A Buddhist Response to the Nature of Human Rights

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It is incorrect to assume that the concept of human rights is readily identifiable in all societies of the world. The concept may perhaps be clear and distinct in legal quarters, but in actual practice it suffers greatly from lack of clarity and gray areas due to impositions by different cultures. This is especially true in Asia, where the two great civilizations of India and China have spawned such outstanding systems as Hinduism, Buddhism, Jainism, Yoga, Confucianism, Taoism and Chinese Buddhism. These systems, together with other indigenous folk beliefs, attest to the cultural diversity at play that characterizes Asia proper. In focusing on the concept of human rights, however, we shall concentrate on Buddhism to bring out the common grounds of discourse.

Alone among the great systems of Asia, Buddhism has successfully crossed geographical and ideological borders and spread in time throughout the whole length and breadth of known Asia. Its doctrines are so universal and profound that they captured the imagination of all the peoples they touched and thereby established a subtle bond with all. What then is this bond? It must be something common to all systems of thought which opens up and allows spiritual discourse among them.

In examining the metaphysical ground of all systems, one finds that there is a basic feeling for a larger reality in one's own experience, a kind of reaching out for a greater cosmic dimension of being, as it were. It is a deep sense for the total nature of things. All this may seem so simple and hardly merits elaborating, but it is a genuine feeling common among Asians in their quest for ultimate knowledge based on the proper relationship of one's self in the world. It is an affirmation of a reality that includes but at once goes beyond the confines of sense faculties.
A good illustration of this metaphysical grounding is seen in the Brahmanic world of Hinduism. In it, the occluded nature of the self (atman) constantly works to cleanse itself of defilements by yogic discipline in the hope of ultimately identifying with the larger reality which is Brahman. In the process, the grounding in the larger reality is always kept intact, regardless of whether the self is impure or not. In other words, in the quest for the purity of things a larger framework of experience is involved from the beginning such that the ordinary self (atman) transforms into the larger Self (Atman) and finally merges into the ultimate ontological Brahman.

A similar metaphysical grounding is found in Chinese thought. Confucianism, for example, with its great doctrine of humanity (jen), involves the ever-widening and ever-deepening human relationship that issues forth in the famous statement, "All men are brothers." In this sense, humanity is not a mere abstract concept but one that extends concretely throughout the whole of sentient existence. Confucius once said that when he searched for jen, it is always close at hand. It means that humanity is not something external to a person but that it is constitutive of the person's experience, regardless of whether there is consciousness of it or not. It means moreover that in the relational nature of society, individual existence is always more than that which one assumes it to be. In this vein, all experiences must fit into the larger cosmological scheme normally spoken of in terms of heaven, earth, and mankind. This triadic relationship is ever-present and ever-in-force, despite one's ignorance, negligence or outright intention to deny it. The concept that permeates and enlivens the triadic relationship is the Tao. The Tao is a seemingly catchall term, perhaps best translated as the natural way of life and the world. In its naturalness, it manifests all of existence; indeed, it is here, there and everywhere since it remains aloof from human contrivance and manipulation. In a paradoxical sense, it departs action based on non-action (wu-wei), the deepest state of being achievable. The following story illustrates this point.

A cook named Ting is alleged to have used the same carving knife for some 19 years without sharpening it at all. When asked how that is possible, he simply replied:

What I care about is the way (Tao), which goes beyond skill. When I first began cutting oxen, all I could see was the ox itself. After three years I no longer saw the whole ox. And now—now I go at it by spirit and don't look with my eyes. Perception and understanding have come to a stop and spirit moves where it wants. I go along with the natural makeup, strike in the big hollows, guide the knife through the big openings, and follow things as they are. So I never touch the smallest ligament or tendon, much less a main joint. . . . I've had this knife of mine for nineteen years and I've cut up thousands of oxen with it, and yet the blade is as good as though it had just come from the grindsone.2

Such then is the master craftsman at work, a master in harmonious triadic relationship based on the capture of the spirit of Tao where the function is not limited to a person and his or her use of a tool. And it is clear that such a spirit of Tao in craftsmanship is germane to all disciplined experiences we are capable of achieving in our daily activities.

Buddhism, too, has always directed our attention to the larger reality of existence. The original enlightenment of the historical Buddha told of a pure unencumbered experience which opened up all experiential doors in such a way that they touched everything sentient as well as insentient. A Zen story graphically illustrates this point.

Once a master and a disciple were walking through a dense forest. Suddenly, they heard the clear chopping strokes of the woodcutter's axe. The disciple was elated and remarked, "What beautiful sounds in the quiet of the forest!" To which the master immediately responded, "You have got it all upside down. The sounds only make obvious the deep silence of the forest." The response by the Zen master sets in bold relief the Buddhist perception of reality. Although existential reality refers to the perception of the world as a singular unified whole, we ordinarily perceive it in fragmented ways because of our heavy reliance on the perceptual apparatus and its consequent understanding. That is to say, we perceive by a divisive and selective method which however glosses over much of reality and indeed misses its holistic nature. Certainly, the hewing sounds of the woodcutter's axe are clearly audible and delightful to the ears, but they are so at the expense of the basic silence of the forest (i.e., total reality). Or, the forest in its silence constitutes the necessary background, indeed the basic source, from which all sounds (and all activities for that matter) originate. Put another way, sounds arising from the silence of the forest should in no way deprive nor intrude upon the very source of their own being. Only human beings make such intrusions by their crude discriminate habits of perception and, consequently, suffer a truncated form of existence, unknowingly for the most part.

Now that we have seen Asian lives in general grounded in a holistic cosmological framework, we would have to raise the following question: How does this framework appear in the presence of human rights? Or, contrarily, how does human rights function within this framework?

Admittedly, the concept of human rights is relatively new to Asians. From the very beginning, it did not sit well with their basic cosmological
outlook. Indeed, the existence of such an outlook has prevented in profound ways a ready acceptance of foreign elements and has created tension and struggle between tradition and modernity. Yet, the key concept in the tension is that of human relationship. This is especially true in Buddhism, where the emphasis is not so much on the performative acts and individual rights as it is on the matter of manifestation of human nature itself. The Buddhist always takes human nature as the basic context in which all ancillary concepts, such as human rights, are understood and take on any value. Moreover, the context itself is in harmony with the extended experiential nature of things. And thus, where the Westerner is much more at home in treating legal matters detached from human nature as such and quite confident in forging ahead to establish human rights with a distinct emphasis on certain “rights,” the Buddhist is much more reserved but open and seeks to understand the implications of human behavior, based on the fundamental nature of human beings, before turning his or her attention to the so-called “rights” of individuals.

An apparent sharp rift seems to exist between the Western and Buddhist views, but this is not really so. Actually, it is a matter of perspectives and calls for a more comprehensive understanding of what takes place in ordinary human relationships. For the basic premise is still one that is focused on human beings intimately living together in the selfsame world. A difference in perspectives does not mean noncommunication or a simple rejection of another’s view, as there is still much more substance in the nature of conciliation, accommodation and absorption than what is initially thought of. Here we propose two contrasting but interlocking and complementary terms, namely, “hard relationship” and “soft relationship.”

The Western view on human rights is generally based on a hard relationship. Persons are treated as separate and independent entities or even bodies, each having its own assumed identity or self-identity. It is a sheer “elemental” way of perceiving things due mainly to the strong influence by science and its methodology. As scientific methodology thrives on the dispositive and analytic incursion into reality as such, this in turn has resulted in our perceiving and understanding things in terms of disparate realities. Although it makes way for easy understanding, the question still remains: Do we really understand what these realities are in their own respective fullness of existence? Apparently not. And to make matters worse, the methodology unfortunately has been uncritically extended over to the human realm, into human nature and human relations. Witness its ready acceptance by the various descriptive and behavioral sciences, such as sociology, psychology and anthropology. On this matter, Cartesian dualism of mind and body has undoubtedly influenced our ordinary ways of thinking in such a manner that in our casual perception of things we habitually subscribe to the clearcut subject-object dichotomy. This dualistic perspective has naturally filtered down into human relationships and has eventually crystallized into what we refer to as the nature of a hard relationship. Thus, a hard relationship is a mechanistic treatment of human beings where the emphasis is on beings as such regardless of their inner nature and function in the fullest sense; it is an atomistic analysis of beings where the premium is placed on what is relatable and manipulable without regard for their true potentials for becoming. In a way it is externalization in the extreme, since the emphasis is heavily weighted on seizing the external character of beings themselves. Very little attention, if any, is given to the total ambience, inclusive of inner contents and values, in which the beings are at full play. In this regard, it can be said that postmodern thought is now attempting to correct this seemingly lopsided dichotomous view created by our inattention to the total experiential nature of things. We believe this is a great step in the right direction. Meanwhile, we trudge along with a heavy burden on our backs, though unaware of it for the most part, by associating with people on the basis of hard relationships.

To amplify on the nature of hard relationships, let us turn to a few modern examples. First, Thomas Hobbes, in his great work, Leviathan, showed remarkable grasp of human psychology when he asserted that people are constantly at war with each other. Left in this “state of nature,” people will never be able to live in peace and security. The only way out of this conundrum is for all to establish a reciprocal relationship or mutual trust that would work, i.e., to strike up a covenant by selfish beings that guarantees mutual benefits and gains, one in which each relinquishes certain rights in order to gain or realize a personal as well as an overall state of peace and security. This was undoubtedly a brilliant scheme. But the scheme is weak in that it treats human beings by and large mechanistically, albeit psychologically, too, as entities in a give-and-take affair, and thus perpetuates the condition of hard relationships.

Another example can be offered by way of the British utilitarian movement which later was consummated in American pragmatism. Jeremy Bentham’s hedonic calculus (e.g., intensity of pleasure or pain, duration of pleasure or pain, certainty or uncertainty of pleasure or pain, purity or impurity of pleasure or pain, etc.) is a classic example of quantification of human experience. Although this is a most expedient or utilitarian way to treat and legislate behavior, we must remind ourselves that we are by no means mere quantifiable entities. John Stuart Mill introduced the element of quality in order to curb and tone
down the excesses of the quantification process, but in the final analysis, human nature and relationships are still set in hard relations. American pragmatism fares no better since actions by and large take place in a pluralistic world of realities and are framed within the scientific mode and therefore it is unable to relinquish the nature of hard relationships.

In contemporary times, the great work of John Rawls, *A Theory of Justice,* has given us yet another twist in pragmatic and social contract theories. His basic concept of justice as fairness is an example of the reciprocal principle in action, i.e., in terms of realizing mutual advantage and benefit for the strongest to the weakest or the most favored to the least favored in a society. Each person exercises basic liberty with offices for its implementation always open and excess available. It is moreover a highly intellectual or rational theory. It thus works extremely well on the theoretical level but, in actual situations, it is not as practical and applicable as it seems since it still retains hard relationships on mutual bases. Such being the case, feelings and consciousness relative to injustice and inequality are not so readily spotted and corrected. That is to say, lacunae exist as a result of hard relationships and they keep on appearing until they are detected and finally remedied, but then the corrective process is painfully slow. Thus the theory's strongest point is its perpetually self-corrective nature which is so vital to the democratic process. Despite its shortcomings, however, Rawls' theory of justice is a singular contribution to contemporary legal and ethical thought.

By contrast, the Buddhist view of human rights is based on the assumption that human beings are primarily oriented in soft relationships; this relationship governs the understanding of the nature of human rights. Problems arise, on the other hand, when a hard relationship becomes the basis for treating human nature because it cannot delve deeply into that nature itself and functions purely on the peripheral aspects of things. It is another way of saying that a hard relationship causes rigid and stilling empirical conditions to arise and to which we become invariably attached.

A soft relationship has many facets. It is the Buddhist way to disclose a new dimension to human nature and behavior. It actually amounts to a novel perception or vision of reality. Though contrasted with a hard relationship, it is not in contention with it. If anything, it has an inclusive nature that "softens," if you will, all contacts and allows for the blending of any element that comes along, even incorporating the entities of hard relationships. This is not to say, however, that soft and hard relationships are equal or ultimately identical. For although the former could easily accommodate and absorb the latter, the reverse is not the case. Still, it must be noted that both belong to the same realm of experiential reality and in consequence ought to be convergent with each other. The non-conversive aspect arises on the part of the "hard" side and is attributable to the locked-in character of empirical elements which are considered to be hard stubborn facts worth perpetuating. But at some point, there must be a break in the lock, as it were, and this is made possible by knowledge of and intimacy with the "soft" side of human endeavors. For the "soft" side has a passive nature characterized by openness, extensiveness, depth, flexibility, absorptiveness, freshness and creativity simply because it remains unencumbered by "hardened" empirical conditions.

What has been discussed so far can be seen in modern Thailand where tradition and change are in dynamic tension. Due to the onslaught of elements of modernity, Buddhism is being questioned and challenged. Buddhist Thailand, however, has taken up the challenge in the person of a leading monk named Buddhadasa who has led the country to keep a steady course on traditional values.

The heart of Buddhadasa's teaching is that the Dhamma (Sanskrit, Dharma) or the truth of Buddhism is a universal truth. Dhamma is equated by Buddhadasa to the true nature of things. It is everything and everywhere. The most appropriate term to denote the nature of Dhamma is *sunnata* (Sanskrit, *sunnata*) or the void. The ordinary man considers the void to mean nothing when, in reality, it means everything—everything, that is, without reference to the self.

We will return to the discussion of the nature of the void or *sunnata* later, but suffice it to say here that what constitutes the heart of Buddhist truth of existence is based on soft relationships where all forms and symbols are accommodated and allows for their universal usage.

Robert N. Bellah has defined religion as a set of normative symbols institutionalized in a society or internalized in a personality. It is a rather good definition but does not go far enough when it comes to describing Buddhism, or Asian religions in general for that matter. To speak of symbols being institutionalized or internalized without the proper existential or ontological context seems to be a bit artificial and has strains of meanings oriented toward hard relationships. Bellah, being a social scientist, probably could not go beyond the strains of a hard relationship, for, otherwise, he would have ended in a non-descriptive realm. The only way out is to give more substance to the nature of religious doctrines themselves, as is the case in Buddhism. The Buddhist Dharma is one such doctrine which, if symbolized, must take on a wider and deeper meaning that strikes at the very heart of
existence of the individual. In this respect, Donald Swearer is on the right track when he says:

"the adaptation of symbols of Theravada Buddhism presupposes an underlying ontological structure. The symbol system of Buddhism, then, is not to be seen only in relationship to its wider empirical context, but also in relationship to its ontological structure. This structure is denoted by such terms as Dhamma or absolute Truth, emptiness and non-attachment. These terms are denotative of what Dharmavamsa calls "dynamic being." They are symbolic, but in a universalistic rather than a particularistic sense."

Swearer's reference to an underlying ontological structure is in complete harmony with our use of the term soft relationship. And only when this ontological structure or soft relationship is brought into the dynamic tension between tradition and modernity can we give full accounting to the nature of human experience and the attendant creativity and change within a society.

Let us return to a fuller treatment of soft relationships. In human experience, they manifest themselves in terms of the intangible human traits that we live by, such as patience, humility, tolerance, deference, non-action, humaneness, concern, pity, sympathy, altruism, sincerity, honesty, faith, responsibility, trust, respectfulness, reverence, love and compassion. Though potentially and pervasively present in any human relationship, they remain for the most part as silent but vibrant components in all experiences. Without them, human intercourse would be sapped of the human element and reduced to perfunctory activities. Indeed, this fact seems to constitute much of the order of the day where our passions are mainly directed to physical and materialistic matters.

The actualization and sustenance of these intangible human traits are basic to the Buddhist quest for an understanding of human nature and, by extension, the so-called rights of human beings. In order to derive a closer look at the nature of soft relationships, we shall focus on three characteristics, namely, mutuality, holism, and emptiness or void.

**Mutuality**

Our understanding of mutuality is generally limited to its abstract or theoretical nature. For example, it is defined in terms of a two-way action between two parties and where the action is invariably described with reference to elements of hard relationships. Except secondarily or deviously, nothing positive is mentioned about the substance of mutuality, such as the feelings of humility, trust and tolerance that transpire between the parties concerned. Although these feelings are present, unfortunately, they hardly ever surface in the relationship and almost always are overwhelmed by the physical aspect of things.

What is to be done? One must simply break away from the merely conceptual or theoretical understanding and fully engage oneself in the discipline that will bring the feelings of both parties to become vital components in the relationship. That is, both parties must equally sense the presence and value of these feelings and thus give substance and teeth to their actions.

Pursuing the notion of mutuality further, the Buddhist understands human experience as a totally open phenomenon, that persons should always be wide open in the living process. The phrase, "an open ontology," is used to describe the unclouded state of existence. An illustration of this is the newborn child. The child is completely an open organism at birth. The senses are wide open and will absorb practically anything without prejudice. At this stage, also, the child will begin to imitate because its absorptive power is at the highest level. This open textured nature should continue on and on. In other words, if we are free and open, there should be no persistence in attaching ourselves to hard elements within the underlying context of a dynamic world of experience. The unfortunate thing, however, is that the open texture of our existence begins to blemish and fade away in time, being obstructed and overwhelmed by self-imposed fragmentation, narrowness and restriction, which gradually develop into a closed nature of existence. In this way, the hard relationship rules. But the nature of an open ontology leads us on to the next characteristic.

**Holism**

Holism of course refers to the whole, the total nature of individual existence and thus describes the unrestrictive nature of one's experience. Yet, the dualistic relationship we maintain by our crude habits of perception remains a stumbling block. This stunted form of perception is not conducive to holistic understanding and instead fosters nothing but fractured types of ontological knowledge taking. Unconscious for the most part, an individual narrows his or her vision by indulging in dualism of all kinds, both mental and physical, and in so doing isolates the objects of perception from the total process to which they belong. In consequence, the singular unified reality of each perceptual moment is fragmented and, what is more, fragmentation once settled breeds further fragmentation.

The Buddhist will appeal to the fact that one's experience must always be open to the total ambience of any momentary situation. But
here we must be exposed to a unique, if not paradoxical, insight of the Buddhist. It is that the nature of totality is not a clearly defined phenomenon. In a cryptic sense, however, it means that the totality of experience has no borders to speak of. It is an open border totality, which is the very nature of the earlier mentioned "open ontology." It is a non-circumscribable totality, like a circle sensed which does not have a rounded line, a seamless circle, if you will. A strange phenomenon, indeed, but that is how the Buddhist sees the nature of individual existence as such. For the mystery of existence that haunts us is really the nature of one's own fullest momentary existence. Nothing else compares in profundity to this nature, so the Buddhist believes.

Now, the open framework in which experience takes place reveals that there is depth and substance in experience. But so long as one is caught up with the peripheral elements, so-called, of hard relationships one will be ensnared by them and will generate limitations on one's understanding accordingly. On the other hand, if openness is acknowledged as a fact of existence, then the way out of one's limitations will present itself. All sufferings (dubbed), from the Buddhist standpoint, are cases of limited ontological vision (avidya, ignorance) hindered by the attachment to all sorts of elements that obsess a person.

Holism is consonant with openness since an open experience means that all elements are fully and extensively involved. In many respects, holistic existence exhibits the fact that mutuality thrives only in unhindered openness. But there is still another vital characteristic to round out or complete momentary experience. For this we turn to the last characteristic.

**Emptiness**

Emptiness in Sanskrit is sunyata. Strictly speaking, the Sanskrit term, depicting zero or nothing, had been around prior to Buddhism, but it took the historical Buddha's supreme enlightenment (nirvana) to reveal an incomparable qualitative nature inherent to experience. Thus emptiness is not sheer voidness or nothingness in the nihilistic sense.

We ordinarily find it difficult to comprehend emptiness, much less to live a life grounded in it. Why? Again, we return to the nature of our crude habits of perception, which is laden with unwarranted forms. That is, our whole perceptual process is caught up in attachment to certain forms or elements which foster and turn into so-called empirical and cognitive biases. All of this is taking place in such minute and unknowing ways that we hardly, if ever, take notice of it until a crisis situation arises, such as the presence of certain obviously damaging prejudice or discrimination. Then and only then do we seriously wonder and search for the forms or elements that initially gave rise to those prejudicial or discriminatory forces.

Emptiness has two aspects. The first aspect alerts our perceptions to be always open and fluid, and to desist from attaching to any form or element. In this respect, emptiness technically functions as a force of "epistemic nullity," in the sense that it nullifies any reference to a form or element as preexisting perception or even post-existing for that matter. Second and more importantly, emptiness points at a positive content of our experience. It underscores the possibility of total experience in any given moment because there is now nothing attached to or persisted in. This latter point brings us right back to the other characteristics of holism and mutuality. Now, we must note that emptiness is that dimension of experience which makes it possible for the function of mutuality and holism in each experience, since there is absolutely nothing that binds, hinders or wants in our experience. Everything is as it is (tatbata), under the aegis of emptiness; emptiness enables one to spread out one's experience at will in all directions, so to speak, in terms of "vertical" and "horizontal" dimensions of being. As it is the key principle of enlightened existence, it makes everything both possible and impossible. Possible in the sense that all experiences function within the total empty nature, just as all writings are possible on a clean slate or, back to the zen story, where the sounds are possible in the silence (emptiness) of the forest. At the same time, impossible in the sense that all attachments to forms and elements are categorically denied in the ultimate fullness of experience. In this way, emptiness completes our experience of reality and, at the same time, provides the grounds for the function of all human traits to become manifest in soft relationships.

It can now be seen that all three characteristics involve each other in the selfsame momentary existence. Granted this, it should not be too difficult to accept the fact that the leading moral concept in Buddhism is compassion (karuna). Compassion literally means "passion for all" in an ontologically extensive sense. It covers the realm of all sentient beings, inclusive of non-sentients, for the doors of perception to total reality are always open. From the Buddhist viewpoint, then, all human beings are open entities with open feelings expressive of the highest form of humanity. This is well expressed in the famous concept of bodhisattva (enlightened being) in Mahayana Buddhism who has deepest concern for all beings and sympathetically delays his entrance to nirvana as long as there is suffering (ignorant existence) among sentient creatures. It depicts the cotenuous nature of all creatures and may be taken as a philosophic myth in that it underscores the
ideality of existence which promotes the greatest unified form of humankind based on compassion. This ideal form of existence, needless to say, is the aim and goal of all Buddhists.

As human beings we need to keep the channels of existential dialogue open at all times. When an act of violence is in progress, for example, we need to constantly nourish the silent and passive nature of nonviolence inherent in all human relations. Though nonviolence cannot counter violence on the latter’s terms, still, its nourished presence serves as a reminder of the brighter side of existence and may even open the violator’s mind to common or normal human traits such as tolerance, kindness and non-injury (abhinan). Paradoxically and most unfortunately, acts of violence only emphasize the fact that peace and tranquility are the normal course of human existence.

It can now be seen that the Buddhist view on human rights is dedicated to the understanding of persons in a parameter-free ambience, so to speak, where feelings that are extremely soft and tender, but nevertheless present and translated into human traits or virtues that we uphold, make up the very fiber of human relations. These relations, though their contents are largely intangible, precede any legal rights or justification accorded to human beings. In brief, human rights for the Buddhist are not only matters for legal deliberation and understanding, but they must be complemented by and based on something deeper and written in the very feelings of all sentient. The unique coexistent nature of rights and feelings constitutes the saving truth of humanistic existence.

Notes

5. John Stuart Mill observed, “It is better to be a human being dissatisfied than a pig satisfied; better to be a Socrates dissatisfied than a fool satisfied.” Utilitarianism, cited in Louis F. Pojman, Philosophy: The Quest for Truth (Belmont CA: Wadsworth, 1989), p. 357.
6. John Rawls, A Theory of Justice (Cambridge: Harvard University Press, 1971). Rawls also has a chapter on civil disobedience but it too is treated under the same concept of justice as fairness and suffers accordingly from the elements of hard relationships.
10. Etymologically sunyata (in Pali, sattvika) means the state of being swelled, as in pregnancy, or the state of fullness of being. Thus, from the outset the term depicted the pure, open and full textured nature of experiential reality.