

Human Rights and Buddhism: An Analytical Study

Abstract

Basic elements and principles of human rights are prevailed in teachings of the most religions of the world including Buddhism. The Main ingredients of social message of Lord Buddha are part and parcel of modern day principles of human rights incorporated in many international declarations, treaties in present time world. Buddha succeeded in discovering the antidote of all sufferings in the form of Dhamma, a collection of very simple and clear elements of natural truth for the restoration of human rights and fundamental freedom. There is intimate and vital relationship of Buddhist norm of Dhamma with that of Human Rights. Human Rights as construed in the modern era are compliable with Buddhist ethics. Certain values embodied in the notion of right are better served by the notion of right in the Noble Eight Fold Path given by Buddha. Duties and rights are correlative and reciprocal. Buddhism is as such committed to the cause of human rights.

Keywords: Human Rights, Buddhism, Dhamma, Duties, Self.

Introduction

The concept of 'right' has a long intellectual history. Etymologically, the English word 'right' is derived from the Latin 'rectus' meaning straight. Rectus can be traced back to the Greek **Orektos**, which means stretched out or upright. Both 'right' and 'rectus' themselves however have a more remote ancestor in the Sanskrit **rju** (straight or upright) The equivalent form in Pali is 'uju' (or uju) meaning straight, direct, straight forward, upright¹. Despite a common Indo-European etymology, however there is no word in Sanskrit or Pali which conveys the idea of a 'right' or "rights", understood as a subjective entitlement².

Aim of the Study

The history of human right beginning with the code of Hummurabi (c.1700 BCE). In general the thought of the fundamental nature of human right, which states that "all human are born free and equal", is considered to have been established by the idea of the Natural law which emerged during the enlightenment era of the 16th 17th centuries. This concept of nature law was a result of the attempt to move from the standpoint of medieval theology from God's perspective to the perspective of viewing human life from man's perspective. The concept of natural right got evolved towards the end of 17th century as reported by Hobbes and Locke . Natural right are inalienable and have not been conferred on person by judicial or political entities and nobody can be deprived by these rights. Concept of natural right of 17th and 18th centuries culminated in the notion of Human Rights of present day world. The concept and scope of human right is ever changing. It is dynamic and liberal in natural and wider in its scope

The principal enactment of human right in force at present in the one known as Universal Declaration of Human Rights (UDHR-1948). It in considered as a model for all human rights documents and Charters. This thirty article declaration has also prompted and influenced other subsequent constitutions of the world including Indian constitution of 1950. UDHR was adopted on 10th dec.1948 by General Assembly of the United Nations. Provisions of it constitute general principles of law of humanity³. The right proclaimed by UDHR include right to life liberty, security of person, equality before law, privacy, marriage and protection of family –life, social security , participation in government ,work ,protection against unemployment, rest and leisure a minimum standard of living ,enjoyment of arts subject only to morality, public order and general welfare etc.

As Buddha and Buddhism is concerned anything that does not relate to man's welfare cannot be accepted to the world of Buddha. According to Him, "*Dhamma* of Buddha has nothing to do with God and Soul. This *Dhamma* has nothing to do with life after death⁴. The centre of

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Dhamma is man and is relation of man to man in this life on earth. The world is full of suffering and to remove this suffering from the world is the only purpose of *Dhamma*. According to *Dhamma*, if every person followed the path of purity, the path of righteousness and the path of virtue, it would bring end of all sufferings. According the path of purity the principles recognized are: not to injure or kill, not to Steal or appropriate to one self anything which belongs to another, not to speak untruth, not to indulge in lust, not to indulge in intoxicating drinks. According to the path of righteousness, there are eight constituents called *Ashtang Marg* that is (i) Right Look (ii) Right Intension (iii) Right Speed (iv) Right Action (v) Right Effort (vi) Right Means of Livelihood (vii) Right Mindfulness and (viii) Right Concentration. According to Buddha, the path of virtue meant: (i) *Sila* (moral temperament, not to do evil) (ii) *Dana* (giving ones possessions even one's life for the good of others), (iii) *Uppekha* (detachment from indifference), (iv) *Nekkhamma* (renunciation of the pleasure of the world), (v) *Virya* (right endeavour), (vi) *Khanti* (is forbearance, not to meet hatred by hatred), (vii) *Succa* (is truth in speech and never to tell lie), (viii) *Adhithana* (resolute determination to reach the goal), (ix) *Karuna* (loving kindness to human beings), (x) *Maitri* (fellow felling to all living beings)⁵.

Buddha gave a social message through his *Dhamma*. The message include: teaching of *Ahinsa* (nonviolence), peace, justice, love, liberty, equality and fraternity etc. *Dhamma* means to live in *Nibbana* (that means idea of happiness of a sentient being when alive), exercise of control over the flames of the passions which are always on fire. Unhappiness is the result of greed and greed is the bane of life. To give up craving, to believe that all compound things are impermanent, to believe that *Karma* is the instrument of moral order. According to Buddha, *Saddhamma* among other things include making the world a kingdom of Righteous, making learning open to all, breaking down barriers between man and man, 'worth' and not 'birth' is the measure of man. In *Sutta Nipata*, Sakyamuni Buddha expresses the ideal appearances of the phenomenal realm that is illuminated by the wisdom of the fundamental "equality"⁶. He encourages both himself and all people to live the true way of life as human beings, a life that manifests fundamental 'freeness' and 'equality'. By following his contemporary Indians social norms, Buddha expresses the ideal figure with the term 'Brahman', a term that signifies the 'Self' which is integrated with the cosmic life, and which encompasses the fundamental 'compassionateness' that encourages all the people to actualize freedom and equality. From the Buddhist perspective of life, this fundamental 'Compassionateness' encompassed in the 'Self' is also the foundation that assures the universality of the "rights of solidarity" and supports the actualization of the rights of peace, environment, and development.

Sakyamuni Buddha expresses this fundamental 'Compassionateness' as follows : "whichever are seen or unseen, whichever live far or near, whether they already exist or are going to be, let

all creatures be happy minded. " And loving-kindness towards all the world. One should cultivate an unbounded mind, above and below and across, without obstruction, without enmity, without rivalry"⁷.

The Buddhist Virtue of Compassion ie. *Karuna* encourages a person to develop the human capacity for empathy to the point where one can identify fully with the suffering of other. From this perspective , the attribution of human rights is 'an expression of a deep human ability to recognize the other as like oneself ; to experience empathy for the other's needs and sufferings ; to consent to, support and rejoice in the fulfilment of the other's human capacities and well-being'⁸. Compassion provides the moral bedrock on top of which 'an edifice of rights' is constructed 'as a device for extending the reach of natural compassion and for securing the goods that compassion enables to all persons in society'⁹. It is compassion that is regarded as 'foundational and fundamental'. The relation of these elements needs to be reordered. If compassion supplies the motivation to construct an edifice of rights then rights function to secure the goods that constitute human flourishing. In the specific context of human rights, compassion is the appropriate Buddhist response to injustice when society fails to give each his due as *Dharma* requires. (Compassion may, of course, arise in response to suffering of any kind, but human rights are centrally concerned with issues of social justice).¹⁰

Dalai Lama is of the view that a common human nature is to be considered as the foundation for his humanitarian ethics and refers to fundamental principles that bind all persons of society as members of the same human family. He clearly supports a moral universalism based on one "shared humanity". Dalai Lama's moral universalism seems compatible with human rights foundationalism which, it might be thought, provides the most intuitive interpretation of his views. it can of course, reasonably be argued, as Kelley observed that anti-foundationalism provides a better philosophical account of human rights overall.¹¹ Kelly further pointed out that it may simply be noted that providing a foundationless justification for human rights is for from unproblematic. As Freeman points out, "if no beliefs are securely founded, anti-foundationalist beliefs themselves are not securely founded, and in practical terms 'rights without reasons are vulnerable to denial and abuse'.¹² It has also been argued that anti-foundationalism itself appeals to moral foundations in a covert manner as well as presupposing a meta-theory along the lines of 'we should always act according to our own convictions'¹³.

The manifestation of Buddha-Nature is not a once- and-for-all event so much as a dynamic unfolding through continuous practice. The traditional idea of Buddha-Nature and its realization shows that this ethical path is one of solidarity and compassion with all sentient beings, where we see our struggle in *sansara* as shared and our liberation through Buddha-nature as liberation for all. It was upon this idea that we grounded the need for rights and the importance of rights for both one's own emancipation and that of others¹⁴. The rights that issue from this

understanding are said to have two characteristics first, they will be 'grounded in a genuine sense of solidarity with human beings on the deepest ground of our shared struggle'; and second, they will be based 'not on a presumed human nature on which other people may or may not agree but rather on a historical response to the actual suffering of people and in solidarity with their struggle'¹⁵.

From the doctrine of Buddha-Nature we can derive much related to the concept of human dignity. One ground of human dignity is the capacity for rational choice, not in the sense of bare autonomy, but as the choice of those goods that are truly constitutive of human well-being. Human dignity arises from the innate capacity to participate in these goods. Examples would include life and health (protected by articles 3 and 25.1 of UDHR), Knowledge and education (Protected by article 26), friendship and sociability (protected by articles 3,13 and 20), and religious belief (protected by article 18 of UDHR)¹⁶. Human rights are then the legal means by which moral theory is translated into normative practice. Rights can be seen as institutional means for upholding certain general forms of right conduct¹⁷ and the ethical demand to realize Buddha-nature is something we do with and for the community of sentient being as a whole¹⁸.

Buddha-nature has many attractions as a foundation for human rights. It grounds rights in human good; it explains why rights are inalienable and universal; it provides a Buddhist equivalent for 'human dignity; and it can also encompass non-human forms of life. The concept of 'Buddha-nature' is also unknown in early Buddhism, although having antecedents in the belief that all beings have the capacity to attain awakening, as noted by Perera¹⁹.

Concept of rights is not alien to Buddhist philosophy. It is implied. All have duties in form of reciprocal obligations that could be analyzed as rights and duties. **Dhamma** of Buddhism determines duties expressly and rights are implied in nature. Duties of one correspond to the entitlements of rights of others. Buddhism originated in caste based society. As per doctrine of Buddhism, there is no self, means all are equal in most profound sense. According to Dr Ambedkar, religion based on God and caste system is not a religion. It creates love for God and hate for man. The religion necessarily must have four ingredients viz. liberty, equality, fraternity and morality. If these elements are absent in any religion then religion cannot be a religion. In **Dhamma** of Buddha all these elements are present. It is 'worth' and not the 'birth' that determines the status of man. Buddhist view of reciprocal obligations or duties can be seen as an embryonic form of rights or as preconditions for rights in the modern western sense. Many of the rights and liberties spelt out in human Rights Charters are present in either expressed or implied form in moral teachings of Buddha.

Buddha started his mission of rebuilding the unjust social order on the pillars of love, compassion, *Maitre*, *Karune*, character, equality and brotherhood. Thus the foundation of Buddhism is based on human values, natural justice and equality. Buddha even

recognized women's right to education and socio-political activity. (20) Buddha and Buddhism not only successfully revolted against the caste system but also provided an alternate way of life- culture which is based on equality in Buddhist social order. **Dhamma** has in it both hope as well as purpose. Its purpose is to remove *Avijja* ie. Ignorance of the existence of suffering. There is hope in it because it shows the way to put an end to human sufferings. An approach with regard to human rights and Doctrine of *Ahinsa* has been discussed by Byrne from an environmental perspective which is an exploration of the modern phenomenon of environmental Buddhism and the ethics related to the Doctrine of *Ahinsa*.

Conclusion

The modern idea of human rights has a distinctive cultural origin, but its underlying preoccupation with human good is one Buddhism shares. Human rights can be seen as an explication of what is 'due' under **Dharma** and hence an authentic expression of Buddhist teachings. A successful foundation for human rights should be comprehensive, as well as rooted in the core teachings of Buddhism accepted by all schools. The rights proclaimed by the UDHR and similar documents can be understood as facilitating the liberation from suffering and the achievement of self-realization proclaimed in the Four Noble Truths.

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