The Kantian Dhamma: Buddhism and Human Rights[1]

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This article takes as its starting point the question: how philosophically to ground in Buddhism the notion of universal human rights. In the first half, the author examines the compatibility between the Buddha's dhamma and the Kantian philosophy which lies at the conceptual foundation of human rights. In the second half, through the use of the colorful allegory in the Chinese classic Journey to the West, further similarities and differences are noted as the formulation and practice of human rights are compared with the Buddhist *sīla* (precepts) and *dhamma*. In conclusion, the author proposes that human rights principles provide a moral roadmap for societies as a whole, in the same way that Buddhist precepts give ethical guidance to individuals.

When a non-Western country is under scrutiny for human rights abuses, we often hear counter-arguments that human rights are a western concept and do not apply to other societies. Although this rhetoric – often marshalled in this part of the world under the banner of "Asian values" – became less audible after the region's economic ascendancy suffered a meltdown in 1997 and China joined the World Trade Organization in 2001, it can still be heard today from conservative quarters.

[1]Revised from a two-part article first published in *The Nation*, Bangkok on Jan 11-12, 2012. http:// www.nationmultimedia.com/ opinion/ Buddhism-and-human-rights-the-Kantian-dhamma-30173484.html and http:// www.nationmultimedia.com/ opinion/ Buddhism-and-human-rights-The-journey-to-the-west-30173551.html

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Such appeals to Asian particularism are also found in Buddhist societies, not least in Thailand, where supposedly Buddhist ideas are sometimes advanced in its defense. It therefore becomes imperative to explore the resonance and dissonance between Buddhism and human rights principles.

The first article of the Universal Declaration of Human Rights (UDHR) boldly declares, "All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood."[2] However, even this fundamental premise appears to be far from being universally accepted.

Some Thais argue that, like the digits on one's hand, humans are born unequal. Implying fixed roles and discriminating treatments, this saying is often accompanied by karma theory "explaining" how such and such people have allegedly committed such and such karma in their past lives – and therefore deserve such and such conditions in the present one. Although often attributed to the Buddha, this apocryphal justification for a caste-like system was actually promoted by Phraya Anumanratchathon in the 1960s to support Thailand's own social stratification.[3]

However, other Buddhists have voiced their unequivocal support for human rights. In his 1991 book on the subject,[4] Sri Lankan scholar LPN Perera established that the UDHR is completely in agreement with Buddhism, by identifying parallels in the Buddhist canon to every UDHR article.

Nevertheless, in *Are There Human Rights in Buddhism?*[5] Buddhist ethicist Damien Keown asked an important question: how to philosophically "ground" the concept of human rights in Buddhism. Here the author would like to propose a preliminary answer by taking a step back to the origin of human rights.

All Buddhists are familiar with the legend of how Prince Siddhartha was motivated to find the answer to human suffering after journeying out of his comfort zone one day to see the implications of life: an old man, a sick man, a corpse and a renunciate. It can be said that after witnessing the atrocities men inflicted on men in two devastating world wars, the world as a whole undertook a similar soul-searching and reached back to the common wisdom of humanity to produce

[2] http://www.un.org/en/documents/udhr/

[3] "Decoding Phraya Anumanratchathon's works in the humanities" – a lecture (in Thai) by Professor Saichon Sattayanurak. http://www.midnightuniv.org/ถอดรหัสผลงานทางมนุษยศา-2

[4] *Buddhism and Human Rights: A Buddhist Commentary on the Universal Declaration of Human Rights* (1991). Colombo: Karunaratne and Sons.

[5] Downloadable at http://128.118.2.23/pub/jbe/acrobat/keown.pdf

the UDHR, with the aim of preventing and alleviating human suffering at the global level.[6]

It is perhaps the 18th-century German philosopher Immanuel Kant who did most of the groundwork for what would become the UDHR. It is recognized that "Many of the central themes first expressed within Kant's moral philosophy remain highly prominent in contemporary philosophical justifications of human rights. Foremost amongst these are the ideals of equality and the moral autonomy of rational human beings. Kant provides a means for justifying human rights as the basis for self-determination grounded within the authority of human reason."[7]

In his book *Justice: What's the Right Thing to Do?* Harvard philosopher Michael Sandel wrote, "Kant's *Groundwork for the Metaphysics of Morals* appeared shortly after the American Revolution (1776) and just before the French Revolution (1789). In line with the spirit and moral thrust of those revolutions, it offers a powerful basis for what the 18th-century revolutionaries called the rights of man, and what we in the early 21st century call universal human rights."[8]

Kant places human freedom at the heart of his philosophy. At first glance, Buddhists may counter that humans are not truly free because we are ruled by desire. Of the arbitrariness and tyranny of desire, the Buddha pronounces, "Beset by craving, people run about like an entrapped hare."[9] And Kant would completely agree. He would even add that we are not free if we only act out of our own desires, preferences or interests, because we did not choose them in the first place.

In Kantian philosophy, acts due to our "motive of inclination" have no moral worth. A moral act must be done with a "motive of duty" which, in practical terms - as will be later elaborated - turns out to be very similar to the dhamma. The Buddha says, for example, "If he recites next to nothing but follows the dhamma in line with the dhamma; abandoning passion, aversion, delusion; alert, his mind well-released, not clinging either here or hereafter: he has his share in the contemplative life."[10]

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[6] This idealistic account of the UDHR's origin, however, is challenged by some scholars as glossing over the historical and political context of the time. Similarly, the traditional story of Prince Siddhartha's renunciation, as believed by most Buddhists, is also considered by many Buddhist scholars to be a de-contextualized hagiography.

[7] http://www.iep.utm.edu/hum-rts/

[8] *Justice: What's the right thing to do?* p.105.

[9] *Dhammapada* 343 trans. Acharya Buddharakkhita http://www.accesstoinsight.org/tipitaka/kn/dhp/dhp.24.budd.html

[10] *Dhammapada* 20 trans. Thanissaro Bhikkhu http://www.accesstoinsight.org/tipitaka/kn/dhp/dhp.01.than.html

Kant insists that we have the power to rise above our desires, because if there is no such autonomy then there is no moral responsibility. A flying rock cannot be held culpable for breaking someone's skull, but its thrower can. In the *Mahābodhi Jātaka,*[11] the bodhisatta made crushing arguments against theistic and karmic determinism on the same ground, that they deprive humans of moral choice.

The Buddha points out, "It is volition, monks, that I declare to be karma. Having willed, one performs an action by body, speech or mind."[12] Similarly it is in human intention that Kant places the moral worth of an action. "Nothing can possibly be conceived in the world, or even out of it, which can be called good, without qualification, except a good will… A good will is good not because of what it performs or effects, not by its aptness for the attainment of some proposed end, but simply by virtue of the volition; that is, it is good in itself, and considered by itself it is to be esteemed much higher than all that can be brought about by it in favour of any inclination, nay even of the sum total of all inclinations."[13]

In other words, for an action to be morally good in Kantian philosophy, it is not enough that it conform to the moral law: it must also be done for the sake of the moral law, not for its results.[14] The Buddha concurs, "There is no fear for an awakened one, whose mind is not sodden (by lust) nor afflicted (by hate), and who has gone beyond both merit and demerit."[15]

As the Buddha's core teachings on non-self (*anattā*) require us to let go of all egoistic instincts, Buddhism – like Kantian philosophy - aims at altruism as the ultimate peace. The Buddha again says, "The monk who abides in universal love and is deeply devoted to the Teaching of the Buddha attains the peace of Nibbana."[16] It is, therefore, more in line with socially engaged Buddhism and other justice movements that aspire to do what is right.

On the other hand, the popular rituals - mass chanting or meditation retreats that focus on expected individualistic results such as lottery wins, better rebirths,

[11] *Jātaka* no. 528

[12] *Nibbedhika Sutta.* AN III 415.

[13] Kant's *Fundamental Principles of the Metaphysic of Morals*, trans. T. K. Abbott http://www.bartleby.com/32/602.html

[14] *Justice: What's the right thing to do?* p.111.

[15] *Dhammapada* 39 trans. Acharya Buddharakkhita http://www.accesstoinsight.org/tipitaka/kn/dhp/dhp.03.budd.html This does not mean "beyond good and evil"; it means that the enlightened one no longer acts with karmic consequences, because all motives are now disinterested.

[16] *Dhammapada* 368 trans. Acharya Buddharakkhita http://www.accesstoinsight.org/tipitaka/kn/dhp/dhp.25.budd.html

mental peace or even enlightenment - should be viewed with wariness, as these "self-love" projects often end up inflating rather than deflating egos.

For Kant, every human being's autonomy to achieve morally worthy acts gives us equal dignity. As one of his epithets is *purisadammasārathi* (trainer of humans who are like animals to be broken in), the Buddha also shows an unwavering faith that all humans have the potential to transcend desire and so become enlightened.

This is the kind of equality that matters in human rights as well as in Buddhism, as strongly reaffirmed in the *Vāseṭṭha Sutta*.[17] In this *sutta*, which deserves to be called the Buddha's Declaration of Human Dignity and Equality,[18] the Buddha uncompromisingly rejected Brahmanistic caste inequality and declared that no inherent characteristics set one human apart from another - not in body, complexion, voice, sex organ or the way we mate. For the Buddha, the only thing that distinguishes humans is ethical conduct.

Journey to the West

The Chinese classic *Journey to the West*, based on the Tang Dynasty monk Xuanzang's pilgrimage to India, can be read as an allegory of a Buddhist spiritual journey. Also known as *Adventures of the Monkey God*, it is a fitting device to compare Buddhism and Kantian philosophy.

As ingeniously explained by Venerable Khemananda in his commentary to the *Journey*,[19] the Buddhist way to enlightenment is allegorized by the arduous voyage to India which Xuanzang and his companions must take while battling spiritual obstacles in the form of hostile demons and selfish humans.

On the other hand, Kantian reasoning, which can achieve enlightened altruism, can be thought of as the spontaneous Monkey King, symbolizing emerging wisdom (*paññā*). Although he can fly to India and have an audience with the Buddha (enlightenment), Monkey can never remain there. His indispensable role is to guide the whole troupe towards their destination. Representing embryonic morality (*sīla*), the gluttonous Pigsy often lapses into greed and lust and must be

[17] MN. 98

[18] I am indebted to the late Sri Lankan scholar Nalin Swaris who pointed out the importance of this *sutta*. His book *Buddhism, Human Rights and Social Renewal* (readable at http://records.photodharma.net/texts/nalin-swaris-buddhism-human-rights-and-social-renewal) was my inspiration to look more closely at the relationship between Buddhism and human rights.

[19] In Thai, "Doenthang Klai kab Sai-ew" (*Long voyage with "Journey to the West"*). It can be read online at http://truthoflife.fix.gs/index.php?topic=377.0

constantly kept in check. Both Kant and the Buddha, therefore, formulated principles for human ethics. As all humans are of equal dignity, Kant says that we must not put our needs above those of others. The Buddha comparably says, "All tremble at violence; all fear death. Putting oneself in the place of another, one should not kill nor cause another to kill. All tremble at violence; life is dear to all. Putting oneself in the place of another, one should not kill nor cause another to kill."[20]

Because an ethical principle is framed as a law for all beings with equal dignity, it must be equally valid for all. To ensure this, Kant says it must pass the test of being universalized. That is, when adopted by everyone it can never be in conflict with itself.

In the *Veludvāra Sutta*[21], the Buddha demonstrates how such a thought experiment can be done. When certain villagers asked him how they should fulfil their specific wishes, desires and hopes, he told them to reflect on how each of them desires happiness and is averse to suffering, how something such as being deprived of life will not be agreeable to him, and what is disagreeable to him is so to others too. Having reflected thus, he would "abstain from the destruction of life, exhort others to abstain from the destruction of life, and speak in praise of abstinence from the destruction of life." The Buddha then invited them to apply the same reasoning to theft, adultery and so on.

As we can see, the Buddha codified the five precepts (*sīla*) for personal conduct. Interestingly, by using Kant's reasoning we can generate all the precepts, as well as additional ones for enslavement, torture or arbitrary detention, for example.

Not only that, all the Buddhist precepts also agree with another Kantian formulation: "Act in such a way that you use the humanity in your own person and in the person of any third party at all times as an end in itself and never simply as a means to an end."

The Buddhist position in this regard is, again, most clearly expressed in the *Mahābodhi Jātaka*.[22] In this story, a king was instructed in the "science of princes" by a Machiavellian advisor that, "You must avail yourself of men, as of shady trees,

[20] *Dhammapada* 129-130 trans. Acharya Buddharakkhita http://www.accesstoinsight.org/tipitaka/kn/dhp/dhp.10.budd.html.

[21] SN. V.352

[22] Especially in the *Jātakamālā* version, *Jātakamālā or Garland of Birth Stories* by āryaśūra, translated by J S Speyer, readable at www.ancient-buddhist-texts.net/English-Texts/Garland-of-Birth-Stories/index.htm.

considering them fit objects to resort to. Accordingly, endeavour to extend your glory by showing them gratitude until your policy ceases to want their use. They are to be appointed to their tasks in the manner of victims destined for the sacrifice."[23] This doctrine was rebuked by the *bodhisatta* as soiled by cruelty and contrary to *dhamma*.

Focusing on individual abstention from blameworthy acts which jeopardize interpersonal relationships and the social fabric, Buddhist precepts are necessary but insufficient conditions to ensure a dignified life for all members of society. This is because human security and dignity can be harmed not only by individuals but also by non-human actors and structures, particularly political, social, economic and cultural institutions.[24] The world, reeling from two world wars, was compelled to define what the sufficient social conditions should be. Aided by Kant's universally oriented philosophy, among others, the results are now enshrined in the UDHR and international laws as principles of human rights.

Although they arose from a different cultural tradition, many of these rights can be arrived at from Buddhist precepts. With the non-self principle in mind, Buddhist personal codes of conduct phrased as "one should abstain from X" can be de-subjectivized – doing away with specific actors – and generalized to become "all beings have the right to non-X" and form a set of social-level precepts such as the rights to life, ownership and family, which are not to be violated. This intimate correspondence between Kantian philosophy and Buddhism shows that human rights are nothing but precepts universalized to articulate necessary conditions for a life worthy of all humans beings with equal freedom and dignity.

Thus, in addition to a moral compass pointing to the same altruistic goal as the Buddha's constellation of teachings, Kantian philosophy also gave birth to universal precepts for the modern world. This moral roadmap for society, known as human rights, complements what the Buddha has given for individual conduct. With these two sets of precepts, our Pigsy – as individuals and as society – can finally be reined in for the journey.

Keown wrote, "The UDHR itself and modern charters like it do not offer a comprehensive vision of human good. The purpose is to secure only what might be termed the 'minimum conditions' for human flourishing in a pluralistic milieu. The task of articulating a comprehensive vision of what is ultimately valuable in

[23] http://www.ancient-buddhist-texts.net/English-Texts/Garland-of-Birth-Stories/23-The-Story-of-Mahabodhi.htm

[24] In today's world, one may even add drones and other killer robots.

human life and how it is to be attained falls to the competing theories of human good found in religions, philosophies and ideologies."

The Buddha offers one such vision of "the good life" equally attainable by all. In the *Kaṇṇakatthala Sutta*, he emphasizes, "I say that among [humans of different births] there is no difference between the deliverance of one and the deliverance of the others. Suppose a man took dry *sāka* wood …*sāla* wood… mango wood… and fig wood, lit a fire, and produced heat… Would there be any difference among these fires…?"[25] The Buddha would no doubt welcome a society in which all humans, regardless of birth, gender, age or other statuses, are guaranteed basic conditions for their welfare which would allow them to put out the universal "fire" of suffering.

In "Buddhist Approach to Law",[26] Venerable PA Payutto categorizes laws into those imposed to control people and those aimed to facilitate their welfare, happiness and development. He states, "A law should not have public order or harmony as its end, but a means to facilitate improvement of people's lives in order that they can reach higher goals through learning. The law should be conducive for the development of human beings, enabling them to live 'the good life' and aspire to higher virtues."[27]

Thus, in order to pave the way for our collective Pigsy to reach higher goals, we cannot rely solely on individual precepts but must strive to actualize the social precepts that already exist in the UDHR. This is much easier said than done. Although Kant independently formulated a moral gold standard similar to the Buddha's teachings, there is a crucial difference: that in Kantian philosophy altruism is achieved through reasoning and temporary suspension of selfish desire.

American Buddhist scholar Justin Whitaker suggests, "Kant was at the same time perhaps too confident in humanity's ability to use reason to evaluate motivations, as well as pessimistic that one could ever truly do this in this lifetime."[28] The *Dhammapada* fittingly says, "Wisdom never becomes perfect in one whose mind is not steadfast, who knows not the dhamma and whose faith wavers."[29]

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[25] MN. 90. *The Middle Length Discourses of the Buddha: A Translation of the Majjhima Nikāya*, by Bhikkhu Ñāṇamoḷi and Bhikkhu Bodhi. Wisdom Publications, Boston.

[26] In Thai, "Nitisat Naew Phut". Downloadable at http://lib.dtc.ac.th/ebook/Buddhism/bd0015.pdf

[27] P. 63.

[28] http://buddhistethics.blogspot.com/2010/03/originally-posted-at-american-buddhist.html

[29] *Dhammapada* 38, adapted from Acharya Buddharakkhita's translation http:// www.accesstoinsight.org/tipitaka/kn/dhp/dhp.03.budd.html

The Buddha, in contrast, not only propounded an altruistic philosophy and codes of conduct, but also taught the way to eliminate selfish desire entirely through right concentration, symbolized in the *Journey* by the heavy-lifting Friar Sand. The mindful effort to achieve this is characterized by the Buddha, "One by one, little by little, moment by moment, a wise man should remove his own impurities, as a smith removes dross from silver."[30]

Collective concentration is also the most difficult part for a society. To make human rights a reality, Buddhist societies must find their Friar Sand-like unwavering determination in the form of political commitment and full public participation - not just lip service to the UDHR.

In the end, the naysayers may be right about one thing: human rights principles emerged from and lead to the "West". But there is also something else, which they forget to say: a Journey to the West may very well turn out to take Buddhist societies closer to the land of the Buddha in a way that traditional Buddhism has never been able to.

[30] *Dhammapada* 239 trans. Acharya Buddharakkhita http://www.accesstoinsight.org/tipitaka/kn/dhp/dhp.18.budd.html