



# Contextualising the human right for global peace in the Buddhist perspective

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## Introduction

Human rights are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more. There are six fundamental rights in India. They are Right to Equality, Right to Freedom, Right against Exploitation, Right to Freedom of Religion, Cultural and Educational Rights, and Right to Constitutional Remedies.

## Rights and Fundamental Rights

We often hear about activists or common people fighting for their human rights. But what are these rights? And who gave us these rights? Why do people have to fight for their rights? Let's find out more about Rights and Fundamental Rights.

### Human Rights and Fundamental Rights

The Rights and Fundamental Rights are sections of the Constitution of India that provides people with their rights. These Fundamental Rights are considered as basic human rights of all citizens, irrespective of their gender, caste, religion or creed. etc. These sections are the vital elements of the constitution, which was developed between 1947 and 1949 by the Constitution of India. There are six fundamental rights in India. They are Right to Equality, Right to Freedom, Right against Exploitation, Right to Freedom of Religion, Cultural and Educational Rights, and Right to Constitutional Remedies.

### 1. Right to Equality

Right to Equality ensures equal rights for all the citizens. The Right to Equality prohibits inequality on the basis of caste, religion, place of birth, race, or gender. It also ensures equality of opportunity in matters of public employment and prevents the State from discriminating against anyone in matters of employment on the grounds only of religion, race, caste, sex, descent, place of birth, place of residence or any of them.

### 2. Right to Freedom

Right to freedom provides us with various rights. These rights are freedom of speech, freedom of expression, freedom of assembly without arms, freedom of movement throughout the territory of our country, freedom of association, freedom to practice any profession, freedom to reside in any part of the country. However, these rights have their own restrictions.

### 3. Right against Exploitation

Right against Exploitation condemns human trafficking, child labor, forced labor making it an offense punishable by law, and also prohibit any act of compelling a person to work without wages where he was legally entitled not to work or to receive remuneration for it. Unless it is for the public purpose, like community services or NGO work.

#### 4. Right to Freedom of Religion

Right to Freedom of Religion guarantees religious freedom and ensures secular states in India. The Constitution says that the States should treat all religions equally and impartially and that no state has an official religion. It also guarantees all people the freedom of conscience and the right to preach, practice and propagate any religion of their choice.

#### 5. Cultural and Educational Rights

Cultural and Educational Rights protects the rights of cultural, religious and linguistic minorities by enabling them to conserve their heritage and protecting them against discrimination. Educational rights ensure education for everyone irrespective of their caste, gender, religion, etc.

#### 6. Right to Constitutional Remedies

Right to Constitutional Remedies ensures citizens to go to the supreme court of India to ask for enforcement or protection against violation of their fundamental rights. The Supreme Court has the jurisdiction to enforce the Fundamental Rights even against private bodies, and in case of any violation, award compensation as well to the affected individual.

That humans desire happiness and comfort (*sukhakāmā*) is a basic fact of life which is recognized in Buddhism. From this it follows that humans, nay all living things, are averse to pain and discomfort (*dukkhapaṭikkūlā*). So our delightful Manual of Buddhism called the Dhammapada expresses this idea in this manner – “All dread at being beaten with clubs and rods. All fear at the thought of death. Taking oneself as the example, kill not. Nor cause another to kill.”

*Sabbe tasanti daṇḍassa, sabbe bhāyanti maccuno  
attānaṃ upamaṃ katvā, na haneyya na ghātaye.*

(Dhp. v. 129)

People love their lives, i.e. they love to continue living (*jīvitukāmā*). They do not like to die (*amaritukāmā*). It is the first basic right as far as humans are concerned. It is also the first Fundamental Human Right as listed by the United Nations. It is the right of everyone to live without any threat whatsoever to one's life. Buddhism goes even further than this. The Buddhists extend this right to live happily to all living things, voicing it as “May all beings be well and happy” (*Sabbe sattā bhavantu sukhittā*. Metta Sutta).

In propounding its ethical injunctions, Buddhism adopts the very sound principle of self-example (*attūpanāyika – dhammapariyāya*). Do not do unto others what you would not like others do unto you. This is how the Nālaka Sutta of the Suttanipāta puts it –“As I am, so are they. As they are, so am I. Taking oneself as the example, let not one kill, nor get others to kill.”

It should be adequately known and appreciated by everyone that Buddhism does not believe in a Creator of the world as an unknown and only-believed-in power, outside our realm of existence. Nor do the Buddhists accept the position of any section of the human community in the world as being chosen people with the grace of God on their side. They believe that all living things in the world are a universal brotherhood and that all have an equal right to live. That is the law that governs the harmonious continuance of the ecosystems of the world. This is not to be interrupted or tampered with. If we do, we do so at great risk to our own survival on this planet.

This is how the scientists of the world view it. A serious note of this is absolutely necessary.

*Edward Wilson* defines biophilia as “the innate tendency to focus on life and lifelike processes, “noting that” to the degree that we come to understand other organisms, we will place greater value on them, and on ourselves.” Yet until the biophilia hypothesis is more fully absorbed in the science and culture of our times -- and becomes a tenet animating our everyday lives -- the human prospect will wane as the rich biological exuberance of this water planet is quashed, impoverished, cut, polluted, and pillaged.

From what we have said above, it should now be clear that the stimulus to propagate a principle of right to live must necessarily come from an ingrained respect for life of all grades. Life cannot be created by any one to live and maintain itself, feeding on other forms of life produced by the same creator. The Buddhists refuse to see even a molecule of wisdom or justice in such an assumption. It does not seem to be good enough even as an item of old world Stone Age beliefs. In terms of Buddhist thinking, this selected freedom to choose between humans and animals would be both arbitrary and unjustifiable. It is no more than a child-like claim. This invariably leads to the possibility of discriminating within human groups as well, putting forward diverse claims all the time for superiority of one group over another.

In what might be called a proto-legal form, Buddhism endeavours to propagate this idea of respect for life, life at all levels, through the very first injunction of its moral code or *sīla*. Buddhism's basic moral code consists of five precepts (*pañcasīla*) of healthy and wholesome interpersonal relationships. The first of these refers to abstention from destruction of life (*pāṇātipātā veramaṇī*), both human and animal. This injunction has three specific areas of applicability:

1. One shall not destroy the life of any living being.
2. One shall not get another to do it.
3. Nor shall one endorse another doing it.

All five injunctions of the *pañcasīla*, in their regulatory nature, are societal in character. Buddhism maintains that in the breach of every one of them, humans turn hostile towards society. Such a situation generates enmity or *vera* towards society. Hence the concept of fivefold enmity or *pañca-verāni*. It is also said that in their breach, they generate fear or dread in society. Hence the concept of *pañca-bhayāni* or fivefold dread. The Buddhist verdict on such a miscreant who is guilty of the above is that he is a villain who is lacking in moral goodness (*appahāya pañcaverāni dussīlo iti vuccati*). And he is judged as deserving to go to a place of damnation after death (*Kāyassa bheda duppañño nirayaṃ so upapajjati*).

Thus we see from the above that Buddhism lays a very firm foundation for upholding the first Fundamental Human Right of respect for life [the right of every man, woman and child to live without any threat to his or her life.]. Buddhism denounces all discrimination on grounds of religious leanings, ethnicity or political ideologies. The legendary ideal of the Universal Monarch or Cakkavatti in Buddhism dismisses all political supremacies, reducing them almost to zero, in the face of moral goodness. The Cakkavatti insists that there shall be total moral goodness in the land, i.e. the observance of the *pañcasīla* consisting of respect for life, respect for legitimately acquired property, respect for propriety of relations between the sexes etc.

The next Fundamental Human Right is the right of a person to own his legitimate possessions without fear of being dispossessed. More than twenty-five centuries ago, the Buddha had very wisely placed this item as the second in his list of moral precepts under *pañcasīla*. It is the Buddhist precept of *adinnādānā veramaṇī* or abstinence from theft of others' possessions. This precept is to be undertaken with the awareness that possessions are the primary source of one's pleasures and comforts. Therefore respecting the principle of self-example or *attūpanāyika* to which we have already referred, one would not dispossess others of their legitimately owned property, i.e. one would not rob others of their source of pleasure and comfort.

In the more civilized countries of the world, people not only refrain from robbing others of their property, but help them to safeguard theirs. They set up regional organizations and establish security measures for citizens' property through what they call neighbourhood watch areas. Each one in the area, men, women and children, both young and old, is responsible to report intruders and to reduce acts of theft in the area to a minimum. We would consider this a delightful expression in the direction of abstinence from theft (*adinnādānā veramaṇī*) - a highly commendable social gesture - in a totally Buddhist spirit.

The United Nations' concern for these at international level attempts to safeguard smaller countries against invasion into their territories by their aggressive and ambitious neighbours. It is the violation on a larger scale of this principle of neighbourly love that leads to wars at global level. If only humans would dismiss and rid

themselves of their own inherited bloated opinions about being chosen people, supreme communities among humans, and being intellectual and cultural elite, the world would be a happier place for a larger and more genuine brotherhood of mankind.

The Visākhians, growing up in the tradition of the Great Buddhist Lady Visākhā of the Buddha's day, whom the Buddha joyfully included in his fourfold assembly of Bhikkhu, Bhikkhuni, Upāsaka and Upāsikā, should at no stage in their life, early or late, lose sight of the fact that their growth and that of their families should be within a specific perimeter of Buddhist values. If this is lost, the whole worth of being Visākhian is irreparably lost.

May Visākhians, wherever they be, be a beaming light to the world. May the blessings of the Tisarāṇa be always with them and guide their way.

May there be peace on earth and goodwill among men.

### **Human Rights Dilemmas**

Realising rights means facing a range of obstacles. Firstly, some governments, political parties or candidates, social and economic players and civil society actors use the language of human rights without a commitment to human rights objectives. At times this may be due to an impoverished understanding of what human rights standards call for. At other times this is due to willful abuse, of wanting to misrepresent themselves as respecting human rights in order to look good in the eyes of the world. Secondly, governments, political parties or candidates or civil society actors may criticise human rights violations by others but fail to uphold human rights standards themselves. This is often criticised as a double standard. Thirdly, there may be cases when human rights are restricted in the name of protecting the rights of others. These could, of course, be legitimate. Human rights are not boundless, and exerting your rights should not impinge on other's enjoyment of their rights. However, we need to be vigilant so that 'protection of the human rights of others' is not just an empty excuse for imposing limitations. An active civil society and independent judiciary is important in monitoring such cases. Fourthly, there are instances when protecting the rights of one group of people may, in itself, involve restricting the rights of others. This should be distinguished from the above case of limiting rights. It is not always easy to judge such cases.

### **Conflicts of rights**

However, rights can also conflict. "Conflicts of rights' refers to clashes that may occur between different human rights or between the same human rights of different persons. One example can be when there are two patients who need a new heart in order to survive; however, there is only one available heart for transplantation. In this case, one patient's right to life conflicts with the same human right of another patient. Another example occurs in the case of euthanasia, when one's right to life may conflict with his/her own right to die or right to be free from degrading treatment. In this way, the different human rights of one person conflict. A third case concerns situations when different human rights of different people conflict. One example of this is reflected in the case taken to the UN Committee on the Elimination of Racial Discrimination, in the Jewish community of Oslo et.al. v. Norway. In 2000, a group known as the 'Bootboys' marched in honour of the Nazi leader Rudolf Hess. The participants wore 'semi-military' uniforms and the leader of the march MrTerjeSjolie made an antisemitic speech after which the crowd repeatedly made the Nazi salute and shouted, "SiegHeil." The clash in this case was between MrSjolie's right to freedom of expression and the Jewish community's right not to be discriminated against. The UN Committee held that statements made by Mr. Sjolie contained ideas of racial superiority and hatred, and that therefore this kind of exceptionally offensive speech is not protected by the right to freedom of expression.

**Conclusion:**

The questions raised in the previous section do not all have clear-cut answers: they remain the subject of fierce debate, even today. Such debates are, to a certain extent, important. They are an indication both of the pluralistic approach that is fundamental to the notion of human rights and of the fact that human rights are not a science, not a fixed 'ideology', but are a developing area of moral and legal thought. We should not always expect black and white answers. These issues are complex and they can only be appropriately balanced on a case-by-case basis.

However, that does not mean that there are no answers and no areas of agreement. There are many, and they increase almost daily. The issue of slavery is one which used to be debated, but where tolerance is no longer regarded as acceptable: the right to be free from slavery is now universally accepted as a fundamental human right. Female genital mutilation, although defended by some in the name of culture, is broadly condemned as a violation of human rights. And the death penalty is a similar issue – at least in Europe, where members of the Council of Europe have either abolished capital punishment or announced a moratorium on executions. In fact, abolition of the death penalty is nowadays a prerequisite for membership of the Council of Europe. According to Amnesty International, more than two-thirds of the countries of the world have abolished the death penalty in law or in practice. While 58 countries retained the death penalty in 2009, most did not use it. So we should be confident that many of these questions will also reach their resolution. In the meantime, we can help the debate and make our own judgments on the more controversial issues by referring back to the two fundamental values: equality and human dignity. If any action treats any individual as lacking in human dignity, then it violates the spirit of human rights.

**References:**

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