



Human rights in Buddhism

Dominique Side

To claim that anyone has a 'right' implies that others have a 'duty' to treat a person in a particular way. Some rights are based on contract and transactions, such as the right to have a loan repaid. There is another type of right that is not seen as circumscribed but is based on the mere fact that one is a living human being. The idea of 'human rights' is in this category.

Every human being is seen as having an 'inalienable' right to such things as life, liberty and not to be tortured. The UN Declaration of Human Rights also specifies subsidiary rights to such things as education and health care. Similarly, the Council of Europe's Convention on Human Rights protects the right to life, security, freedom of thought and expression, and the right to marry freely while it prohibits torture, the death penalty, discrimination and slavery. Human Rights are considered to be 'universal rights' so, in effect, they entail 'universal duties.' It is incumbent on any individual not to treat other human beings in certain negative ways; and it is incumbent on governments to provide what they can for people by way of education, health care and so on.

The European Buddhist Union (EBU) has participatory status as a member of the Conference of International Non-governmental Organisations (INGOs) where most major religions present on European soil are represented at the Council of Europe. The EBU is thus called upon to speak for the Buddhist understanding of human rights. This is not a straightforward task. The dilemma is deciding what the Buddhist view on human rights is.

The Buddhist view

The difficulty is that, traditionally, Buddhism does not talk in terms of human rights. This idea belongs to the Western philosophical tradition and is not found in any strand of indigenous Indian thought. The Indian philosopher Rajiv Malhotra¹ challenges the assumptions that Western paradigms are universal and the colonialist tendency to assimilate other cultures and civilisations in order to claim that they teach 'the same thing' as Jewish and Christian ones. He stands up proudly for acknowledging the *difference* between Indian and Western thought and is concerned to see that "Dharmic traditions and wisdom are compromised or even obliterated once they can be substituted with Western equivalents which are not capable of accurately representing the Dharma"².

It is not difficult to see why the idea of human rights might be problematic for Buddhists. It is based on the idea of the individual which, in itself, is culturally bound. Furthermore, if one upholds the principle of no-self it does not make sense to consider any individual as the central unit or pillar of a socio-political system.

¹ Being Different: An Indian Challenge to Western Universalism by Rajiv Malhotra, HarperCollins, 2011.

² *ibid.*, p.9.



In China, Buddhism was influenced by the ethic of Confucianism which places the community's interests above those of any single person, so it follows that the modern idea of the individual, and the significance he or she is given, are not in harmony with the basic views and values of either Indian or Chinese traditional thought. Since Buddhism was shaped by Asian thinking this cultural gap has become evident as Buddhism takes root in the West.

Furthermore, Buddhists are sometimes unhappy using the language of 'rights' as they may associate it with people '*demanding* their rights' in an aggressive, self-centred way. This would be the active and practical implication of views that do not accord with the Buddhist values of selflessness, patience and non-violence. And the notion that any rights can be inalienable seems to imply some unchanging, essential self that 'has' these rights, and this differs from Buddhism's teaching on the nature of selfhood.

Peter Harvey³ believes that these points do not mean that Buddhists cannot agree with the substance of what is expressed in 'human rights' language. As rights imply duties, Buddhists are happier talking directly about the duties themselves: about 'universal duties' or, to use a phrase much used by the Dalai Lama, 'universal responsibilities', rather than 'universal rights'. In his acceptance speech for the Nobel Peace Prize, the Dalai said:

The problems we face today, violent conflicts, destruction of nature, poverty, hunger, and so on, are human-created problems which can be resolved through human effort, understanding and the development of a sense of brotherhood and sisterhood. We need to cultivate a sense of universal responsibility for one another and the planet we share. Although I have found my own Buddhist religion helpful in generating love and compassion, even for those we consider our enemies, I am convinced that everyone can develop a good heart and a sense of universal responsibility with or without religion.⁴

Moreover, while aggressively demanding rights is not in tune with the spirit of Buddhism, being calmly firm and determined in upholding rights, particularly the rights of other people, is.

On the matter of what 'has' the rights, Harvey argues that the raising of the no-self teaching is a red herring. If a permanent self were the 'owner' of rights, it would not have any use for them, as a truly permanent Self would be invulnerable and could never be harmed! Instead, one could say that living, changing, vulnerable beings are, conventionally, the 'owners' of rights, and that human beings are valued on account of their potential for enlightenment. This potential is referred to in Mahayana Buddhism as the 'Buddha nature' and in Theravada Buddhism as the 'brightly shining mind'.

Finally, human rights can be expressed either in negative terms – as the right to freedom *from* something, such as arbitrary arrest – or in positive terms as the right *to* something, such as an adequate education. One can make a case for the first type of human rights being the primary ones, and Buddhism is strong in this area because of its emphasis on non-harming. When it comes to the rights to positive benefits, Buddhism's

³ *An Introduction to Buddhist Ethics* by Peter Harvey, Cambridge University Press, pp. 118-120.

⁴ *The Nobel Peace Prize and the Dalai Lama*, ed. Sidney Piburn, Snow Lion, USA, 1990, p.26.



emphasis is somewhat less strong, seeing such things less as *entitlements* and more as something that it is good for others to choose to provide. Nevertheless, its political ideals clearly see governments as having key responsibilities to look after their people as demonstrated by the approach taken by Emperor Ashoka, for example.

Discussion

Why do Western thinkers believe that human rights are universal? Do Buddhists share this view?



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