

Chapter VI: Conclusion

Without a strong universal law of ethics to ground law, what then is left? Radical relativism and total historicism seem to be the only possible option. The mightiest force will always be right, just, and ethical. The Nazis, Afrikaners, American slave owners, and a host of others simply lost their strategic advantage, but in fact they were never truly unethical or unjust. These forces had simply outlived their time in the sun, and were merely replaced by other superior forces that believed differently. However, this seems disgustingly wrong. Injustice is injustice, and the wanton killing of innocents is forever evil regardless of who is control of the world at the time certain actions are committed. There is an over-riding innate intuition, which strongly dictates that there is some universal law that should not be transgressed, whether or not it can be successfully defended. It will be my assertion that this intuition can be successfully defended, and that this intuition is a marriage of reason and emotion. This claim is not one for ethical intuitionism, because it is not grounded in some transcendent, un-definable good. This intuition is grounded in humanity and it will be explored in this chapter. The course of this final section will not be to layout a full argument, which might take a lengthy book in itself. Instead, I shall offer what I take to be a plausible argument in order to open up a path toward a solution to the apparent problems raised by a Heideggerian critique of Kant's social and political philosophy.

Although Kant sought the grounding for his entire ethical and political philosophy in only a logically modified form of Christianity, his hunch that religion played a major part in his quest was correct. But why is this? Before this question can be addressed, what I mean by religion

must be properly defined. In no way am I defining a religion by the organizations that develop and act as mere political entities asserting absolute claims to ethics or God. These organizations are for the domain of the sociologist and religious studies community. By religion, I simply mean the core ideas that the larger religion has been built upon. Religion in this sense means only the foundational ideas that arose as humanity attempted to understand its place in the universe. This is not in any way to claim that any religion may or may not have discovered some eternal truths; it is simply a claim that one must look at the reasons why humans are religious in the first place. Religion in this sense is the relational understanding a community has with its environment, and not necessarily the teachings of one single figure out of time.

Throughout human history two things have remained a constant: suffering and death. Life entails struggle and the certainty of eventual physical non-existence. Of course there is joy, beauty, love, and a host of other majestic things in life, but these seem to be the wondrous highlights that receive their extreme power by existing like the peaks of mountains surrounded by the suffocating clouds of pain and suffering. This is not to take a pessimistic stance on human history, or even life itself. In fact, it is the most optimistic view that one can take and remain within the reality of this life. Humanity has an enormous drive to flourish, to struggle and toil, to survive and live, and to find happiness within a world that is indifferent toward any human designs. Everything we as humans do will end and be forgotten. We, I will be forgotten, and yet as a species we continue on, not because we must but because we want to. This is what it is to be Dasein. Religion is the poetry of this struggle, and it is in religion that clues may be found as to what a true universal law can be.

A person is intimately tied to her social and historical conditions. One exists as part of the systematic whole of one's community. Language acts as the bridge between the one and many; it is the lifeline and supplier of all that one is. Authenticity comes from taking the given and making it one's own. The authentic person is then akin to an artist who transforms the possibilities given to her from the world into her own meaningful image. Religion is an act of artistry; it is an act of re-creation. Religion is the transformation of natural suffering into humanity's ideals and principles; it is taking impermanence and making it our own. The acceptance of radical impermanence spurs the development of religion onward. However, since even religion is merely a part of the systematic whole, it contains within it the combined hopes, beliefs, and values of the communities it serves. It is a reflection of Dasein's attempts at authenticity. Historically, philosophy owes its creation to this same process, and religion may be viewed as philosophy's mother. However, religion is unique because of its tenacious focus on humanity's mortality and the suffering mortality entails.

In order to demonstrate the claim that religion is Dasein's artistic, or more aptly put poetic, expression of the struggle with an uncaring universe, Heidegger's philosophy on art will be briefly explored. Art receives its power because it is a wholly natural way for Dasein to see things in a new light; it allows Dasein to see the "unconcealment" of "truth."¹ Art displays its topic in such a way that the essential relations of its focused topic are brought to light.

¹ Heidegger, Martin. Basic Writings. "The Origin of the Work of Art," ed. Krell, David. Trans. Neske, G. San Francisco: Harper, 1992. 161. "What is at work in the work [of art]? Van Gogh's painting is the disclosure of what the equipment, the pair of peasant shoes, is in truth. This being emerges into the unconcealment of its Being. The Greeks called the unconcealment of beings *alethia*. We say 'truth' and think little enough in using this word. If there occurs in the work a particular disclosure of a particular being, disclosing what and how it is, then there is here an occurring, a happening of truth at work . . . The essence of art would then be this: the truth of beings setting itself to work."

Obviously, some relations are more essential than others, and some apparent relations may be misconceptions or pure fantasy. Religion is art in that it takes the given of the empirical world and wholly transforms it. Religion stamps the empirical with what it is to be Dasein. To be Dasein is to exist with a limited understanding, knowledge, and possibilities, and yet to hope for more. Religion is Dasein's attempt to overcome the limitations of being human by shattering and restructuring the seemingly uncaring given into a meaningful whole. When conceived of as the core ideas only, religion is the community's attempt to be authentic, thereby making it possible for Dasein to address its own limited power and mortality. This is because any true work of art has the ability to tear open an unperceived realm of experience, which would have otherwise gone unnoticed.² As noted in the previous chapter, Dasein is a being-in-the-world and naturally comes to see the many relations of this world through language. In continuation of this argument, art forms that are composed of language break the static molds of the given relations and create from the old something new. This radical modification of the given allows Dasein to see hidden truths, which were formerly lost in the systematic whole of Dasein and its world. The nameless and generic world becomes endearing and personal.³ For example, a single photograph of the unintended victims of war can highlight the horrors and brutal nature of war itself. A society can become freed of its biased view of its right to wage a war and see the truth of the suffering caused on both sides of the conflict.

Art, and specifically religion, creates a conflict within Dasein between what is known from the given world and what is discovered in the transformed and personalized systematic

² Heidegger. Art. 167.

³ Heidegger. Art. 168.

whole. This struggle acts as a path to the bountiful and expansive realm of “truth” through a dialectical opposition with “untruth.”⁴ For Heidegger, truth is the gaining of a fuller understanding of a thing. Truth is a deeper appreciation of a thing, which remains hidden at times due to either the accepted given or the complexities of how mundane life clouds one’s appreciation for a thing. For instance, a deputy sheriff exists within a world of legal right and wrong. One either obeys the laws or is in violation of them. Outside of the legal context of the deputy’s duties, the complexities of human existence are often forgotten. Citizens are either ‘good’ or are guilty. However, certain instances in a deputy’s day-to-day duties can uncover truth. The very human-ness of the community this deputy is sworn to protect can be made painfully evident when a suspect becomes more than a law-breaker. The suspect’s life history and motivations make him rise from the status of a pawn-like-thing to that of an unfortunate peer. The truth of this person’s higher status had always been there, but it had been concealed to the deputy until this point. This is an uncovering, or unconcealment, of truth, but it is not a discovery of a new fact. It is gaining a fuller understanding of a thing that was clouded by the earlier partial understanding. This is very much Hegelian in that a type of deeper, or more thorough understanding, of a truth emerges through the struggle of an incomplete given and a more complete insight into the hidden possibilities of the given. Additionally, since there is no true subject/object distinction between Dasein and its environment, a deeper understanding of truth is actually a deeper understanding of Dasein; it is a deeper self-understanding. In this way, religion achieves and records a deeper understanding of Dasein, or more specifically the unique quality that makes humanity human.

⁴ Heidegger. Art. 180.

Although art can be an illusion, it provides insights into reality because of the unseen relations that illusion can uncover. For instance, a war is a chaotic and vastly disturbing world of experiences. However, a fictional artistic account of a specific set of circumstances in a war can highlight non-fictional truths about those who fought in the war. These truths may have gone unnoticed without art's power to break things apart and restructure them in a meaningful and understandable way. Within Dasein, this confrontation between the true and untrue-ness of the accepted given work as one, producing a battle that can lead to the "becoming and happening of truth."⁵ 'Truth' here would denote a more thorough understanding of Dasein's given world. For instance, the laws of physics and mathematical principles would be truths, but they speak more of how Dasein perceives its world than the empirical universe in a strict analytical sense. Truth is not a correspondence of one's beliefs to the empirical realities of the world. Instead, truth is a deeper understanding of Dasein's many relations, which may sometimes correspond with the empirical world in a strict sense, or may not.

Poetry is the best example we have of the power of literature to open the way toward truth.⁶ Poetry grabs language, and in the process takes possession of Dasein and its world. This unique form of artistic expression has the power to authentically break down all given possibilities and restructure them in entirely new ways. Poetry is "all art," which forces the battle between the given and the unseen, if and only if it leads toward truth.⁷ However, this path to truth must be directed and purposeful; a simple wandering along will not find truth. True poetry, or art, cannot be aimed at an "indeterminate void"; it must be directed toward a

⁵ Heidegger. Art. 196.

⁶ Heidegger. Art. 197.

⁷ Heidegger. Art. 197.

“historical group of human being[s].”⁸ Since Dasein is intimately tied to a specific social and historical group, art must be directed at the relations of that group. Aside from a strict Heideggerian reading of art, it may transcend a specific community, because many relations are common to virtually all, due to humanity’s common understanding of the world as a species. For instance, every soldier will know the horrors of war, and art that deals with this common human fear of death and loss of innocence can reveal a type of international truth. However, if a work of art deals with something such as a cultural specific aspect of warfare, then the art may not reveal any hidden truths. For instance, Aztec art deals with the glory of a defeated soldier being sacrificed to a god. The only relation we may see in the 21st century is a brutal murder.

This conception of art’s power over a historical group of people can best be understood through language’s power over Dasein. Language grants a co-state-of-mind by providing a specific set of myths and beliefs within a cultural group. These serve to frame the world in a specific way, which give Dasein a limited number of possibilities for its existence, as well as limiting the possibilities for the community as a whole. Art allows for these possibilities to be more thoroughly understood, and uncover unforeseen possibilities within the social and historical environment. Although it is my assertion that religion is art, all art is not religion. This is due to religion’s focus on humanity’s impermanent existence and its exploration into what is the proper, or ethical, way in which to live. It is religion’s search for uniquely human universal truths that sets it apart from all other art forms whether they are beautiful, philosophical, or scientific. Religion opens up certain unseen possibilities, while highlighting others that are already known. Just as importantly, it serves to highlight the highest and most cherished relations, or ideals, of a

⁸ Heidegger. Art. 200.

community. These artfully constructed relations then become the given of the culture, even if a specific religion is replaced by another. This is due to human beliefs being much like Newtonian physics. Beliefs do not emerge *ex nihilo*; they emerge from interaction with other beliefs. Religions, and all art, emerge and interact with the social and historical given of a community.

Religion grabs language, thereby taking possession of Dasein's greatest hopes and fears. This unique form of artistic expression has the ability to authentically break down all given possibilities and restructure them in entirely new ways. It is the "power of imagination," which makes finding truth possible in any art form.⁹ Religion uses this power to address humanity's limited power and mortality. The strife between the cacophonies of competing relations within the world of Dasein is broken down and religion's illusionary relations are brought to life. This battle between the true and untrue forces hidden truths to emerge, as unperceived relations are jarred to life. I shall necessarily distance myself from Heidegger at this point and attempt to push his insights further. The truths that religion reveals are the communal hopes and dreams of Dasein, which can all be summed up in an innate sense of compassion for one's peers. Compassion is more fundamental than other aspects of humanity, such as aggression, greed, or even bloodlust. This is due to compassion being the uncovered truth that is sought for in response to these more vicious aspects of human existence. Whether suffering is human or naturally caused, the suffering of humanity's impermanent existence forces religion forward to find the hidden truths of one's relation to the community. Logically the vicious aspects of human existence only lead to more suffering. The community as a whole can only escape suffering by finding an aspect of humanity that is the polar opposite of those that cause suffering

⁹ Heidegger. Art. 197.

in the first place. This polar opposite is compassion, and it is the fundamental aspect of humanity. It alone has the power to solve, or at least lessen, the problems of human suffering.

Compassion is more fundamental than reason in the quest for peaceful human interactions. Reason alone can only offer structure to the given-ness of one's environment. It cannot uncover the deeper truth of what it is to be human. Like the deputy who can only perceive the black and white world of legal right and wrong, reason can only offer possible courses of actions within the given and accepted framework of one's inherited surroundings. Although Kant's ethics speak of never using a person as a mere means to an end, reason can only suggest this. Reason can only state that this is a violation of a structured law. Because of this, reason can be abused and persons can be made into property, children born outside of the legal bounds of marriage can be murdered, and property concerns can be of more importance than what is best for the community. Without emotion, reason is best suited for computer programs; reason is empty without the crucial emotional aspect of humanity being included in ethical and legal equations. Compassion is of paramount importance in this work's quest to find a solution to the problem of legitimately grounding a type of universally binding law. Compassion binds the individual with her community. It is an emotion that is married to reason and does not create a subject/object distinction, because it is aimed at the interactive system of individual and community.

However within religion, the faults of Dasein also emerge. One may choose almost any religion at random and find passages within sacred writings detailing one god's instructions to kill and destroy a group's hated enemies. However, the battle between the vaunted ideals of a group, or an age, is inconsistent with these passages. Strife will emerge within the religion itself,

until truth emerges. The illogic of aiming for peace and an end to suffering while at the same time espousing aggression and bloodlust toward another group will ultimately come to light. The unconcealing of truth is found in the resolution of this dilemma, which is to espouse compassion and mercy. The rational is still needed in order to solve the glaring inconsistencies of a religion that professes compassion and mercy on one hand and brutal murder on the other. If religion existed in an isolated vacuum of thought, these inconsistencies might not have any solutions. But religion is not separate from the total system of Dasein's existence; it is a part of the systematic whole. It does not require the tools of the philosopher to gain empathy for others, whether these others are a part of one's group or not. Whether by fortuitous accident or divine providence, humanity has an innate sense of empathy for life. The suffering and death that spawned religion in the first place has created a common understanding among all of humanity. One knows what another's pain is like, because one has felt a similar experience. Human existence does not allow for any Dasein to escape the harsh effects of suffering and death. Additionally, human beings have the ability to contemplate their own mortality and the complete impermanence of life. Throughout history human lives, creations, and societies have flourished and ultimately perished. Nothing lasts, but human beings have a desire to create things that will last nonetheless. Compassion arises from this apparent dilemma of desiring the permanent within the realm of impermanence. Compassion creates an environment of relative permanence, whereas other aspects of humanity tend to lead to radical impermanence. One may be mortal, but the community has the power to remain after one's own demise. The contributions made during one's life are magnified and infused into the community when they are done for the community. A self-serving life may be remembered, but its contribution to the whole is not as

great. For example, human cells have relatively short life spans, but the body continues on from their contributions to the whole. Cancer is more akin to a self-serving organism and breeds the ultimate demise of the system it is a part of. Compassion is the logical course for persons to take in the face of life's harsh realities. Some may be able to overcome their natural empathy and compassion, but nonetheless it is innately a part of their being.

The Nazis, Afrikaners, United States Calvary of the 19th century, and all other aggressive forces through time have all been equipped with the ideals of compassion and mercy. As Dasein, one's religion has used and manipulated language. In fact, religion becomes a part of a one's cultural myths and beliefs in almost imperceptible ways. The truths within the religions are a part of the way Dasein sees the world. For instance, hundreds of phrases used for many secular purposes within Western culture are directly related to their Judeo-Christian origin. Everyday literature and speech are full of these phrases and gain their metaphorical power from their religious mythology. The phrase the "writing is on the wall" comes from the Old Testament of the Bible.¹⁰ In this story God spoke directly to a king by writing a cryptic but ominous message on a wall. In modern secular usage, it means that an ominous, absolute and undeniable truth has been made known, but few can understand its portent. Without the religious mythology, the phrase is meaningless. Since religion is an art form that is directly concerned with humanity's mortality, it holds tremendous power over Dasein and its inherited social and historical conditions. A plausible argument can be made that all religions can be found to contain a conception of compassion as the highest good. It can be further argued that compassion is the most righteous action that one should take. In order to demonstrate this point, I will take a few

¹⁰ Life Application Bible. New International Version. Michigan: Zondervan, 1991. Dan. 5: 6-30.

examples from a handful of religions. These examples will be investigated for their plausible meanings, which may at times differ from the more orthodox interpretations.

Christianity has the Christ who preached compassion and empathy toward all. Unlike Kant's focus on the rational self-governed individual, Christianity clearly speaks of the individual's compassionate responsibilities toward her community and others. However, to classify compassion as a mere emotion is to miss its strong rational content. Compassion is not only a naturally occurring feeling one has toward others; it is also a freely chosen action, which is a mixture of emotion and complex thought. Compassion requires that one understands the plight of others and can empathize with them. When acted upon, empathy requires the ability to determine a course of action that is fair and just. Fair and just are synonymous terms denoting a course of action that is neither too lenient nor too severe. Compassion is the marriage of the emotional with the rational; empathy is joined with one's full intellectual capacities to determine the area between leniency and severity in one's actions. Compassion is not weakness or pity; it is choosing to see another as one-self. Compassion is the core of Dasein, because it is the ability to see the whole without the subject/object distinction creating a system of one standing against all others. Compassion joins the individual's emotional and rational abilities in order to focus them on the community. Compassion allows one to see one-self as all others. It gives the individual the ability to see one-self as a member of the larger whole and not just as an individual surrounded by a wholly separate otherness. Compassion breaks down the walls and barriers of the given, which conceal the truth of the intimate connection of humanity to humanity. A metaphysically grounded ethics and promulgated law must be based on compassion in order to provide a universally human binding authority.

Hinduism has Krsna and the cosmic law of Rta as examples of one's compassionate duty to the community. The Bhagavad-Gita is the story of a soldier and his fulfillment by following his duty. Although the story speaks of Arjuna being a god and Krsna as being the incarnation of the Absolute (i.e. God), this can be re-interpreted in a similar fashion to Kant's methods with the New Testament. Arjuna the god becomes the intellect of an individual, and Krsna becomes compassion guiding this individual through his internal deliberation to be obedient to the ethical law. Arjuna has been commanded to fight an evil enemy and retake his rightful kingdom, but many of the opposing soldiers are his old friends and teachers. Because its message is so universal, the story can be reshaped and told for any location or culture. For instance, Arjuna could be seen as a German citizen in 1938 Germany, who must fulfill his duty and fight against the evils of the Nazis who are his old friends and possibly family.

The text's main concern, and its timeless value, is found in its admonishments for humanity, and more specifically its concepts of each person's duty. This duty is found in following one's own law, but this in no way implies an individualistic ethics. One's own law is based upon a universal compassion for life, which is an inherent part of who one is as Dasein. One knows beforehand the right course of action and chooses to follow it. In this way one is not obeying a foreign dictate, but one's own dictates that are acquired from being a part of the interactive whole of one's environment. This profound understanding of humanity is purposefully told in terms of warfare and through the eyes of a soldier and his duty as explained by Krsna. War would appear to be the last place to be compassionate.

Arjuna's Duty in this battle is to fight the enemy and overcome his doubts. He has an overwhelming empathy for his enemy, because he fears for their pain and their eventual demise

at his own hands. He also loves many of them as friends and family, and does not want to see their lives end. However, Krsna advises Arjuna to expand his empathy beyond that of his own community in order to see that all life should be treated with compassion and concern. Beyond his friends are countless others who have not committed evil actions. He has a duty to them, as well as to himself. Krsna further illustrates this when he tells of the sage that has attained enlightenment and sees with “an equal eye, a learned and humble Brahmin [highest caste member in Hinduism] . . . or an outcaste.”¹¹ This deeper understanding the sameness of persons is a process that leads one away from the attachment to the temporal things “that have a beginning and an end” and toward the recognition of the unchanging ethical law, or knowledge of the Rta.¹² The Bhagavad-Gita also speaks of the ideas behind Kant’s ethics, which all his religion has been built upon. Krsna says that the only truly assured thing in life is the ability to act, and this action is always to be without motivations for a reward.¹³ Motives can be justified desires masquerading as truths that enslave one to certain outcomes and can blind one to other alternatives; they create a radical individualistic ethics. This religious story clearly displays an ethics based upon a fully developed conception of compassion. One’s duty is to the whole of humanity and not simply to one’s own kith and kin. Compassion dictates that certain battles must be fought in order to insure that right prevails.

Finally I shall address Judaism, in part because Kant spent much of his religious philosophy denying it any ethical worth, and this goes against my contention that all genuine religion, at its core, is an artwork whose subject matter is mortality and compassion. I have

¹¹ Bhagavad-Gita. Trans. Radhakrishnan & Moore. New Jersey: Princeton, 1957. 121.

¹² Bhagavad-Gita. 122

¹³ Bhagavad-Gita. 110.

chosen to explore the binding of Isaac, because of its central location in Judaism as the establishment of the Jews as God's chosen people. It is the final test of Abraham's worthiness to establish a nation of God on Earth. The story of Abraham's order from God to slay his son Isaac as a "burnt offering."¹⁴ Now it should be noted that Kant views this as a prime example of an ecclesiastical faith in direct opposition to the moral law.¹⁵ In the text, the angel of the Lord stops Abraham at the last second by commanding him not to "lay a hand on the boy."¹⁶ In keeping with Kant's assertion that it is one's duty to find reason within the Scriptures, this story can easily be found to have significant ethical lessons.¹⁷ Abraham may be viewed as a child, and in this regard a child is someone without the developed faculties of reason. It was Abraham's duty to mature and combine his reason with his emotions – namely his love for his son – thereby dedicating himself to obedience to the ethical law.¹⁸ The lesson for Abraham, as he experienced empathy for his child as growing into a fully rational adult, was to become fully compassionate and to realize that the shedding of an innocent's blood is wrong no matter who requires it. His compassion for others should have outweighed his selfish fear of any God who would require such a horrid action.

As a future father of God's Nation this commitment to compassion is the lesson he needed to learn above everything else. As a father, and more importantly as Dasein, he should

¹⁴ Life Application Bible. Gen. 22: 2.

¹⁵ Kant. Religion. 82. "For as regards *theistic* miracles, reason would at least have a negative criterion for its use, namely that even though something is represented as commanded by God, through a direct manifestation of Him, yet it flatly contradicts morality, it cannot, despite all appearances, be of God (for example, were a father ordered to kill his son who is, so far as he knows, perfectly innocent)."

¹⁶ Life Application Bible. Gen. 22: 12.

¹⁷ Kant. Religion. 78.

¹⁸ Simmons, D. Hyperion. New York, Bantam, 1990. 292.

have felt the pain of this child intensely and offered himself instead to this bloodthirsty god. Not because this was his son, but because this is an innocent whose life needs to be protected.

The other lesson as a reasoning adult is that the supreme law-giver never truly requires such a horrid action, if this God is truly compassionate. The strife within this religion between a blood-thirsty warring and a benevolent loving God, would necessarily yield to a conception of a compassionate one. The story ends with God stopping the action because Abraham fails to see this, but its profound message was left for all serious readers to ponder. The correct lesson is found by what Abraham fails to realize. He almost murdered his own son, because of this failure. The true lesson is to follow one's duty to compassion without concern for one's inclinations and desires of appeasing a god, or unjust law.

Although only three different religions have been used to illustrate the claim that all religions contain a conception of compassion as the highest good, it is not a stretch of the imagination to make such a claim. The ancient Aztec, Mayan, and Olmec religions of Meso-America contain Quetzalcoatl as the supreme God whom all others fear and must obey. Quetzalcoatl committed self-sacrifice in order that life might exist. His act is viewed as the highest form of compassion; one willingly dies in order to insure the life and safety of others. Buddhism contains the four-noble truths and the eight-fold path, which call upon one to live a compassionate life to all. The list can go on until every religion has been plausibly shown to contain this concept of the highest good. However, for the purposes of this work this demonstration has merely been to draw out the fact that humanity's mortality and suffering yields the truth that compassion is seen as the highest virtue in life. Furthermore, compassion to others is also seen as a mandate, a duty, which all are required to obey.

Religion may very well reach out to some God or it may be a mere fiction, but it is a bridge entirely constructed by the way Dasein perceives its world. All religions need only be investigated to yield plausible illustrations of compassion as the highest good. Religion can tell us more about Dasein's world than it does about any transcendent realm, with any certainty. Human beings have either naturally evolved into creatures who require compassion from each other, or have been created specifically that way by either a divine force or some unknown natural laws. My point is not to provide a classical universal law, which would bind all sentient beings in the universe, nor is it to provide an eternal law that always has been and always will be. The usefulness of demonstrating plausible readings of religious myths is not to establish an eternal legitimate grounding for promulgated law; it is only to assert that this ethical law of compassion exists now. Because of this, all violators of such a law should have known better whether the promulgated law was in existence or not at the time of their crimes. Human beings, as Dasein, have the understanding that certain actions are forbidden, whether ordered to do so or not. Religion is the storehouse of this knowledge and is transmitted, or taught, from generation to generation. Religion as an art form is imbedded and intertwined into the entire fabric of a person's existence, whether or not a person is religious. Because of its power to uncover truth as an artistic expression of humanity's concern for suffering, religion yields the keys to ethics. The ethical law it spawns provides a legitimate grounding for promulgated law, which is a part of humanity itself.

However, compassion can be a vague term, and Kant's ethics are still very much needed in order to turn the theoretical into practice. Kant's religious philosophy can be replaced with a quasi-Heideggerian understanding and reading of religious mythology in general. This will yield

an idea of compassion that grounds ethics and law, instead of necessitating a supreme law-giver. Kant's ethics would necessarily focus on one's connection to the community, instead of one's individual moral well-being. This shift in ethics' focus would avoid such complications the categorical imperative encounters when attempting to decide between two competing ethical actions. For example, a criticism often raised against Kant's ethics is whether it is acceptable to lie in order to save an innocent's life. Reason alone would dictate that one must never lie, because of the logical inconsistency that would arise if lying became a universal law. One could never lie, because a lie is only effective when everyone believes that people are honest. By marrying empathy with reason, compassion would dictate that the life of an innocent is more important than being truthful.

The true importance of Kant's ethics can be found in their ability to more clearly define what is fair and just. As I stated earlier, what is fair and just can be defined as the approximate mid-point between a punishment that is either too lenient or too severe. Using Kant's ethics as they are would assist in giving a series of punishments for consideration. These would be based on reason alone, but they are not necessary actions at this point. Compassion for both the victims and the violators would need to be added into the equation in order to determine which punishment is the best course of action. There would necessarily be some relativism involved in this process from culture to culture. This seems to be unavoidable due to how human beings are intimately connected to their specific social and historical locations. However, this does not imply a radical relativism where anything is acceptable. Culture may influence which actions to take, but compassion would necessarily define boundaries that should not be crossed. Kant's ethics provide the ideal system to help define these boundaries by offering up a series of moral

actions the accused could have taken in a strictly Kantian sense. These actions could then be compared to the actual actions taken by the accused. The severity of deviation from this series of moral actions would then be combined with the mitigating circumstances within the culture of the accused in order to determine a compassionate sentence.

Kant's ethics would play a useful role in law, but they would never be the overriding power in law. Of course, with the modifications made to Kant's religious and ethical philosophy, his entire political philosophy would necessarily have to be re-worked if not re-done altogether. The advantages in law of pursuing the subject of this last chapter in depth would be to eliminate concerns over ex post facto injustice. Certain actions would necessarily have been known to be wrong before their actual commission. The illegality of certain actions could be legitimately and successfully argued against. Of course, the difficult task would then be to determine the appropriate punishments. Reason is very much needed to aid in this dilemma, and a Kantian categorical imperative could assist in determining what is fair and just. The court could construct imperatives asking what is the appropriate sentence it should pass down. Of course, this could very well present a series of punishments that would need to be tempered with compassion for all concerned. The ethics I am proposing here does focus on the community, and this does entail compassion for the victims would outweigh compassion for the accused. However, this does not imply that the accused can be treated as a non-entity. Formal fair and just court proceedings, as well as the prohibition against cruel and unusual punishment, are forms of compassionate legal behavior.

In closing, the ethics I am proposing would appear to deny one any ethical duties to oneself, such as developing one's skills and talents. However, this misses the point that one is a part

of the community. The ethical stance suggested here is aimed at the communal system as a whole, which would require ethical duties toward one-self and the rest of society. The development of one's skills and talents not only benefits the individual, but it also benefits the community, either directly or indirectly. The important factor of an ethics based upon compassion is that the focus is away from a strictly individualistic viewpoint. A society would necessarily be composed of duties, without an emphasis on rights, because rights supervene duty. The duties to one's community and the community's duties to each person would supercede any claims to a right to act, or be treated in a specific way. This would also hold for nations within the international arena. Rights to war, property, or self-determination would never be justified. Uncompassionate actions could be defended against, but this is a duty and not a right. For instance, the Nazi regime had to be defeated because of their horrid actions and not because they necessarily denied individuals their rights. This is more than just a simple game of semantics. Instead of the focus of ethics being upon what I may or may not do, the focus should be upon what I must or must not do. The focus of compassionate ethics is wholly upon the other. All those that would subvert their duty to a natural ethics of compassion could be justly punished without fear of ex post facto injustice. Crimes of omission would be just as valid as crimes of commission.

Kant missed the greatest contribution religion holds for ethics and promulgated law by solely focusing on the individual. His ethics are grounded upon a specific cultural interpretation of the world, as found in his religious philosophy. This leads to a political philosophy that is far from ethical. The dream for a strong and objective universalistic law ultimately fails because of his cultural presuppositions. However, the goal of an objective universal law is a failed project

to begin with, because one cannot remove one's self from one's culture. A legitimate human-universal law can be achieved only by avoiding the fallacy of the subject/object distinction. A promulgated law based upon an ethics of compassion can give the international community the legitimate authority to punish the violators of such a law. Human culture as a whole can be freely allowed to influence such legal decisions, because of the fortuitous similarities in religious thought. When the focus of the ethicist's search is changed to investigating the whole, or the community along with the individual, what emerges are rules governing one's interactions. These rules are about duty alone, without any thought of reciprocation, which rights and freedoms entail. Compassion dictates how one should treat others, regardless of the other's actions or stations in life. International transitional justice would then be using might to enforce the already existent right found within an ethics of compassion.

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