

## **The Connection between Human Rights Law and Buddhism on Freedom of thoughts, Conscience and Religion: An Analysis**

D. M. Nisanka Madhubhashini Jayarathna<sup>1</sup>

### **Introduction**

Freedom of thoughts, conscience and religion is a basic human right which is accepted by the international human rights documents i.e. Universal Declaration of Human Rights (UDHR) and it has recognized as a fundamental right (FR) of Sri Lanka which is guaranteed by the Constitution. According to the Buddhism and Freedom of thoughts, consciences and religion is one of most significant concepts taught by Lord Buddha in several Buddha sermons i.e Kalama Sutra, Vimansaka Sutra. Thus the present study attempts to analyses the connection between human rights law and Buddhism on freedom of thoughts, conscience and religion and identifies the limitations of human rights law and ascertains the extent of the said concept in Buddhism.

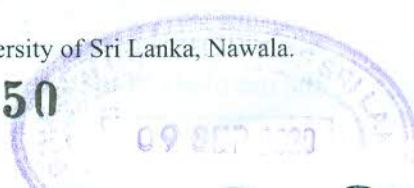
### **Purpose of the Research**

In this research, researcher attempts to identify the concept of Freedom of thoughts, Conscience and Religion in modern legal context and it compare with Lord Buddha's teaching. Is there a significant relationship on right to freedom of thoughts, Conscience and Religion in modern human rights law context and Lord Buddha's teaching on Freedom of thoughts, Conscience and Religion was the research problem of this research. Main objective of this research was find out the connection between Freedom of thoughts, Conscience and Religion in modern legal context and Lord Buddha's teachings on Freedom of thoughts, Conscience and Religion and to identify the concept of human rights and fundamental rights, to determine importance of right to Freedom of thoughts, Conscience and Religion and find out Lord Buddha's teaching on Freedom of thoughts, Conscience and Religion were the other objectives of this research.

### **Methodology**

This is a desk research and research is purely based on existing literature.

1. Lecturer in Law, Department of Legal Studies, The Open University of Sri Lanka, Nawala.  
nisanka1984@gmail.com



Books, Conventions, Declarations, Acts, e-resources, case law and dharma sutra were used to collect secondary data. Analytical method used to analyze and review data.

## Discussion

According to Bunch “[t]he concept of human rights is one of the few moral visions ascribed to internationally. Although its scope is not universally agreed upon, it strikes deep chords of response among many” (Bunch, 1990). Agarwal (2010) has pointed out that “[h]uman right is a generic term and it embraces civil rights, civil liberties and social, economic and cultural rights. UDHR is a milestone document of international human rights history and it is the basic document and it provides a foundation to other all human rights documents. Article 18 of the UDHR comprises “[e]veryone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

Fundamental rights and freedoms of people of Sri Lanka are ensured by the Constitution of Sri Lanka and Chapter III of the Constitution, Article 10-14 comprises fundamental rights and freedoms. Article 10 of the Constitution enshrines “[e]very person is entitled to freedom of thought, conscience and religion, including the freedom to have or to adopt a religion or belief of his choice”. An important feature of this article is that the freedom guaranteed by Article 10 is enjoyable by every person including foreigners and it is absolute. In *Premalal Perera Vs Weerasuriya* (1985 (2) SLR 177) the Court agreed that freedom of thought and conscience is absolute and unfettered and no restriction whatsoever can be imposed even after the promulgation of the Constitution. Hence, every person is entitled to hold his or her thoughts and his or her own belief and can adopt any religion of his or her own choice. However, as per the Article 14(1) (e) “[e]very person is entitled to the freedom, either by himself or in association with others, and either in public or in private, to manifest his religion or belief in worship, observance, practice and teaching”. This Article is limited only to citizens of Sri Lanka and it is subject to certain limitations.

Accordingly Article 15(7) of the Constitution declares that this freedom shall be subjected to such restrictions as may be prescribed by law in the interests of national security, public order, the protection of public health or morality or for the purpose of securing due recognition and respect for the rights and freedoms of others, or of meeting the just requirements of the general welfare of a democratic society. In addition to that, Article 15(8) of the Constitution further restricted the said right declaring “[t]he exercise and operation of the fundamental rights declared and recognized by Articles 12 (1), 13 and 14 shall, in their application to the members of the Armed Forces, Police Force and other Forces charged with the



maintenance of public order, be subject to such restrictions as may be prescribed by law in the interests of the proper discharge of their duties and the maintenance of discipline among them.

When considering Buddhist philosophy it can be ascertained that Buddhism and Buddhist teaching has developed personal attitudes towards freedom of thoughts, conscience and religion and there are certain instances pertaining this in Buddhist civilization i.e. Hemaka Sutra, Chanki Sutra, Kalama Sutra. As per the Buddhism, person should understand by thinking and understanding his or her own the rational of any circumstances without accepting it blindly as Lord Buddha once states that “na chintha yanthi puriso visesa madhi gachchathi” (Ariyawimala, 2018). In Kalama sutta, the Buddha reminds people to ultimately trust only own direct experience of the reality, not what is declared by others, even if they happen to be our 'revered teacher' further explaining ten strategies;

- Mā anussavena- do not go upon what has been acquired by repeated hearing
- Mā paramparāya- nor upon tradition
- Mā itikirāya- nor upon rumor
- Mā piṭaka sampadānena- nor upon what is in a scripture
- Mā takka hetu- nor upon surmise
- Mā naya hethu- nor upon an axiom
- Mā ākāra-parivitakkena- nor upon specious reasoning
- Mā diṭṭhi-nijjhān-akkh-antiyā- nor upon a bias towards a notion that has been pondered over
- Mā bhabba-rūpatāya - nor upon another's seeming ability
- Mā samaṇo no garū - nor upon the consideration, the monk is our teacher.

Then the Buddha taught that to Kalamas, “yada thumhe kalama aththanawa janayatha, ime dhamme kusala, ime dhamme anavajja, ima dhamme vingupasaththa...atha thumhe Kalamaupasampajja vihareyyatha- when you yourselves know: "These things are good; these things are not blamable; these things are praised by the wise; undertaken and observed, these things lead to benefit and happiness," enter on and abide in them.”(Kalama Sutta)

In addition to that, in Mahaparinibbana sutta the Buddha taught “four guidance- sathara mahopadesha” to bhikku i.e. buddopadesha, sangopadesha,

thropadesa and eka thropadesa to accept and understand correct dhamma and vinaya. (Mahaparinibbana Sutta). In Buddhist teaching Lord Buddha guide the people to gain knowledge and wisdom with their own efforts stating “thumhehi kichchan aathappan akkhatharo thahtagatha”

### Findings and Conclusion

According to the findings there was a significant relationship on human rights concept and Lord Buddha’s teaching on Freedom of thoughts, conscience and religion. In modern legal context law seeks to buttress Freedom of thoughts, conscience and religion as basic human rights. However it can be ascertained that there are several limitation to the said rights and people enjoy the right limited sphere in modern legal context. Nonetheless in Lord Buddha’s teaching it could be significantly notified that Buddhist philosophy has taken a wider approach and it facilitate to people to enjoy the rights of freedom of thoughts, conscience and religion without limitation and more freely. Hence, Lord Buddha’s teaching on Freedom of thoughts, conscience and religion is broader than modern human rights concept in modern legal context.

**Keywords:** Buddhism, Conscience, Freedom of thoughts, Human Rights, Religion

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