Buddhism and the Idea of Human Rights. Resonances and Dissonances[1]

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In 1991 L.P.N. Perera, Professor of Pāli and Buddhist Studies in Sri Lanka, published a Buddhist commentary on the *Universal Declaration of Human Rights*. In this commentary Perera tries to show that in the Pāli canon, i.e. the canonical scriptures of Theravāda Buddhism, for every single article of the Human Rights Declaration a substantial parallel or at least a statement with a similar tendency can be found. Indeed, says Perera, Article 1, which affirms the dignity and rights of all humans, "is in complete accord with Buddhist thought, and may be said to be nothing new to Buddhism in conception".[2] In contrast, the Buddhist Peter Junger, Professor of Law at the University of Cleveland, Ohio, judged in 1995 that

> […] though followers of Buddhist traditions do value most, if not all, of the interests underlying the rhetoric of human rights, they may not have much use for the label itself, which is, after all, a product of the traditions of Western Europe and the parochial histories of that region.[3]

1 This is a slightly revised version of a paper previously published in *Studies in Interreligious Dialogue* 14 (2004), pp. 216–234, and in *Journal of Buddhist-Christian Studies* 26 (2006), pp. 33–49.

2 Perera 1991, p. 21.

3 Junger 1998, p. 56.

Junger goes on to say that

> […] the *concept* of human rights is not likely to be useful in […] following the Buddha *dharma*.[4]

Thus Perera and Junger agree that the content of the various human rights is acceptable for Buddhists. However, they disagree strongly in their evaluation of the idea of human rights in itself. In this respect Damien Keown has rightly argued that the crucial question of "Buddhism and Human Rights" is not so much whether Buddhism can accept any particular human right but rather whether the idea of human rights as such can find a philosophical justification within the "overall Buddhist vision of individual and social good".[5]

It is this problem that I would like to pursue in this paper. In the *first* part I will sketch some basic characteristics of the idea of human rights. In the *second* part I will point out what resonances this idea finds in Buddhism or by which Buddhist concepts the human rights idea can be justified. And finally, in the *third* part, I will deal with the question of potential dissonances between the idea of human rights and Buddhist concepts.

On the Nature of Human Rights

With the United Nations' *Universal Declaration of Human Rights* in 1948 and the various subsequent human rights conventions the rights of individuals were for the first time inscribed into international law, which had previously recognized only collectives as legal subjects. By formulating universal rights as valid for every *individual* human being regardless of race, color, sex, religion, birth, etc. the *Universal Declaration* points to the most important feature of the idea of human rights: the *protection of the individual* or, to be more precise, the protection of the individual against powerful institutions of the state, society, religion or others. It is *individual self-determination* and *free agency* that are protected through human rights. Human rights define the minimum of what is necessary in order to guarantee the freedom of individual agency and the free-

4 Junger 1998, p. 55.
5 Keown 1998, p. 24.

dom of self-determination. By the definition of inalienable rights,[6] the idea of human rights sets limits to those collectives and institutions in which we usually live, limits which for the sake of the basic liberty of the individual are not to be transgressed. Michael Ignatieff summarizes this understanding of human rights with the words: "rights exist to protect individuals,"[7] and "they are worth having only if they can be enforced against institutions like the family, the state, and the church".[8] Therefore "moral individualism" is "the core of the Universal Declaration".[9]

It is true that the further development of the human rights debate, particularly within the context of the United Nations, has led to an extension of the idea of human rights to collective rights and collective legal entities by including among human rights, for example, a nation's right to self-determination, the right to peace and the right to development. However, in my opinion it would be highly problematic to take this as relativizing the understanding of human rights as essentially protecting the rights of the individual.[10] Such collective human rights should be regarded rather as articu-

6 These rights include, for example, the right to life and security, the right to freedom from torture, inhuman treatment and discrimination, the right to protection against arbitrary arrest, the right to fair legal proceedings, the right to asylum, the right to freedom of thought, conscience and religion, to freedom of opinion and expression, the right to associate and assemble, to freedom of movement, to free choice of one's spouse or mate, the right to own property, to free choice of employment, etc.

7 Ignatieff 2001, p. 67.

8 Ibid., pp. 66f.

9 Ibid., p. 66.

10 The statements in von Senger 1998 do not appear to be entirely free from this tendency. Von Senger's harsh criticism of the "Western" idea "that in principle human rights should be exclusively a matter of the right of the individual to protection" (von Senger 1998, p. 73), is associated with startling restraint concerning the violation of just such human rights throughout the People's Republic of China. It must appear particularly disturbing that von Senger writes without any further commentary and seemingly approvingly of China's action — "China thus stood up 'for collective human rights, such as the right of all nations to self-determination'" (von Senger 1998, p. 73) — not even mentioning China's occupation of Tibet.

lating wider settings and conditions for the protection of the individual in the sense that, for example, the right to a healthy economic development guaranteeing the satisfaction of the basic existential needs of a state's citizens is necessary, because hunger does not restrict human agency any less than arbitrary imprisonment does.[11]

If human rights are understood primarily as rights for the protection of individuals, then a further crucial aspect is that these rights hold for *all* individuals in an *equal* way and that therefore the claim of their validity is inevitably *universal*. It is the principle of equality through which the moral character of the human rights idea becomes particularly clear. For the principle of equality rests on the "Golden Rule," so that all others are to be protected against abuse in the same way that one would claim this for oneself.[12] And from the principle of equality follows the claim to the universal validity of the idea of human rights. For the equal validity for all individuals entails universal validity. This takes us to a problem which has moved more and more to the center of the current human rights debate: the question of how to justify the claim to *universal validity* of the human rights idea within the horizon of different cultures, religions, and ideologies.

The view that human rights apply to all individuals equally, irrespective of any particulars of sex, race, color, nationality, social position, etc., can also be expressed by saying that these rights have to be adjudicated to humans *as humans*, that is on the basis of their humanness alone and that this is the reason why they are called *human* rights. This seems to suggest that the universal validity of human rights needs to be derived from human nature or more precisely from the dignity of that nature. Although the 1948 *Universal Declaration* abstains consciously from giving any justification of human rights,[13] it nevertheless indicates a close connection between human rights and human dignity by mentioning both in one breath in the preamble and in Article 1. However, a justification of the universal validity of human rights by having recourse to universal human dignity is not without problems. On the one hand,

11 Cf. Gutmann 2001, pp. xi–xiii.
12 Ignatieff 2001, pp. 4, 88f.
13 Morsink 1999, pp. 281–302.

there is a variety of culturally rather diverse concepts of human dignity. And, on the other, there are some clear examples to show that the idea of human dignity does not only support equality before the law, but also inequality. One has only to recall the numerous instances in which a legally restricted status of women is justified by an alleged specific womanly dignity.[14] Therefore, I would support Ignatieff's suggestion that within the context of justifying human rights, dignity should be restricted sharply to the *dignity of free individual agency and self-determination*. Beyond that, it should be left precisely to this individual freedom as to how he or she wants to understand his/her dignity in more detail.[15] Can the different cultures and religions agree on such a restriction? This question provides a kind of litmus test, for the freedom of men and women to decide for themselves how they want to understand their own human dignity is a central implication of the human right to religious liberty.

Ignatieff concedes that the specific association of the idea of human rights with the idea of human dignity and the idea of free individual self-determination is of Western origin. But he rightly insists that the question of origin does not necessarily determine the range of validity.[16] This takes us to the center of the *relativist critique* of the idea of human rights, which has been summarized (but not approvingly) by Diane Orentlicher:

> What we call "universal" human rights are, in fact, an expression above all of Western values derived from the Enlightenment. Understood in this light, the human rights idea is at best misguided in its core claim that it embodies universal values — and at worst a blend of moral hubris and cultural imperialism.[17]

In the discussion of the relativist critique[18] two things are worth mentioning. First, in principle it is possible to base the human rights idea — even and particularly in its hard core of a "moral in-

14 Ignatieff 2001, p. 164.
15 Ibid., pp. 164ff.
16 Ibid., p. 166.
17 Orentlicher 2001, pp. 141f.
18 For a comprehensive and precise summary of all relevant argument against cultural relativism in connection with the human rights issue see Paul (2002).

dividualism" — on more than just one foundation only. One can think of philosophical justifications coming from different cultural and religious origins but nevertheless concurring in their endorsement of the idea of human rights. Second, in the face of the relativist critique it should not be forgotten that opposition is exactly what has to be expected when it comes to the idea of human rights, precisely because its point is the protection of the individual agent against collectives, institutions, traditions, religions, etc. that are too powerful. This in itself seems to be an intercultural universal. In the West the idea of human rights had to be pushed through against a fierce and persistent resistance coming from political and religious authorities. Pope Leo XIII, for instance, accused human rights of being "unrestrained doctrines of liberty"[19] and Pope Gregory XVI designated the idea of a right to religious liberty as "madness".[20] Hence, one should not be surprised if the idea of human rights meets with comparable resistance in other civilizations. Surprise would be rather appropriate if that did not occur, for then one should fear that the idea of human rights has become so wishy-washy that it no longer appears as something that is to be taken seriously by those powers against whom it is directed. Thus, when it comes to the universality of human rights what is at stake is also and in particular the universality of critical standards, which may have to be asserted against ancient traditions, whether of Western or of any other civilization. In this respect it is quite encouraging to see that the Fourteenth Dalai Lama — despite being himself a high representative of an ancient tradition — acknowledges exactly this critical function of human rights:

> Diversity and traditions can never justify the violations of human rights. Thus discrimination of persons from a different race, of women, and of weaker sections of society may be traditional in some regions, but if they are inconsistent with universally recognized human rights, these forms of behaviour must change. The universal principles of equality of all human beings must take precedence.[21]

19 Encyclical *Immortale Dei*, 1885.

20 Encyclical *Mirari Vos*, 1832.

21 From the address of the Fourteenth Dalai Lama during *The World Conference on Human Rights* 1993 (Dalai Lama 1998, p. xix).

However, given the more recent developments within the so-called "Shugden Controversy," it needs to be questioned to what extent the current Dalai Lama and his administration are serious about the right to religious liberty.[22] This leads us to the proper topic of this paper: the relationship between the human rights idea and Buddhism, or better, the question of which resonances and dissonances the human rights idea finds in Buddhism.

Resonances

When looking for Buddhist resonances with the idea of human rights two issues need to be distinguished: firstly, can Buddhism make any positive sense of the idea of "rights" and, secondly, does it allow for the idea of rights that protect the "individual" or more precisely individual self-determination?

At least since the reign of emperor Aśoka (middle of the 3rd century BCE), Buddhism has presented itself as a politically and socially formative factor, and this was probably just about one hundred years after the Buddha's death.[23] To my mind, this did not require a radical transformation of Buddhism, for contrary to a prejudice still widespread in the West, Buddhism was right from the beginning by no means a purely individualistic and escapist doctrine of salvation.[24] Rather, we find already in the Pāli canon a number of ancient texts which demonstrate not only an obvious interest in questions of common ethics but also apply specific features of the Buddhist explanation of the origin and removal of suffering to the social and political sphere, that is, to war, social discord, crime, poverty, legal insecurity, etc. The traditional Buddhist answer to these issues revolves around the idea of

22 An overview over the various aspects of this controversy and the repeated accusation of human rights violations can be gained from the article "Dorje Shugden controversy" in the English Wikipedia: http://en.wikipedia.org/wiki/Dorje_Shugden_Controversy.

23 According to the shorter chronology which is nowadays accepted by many scholars the dates of the Buddha's life would be something like 448–368 BCE. On the problems of dating the Buddha see Bechert 1986.

24 Schmidt-Leukel 1997.

a Buddhist monarchy, i.e. around the idea of a king ruling the country according to the moral principles of the *dharma*:[25]

> […] the king, the ruler of the world, the dharmic *dharma*-king [P. *dhammiko dhammarāja*] relies just on *dharma*; honours *dharma*, reveres *dharma*, esteems *dharma*; with *dharma* as his standard, with *dharma* as his banner, with *dharma* as his mandate, he sets a *dharma* watch and bar and ward for folk within his realm […] for warrior and camp follower, for brahman and for householder, for town and country folk, for recluse and for godly man, for beast and bird alike.[26]

In this context the word *dharma* has a fairly broad meaning. It is usually translated as "law" but means much more than that. In the Buddhist context it signifies primarily the teaching of the Buddha which, however, is not regarded as the Buddha's invention but as something that the Buddha has rediscovered, like a forgotten city overgrown by the jungle.[27] Accordingly, Buddha's teaching reflects a kind of cosmic law which describes the basic syntax of all life — suffering, its causes, its ultimate appeasing in *nirvāṇa* as well as the path leading to the removal of suffering and, as an integral part of this, morality and justice.

While the *dharma* has therefore a transtemporary validity, this does not, in traditional Buddhist understanding, hold for monarchy itself. According to an ancient myth, codified in the Pāli canon, monarchy is based on a kind of social contract. In primordial times the idea of private property arose among human beings due to their greed. As a result of private property and greed, theft, lies, and violence became rife and so it was resolved to appoint a king. By the power conferred on him to dispense justice, the elected king should fight the evils that had arisen and should be paid for this by the citizens of his state.[28] However, the powers and duties of a king

25 On the concept of the *Dharmarāja* see Chakravarti 1996, p. 150–176 and Collins 1998, pp. 414–496.

26 *Aṅguttara-Nikāya* V.133 (PTS III 149). The translation follows Hare 1934, p. 115. I have substituted the more common Sanskrit form *dharma* for the Pāli form *dhamma*.

27 *Saṃyutta-Nikāya* 12.65.

28 *Aggañña Sutta*, *Dīgha-Nikāya* 27.

are not confined to this particular form of power.[29] In correspondence with the basic Buddhist insight that painful phenomena are best removed by removing their causes, it also counts among the king's duties to provide financial aid for the poor[30] and to make sensible economic investments[31] in order to fight poverty as one of the major causes of all sorts of social evil. The Buddhist scriptures contain several lists of a king's virtues and duties,[32] among them the particularly important scheme of the ten virtues of a *dharma*-king (P. *dasa rājadhammā*), which are: generosity, morality, spirit of sacrifice, integrity, moderation, spiritual discipline, peaceableness, nonviolence, forbearance, and non-offensiveness (P. *dāna, sīla, pariccāga, ajjava, maddava, tapas, akkodha, avihiṃsā, khanti, avirodhana*).

In a symposium on "Buddhism and Human Rights"[33] Damien Keown suggested that the Buddhist concept of duties and virtues of the king determined by the *dharma* anticipates the modern idea of rights and human rights in an "embryonic form".[34] Underlying Keown's suggestion is the argument that justice can be expressed both ways, by rights and by duties: someone's right expresses the entitlement to be treated justly and someone's duty expresses the

29 The king's judiciary power is particularly significant since in general the moral high ethos of Buddhism demands absolute nonviolence. Therefore, the *realpolitik* considerations of ancient Buddhist scriptures on the justification of the exertion of force by the king should always be seen against the background of the Buddhist utopia of an entirely nonviolent rule; cf. the extensive evidence given in Collins 1998, pp. 419–496. If the aim of the modern human rights idea is the protection of the individual against governmental force, then one could hold that in a sense the Buddhist texts are, right from the beginning, committed to such a view and therefore do not ask when and why government force should be restricted but, on the contrary, when and why it should be permitted at all. On the more general question of Buddhism and violence see Schmidt-Leukel 2004.

30 *Dīgha-Nikāya* 26.

31 *Dīgha-Nikāya* 5.

32 Collins 1998, pp. 460ff.

33 This symposium was carried out as an on-line conference in 1995 by the *Journal of Buddhist Ethics* and was later published in print (Keown *et al*. 1998).

34 Keown 1998, p. 22.

obligation to treat others justly. From this Keown concludes that rights and duties can be mutually deduced. Therefore, even if the Buddhist *dharma* does not speak of rights but of duties, rights can nevertheless be deduced from it by the following model:

> If under *dharma* it is the duty of a king (or political authority) to dispense justice impartially, then subjects (citizens) may be said to have a "right" to just and impartial treatment before the law.[35]

Keown extends this argument to the whole of Buddhist morality, so that, in his view, different rights emerge from the various moral precepts of Buddhism: for example, the right to life from the precept not to kill, the right to property from the precept not to steal, etc.[36] In other words, the modern ideas of rights in general and of human rights in particular are not explicitly mentioned in the traditional Buddhist scriptures but, according to Keown, can be extrapolated from the explicitly stated *dharma*-related duties.

Against Keown Craig Ihara has argued that while it is true that from every right a corresponding duty can be deduced, the converse does not hold — that is, one cannot deduce from every duty (or Buddhist moral precept) the claim to a corresponding right.[37] In my mind it is true that there are forms of responsibilities which go beyond that what can be described as satisfying or respecting a particular right. Therefore, Ihara is correct in that it is not possible to deduce from every duty or responsibility someone else's legal claim or right to that. From the moral precept to give generously, for it example, one cannot deduce the right to receive plentifully. Or from the moral obligation to speak the truth no right can be deduced never to be lied at. However, as Ihara himself has to admit, the converse is perfectly correct: legitimate rights lead to the moral duty of others to respect or not to violate these rights. So if I have in specific situations the right to learn the truth, it does trigger the duty of the other to tell me the truth. This is of crucial importance for the idea of human rights, for stating particular human rights means making a serious appeal to the duty of the powerful not to violate these rights. Therefore, in the end, Keown is right insofar as

35 Keown 1998, p. 21.
36 Ibid., pp. 31–33.
37 Ihara 1998, p. 45.

at least some specific moral duties of kings, as stated in traditional Buddhism, may be understood as expressing an appeal that would in substance correspond to the idea of rights. Regarding the Buddhist conviction that a king should rule in accordance with the *dharma*, one may indeed assume that this is backed by the feeling that such a dharmic exercise of power is highly desirable, particularly from the perspective of the subjects. In any case, it is a familiar view of the early Buddhist texts that kings are among those things from which or whom one needs protection. For, in a frequently appearing standard formula kings are mentioned in one breath with fire and water, robbers and bad heirs.[38] Hence, it does not seem to be totally misleading to assume that the demand for an exercise of power in accordance with the *dharma* was also motivated by the intention to protect the subject from "royal" catastrophes. This is certainly not yet the same as the modern formulation of the idea of human rights. However, it is compatible with it or — more strongly — predisposed to it. One can hardly expect much more from texts which are more than 2000 years old.

But what about the question so central to the idea of human rights, the question of justifying the worth of individual self-determination and free agency? Does Buddhism have a solid and sound basis for human dignity in the sense of the dignity of the free individual that must be respected and protected? A number of Buddhist authors,[39] including the Burmese Nobel Peace Prize Laureate Aung San Suu Kyi,[40] have answered the question of how to justify human dignity in Buddhism by hinting at the specific status of human beings in respect of their potential for enlightenment and liberation. One should recall first that in Buddhism human beings do not occupy an absolutely privileged position but are seen against the doctrine of rebirth as being continuous with all "sen-

38 Cf., for example, *Aṅguttara-Nikāya* V.41; *Majjhima-Nikāya* 13.

39 Keown 1998, pp. 29f; Harvey 2000, pp. 36f and 118ff; Perera 1991, pp. 21–24; Thurman 1988, p. 152f; Chamarik 1985, p. 76f.

40 Aung San Suu Kyi 1991, p. 174: "Buddhism […] places the greatest value on man, who alone of all beings can achieve the supreme state of Buddhahood. Each man has in him the potential to realise the truth through his own will and endeavour and to help others to realise it. Human life therefore is infinitely precious." See also Silverstein 1998.

tient beings," that is, with all forms of existence in which rebirth can take place. Within the context of the human rights debate, Buddhists have therefore repeatedly pointed to an additional need for animal rights.[41] However, the fact that the Buddhist understanding of human beings[42] does not allocate to them an absolutely exceptional position entails by no means an indiscriminate levelling. Rebirth as a human being is regarded as particularly precious because it carries the most favourable conditions for progress on the Buddhist path of salvation. Therefore it is usually assumed that enlightenment can be achieved only in human form. Subhuman forms of existence, i.e. as animals, ghosts or beings in hell, leave no or too little room for free moral and spiritual action and the life of the gods is too pleasant for gaining full insight into the basically unsatisfactory character of *saṃsāric* existence.[43] The Buddhist scriptures repeatedly praise existence in human form as particularly precious with regards to its specific prospects for enlightenment and salvation.[44] And this implies the specific worth of individual self-determination and free agency. Thus the Buddha admonished his disciples shortly before he died with the words:

> Be islands unto yourselves! Be a refuge to yourselves; do not take to yourselves any other refuge. See *dharma* as an island, see *dharma* as a refuge. Do not take to yourselves any other refuge.[45]

This does not imply any sort of inclination to post-modern or premodern arbitrariness. There is no doubt that the *dharma* is objectively given and definitely proclaimed by the Buddha and is as such the "island" or "refuge". However, what is important for individual progress on the path of salvation is nothing but personal appropriation through one's own understanding and experience, and in this sense everyone must be one's own "island" or "refuge". Accordingly, the Buddha says in his well known discourse to the Kālāmas:

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41 Keown 1998, pp. 34f; Harvey 2000, p. 120; Unno 1988, pp. 143f.
42 Cf. Schmidt-Leukel 1999.
43 Cf. Schlingloff 1963, pp. 42f; Harvey 2000, p. 30.
44 For example, *Majjhima-Nikāya* 129; *Bodhicaryāvatāra* VII.14.
45 *Dīgha-Nikāya* 16.

Be ye not misled by report or tradition or hearsay. Be not misled by proficiency in the collections [or scriptures], nor by mere logic or inference, nor after considering reasons, nor after reflection on and approval of some theory, nor because it fits becoming, nor out of respect for a recluse (who holds it). But, Kālāmas, when you know for yourselves: these things are unprofitable, these things are blameworthy, these things are censured by the intelligent; these things, when performed and undertaken, conduce to loss and sorrow, — then indeed do ye reject them […] But if at any time you know of yourselves: These things are profitable, they are blameless, they are praised by the intelligent: these things, when performed and undertaken, conduce to profit and happiness, — then Kālāmas, do ye, having undertaken them, abide therein.[46]

The personal responsibility of humans for their deeds and their consequences is also at the center of the Buddhist teaching on *karma* and is emphasized by the standard formula: "I myself am responsible for my deed, I am the heir to my deed,"[47] meaning that a good or bad spiritual development is rooted in the direct responsibility of the individual. The accentuation of personal responsibility seems also to be one reason for the Buddhist critique of the caste system (one's deeds, rather than one's birth, show an individual's worth),[48] for the affirmation of an (at least in principle) equal status of the sexes,[49] for the critique of deterministic understandings of *karma* and deterministic versions of theism as well as for the rejection of the materialistic idea that everything happens purely by chance.[50]

Moreover, for Buddhism there is no contradiction between responsibility for oneself and responsibility for one's fellow humans or beings.[51] Both are seen to belong closely together: "Protecting

46 *Aṅguttara-Nikāya* III.66; translation from Woodward 1932, p. 173.

47 *Aṅguttara-Nikāya* X.48; similarly V.161.

48 Cf. *Sutta-Nipāta* 136.

49 Cf. *Sutta-Nipāta* 609. See also Vinaya-Pitaka, Cullavagga X. 1, where the fact that women have the same spiritual faculties as men is given as the decisive reason for the foundation of the nuns' order.

50 For the criticism of these three views see *Aṅguttara-Nikāya* III.62.

51 This is rightly stressed by King (2000) as a key aspect of Buddhist ethics. However, King is in danger of confounding the idea of human rights with Buddhist ethics in general and thus misses the crucial point of the protection of free individual agency. But despite the moral intuition behind the idea of human rights, having a religious

oneself, one protects others; protecting others, one protects oneself".[52] A central foundation for this is the so-called "Golden Rule," which is also well-known in Buddhism:

> For a state that is not pleasant or delightful to me must be so to him also; and a state that is not pleasing or delightful to me, how could I inflict that upon another?[53]

And this in turn is based on the fundamental insight that all beings "[…] yearn for happiness and recoil from pain".[54]

Given the high value that traditional Buddhism attributes to the direct responsibility of the individual, it is not surprising that some Buddhists commit themselves to the protection of individual freedom, also on the level of legislation, that is, to an undivided validity of those human rights which are instrumental to this protection. An outstanding example of this is Bhimrao Ramji Ambedkar, the founder of Indian Neo-Buddhism and the father of the Indian constitution. The legal abolition of caste distinctions through the Indian constitution in 1949 and the constitutional guarantee of human rights are primarily Ambedkar's work[55] and for him an expression of his Buddhist convictions.[56]

The organisers of the symposium on "Buddhism and Human Rights," mentioned above, issued a *Declaration of Interdependence*[57] which seems to be meant as a kind of draft Buddhist equivalent to or endorsement of the *Universal Declaration of Human Rights*. The first paragraph of the preamble summarises the Buddhist foundations for the idea of human rights in the following way:

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ethics, even a very impressive one, is not the same as supporting human rights.

52 *Saṃyutta-Nikāya* 47.19.

53 *Saṃyutta-Nikāya*, as quoted in Harvey 2000, p. 33.

54 *Majjhima-Nikāya* 51.

55 See Ambedkar's respective memorandum "States and Minorities" from 1947 with drafts and comments on the relevant paragraphs of the constitution in preparation in Ambedkar 1989, pp. 381–449. Ambedkar holds (ibid., p. 409) "that the individual has certain inalienable rights which must be guaranteed to him by the Constitution" and "The purpose is to protect the liberty of the individual […]"

56 Cf. Jürgens 1994, pp. 222ff.

57 Cf. Keown et al. 1998, pp. 221f. and Harvey 2000, pp. 121f.

Those who have the good fortune to have a "rare and precious human rebirth," with all its potential for awareness, sensitivity, and freedom, have a duty to not abuse the rights of others to partake of the possibilities of moral and spiritual flourishing offered by human existence. Such flourishing is only possible when certain conditions relating to physical existence and social freedom are maintained. Human beings, furthermore, have an obligation to treat other forms of life with the respect commensurate to their natures.[58]

Despite the Buddhist potential for a positive affirmation of the idea of human rights, the relationship between Buddhism and this idea is not entirely free from tension. Thus, for the last part of my paper I would like to deal with some of those dissonances.

Dissonances

In the thirteenth century the poet Rāmacandra composed the following verses after his conversion to Buddhism:

When the idea of an ego arises,
it will also procreate egotism.
Soon the latter will produce the greed for being,
and that begets from moment to moment delusion.
[…]
The root of suffering is this idea of an ego.
Cut it off from me, O Jina, with the sword of your word.[59]

In these verses Rāmacandra summarizes the Buddhist belief that the idea of an ego or "I" is one of the main reasons for the human predicament. Some Buddhist authors have criticized the idea of human rights using the argument that it would promote this idea of an ego and the egotism so closely linked to it.[60] Craig Ihara, for

58 Harvey 2000, p. 121.

59 Rāmacandra, translated in Otto 1917, pp. 155f.

60 Cf. Harvey 2000, p. 119: "Buddhists are sometimes unhappy using the language of 'rights' as they may associate it with people 'demanding their rights' in an aggressive, self-centered way, and may question whether talk of 'inalienable rights' implies some unchanging, essential Self that 'has' these, which is out of accord with Buddhism's teaching on the nature of selfhood." Harvey himself, however, defends the human rights idea against this criticism by arguing (2000, p. 119) that "[…] while aggressively *demanding* rights is

instance, says "[…] invoking rights has the inevitable effect of emphasizing individuals and their status, thereby strengthening the illusion of self. While Buddhism has a holistic view of life, the rights perspective is essentially atomistic".[61] Therefore Ihara holds

> […] that rights in the sense of subjective entitlements are conceptually incompatible with classical Buddhist ethics and their introduction would require a fundamental conceptual transformation […] The change to a modern concept of rights is one from conceptualizing duties and obligations as the role-responsibilities of persons in a cooperative scheme to seeing them as constraints on individuals in their interactions with other individuals all of whom are otherwise free to pursue their own objectives.[62]

Ihara's view that the Buddhist *dharma* and the associated ideal of the *dharma*-king must not be understood in the sense of the idea of rights finds a vivid illustration or even radicalization in the idea of a "Dictatorial Dhammic Socialism" from the eminent Thai Buddhist reformer, Bhikkhu Buddhadāsa.[63] For Buddhadāsa the first priority of every political system must be the well-being of the community. To this the freedom of the individual must be unequivocally subordinate.[64] Moreover, the concept of freedom is, according to Buddhadāsa, in itself highly ambiguous. From a Buddhist perspective, the individual is controlled by negative, selfish tendencies and

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not in tune with the spirit of Buddhism, being calmly firm and determined in upholding rights, particularly of other people, is so. On the matter of what 'has' the rights, […] one can simply say that living, changing, vulnerable beings are, conventionally, the 'owners' of rights, with the locus of their value seen as their ability to suffer, their very vulnerability, and their potential for enlightenment […]"

61 Ihara 1998, p. 51, ft. 21. Cf. also Unno 1988, p. 144: "[…] the most difficult problem in considering the nature of personal rights is the ego-centeredness that lurks in its background." For a similar tendency see Inada 1998, pp. 4 and 6.

62 Ihara 1998, pp. 48f.

63 Cf. "A Dictatorial Dhammic Socialism," in Buddhadāsa 1989, pp. 182–193. On the life and work of Buddhadāsa see Jackson 2003.

64 Buddhadāsa 1989, p. 185: "If we think of politics as something that concerns groups of people living together, then the emphasis of a political system would be the well-being of the entire group. *Freedom*, on the other hand, is an individual matter. An emphasis on personal freedom shifts the focus from the group to the individual. Such a focus is at odds with the meaning of politics."

it is precisely this with which liberalism's concept of freedom cannot effectively deal:

> Liberalism cannot provide a basis for social utility because it promotes selfishness, individual benefits rather than social benefits.[65]

But a liberal concept of freedom is also the basis of liberal democracy — which therefore has to be rejected too. For Buddhadāsa, true freedom consists in conquering all selfish tendencies. Socialism with dictatorial features, being opposed to the liberal ideal of individual freedom, is therefore more suitable for dealing adequately with the problem of selfishness than liberal democracy.[66] However, it is necessary that the socialist dictator follow the *dharma* and manifests — in accordance with the ancient Buddhist ideal of the *dharma*-king — the ten virtues of kingship:[67] "If a good person is the ruler the dictatorial socialism will be good, but a bad person will produce an unacceptable type of socialism. A ruler who embodies the ten royal virtues will be the best kind of socialist dictator".[68]

Such an ideal Buddhist dictator, says Buddhadāsa, will look after his people the way good parents look after their children.[69] Above all, he will "promote the common good" and "abolish the evil of private, selfish interest".[70] But how is that to be achieved? Among Buddhadāsa's disciples some illuminating suggestions

65 Buddhadāsa 1989, p. 184.

66 Ibid., pp. 184f. and 189. In Buddhadāsa's later writings (from the 1980's on) one can find some more positive comments on democracy, but he still recommended a Buddhist dictatorship. Cf. Jackson 2003, pp. 246–251.

67 Cf. Buddhadāsa 1989, p. 191. In this connection it is worth mentioning that Aung San Suu Kyi bases the goals of the Burmese democracy movement on the traditional concept of Buddhist kingship as well. However, she emphasises (Aung San Suu Kyi 1991, pp. 172f.) that, according to the myth, the first king had been elected and she interprets the tenth of the ten kingship virtues (*avirodha* = literally: "non-opposition") as "non-opposition to the will of the people" and thus as "a Buddhist endorsement of democracy".

68 Buddhadāsa 1989, p. 192.

69 Ibid., p. 193.

70 Ibid., p. 191.

have been made,[71] such as: the removal of capitalism in favor of an "economic structure of […] contentment […] moderation […] and self-reliance," oriented by the example of rural cultures; "healthy sexuality within healthy families;" promotion of indigenous, local entertainment, songs, and dance; promotion of healthy and creative forms of sports and play; new ways of education which — in the long run — might even render schools and universities unnecessary; removal of rich and powerful religious institutions; removal of political parties; promotion of the awareness of "the need […] to make sacrifices, let go of self, and give up selfish interests for the good of society;"[72] installation of a general system of monitoring, including something like "moral ombudspersons," "empowered to […] investigate, and sanction," etc.[73]

Such views take us right into the intensive and partly heated debate which has become known as the controversy on "Asian values". During the 1990s political leaders of various Asian states, headed by Malaysia and Singapore and markedly supported by China, have repeatedly criticized the idea of human rights as being too Western and contended in particular that the individualism on which it is based is opposed to community-oriented "Asian values".[74] For some countries like China, Vietnam, Burma (or Myanmar) and others, it is only too obvious that this argument was used to distract attention from considerable violations of human rights

71 The following examples are from Santikaro Bhikkhu, who was for many years Buddhadāsa's interpreter and co-worker. Cf. Santikaro Bhikkhu 1997.

72 Santikaro Bhikkhu 1997, p. 126.

73 Ibid., p. 149. Buddhadāsa was also aware that a "Dictatorial Dhammic Socialism" could not be realized without force, appealing for this to the example of Emperor Aśoka: "He purified the *saṅgha* by wiping out the heretics, and he insisted on right behavior on the part of all classes of people. Aśoka was not a tyrant, however. He was a gentle person who acted for the good of the whole society. He constructed wells and assembly halls, and had various kinds of fruit trees planted for the benefit of all. He was 'dictatorial' in the sense that if his subjects did not do these public works as commanded, they were punished." (Buddhadāsa 1989, p. 190) Therefore, it is not entirely correct when Donald Swearer (1996, p. 143) claims that "Buddhadāsa flatly condemns violence".

74 Cf. Langlois 2001; Bell 1999; Paul 1998.

within their own states or to escape international criticism.[75] But underlying some of the Asian voices is clearly the genuine concern that a liberal individualistic ethos in conjunction with a legalistic, aggressive and consumerist attitude does not meet traditional values of Asian societies, i.e. social harmony, respect for family and authorities and, in particular, emphasis on duty and responsibility rather than on rights that can be claimed.

Such concerns should not be easily dismissed. Bhikkhu Parekh has rightly pointed out that, on the one hand, emphasizing "Asian values" "[…] is vulnerable to the collectivist danger and unlikely to create a culture conducive to the development of individuality and choice" but that, on the other hand, a one-sided liberal stress on rights is hardly able "to nurture the spirit of community and social responsibility".[76] This statement marks a good starting-point for understanding that both sides, the representatives of "Asian values" and the defenders of "Western Liberalism", could learn from each other and in a sense complement each other,[77] although not on the same level exactly — i.e. not on the legal level of those minimal protective rights which are meant to guard the freedom of the individual from powerful communities and institutions. It is true that emphasizing such individual protective rights is not enough for promoting moral sensitivity and social responsibility. Responsibility exceeds that which can be secured legally. Therefore, it makes a great deal of sense to identify, in addition to the *Universal Declaration of Human Rights,* an intercultural and inter-religious basis for a Univer-

75 Cf. Twiss 1998, pp. 158f; Powers 1998, p. 176; Parekh 2000, pp. 140f.

76 Parekh 2000, p. 138.

77 On this see also the view of Sumner B. Twiss: "Human rights are intended to be compatible not only with traditions that emphasize the primacy of individuals within the community (true of many Western societies) but also with traditions that may emphasize the primacy of community and the way that individuals contribute to it (true of many non-Western societies). In effect, international human rights are intended to advance a balancing and integration of individual and community interests for both more individualistic and more communitarian societies, in an attempt to avoid the pathological extremes of individual freedom without communal solidarity and communal solidarity without individual freedom […] There can be different viable social patterns between these two extremes." (Twiss 1998, p. 162)

sal Declaration of Human Responsibilities as it had been intended within the context of the "Global Ethic Project".[78] Human responsibilities and human rights should complement rather than supersede each other. Emphasizing social and moral responsibility must not lead to a removal of that basic intuition of human rights that seeks legal protection for the individual's freedom of self-determination. On the other hand this right cannot prevail without any limitations. It finds its limit — as already stated in the 1948 Declaration — at the rights of others and "the just requirements of morality, public order and the general welfare". But it must not be crushed by the latter.

This, however, seems to be the danger of concepts such as Buddhadāsa's "Dictatorial Dhammic Socialism". The problem, which is here particularly obvious, consists in the intention to force the high ethos of Buddhist morality on an entire society.[79] But, among other things, it is precisely a tutelage like this against which human rights ought to protect people. This is not a specific problem of Buddhism but a problem of religion and human rights in general. The crucial challenge for religions is therefore to support the key intention of the idea of human rights, even and in particular if this entails restricting the power of religious institutions. I think that in principle Buddhists could and should make this intention their own. Not only because — as the Thai Buddhist and scholar of politics, Saneh Chamarik, has rightly remarked — well-intentioned dictatorships can only too easily end up with horrendous subjugation but also because religious tutelage ultimately contradicts the Buddhist respect for the individual's own spiritual responsibility.[80] What happens if someone living under such a *dharma* dictatorship

78 Cf. Küng 1997, esp. pp. 91–113; Küng and Schmidt 1998.

79 In his analysis of the political ideas of Buddhadāsa and his followers May (2003) has rightly seen that underlying Buddhadāsa's "Dhammic socialism" are the ideals of the Buddhist monastic community (May 2003, pp. 96ff). But in this otherwise sensible and highly commendable study May is surprisingly uncritical about the dangers to the individual's freedom (and hence for a key value of the idea of human rights) resulting from the attempts of religious communities to make their own specific norms compulsory for a society. I agree with Swearer (1996, p. 144) who argues that Buddhadāsa's vision of a society founded on the norms of the *dharma* fits better with voluntary religious communities than with political systems.

80 Chamarik 1985, pp. 84f. and 87.

does not share the high ideals of Buddhism and prefers rather to be selfish and greedy? What happens if someone likes to indulge in pleasures which, from a Buddhist perspective, are inferior or "unhealthy" or enjoys different music and dances from folk music and folk dancing? What happens if someone would like to retain religious institutions, political parties and universities? Will methods of intensified education then be imposed? I think that Buddhadāsa's and his disciples' suggestions are as naive as they are perilous. Asia has had enough painful experiences with analogous visions from communists.[81] Buddhists who accept the idea of human rights can support specific Buddhist values and ideals by the old means of preaching, the lived example and, of course, by all sorts of constructive social co-operation but not by dictatorial force. The spirit of human rights demands that Buddhists respect and try to protect the freedom of individuals even, and in particular, if they want to understand themselves other than in a Buddhist sense. That such ideas are not only modern and exclusively Western is perhaps illustrated by the following instructions from the *vinaya*, the monastic rule, of the Mūlasarvāstivādins:

> If — says the *vinaya* — one has to carry out some building measure for the Buddha and if for this reason one has to cut a tree which is inhabited by a tree-deity, then one should present to this tree-deity incense, flowers and offerings and subsequently expound to the deity the wholesome forms of conduct and after that ask the deity to move into a different tree just because this tree is needed for the Buddha. If, however, the deity refuses to leave the tree then "one shall praise to the deity the advantages of generosity and explain the disadvantages of miserliness and greed". But if even that is of no use and the deity still refuses to leave its tree, then — says the instruction — "one is not allowed to cut it".[82]

81 It is evident that there have been various links between the ethical ideas of Asian Communist movements and Buddhist morality. It would be worth exploring those links in more detail. For a thorough record of the relations between Cambodia's Khmer Rouge and Buddhism see the important new study Harris 2007, pp. 57–101. Harris suggests that Pol Pot's (who had himself been a Buddhist monk at some stage) "frequent attacks on individualism" may derive from his Buddhist past (cf. ibid., p. 83).

82 T. 1428: 23.776a. I am very grateful to Professor Dr. Lambert Schmithausen, who drew my attention to this passage and kindly translated it for me from the Chinese.