

## Human Rights and the Buddha's Teachings: A Soteriological Perspective

Shoyo Taniguchi, *Graduate Theological Union, Berkeley, CA*

### INTRODUCTION

Human rights violations, such as racial discrimination in South Africa, radical transgression of religious and political freedom by the Chinese government in Tibet, forced labor in various parts of the world, subjugation of women by men in even the most civilized Western countries, child abuse in homes and schools, and many other unjust activities are taking place in the world. Numerous people suffer desperately from injustice, prejudice and discrimination in the political, economic, religious, sexual, social, cultural and ideological arena. Violent infringements of human rights have come to light in every sphere of human existence. With greater awareness of and concern for these violations, serious attention is now being focused on the meaning of human rights from the sociological as well as from theological perspectives.

### THE DEFINITION OF HUMAN RIGHTS

The expression "human rights" in the West is a relatively recent development, its earliest usage being traced back only to the last decades of the 18th century.<sup>1</sup> The *Virginia Bill of Rights* of 1776 and the *French Declaration of the Rights of Man* of 1789 are pioneer statements in its modern understanding; they affirm freedom and the equality of each individual as the most basic rights of human beings. After World War II, a keen and urgent concern for the fundamental rights of individuals was raised to a universal level for the first time in history. Thus, in 1948, a world-wide

statement on human rights in the form of *Universal Declaration of Human Rights* strongly affirmed human dignity, freedom, equality, justice, equity, mutual respect, and the responsibility to establish universal peace and welfare for all human beings.

The concept of "human rights" is not easy to define. Even the above internationally sanctioned official document of human rights does not clearly define the concept. Just as the idea of "freedom," a major character of human rights, cannot be easily defined, so is the idea of "human rights" difficult to elucidate. The first reason for this is rooted in the disparate definitions of "freedom" in the various ideologies pertaining to human welfare. The freedom of speech, for example, is treated differently in the *American Bill of Rights* than in the *Soviet Constitution*.<sup>2</sup> It is not easy to arrive at a universal agreement that is free of political and ideological differences regarding this concept.

Secondly, the term "human rights" can be given an extensive range of meanings. The *Universal Declaration of Human Rights* proclaims not only the traditional political and civil rights and freedoms but also economic, social and cultural rights. After the *Universal Declaration of Human Rights*, a number of other declarations regarding human rights, such as, the *Declaration of the Rights of the Child* (1959), the *United Nations Declaration on the Elimination of All Forms of Racial Discrimination* (1963), even the *Declarations on Legal Principles Governing the Activities of States in the Exploration and Use of Outer Space*

(1963), were formulated.<sup>3</sup> The difficulty is further compounded due to the theological and religious perspectives that are brought to bear on the subject.

In this paper, however, adopting some ideas used in the *Universal Declaration of Human Rights* and the *Preamble to the Covenant of Political and Civil Rights*, I define the term "human rights" as "the basic foundation of freedom, justice and peace in human relationship, which recognizes the dignity, equality, and inalienability of every human individual, without discrimination of any kind, for the purpose of human welfare and happiness."

The concept of "rights" in the West can be characterized as powers or privileges to which individuals have a just claim such that they can demand that, in order to retain their inherent dignity as a human person, their rights should not be infringed or suspended.<sup>4</sup> This kind of approach to human rights is characterized as "adversarial."<sup>5</sup> Underlying the Western approach to claiming and demanding human rights is a strong belief that every human being must not be denied powers and privileges of rights that would uphold the individual's inherent human dignity. In contrast, the East Asiatic approach to human rights, such as that of China, Korea and Japan, is characterized as "consensual" (in the sense of "consensus" building), which evaluates more wholeness, non-confrontational consultation and group-oriented unity, rather than demanding individualistic powers or privileges.<sup>6</sup> Political scientists attribute the origin of this "consensual" approach in the East Asiatic countries to Confucianism.<sup>7</sup>

My view is that the Buddhist approach to the issue of human rights is apparently different from the Western or Confucian way, that is, neither "adversarial" nor merely "consensual." This paper is a small attempt to discuss the issue of human rights from a Buddhist perspective utilizing the teaching of the Buddha contained in the Pāli canonical texts. Though in Buddhist literature, there is no technical term as such, the concept and teachings of human rights by the Buddha clearly

exist. In my estimation, the Buddha, indeed, promulgated human rights — not only the rights of humans but also of all sentient beings.

## HUMAN RIGHTS AND BUDDHISM

Let us take the recent example of Bhimrao Ramji Ambedkar, "the man who almost single-handedly earned respect for millions of the socially oppressed groups,"<sup>8</sup> who were deprived of their basic human rights. Ambedkar, an "Untouchable," rejected by Hindus, became Law Minister and chief architect of the *Indian Constitution*. He became a Buddhist in 1956, after finding that neither Hinduism, Sikhism, nor Christianity fought for human rights and that they all accepted social injustice and the caste system.<sup>9</sup> He turned to Buddhism where he found his philosophy of justice in three words: liberty, equality and fraternity. He found his social philosophy and spirit of human rights neither in political science nor in the French Revolution, but in the 25-century-old teachings of the Buddha.<sup>10</sup> Through his neo-Buddhist movement, it is estimated that 4,000,000 people embraced Buddhism<sup>11</sup> simply because they found that Buddhism promotes non-discrimination.

Human rights, as previously defined, characterizes the basic teaching expounded by the Buddha. Through Buddhist practice, one develops three major areas of life: *sīla* or moral virtues, *saṃādhi* or concentration/meditation, and *paññā* or insight/wisdom; these constitute "The Three Learnings." These three are always organically linked up with each other. Without moral restraint, the mind will never be able to concentrate and be calm enough for insight/wisdom to arise. Without the concentrated calmness in the body and mind, which is embodied by clearer insight/wisdom, one cannot have good conduct or make proper decisions moment by moment in one's daily activity.<sup>12</sup> To practice *sīla* one is required to recognize and observe justice, freedom, equality, mutual respect and human dignity in one's human relationship.

Since such recognition is required as the basis of human rights, it may be correct to state that *sīla*, as one of the Three Learnings of the Buddha's teachings is directed toward the right practice of human rights; thus, it can be said that those who recognize and observe human rights are those who recognize and practice the Dharma.

Despite the fact that Buddhism and the idea of human rights are inseparable, some Westerners seem to believe that Buddhists are not willing to acknowledge human rights issue as being essential to Buddhism. For example, the arguments by Masao Abe<sup>13</sup> and Kenneth Inada<sup>14</sup> led Robert Traer to conclude that "[m]any Buddhists are reluctant to identify the Dharma with human rights."<sup>15</sup> Although the Dharma cannot be totally identified with human rights, for it encompasses far greater areas of life than just human rights, the issue of human rights occupies an important and undeniable dimension of Dharma. It is unfortunate that Buddhists are labeled as reluctant to engage seriously in the discussion of human rights.

The other view of the Buddhist attitude towards the issue is stated by Perry Ottenberg:

Buddhism places little emphasis on the individual, self, or social activism. A 2,500 year history reinforces the acceptance of a rigid social structure. Self-contemplation after extraordinary training can lead to a feeling of transcendence and cosmic union, which can avoid human rights issues. Buddhism can be seen as emphasizing ritualistic withdrawal from social reality to the self. This state of contemplation is similar to many altered states of consciousness, all of which share massive passivity and diminished concern for the complexity of human-rights issues.<sup>16</sup>

It is apparent that Ottenberg is not referring to the Buddha's original teaching when he uses "Buddhism" here. Part of the reason for this kind of critique of the Buddhist approach to human rights seems to be due to some recent writings on

the issue of human rights by Buddhists themselves.<sup>17</sup> One of the common characteristics of such writings by some contemporary Buddhists is their adoption of the Buddhist theory of *anātman*, or "non-self," "no-self," or "not-self." Masao Abe, for example, states as follows:

... although we have self-identity in a relative sense, we do not have it in the absolute sense. I am I in the relative sense, but I am not I in the absolute sense . . . . Once we awaken to our own no-selfhood, we also awaken to the no-selfhood of everything and everyone in the universe. In other words, we awaken to the fact that, just like ourselves, nothing in the universe has any fixed, substantial selfhood, even while maintaining relative selfhood.<sup>18</sup>

Abe's conclusion is simple but probably too profound for this world of relativity, which declares "I am not I, and you are not you; thereby, I am you, and you are me."<sup>19</sup>

The Buddhist theory of *anātman* is a theory which denies the existence of any permanent substantial entity either mental or physical in the absolute sense of reality. It is based on the theory of the five aggregates, which analyzes the so-called individual being as composed of a psycho-physical unit. The Buddhist expression of the five aggregates is analogous to the scientific expression of H<sub>2</sub>O for "water." For scientists, there is no "water" as such, but only H<sub>2</sub>O. Likewise, when the Buddha says that living beings are composed of the five aggregates, what he denies is a permanent and unchanging entity from the theoretical point of view but not the absence of an individual personality in an empirical sense in the conventional use of the language. The theory does not negate personality or individuality of self in the conventional sense. On the contrary, the Buddha affirmed the importance of individual autonomy.<sup>20</sup>

Since human rights is primarily an issue for human relations in a relative world, the Buddhist concept of *anātman* or "non-self" in the absolute

sense is not directly applicable. As a guide in the daily lives of its followers, Buddhism is a highly practical and empirical teaching. In this paper, therefore, instead of referring to the Buddha's doctrine of absolute reality, I will focus on the ethical and practical teachings of the Buddha which can be applied to the social life of the relative world, yet from a so-teriological perspective.

## RIGHTS AFFIRMED IN BUDDHISM

### A. Affirmation of Rights of All Life Forms

The Western concept of rights concerns only humans, while the Buddhist idea of rights is confined not only to the sphere of humans but is opened to all life forms. Buddhists believe that all living beings on this earth have an equal right to existence and welfare.

It is said that the first action performed by the Buddha after a week of meditation in the bliss of Enlightenment was to gaze at the Bodhi tree with motionless eyes for one week.<sup>21</sup> The Buddha thus expressed his thankfulness and respect to the tree that gave him shelter during his struggle for Buddhahood. In this action of the Buddha, we witness a lesson in acknowledging the importance of ecological care for the natural environment not simply as a physical object but as part of the same living world of which humans are also a part.

Interest in ecological concerns has been on the increase; however, the Western approach to ecology seems to differ from the Buddhist. The Western approach values the importance of ecology for the purpose of human survival as a species, or for the purpose of global health as an investment required for access to future resources.<sup>22</sup> From a Buddhist viewpoint, this kind of approach may be regarded as anthropocentric. The Buddhist approach is to share the right to exist with all life forms as joint members of the universe, not as hierarchically dominating beings intent upon conquering the universe.

The Buddha prohibited the practice of animal sacrifice, opposing the prevailing non-Buddhist ritual ceremony in northeast India. Animals are not to be treated as inferior to human beings, and humans have no rights over them because of a supposed status of superiority. In India, Sri Lanka, and China, Buddhists established the first hospitals for the medical treatment not only of human beings but of animals as well.<sup>23</sup> In Buddhism, the issue of human rights is but one fraction of the whole issue of rights since it aims for the emancipation of all sentient beings, not only of human beings. As the Dalai Lama declares, Buddhism teaches that "we all have an equal right to be happy."<sup>24</sup>

### B. Affirmation of Rights of Humans

During the time of the Buddha, in India, there was an entrenched caste system that classified human beings into hierarchical social structures. But the Buddha and his disciples "ignored caste and racial discrimination both within the Sangha and in their relationships with the laity and openly preached and practiced the doctrine of the equality of man."<sup>25</sup> The Buddhist Sangha, as one of the oldest international societies in history<sup>26</sup> as well as a community which aimed for universal good embracing the whole of humankind,<sup>27</sup> did not grant any special privileges or immunities to a favored class. The Buddha's teaching of human equality, which advocated the abolishment of the caste system, was a revolutionary concept in this historical period.

From the teachings of the Buddha, Jayatilleke summarizes the following seven arguments by the Buddha which support the idea of human equality: (1) *Biological Argument*: Biologically speaking, only humanity is a single species called *homo sapiens*, unlike any other animals and plants.<sup>28</sup> As modern scientists regard the concept of race only as "a classification device," the Buddha regarded the apparent divisions among human beings as not being due to biological

factors of absolute categories, but due to "conventional classifications" (*samaññā*).<sup>29</sup> In this way, the Buddha asserts that human beings are all biologically equal. (2) *Anthropological Argument*: Anthropologically, all humans are equal, for class, caste or slave systems are mere historical products of divisions of labor and occupational distinctions and have no intrinsic relation to anthropological distinctions. (3) *Sociological Argument*: Class structure is not universal but only exists in a sociological sphere, for some states may have four classes and others may have two, such as "the lords" and "the serfs." And the class structure itself is not rigid since "the lords sometimes became the serfs and the serfs lords."<sup>30</sup> It always undergoes change and is not absolute or permanent. Therefore, all humans are sociologically equal. (4) *Legal Argument*: Legally, all humans can be equally punished for an infringement of the criminal law with the same type and degree of punishment.<sup>31</sup> Therefore, legally all humans should be equal. (5) *Moral Argument*: Morally, all humans are equally liable under causal law in an ethical realm. Therefore, all human beings are totally equal in the moral dimension.<sup>32</sup> (6) *Ethical Argument*: Ethically, we are all capable of doing good or evil.<sup>33</sup> No one is always completely good or evil. All human beings ethically fall somewhere in the same general range, only to minimally differing degrees. (7) *Religious Argument*: And lastly, religiously and spiritually, all are capable of attaining salvation or spiritual development despite individual differences of capacity and regardless of their social status, race, or color.<sup>34</sup>

In this way, human equality is strongly emphasized by the Buddha not only in political, social or legal realms but in all possible dimensions. We also find human nature to be the same, though individuals may appear different in their capabilities and potentialities. Given equal opportunities and freedom, each individual can develop his/her basic human potentiality, since the implementation of human rights serves as a founda-

tion for the development of human potential and dignity.

### C. Affirmation of Rights of Women

Historically, women have been marked for discrimination in virtually all societies. The worst kind of human qualities are attributed to women. In some traditions, they have been regarded as the source of all the sins of the world. These prejudices and discriminations have perpetuated the practice of denigrating women and seeing them as mere objects of possession.

The issue of women's rights as a subject of discussion is a very recent development in the history of humankind. Down through the ages in various cultures, women had little or no rights as individuals. The *Code of Manu*, a prominent law book in Vedic literature, states: "No act is to be done according to her own will by a young girl, a young woman, or even by an old woman, though in their own houses. In her childhood a girl should be under the will of her father; in her youth, of her husband; her husband being dead, of her sons; a woman should never enjoy her own will."<sup>35</sup> Chinese ethical codes also revealed a similar kind of attitude toward women.<sup>36</sup> The society was male-oriented and there was a strong belief that only a male child could succeed in the continuance of the family line; thus, the quality of a married woman's life depended upon whether she could produce a son or not.<sup>37</sup> If she had no child, or if she had failed to produce a son, she could be superseded by a second or third wife, or even be chased out of the house.

In Hinduism, after losing one's husband, "the widow ... was considered not only unfortunate but also inauspicious."<sup>38</sup> Women had two options: to perform self-immolation on the funeral pyre of one's husband or to pass into widowhood.<sup>39</sup> Widows could not remarry. Since all death was regarded as resulting in pollution for the members of the dead person's family, "[if] there is a widow,

this death pollution is focused on her and is [considered to be] removed from the human world by her immolation."<sup>40</sup> Marriage was considered a holy sacrament. A young girl who did not marry was despised by society and held as an object of their criticism.<sup>41</sup> The wife was prohibited from owning her own property.<sup>42</sup> In the field of religious practices, spirituality of women was also denied. Unlike the *Rig Veda* period of ancient India, women in the Brahmanic period were deprived of their religious rights and spiritual life. Śūdras (lowest of the four Hindu castes, mainly farmers and laboring people) and women were prohibited from reading the *Vedas*. It was believed that a woman was capable of reaching heaven not through her own merits but only through unquestioning obedience to her husband.<sup>43</sup> She could not even worship God by herself.

In Judaism, the position of women has been also low. It is only in this century that "the essential claim that women are equal to men in spiritual and intellectual potential has become an accepted axiom."<sup>44</sup> Under Jewish law, "women ... do not form a congregation, even when ten of them come together,"<sup>45</sup> for women are viewed as private persons. Like Hindu women, Jewish women are exempt from worship,<sup>46</sup> and "Women, slaves, and minors are exempt from reciting the *Shema* [verses from the Old Testament] and from putting on phylacteries ..."<sup>47</sup> A woman cannot divorce her husband,<sup>48</sup> thus cannot remarry. The widow whose husband died childless and was survived by a brother is bound to the brother.<sup>49</sup>

The position of women in Buddhist doctrine is remarkably different from the above. The Buddha's teaching of human rights based on the total equality of human beings naturally supported women's rights based on equality of men and women. The Buddha had neither discrimination against women nor bias toward women.

The Buddha opposed practices centered on the male offspring;<sup>50</sup> consequently, Buddhist women did not feel forced to produce male children. In Buddhism, unlike in Christianity or in

Hinduism, marriage is not regarded as a sacrament or sacred event but as a secular, or private civil affair, though it has its social sanctity.<sup>51</sup> Although the union of two individuals is meaningful, a marriage can be dissolved by mutual agreement.<sup>52</sup> Both husband and wife have coparcenary rights of common property. The wife is not required to change her maiden name after her marriage. "The husband and wife exercised co-equal outlook in all affairs. Women are able to hold property in kind or in money, independently of their male relatives."<sup>53</sup> Remarriage of women is accepted.<sup>54</sup> In widowhood, she suffered no moral degradation as a consequence of her husband's death. There was no change in the social status of a widow. She inherited her husband's property and managed it. "She was considered as a rational human being with a right to maintain her recognized position in the social structure and was even branded by no stigma."<sup>55</sup>

Not only in the domestic or social realm, but also in the religious and spiritual realm, women were not treated as being basically inferior or subservient to men. The Buddha affirmed that intellectually and spiritually a woman had the same potentiality as a man and was capable of attaining Enlightenment.<sup>56</sup> In the Buddhist text, the Buddha says as follows:

And it be woman, be it man for whom such chariot doth want, by that same can enter Nirvana's shall they come.<sup>57</sup>

The Buddha established the Order of monks as well as nuns.<sup>58</sup> Thus, the women were not left out of any sphere of religious activity. "To allow women to spend the homeless life required a great many precautions and protections,"<sup>59</sup> but the Buddha thought that they could be overcome and thus gave his consent for the establishment of nunneries. The Buddhist communion consisted of monks, nuns, laymen and laywomen. "The highest spiritual states were within the reach of both men and women and the latter needed no masculine assis-

tance or priestly intermediary to achieve them."<sup>60</sup> Both monastery and nunnery had equally autonomous status as an organization.<sup>61</sup> The Buddha described the defects and vices of women as well as men equally.<sup>62</sup> The Buddha chose some pre-eminent disciples and followers from thousands of them; they totalled 42 monks, 13 nuns, 10 male and 10 female lay-followers respectively.<sup>63</sup> One of the early canonical texts called *Therīgāthā* (Psalms of the Sisters) is full of stories of women who attained the highest stage of spiritual cultivation. They were women from various classes, ranging from members of royal families to slaves. They were mothers, wives, widows, daughters, courtesans, merchants or farmers.

The status of women in contemporary Indian society was extremely low and degraded, being subjugated to men. On the other hand, the Buddha affirmed the highly advanced teaching of total equality of women and men. In the tension between these two views, many rules for nuns were necessary for their protection. These rules sheltered them from possible danger or harm from contemporary society and allowed them to practice the Dharma freely. The ultimate purpose of the *Vinaya*, or rules for monks and nuns, should be understood in the context of *sīla*, whose ultimate value is protection from suffering.<sup>64</sup> For those who live within a broader fence of protection, "there is more space," and they "live out in the open, in the air."<sup>65</sup> Also, since nuns as women had the potential for pregnancy, the Buddha assigned more rules to nuns than to monks.<sup>66</sup> Because of these rules, nuns were doubly protected.<sup>67</sup>

*Gurudhammas*, or Eight Important Rules, were laid down for nuns with the acceptance of women into the Order. Although by their appearance they are often interpreted as degrading nuns and forcing them to submissive roles in the Order, a careful study shows that the total value of *Gurudhammas* lies in the concern for the well being and protection of the nuns.<sup>68</sup> *Gurudhamma* 1, the lower standing of nuns to well-behaved

monks (misbehaved monks were excluded), for example, represents the Buddha's practical approach towards the existing strong and rigid social structure of discrimination against women plus his compassionate concern, so that nuns would not create unnecessary and meaningless conflicts in society simply by not standing low to monks. When we consider the historical situation where the *Code of Manu* dominated the entire society, this kind of social manner which was assigned to nuns must have been regarded as a minor and superficial thing related only to the institutional organization, when compared to the Buddha's radical affirmation of the equality of spirituality and intellect between men and women, an essential necessity for the final goal of Buddhism, *Nibbāna*, here and now.<sup>69</sup> Passages in early Buddhist texts that display gender bias have to be understood within "blatantly male-dominated cultural and social context" rather than too "exhaustively."<sup>70</sup>

It is easily imaginable that there were monks who were not comfortable with the Buddha's decision of accepting women into the Order, especially among those who were previously of high castes and never allowed women any status of their own. Indeed, after the death of the Buddha, Ānanda was blamed at the first Council for being the chief cause for the establishment of the nunnery. Nuns were sometimes ill-treated by the monks, and they had to render various services to the monks, such as, washing and dyeing robes and cleaning up the hall. But the Buddha was careful and concerned about the well being of the nuns and set rules to protect them, forbidding the monks of such abusive practices. For example, to prevent the monks' taking advantage of the nuns, the Buddha decided that things offered to both Orders should be divided equally between the Orders even if the monks actually outnumbered the nuns. Thus, many rules were laid down to check the negative attitudes displayed by the monks. As long as the Buddha was alive, the nuns were well protected.<sup>71</sup>

Hinduism, Judaism and Christianity have a history of inequality, such as admitting caste or slave systems as well as animal sacrifices into their theological doctrines.<sup>72</sup> In contrast, the Buddha taught, affirmed, observed, and put into practice the equal rights of men and women, of all human beings and even of all life forms. On this standpoint, it may be concluded that among the world's major religious teachings, Buddhism is the only teaching which affirms equal rights of all those three spheres of existence.

#### BUDDHIST RATIONALE OF HUMAN RIGHTS

In the Western discussion of the issue, there is a belief that each individual inherently possesses human rights. Leroy S. Rouner says, "If it is not entirely clear what these rights are, or which of them is fundamental, it is nevertheless widely believed that we do indeed have them."<sup>73</sup> This belief reminds me of the Kantian antinomy for the concept of freedom. In his *Groundwork of the Metaphysics of Morals*, Kant does not rationalize why an individual has freedom. He simply believes that human beings have freedom. A theistic religion, such as Christianity, may attribute its rationale to religious belief and conviction. How, then, does Buddhism rationalize human rights and the rights of all life forms? This issue is closely related to Buddhist anthropology or theory of personality.

If each individual requires human rights for protection from the common human need of freedom from fear, pain, harm, suffering, unhappiness, hurt or other forms of problems, then the Buddhist ethical principle and the basic rationale for human rights seem to converge. In Buddhist ethics, mental, physical, or verbal actions that are harmful either to oneself, to others, or to both are always discouraged.<sup>74</sup> Why? Because harmful action always brings pain, suffering, hurt and sorrow, which each individual wants to avoid. The Buddha was aware of the reality of the strong attachment

to one's own self possessed by all ordinary living beings. Because of this attachment to one's own self, all ordinary beings seek freedom from fear, pain, hurt, harm, and suffering. The Buddha states that as basic ordinary human nature, each individual loves oneself the most.

The whole wide world  
we traverse with our thought,  
And nothing find to man  
more dear than self.  
Since aye so dear the self to others is,  
Let the self-lover harm no other man.<sup>75</sup>

The above quotation includes the three steps of awareness: (1) "I" is the dearest to the self; (2) for you, you are the dearest; (3) therefore, I do not harm you. The first step is to have awareness of myself that "I love myself best of all." Then this awareness becomes the second step for the recognition of this feeling in others as well. And finally both awareness leads to the undeniable conclusion of "I do not harm you." Putting it into the context of human rights, it can be restated: "I have the right to be peaceful, happy, and unharmed; and so does the other person. Therefore, I cannot violate the other's right to be peaceful, happy and unharmed." The Buddhist way is supported by one's awareness embodied with insight/wisdom, or *paññā*, and compassion, or *karuna*. What is important is that the sense of self-love exists as common nature in all living beings.

The Buddha also remarks as follows:

Let him not destroy life nor cause others to destroy life, and, also, not approve of others' killing. Let him refrain from oppressing all living beings in the world, whether strong or weak.<sup>76</sup>

In Buddhism, human rights is but one part of the whole. The message in the famous story of the court trial brought by prince Siddhartha and Devadatta over the possession of a wounded swan,



which was shot by Devadatta and discovered and taken care of by Siddhartha, is that life belongs to someone who cares for it best. Every living being has a right to protect not only oneself but also the other. In other words, one can become involved in another's life by protecting the other's life; however, one cannot interfere in another's life by killing or harming it. If one does not have this reverence towards others, it could mean that one acknowledges that others have the right to retaliate with harm. The implication here is that one, indeed, does not have the right to harm others.

The Buddhist Five Precepts<sup>77</sup> are also rationalized in the same manner and all of them naturally uphold the concept of human rights at its basis. The Buddha states as follows:

A state that is not pleasant or delightful to me, it must be so to him too. Then how could I inflict that upon him? As a result of such reflection, he himself abstains from taking the life of creatures and he encourages others so to abstain, and speaks in praise of so abstaining.<sup>78</sup>

The fundamental principle of the precepts is: "I don't want to be harmed. I have a right not to be harmed. So does the other person." The second precept,<sup>79</sup> for example, will be understood as follows: since it is not pleasant or delightful to me that he/she takes what is not given to him/her, it must be so to him/her, also. Then how could I inflict that upon him/her? Buddhist precepts are for the purpose of protecting the rights of oneself as well as others. The Buddhist moral justification for human rights is based on empathy for others rooted in one's acute awareness of one's own wishes and fears.

#### HUMAN RIGHTS, BUDDHIST ETHICS, AND DHARMA: WHAT DOES SELF-CARE MEAN IN BUDDHISM?

Human rights are affirmed and observed for

the purpose of human welfare and happiness. Since the Buddhist ethical teaching is also directed toward the same aim, the Buddhist approach to the attainment of human welfare and happiness can be a tool to address the issue of human rights.

Buddhism being a non-theistic religion, it has no concept of a divine will or divine authority that punishes or rewards. The destiny of a human being is not controlled by a creator but by one's mental, verbal, and physical actions in accordance with the law of causality. That is, happiness and welfare as well as unhappiness and misery are nothing but a result generated from pertinent causes and conditions.

As is clear from the non-theistic nature of the teaching, Buddhist ethics is prescribed not as divine commandment, but in the form of self-awareness, self-motivation and self-effort in their interrelationship with causal law. The principle of causality is utilized to explain the principle of righteousness and justice. The principle of righteousness and justice is called *Dharma* in Buddhism.

The ethical realm based upon the Buddhist theory of cause and effect can be explained as follows: Any action done with "wholesome" (*kusala*, meaning skilful, or morally good) *motive* ... a *motive* free from anger, ignorance, and greed ... and with the proper *means*, is harmless to oneself, to others, or to both. This action necessarily brings a "good" result, which is happiness. On the other hand, any action done with "unwholesome" (*akusala* which means "unskilful") *motive* ... a *motive* rooted in anger, ignorance, and greed ... and with improper *means*, is harmful to oneself, to others, or to both. This action necessarily brings a "bad" result, unhappiness and pain.

As is clear from the above, in Buddhism, anger, ignorance, and greed are regarded as always harmful to oneself, to others or to both and result in unhappiness and pain; thus, they are called the three roots of evil. According to Buddhist psychology, anger, hatred, greed, and ignorance are regarded as the causes of unwholesome action

which is harmful to oneself and never justifiable or righteous. The one who really cares for oneself is the one who tries to be free from anger, ignorance and greed. The Buddha's teaching is directed to the path of how to gradually eliminate "self-love" as attachment and how to cultivate and develop the mind of "self-care" that is free from unwholesome action. In Buddhism, "caring for oneself" as the solid foundation for human welfare and happiness connotes a much wider and broader realm of ethical teaching than "care for oneself" in the ordinary sense; for when I care for myself, I am free from anger, greed and ignorance. When I am free from anger, greed, and ignorance, it means that at the same time I care for others as well. Although in the Western/Christian tradition, anger is regarded as justifiable when it is raised for the right reason,<sup>80</sup> in Buddhism, such is not the case, for anger is always harmful and is so firstly to oneself.

The Western concept of justice is discussed primarily in terms of its relationship to others.<sup>81</sup> In Buddhism, justice and righteousness as Dharma is always in relation either to oneself, to others, or to both. Without righteousness and justice to oneself, there can be neither righteousness nor justice to others. The Buddhist rationalization of human rights necessarily requires righteousness and justice to oneself as its basis.

In the next section, I will attempt to explore the crucial difference between the Western and the Buddhist approaches to justice and righteousness in relation to the concept of "self-care." Suicide will be the tool for this argument.

#### IS SUICIDE A PART OF HUMAN RIGHTS?

According to Aristotle, suicide is unjust to the state but not unjust to oneself. In the last chapter of Book V of *Nicomachean Ethics*, he states:

One class of just acts is that which is ordained by the law in conformity with virtue as a

whole. For example, the law does not enjoin suicide, and what it does not enjoin it forbids. Moreover, when a man voluntarily — that is to say in full knowledge of the person affected and the instrument used — harms another, not in retaliation, in violation of the law, he acts unjustly. Now when a person kills himself in a fit of anger, he acts voluntarily in violation of right reason; and that the law does not permit. Consequently, he acts unjustly. But toward whom? Surely toward the state, not toward himself. For he suffers voluntarily, but no one voluntarily accepts unjust treatment.<sup>82</sup>

Aristotle's above argument can be reconstructed by dividing it into two parts: (1) suicide is unjust to the state, and (2) suicide is not unjust to oneself, for no one voluntarily accepts unjust treatment.

Since human beings are social beings, it is obvious that the impact upon society made by a suicide is quite deleterious. Although Aristotle does not remark on this point specifically, it is clear that the "pollution of the city caused by suicide was probably regarded as the chief part of the injury inflicted by his act."<sup>83</sup> Therefore, suicide is unjust to the state. The tautology of "what the law does not enjoin it forbids" can be correctly understood by reading "law" as "custom and fashion," but not a narrow and positive law. Since common law forbids suicide, it is a violation of the law. Therefore, the state exacts a penalty.

Aristotle continues to say that suicide is not unjust to oneself. The syllogism used here is: (A) No voluntary action is unjust to oneself. (B) Suicide is a voluntary action, (C) Therefore, suicide is not unjust to oneself. The question is, however, whether, in truth, the two premises (A) and (B) he uses are valid. First of all, Buddhism sees the clear difference between logical validity and reality (facts). The Buddha explains how logic is not a fully satisfactory method of knowledge in finding the truth. Logical validity is dependent solely on the premises one chooses. If the premises

do not carry solid credit in reality, then the conclusion itself may lose its value.

Firstly, is a voluntary action not unjust to oneself in all cases? We do not have to depend on the knowledge of modern human psychology to recognize the fact that a person who is confused can always harm and hurt oneself physically as well as mentally with awareness of one's actions. The problematic nature of "voluntariness" is radically important when one discusses ethical meaning of action. Though Aristotle regards that voluntariness itself justify an action, in Buddhism, voluntariness does not necessarily justify an action simply because the action is voluntary. The Buddha repeatedly taught that one of the three roots of unwholesome actions is ignorance or ignoring facts (with awareness). In this context, voluntariness with ignorance is unjust. Then, the first premise, "No voluntary action is unjust to oneself," can be wrong.

Secondly, is suicide a voluntary action? As we discuss later, in most people committing suicide, confusion and delusion are so profound that it is questionable if they really want to kill themselves voluntarily or not. If so, their actions may not be categorized as "voluntary." Then, the second premise may also lose its validity.

Aristotle regards ethics as being directed towards human happiness.<sup>84</sup> If so, the same one action cannot be unjust to the one and just to another. Suicide is an ethical issue of justice to others as well as to oneself. Aristotle's contradiction seems a necessary result from his approach to justice, which is discussed only in terms of others.<sup>85</sup> Naturally some critical questions may be raised. Isn't oneself part of the state? If one is part of the state, isn't suicide also unjust to oneself? Cannot justice function in a wholesome way both towards oneself and the state?

Aristotle divides action into two types: that which affects one or more than one person, and that which affects the community.<sup>86</sup> The Western concept of action is basically physical behavior as an expression of physical energy directed towards

others. In this regard, there is an emphasis on physicalism, as opposed to the Buddhist tradition, which emphasizes mental action as the most important criterion of the ethical realm. "Physical action" in this context is rejected by the Buddha as "wrong view" or *micchā-diṭṭhi*.<sup>87</sup>

Suicide, from a Buddhist point of view, may be regarded basically as an unjust and wrong action. The action of taking life, whether the life be one's own or another's, is usually rooted in anger, hatred, fear, attachment, ignorance, confusion, prejudice, jealousy, or dogmatism. For any one who loves oneself best, such an action of taking life cannot be carried out without having an "unwholesome" motive — anger, ignorance, and greed. The action is harmful to oneself, to others, or to both, and thus it necessarily results in unhappiness.

If we put Aristotle's notion of suicide in the context of human rights, his logic would probably conclude in one of three ways, (1) each person has a right to commit suicide, (2) he cannot answer the question of whether suicide is part of human rights or not, and (3) suicide has nothing to do with human rights. But from a Buddhist point of view, to commit suicide may be regarded as a violation of human rights. If one cares for oneself, one is free from anger, ignorance and greed. In this regard, the Buddhist approach to human rights is not merely legal or social, but a profoundly ethical issue.

In *Groundwork of the Metaphysics of Morals*, Kant attempts to establish the fundamental and universal moral principle that can be adopted by anyone at any place. Kant tries to see if "self-love" can serve as "a universal law of nature,"<sup>88</sup> but he finds a dilemma, for in the case of suicide, "self-love" leads to self-destruction. "Self-love" and "self-destruction" are self-contradictory and self-inconsistent.

What Buddhism could suggest to the Kantian dilemma is to clarify the meaning of "self-love." From a Buddhist view, "self-love" and "self-care" (*mettā*) are regarded as two different things. Caring for oneself, as already mentioned, necessarily requires freedom from anger, greed

and ignorance; on the other hand, "self-love" does not. In Buddhist concept, "self-love" is another name for attachment (*taṇhā*). In each individual, "self-love" exists as basic human nature. This is what the Buddha stated in the text, that for each individual, the dearest is always oneself.<sup>89</sup>

"Self-love" which has roots in greed, anger or ignorance, at the extreme level can naturally result in self-destruction. Because of ignorance, one destroys one's own life, though what one actually attempts to destroy is not the life itself. What a suicidal person attempts to destroy is his/her pain, suffering, despair, torment, affliction, or other physical and mental pains which he/she is experiencing. One wants to live if one can remove all the pains. Research on suicide proves that "many likely suicides wish neither to die nor to kill themselves."<sup>90</sup> Because of one's delusion or ignorance of possible options other than committing suicide, one believes that taking one's own life is the only solution to the problem. In this regard, "self-love" and self-destruction are not self-contradictory or self-inconsistent, but these two are rather similar in one sense, though Kant did not view this as such.

From a Buddhist viewpoint, though "self-love" cannot serve as the universal law, "self-care" can be considered as the basic foundation for morality and ethics. In this regard also, we may know how crucial it is to recognize the importance of "action to oneself" in the discussion of justice and righteousness. Human rights, justice or righteousness can be fully realized only when it is understood in an ethical context which considers action — physical, verbal and mental — with respect to oneself and others as the basis for action to others.

### CONCLUSION

Infringement and resultant violation of rights are rooted in the activities of the human mind, such as hatred, antagonism, confusion,

prejudice, ideological dogmatism, fear, jealousy, and distorted views. In Buddhism, these are categorized as the three roots of evil, that is, ignorance, anger and greed. The Buddha was not simply a reformer of the social injustice but truly a radical transformer of the very roots of social injustice, which is the human mind.

Buddhism is a teaching designed not only to fight against rights violation but also to fight against the roots of rights violation. In Buddhism, justice and righteousness are considered not only in terms of human relationship, but also in regard to the mind of each individual. Without justice to oneself, social justice cannot exist. The starting point of the observance of rights is to be free from anger, greed and ignorance. In other words, to care for oneself is the very starting point of the observance of rights. Those who care for oneself naturally care for others. Those who care for one's own rights are those who also affirm and observe the rights of others. From a Buddhist point of view, this is the fundamental approach to rights of all beings as well as humans. In this regard, since the soteriological goal in Buddhism, nirvana, means the total liberation and freedom from one's own anger, greed and ignorance,<sup>91</sup> the Buddhist approach to the affirmation of human rights and rights of all beings lies not only in the social, legal, or ethical realm but also in a soteriological context.

### FOOTNOTES

1. From a broader historical view, the idea of human rights in the sense of legal rights as the mutual rights of the members of the society can be traced back to the Code of Hammurabi, the Babylonian King (about 2,130 to 2088 B.C.E.) the most ancient code of law known at present. *International Encyclopedia of the Social Science*, ed. David L. Sills, (N.Y., Macmillan), pp. 540.

2. *Ibid.*, pp. 540-541. The American constitution prohibits abridgment of the right of freedom of speech to prevent interference with

fundamental rights by the public authorities, while the Soviet constitution promises all available technical facilities for the purpose of securing freedom of speech, but does not promise freedom of speech itself.

3. *Ibid.*, p. 542.
4. *The Westminster Dictionary of Christian Ethics*, eds. James F. Childress and John Macquarrie (Philadelphia: The Westminster Press, 1986), p. 556.
5. James C. Hsiung, "Human Rights in an East Asian Perspective," in *Human Rights in East Asia*, ed. James C. Hsiung (New York: Paragon House Publishers, 1986), pp. 3-7.
6. *Ibid.*, p. 25.
7. *Ibid.*, p. 7.
8. *India Abroad* (CA: Los Angeles), Vol. XX No. 27. April 6, 1990, p. 12.
9. Sangharakshita, *Ambekar and Buddhism* (Glasgow, Scotland: Windhorse Publications, 1986), p. 59 and p. 68.
10. *Ibid.*, p. 76.
11. *Ibid.*, pp. 162-163.
12. S. Tachibana, *The Ethics of Buddhism* (London: The Oxford University Press, 1975), p. 52.
13. Masao Abe, "Religious Tolerance and Human Rights: A Buddhist Perspective," in *Religious Liberty and Human Rights in Nations and in Religions*, ed. Leonard Swidler (Philadelphia: Ecumenical Press, Temple University, 1986).
14. Kenneth K. Inada, "The Buddhist Perspective on Human Rights," in *Human Rights in Religious Traditions*, ed. Arlene Swidler (New York: The Pilgrim Press, 1982).
15. Robert Traer, "Buddhist Affirmations of Human Rights," *Buddhist-Christian Studies*, Volume 8, 1988, p. 14.
16. Perry Ottenberg, "Psychiatric Issues on Human Rights in Religion," *Human Rights in Religious Tradition*, ed. Arlene Swidler (New York: The Pilgrim Press, 1982), p. 103.
17. E.g., Taitetsu Unno, "Personal Rights and Contemporary Buddhism," in *Human Rights*

*and the World's Religions*, ed. Leroy S. Rouner (Notre Dame: University of Notre Dame Press, 1988); Kenneth Inada, "The Buddhist Perspective on Human Rights," in *Human Rights in Religious Traditions*, ed. Arlene Swidler (N.Y., The Pilgrim Press, 1982); Masao Abe, "Religious Tolerance and Human Rights: A Buddhist Perspective," in *Religious Liberty and Human Rights in Nations and in Religious*, ed. Leonrad Swidler (Philadelphia: Ecumenical Press, Temple University, 1986).

18. Masao Abe, p. 204.
19. *Ibid.*
20. *Mahāparinibbāna Sutta*, II. 26.
21. Narada Thera. *The Life of the Buddha* (Malaysia: the Malayan Press, 1969), p. 16.
22. Perry Ottenberg, "Psychiatric Issues on Human Rights in Religion," *Human Rights in Religious Tradition*, ed. Arlene Swidler (New York: The Pilgrim Press, 1982), p. 100.
23. A. L. Basham, *The Wonder That Was India* (N.Y.: The Macmillan Company, 1954), p. 502. J. Jolly, *Medicin* (Strassburg: Verlag Von Karl J. Krubner, 1901), p. 16. Jayatilleke, *Buddhism and Peace* (Kandy: The Wheel Publication), p. 5.
24. His Holiness the Dalai Lama, "Hope for the Future," in *The Path of Compassion: Contemporary Writings on Engaged Buddhism*, eds. Fred Eppsteiner and Dennis Maloney (Berkeley, California: Buddhist Peace Fellowship, 1985), p.2.
25. Malalasekera and Jayatilleke, *Buddhism and the Race Question* (UNESCO, 1958), pp. 55ff. Quoted in *The Principles of International Law in Buddhist Doctrine*, p. 517.
26. Jayatilleke, p. 451.
27. *Ibid.*, p. 493.
28. *Sutta Nipāta*, 601-611.
29. K. N. Jayatilleke, *Buddhism and the Race Question* (Kandy: Buddhist Publication Society, 1974), pp. 7-8.
30. *Majjhima Nikāya*, II. 149. Quoted in Jayatilleke, *The Principles of International Law in Buddhist Doctrine*, pp. 516-517.

31. *Majjhima Nikāya*, II. 88. Quoted in Jayatilleke, *The Principles of International Law in Buddhist Doctrine*, p. 517.

32. *Majjhima Nikāya*, II. 86. Quoted in *The Principles of International Law in Buddhist Doctrine*, p. 517.

33. *Digha Nikāya*, II. 250-251. Quoted in *The Principles of International Law in Buddhist Doctrine*, p. 517.

34. *Majjhima Nikāya*, II. 147. Quoted in *The Principles of International Law in Buddhist Doctrine*, p. 517.

35. *The World's Great Religions*, ed. Edward K. Thompson (N.Y.: Time Inc., 1963), p. 42.

36. Shūrai's *Raiki*. Quoted in *Nyonin Ōjō* (Kyoto: Hongwanji Publication, 1988), p. 7.

37. *Atharva-Veda* III, 22. Quoted in *The World's Great Religions*, p. 44.

38. Harold G. Coward, "Purity in Hinduism: With Particular Reference to *Patañjali's Yoga Sūtras*," in *Hindu Ethics* (Albany: State University of New York Press, 1989), p. 18.

39. *Ibid.*

40. *Ibid.*

41. K. Sri Dhammananda, "Status of Women in Buddhism," in *Gems of Buddhist Wisdom* (Malaysia: Buddhist Missionary Society, 1983), p. 312.

42. The Code of Manu, *The World's Great Religions*, p. 42.

43. L. S. Dewaraja, *The Position of Women in Buddhism* (Kandy: The Wheel Publication, No. 280, 1981), p. 6. *Gems of Buddhist Wisdom*, p. 312.

44. Rachel Biale, *Women and Jewish Law* (N.Y.: Schocken Books, 1984), p. 256.

45. *Ibid.*, p. 22.

46. *Ibid.*, p. 29.

47. *Ibid.*, p. 17.

48. *Ibid.*, p. 83.

49. *Ibid.*, p. 113.

50. King Pasenadi, a non-Buddhist king, was deeply grieving that his queen Mallika gave

birth to a daughter. Seeing this, the Buddha said to him, "A female offspring, O King, may prove even better than a male." *Samyutta Nikāya*, III. 2.

51. Tilokasundari Kariyawasam, "Feminism in Theravada Buddhism," paper presented at the conference, "Buddhism and Christianity: Toward the Human Future," Berkeley, California, 8-15 August 1987, [Collected papers] p.8; *The Position of Women in Buddhism*, p. 9.

52. Hajime Nakamura, *Genshi Bukkyō No Seikatsu Rinri*, pp. 24-27.

53. *Ibid.*, p. 9.

54. Tilokasundari Kariyawasam, p. 8.

55. *Ibid.*, p. 9.

56. Though to attain enlightenment is assured to be possible for both men and women, in one Pāli text, we can find a passage which records that the Buddha is refuted to have said that an enlightened woman cannot become a fully self-awakened one, a wheel-turning king, a Sakka, a Mara and a Brahma. *Majjhima Nikāya*, III. 65-66.

57. *Samyutta Nikāya*, I. 33. See also I. 129. I. 89.

58. The Buddha's so-called reluctance for the establishment of a nunnery can be partly attributed to the contemporary social status of women in India, who were entirely subjugated to men. The Buddha must have been aware of the evils of sectarianism which might likely humiliate and harass women if they were provided separate accommodations.

59. Chatsumarn Kabilsingh, "The Future of Bhikkhuni Sangha in Thailand," paper presented at the conference, "Buddhism and Christianity: Toward the Human Future," Berkeley, California, 8-15 August 1987, [Collected papers] p. 3.

60. *The Position of Women in Buddhism*, p. 8.

61. Hajime Nakamura, pp. 122-127.

62. *Anguttara Nikāya*, IV. 196-197. Quoted in Masaharu Anesaki's *Buddhist Ethics and Morality*, 1912, p. 22. See also Hajime Nakamura's *Genshi Bukkyō no Seikatsu Rinri*, pp. 122-127. Karma Lekshe Tsomo interprets the greater num-

ber of precepts to nuns than to monks as follows: "When the order of nuns began five years later, it inherited the precepts that had already been laid down for the order of monks. The number of precepts formulated on the basis of a nun's misbehavior are only about half the number of precepts formulated on the basis of a monk's misbehavior." *Sakyaditā: Daughters of the Buddha*, ed. Tsomo. (Ithaca: Snow Lion Publications, 1988), p. 22.

63. *Anguttara Nikāya*, I. 14.  
 64. See the author's unpublished M.A. thesis, "A Study of Biomedical Ethics from a Buddhist Perspective," (The Graduate Theological Union, Berkeley, California, 1987), pp. 56-58.  
 65. *Sutta Nipāta* 406  
 66. Z. Nagata, "Ritten No Joseikan," *Journal of Indian and Buddhist Studies*, XXVII, no. 2 (March 1979), pp. 707-710.  
 67. *Ibid.*  
 68. Chatsumarn Kabilsingh, pp. 5-7.  
 69. *Anguttara Nikāya*, I. 54-55. *Samyutta Nikāya*, XXXVIII. IV. 1.  
 70. Tsomo, pp. 22-23.  
 71. *Ibid.*, p. 9.  
 72. Cf. e.g., *Hindu Ethics*, p. 2, pp. 79-80. *Leviticus*, 14.2-32. *Matthew* 8.4. St. Augustine, *The City of God*, Bk. XIX. ch. 15. Thomas Aquinas, *The Summa of Theology*, Supplement (Posthumous Compilation, 1274). *Encyclopaedia of Religion and Ethics*, ed. James Hastings under entry: slavery. *The Westminster Dictionary of Christian Ethics*, pp. 28-33.  
 73. *Human Rights and the World's Religions*, p. 1. Italics mine.

74. *Majjhima Nikāya*, I. 415-420.  
 75. *Samyutta Nikāya*, III. I. 8.  
 76. *Sutta Nipāta*, 394.  
 77. They are "I take upon myself the rule of training to refrain from, (1) harming living things, (2) taking what is not given, (3) sexual misconduct, (4) wrong speech, and (5) taking drugs or drinks which tend to cloud the mind.  
 78. *Samyutta Nikāya*, V. 353-355.  
 79. See note 77 .  
 80. Aristotle, *Nicomachean Ethics*, tr. Martin Ostwald, ( N.Y.: Macmillan Publishing Company, 1986 ), 1135b 20-30. *New Testament*, Mark 3.5; 10.13-15. *The Westminster Dictionary of Christian Ethics*, p. 22.  
 81. See *Nicomachean Ethics*, 1130b 1-2.  
 82. *Nicomachean Ethics*, 1138a 5-13.  
 83. J. A. Stewart, *Notes on the Nicomachean Ethics of Aristotle*, (Oxford: Clarendon Press, 1892), p. 534.  
 84. *Nicomachean Ethics*, 1099b 26, 1101b 15-17.  
 85. *Ibid.*, 1130b 1-2.  
 86. *Rhetoric*, 1373b 25-35.  
 87. *Majjhima Nikāya*, I.373  
 88. Immanuel Kant, *Groundwork of the Metaphysics of Morals*, 53-54. tr. H. J. Paton (N.Y.: Harper Torchbooks, 1964), p. 89.  
 89. See note 75.  
 90. *Encyclopedia of Bioethics*, ed. Warren Reich ( N.Y.: Free Press, 1978), Vol. 4. p. 1619.  
 91. *Anguttara Nikāya*, I. 54-55. *Samyutta Nikāya*, XXXVIII. 1.