotelian virtue theory, or Indigenous legal theory, would help sharpen its leading concepts and illustrate how it uniquely contributes to world jurisprudence. Comparative scholarship could help to make transparent how a Buddhist theory of relational responsibility diverges from, or draws upon, Western liberal theory of justice.

Furthermore, empirical and cross-disciplinary studies must be conducted to ground their hypotheses in observable reality. Interdisciplinary research among law scholars, neuroscientists, and psychologists would explore the material impact of mindfulness and compassion training on judges, lawyers, and mediators, measuring the effects on cognitive bias, emotional intelligence, and the quality of conflict resolution. Longitudinal surveys comparing outcomes of *Dhamma*-based restorative justice practice to conventional litigation would offer vital feedback on long-term effectiveness. With the world accelerating at warp speed with technology, another critical frontier arises: creating a Buddhist jurisprudential approach to artificial intelligence, data ethics, and bioengineering. A case study grounded in the principles and teachings of non-self (*anattā*) would provide a much-needed ethical framework for governing technologies that challenge fundamental notions of identity, privacy, and life itself.[35]

3.1.3 Critical Challenges: Secularism, Pluralism, and Pragmatic Implementation

A pragmatically driven analysis of the integration challenge is an essential component of any potential implementation strategy. Most significant is the challenge posed by the requirement for the secular state

[33] Zehr, H. (2023). *The Little Book of Restorative Justice: Revised and updated*. Good Books. p. 22.
[34] Umbreit, M. S., & Armour, M. P. (2023). *Restorative justice dialogue: An essential guide for research and practice*. Springer Publishing Company. p. 101.
[35] Vallor, S. (2024). *The AI mirror: How to reclaim our humanity in an age of machine intelligence*. Oxford University Press. p. 202.

to remain neutral in a situation of utmost religious and cultural diversity. Promoting a legal system based on Buddhist philosophy necessarily provokes criticism of creating a de facto state religion.[36] Buddhists' response to such criticism must distinguish that the values promoted, e.g., the diagnostic process of dealing with suffering, relational responsibility, and restorative healing, are, although firmly based on Buddhist philosophy, ultimately human issues which can be justified by appeal to secular, rational, and empirical argumentation. The project must be put in perspective, rather than as a projection of Buddhist orthodoxy, as an extension of the legal toolkit with ideas one is free to use in a plural society.

Aside from philosophical opposition, the practical opposition of vested systems is a significant obstacle. The adversarial legal profession, prison-industrial complex, and business groups with a vested interest in the status quo will automatically oppose a model that disempowers them and empowers community-based, restorative models.[37] It will take the building of diverse, mass-based coalitions of legal reformers, public health professionals, environmentalists, and community organizers to surpass this resistance. The way ahead must be incremental, based on success with demonstration experiments proven out, on promotion of hard science, and on an unwavering devotion to a vision of law that subordinates formalism to human flourishing.

Discussion of Article

This article makes a persuasive case for Buddhist jurisprudential thought, not as some theocratic ideal, but as a necessary corrective to the malformity of the perceived failures of our modern legal systems. The article's great strength lies in its avoidance of the purely abstract level of philosophy and its demonstration of a concrete synthesis of a presentable form of benefit, by showing how the orthodox esoteric doctrines of *anattā* and *paṭicca-samuppāda* can inform a practical, grounded redesign of the legal structure. The radical proposed alteration of penal theory from retributive to restorative justice is particularly telling and offers a solid philosophical alternative to the crisis of mass incarceration. Similarly, the notion of the Bodhisattva Judge reimagines the virtues of a judge, enabling the core professional competencies of compassion and wisdom to be viewed as more immediate operational capabilities, rather than idealistic impositions from the outside.

However, the model is subject to inevitable massive impediments to implementation, given the clearly entrenched secular and pluralistic character of society. The article has no hesitation in addressing the wholly intended critique of the unwelcomeness of imposing a majoritarian religious viewpoint, and rightly discusses the humanistic secular functioning of core principles. However, the political feasibility of improving the current vested interests of all sectors of the legal-industrial complex remains, for the moment, a massive and largely unexplored obstacle, whether rightly or wrongly. The success of this putative jurisprudential stance largely rests on its ability to build coalitions, the persuasive strength of empirical direction in identifying concrete areas of apparent superiority through pilot programs, a step sensibly suggested by the author. Ultimately, however, the discussion makes a strong point that the truly accurate measure of any legal system should be its opposite: the ability to diminish suffering and engender flourishing. By placing the locus of law outside the vetocracy that affixes it to the jailor's brand, in effect, and perfunctorily as an applied ethics of healing and restorative justice rather than just a mechanism of oppression, the article makes a significant contribution to re-envisioning the real purpose of law in the 21st century.

[36] Schonthal, B. (2022). *Buddhism and constitutional law*. Routledge. p. 204.
[37] Alexander, M. (2020). *The new Jim Crow: Mass incarceration in the age of colorblindness* (10th edition). The New Press. p. 241.

Conclusion: Towards a Compassion and Discernment Law

The synthesis of Buddhist ethics and contemporary legal models, as suggested here, is not an invitation to theocracy, but an appeal to a wiser, more ecologically enlightened, and more compassionately persuasive jurisprudence. The current paradigms of positivism and rights liberalism, as powerful as they are, have failed to engage with the seated community crises and ecological crises of our day. They prefer to manage symptoms rather than cure the pathologies of greed, aversion, and delusion, which the Buddhist tradition so accurately lists.

The path through this inquiry, from the Buddhist theory of interdependence and non-self, through the functional plan of the *Vinaya*, to the hybrid systems of restorative justice and ecocentric law, has attempted to demonstrate that the *Dhamma* is not merely a matter of personal convenience; it provides a coherent and multidimensional system for re-visioning our shared life. A legal system centred on the cessation of suffering (*dukkha-nirodha*) would measure its success not in terms of how effectively it clears its caseload or the harshness of its punishment, but by how much it serves to promote reconciliation, to preclude harm, and to create the conditions for genuine human flourishing.

This is not a plea to relinquish the rule of law, but to imbue it with a wiser wisdom. It is a plea to build a legal culture in which discernment (*paññā*) and compassion (karuṇā) are not viewed as moral absolutes distinct from the legal profession, but as key professional skills. The ultimate promise of Buddhist jurisprudence is a law that acknowledges it is an applied ethics, a healing path that succeeds, and an outstanding embodiment of our interdependence. By being brave enough to combine the sacred and the secular, perhaps we can yet design a legal system that is not only respected and feared, but wise and healing.

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