

BUDDHISM, HUMAN RIGHTS AND JUSTICE IN BURMA

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In pre-colonial Burma, there was a balance between the state, the people and the *Sangha* (the community of monks and nuns). The state protected and supported the *Sangha*, which in turn legitimized the state and by acting as the conscience of society, protected the people. To the kings, the *Sangha* pointed out the moral path which Buddhist teaching holds out to rulers, correcting them when they departed from the norm, or *Dhamma*. At village level the monks, dependent for their livelihood on the people, were always aware of the situation of the villagers, and had every interest in promoting their well-being. Monks often acted as spokesmen for the village people in their dealings with the local authorities. In this way, the *Sangha* protected the people from the depredations of rulers, and supported the rule of righteous kings by encouraging the people to obey them.

The basic framework of Buddhist ethics for rulers is set out in the "Ten Duties of the King" (*dasa-raja-dhamma*):

1. **Dana** -- liberality, generosity, charity. The ruler should not have craving and attachment for wealth and property, but should give it away for the welfare of the people.
2. **Sila** -- a high and moral character. He should never destroy life, cheat, steal and exploit others, commit adultery, utter falsehood, or take intoxicating drinks.
3. **Pariccaga** -- sacrificing everything for the good of the people. He must be prepared to give up all personal comfort, name and fame, and even his life, in the interest of the people.
4. **Ajjava** -- honesty and integrity. He must be free from fear and favour in the discharge of his duties, must be sincere in his intentions, and must not deceive the public.
5. **Maddava** -- kindness and gentleness. He must possess a genial temperament.
6. **Tapa** -- austerity of habits. He must lead a simple life, and should not indulge in a life of luxury. He must have self-control.
7. **Akkodha** -- freedom from envy, ill-will, enmity. He should bear no grudge against anybody.
8. **Avihimsa** -- non-violence, which means not only that he should harm nobody, but that he should try to promote peace by avoiding and preventing war, and everything which involves violence and destruction of life.
9. **Khanti** -- patience, forbearance, tolerance, understanding. He must be able to bear hardships, difficulties and insults without losing his temper.
10. **Avirodha** -- non-opposition, non-obstruction, that is to say that he should not oppose the will of the people, should not obstruct any measures that are conducive to the welfare of the people. In other words, he should rule in harmony with his people¹.

1 Walpola Rahula, *What the Buddha Taught* 1959

These principles constitute the basic guidelines according to which the Buddhist ruler's legitimacy is assessed. It is my contention that the current regime in Burma, by its flagrant and continued violation of all these principles, as well as by its infringement of international and domestic law in refusing to hand over power to the victors in the 1990 elections, and its continued and gross violation of universally-accepted standards of human rights, has lost any vestige of legitimacy in Burma.

The colonial period saw the break-up of the relationship of ruler/*Sangha*/people, since the British rulers refused to act as the protectors of the *Sangha*. It was not surprising, therefore, to find Buddhist monks at the forefront of the intellectual resistance to colonial rule. The British rulers, buttressed by the power and resources of the British empire, had less need than the traditional rulers of the support of the *Sangha* since they were less dependent on the good will of the people. Problems could be dealt with militarily and by the well-tried technique of divide-and-rule. Colonial rule also brought a state-wide bureaucracy and communications as well as modern military strategy and weapons.

The post-Independence administration of U Nu attempted to restore the balance of State, *Sangha* and People, and introduce Buddhist practice into public affairs. The military *coup* of 1962, however, having inherited the psychology, techniques and weaponry of colonial rule, ushered in a secular regime which, like the colonial administration, depended more on force than on ecclesiastical legitimation.

From 1962 until 1988, the military regime tried unsuccessfully to crush the *Sangha*, and on three different occasions, in 1962, 1964 and 1967 there were attempts to undermine the *Sangha* in the name of "purification", with monks accused of immorality, stockpiling of weapons or of being communists. The object of this exercise was to undermine the standing of the *Sangha* with the people. From the same time began the undertaking to dismantle or absorb the other institutions of civil society, traditional and modern: villages and townships lost a good deal of their autonomy; the fledgling trade-union movement was suppressed, as were the media (there is now only a government-controlled press, radio and television); the judiciary lost its independence; the students on several occasions were subject to severe repression; and all political parties were banned apart from the government party, the Burma Socialist Programme Party. In 1988 after the violent crushing of the democracy movement, the schools and universities were closed, to inhibit the development of the student opposition to the army. But the international opposition which the pogroms of '88 produced, and in particular the cutting off of trade and aid, moved the government to try to win back international favour by promising elections. The formation of political parties introduced other rival institutions, particularly threatening when the National League for Democracy (NLD) won 82% of the seats in May 1990. It did not take the army long, however, to begin the process of demolishing this rival, and at the present moment most NLD members are either in prison, cowed, underground or operating in internal or external exile.

Another feature of the post-1988 regime was the extension and intensification of military control over civil administration which from state to village level was increasingly controlled or supervised by the military. Similarly, the civilian judiciary has been replaced by military tribunals². The picture is of the state demolishing or absorbing any rival institutions, in order to ensure its monopoly of power.

2 These were abandoned towards the end of 1992 without, however, restoring judicial independence to the civilian courts.

The only major institution in Burma proper which has not been absorbed by the state, or demolished, is the *Sangha*. There is approximately the same number of monks as soldiers in the country (about 300,000) and both institutions recruit from the same catchment area, the Burmese village. Both are organised, disciplined bodies with an *esprit de corps*, but operate on entirely different principles; the one on the basis of love, compassion, tolerance and non-violence, the other according to the principle of force, even though 90% of the generals, and a higher proportion of the men, are Buddhist, or claim to be. The *Sangha* exhorts them to follow Buddhist principles, but they persist in using violent means to crush non-violent actions. In Burma, all *Sangha* protest actions have been non-violent -- as the Buddha said: "hatred is never appeased by hatred in this world; it is appeased by love. This is an eternal law" (*Dhammapada*). In August 1990, monks were prominent in protesting the failure of the government to transfer power to the election victors, and at least two monks were killed in non-violent demonstrations. Following these events, the monks undertook a boycott of religious services to the army. The boycott, announced by the Association of Abbots of all Burmese monasteries and the Young Monks Association of Burma, took a traditional form, namely, "turning over the bowl" (*Thapaik Hmaunk*). This is the Burmese term for a strike, which may indicate the leading role which Buddhist monks have frequently played in social protest. On this occasion, they refused to accept offerings from military personnel or their families, which amounts to a kind of "excommunication". This non-violent method of protest has been used in notable moments in the past: in Pagan, for instance, a famous *Sayadaw*, Pansakula Mahathera, refused to accept offerings from King Narathu who killed his own father and brother in order to gain the throne, and was guilty of other violations of Buddhist principles. The Mahathera took refuge in Ceylon and the kingdom was ruined. There was a later king of Pagan Narasiha Pateh, who tortured people and forced them to build the Dhammarama Pagoda, now known as *Gupyaukkyi Phaya*. On account of his violation of *Rajadhamma* another *Sayadaw*, Chapada Mahathera, refused to accept offerings from him. The king threatened him with death and forbade him to accept offerings from any of his subjects. This Mahathera also took refuge in Ceylon and Pagan was ruined. Chapada Mahathera became very famous in Ceylon and eventually returned to Burma at a later date, under a different king. In 1990, the army's response to the boycott was rapid, and within a short time, at least 130 monasteries in Mandalay alone had been stormed, and a large number of monks arrested. We estimate that there are currently about 400 monks in prison. Some of them are reported to have been forcibly "disrobed", though only the individual monk can choose to leave the robe. Not even the *Sangha* has the power. Some monks are reported to have been tortured and some killed in prison. We recently heard that Venerable U Sumangala-Lankara, who is one of only five monks in Burma who can recite the whole of the Tripikata by heart, has been sentenced to 7 years in prison. People have been warned not to react to such events or "there will be serious consequences". Monks' organisations have been banned and there have been consistent attempts to divide the *Sangha* internally by giving honours and privileges to some individual monks, who appear on television and speak in defence of the government. These are in a small minority, however. Attempts continue to discredit the *Sangha* with the people -- the usual accusations as noted above. Many monks have fled to the Thai and Chinese borders.

The Burmese democracy movement has been essentially non-violent. But against the unrestrained use of force, non-violent action requires the help of the world community, but very few people seem to be listening. When Iraq invaded Kuwait, the US and its allies responded with violence, but now we see the tragic and unexpected consequences of this strategy. Perhaps if other means had been used, the tragedy of the Kurds and Shiites would not have happened. Now some of the young Burmese students who were using non-violent means have fled to the border and have taken up arms in desperation. In my view it is more

the responsibility of the international community to use whatever means it has at its disposal, such as economic sanctions, to solve the problem than it is of these young people. In the United States there is already legislation on sanctions against Burma awaiting the President's signature. I urge all of you who have any influence in this matter to do what you can to have the document signed and sanctions implemented. Burma is economically much weaker than Iraq was, and much more susceptible to economic pressure. The world community should be strong in non-violent action before more violence occurs.

Conclusion

The ten "duties of the king" quoted at the beginning of this address are an example of the Buddhist approach to rights and responsibilities, which is to emphasise duties or responsibilities rather than codified rights set out in international or domestic law. The aim of both approaches is basically the same, to ensure that certain principles in social life are adhered to so that people can live in peace and harmony. The military regime has no justification whatsoever to claim that human rights are simply a Western invention, and that "if you want human rights you can go to the West". The legitimacy of Burmese rulers has always been judged by their adherence to Buddhist principles, which are perfectly clear in the matter of social justice. It is a pity that the Burmese military who claim to be devout Buddhists appear not to understand the very basic teachings of the Buddha, which are, in short, to live righteously, to develop loving kindness, compassion, sympathy, tolerance and non-violence, in order that people may be able to live in harmony, justice and international brotherhood. It is very clear that the present regime has lost any claim to legitimate rule in Burma both in terms of the norms of domestic and international law, but also in terms of the legitimacy which Burmese rulers have traditionally derived from the *Sangha*. The issue is more than the rivalry of two groups, but rather the question of whether political rule should be mediated by religious and spiritual principles, or should simply obey the logic of naked force. "In pre-colonial times it was the monarch's unique role as defender and promoter of the Buddhist religion which in the final analysis confirmed his legitimacy"³.

May all beings be happy

(Speech delivered at the Church Center for the UN, New York, November 1989.
The text was slightly updated in subsequent editing)

3 Donald Eugene Smith, *Religion and Politics in Burma*. Princeton 1965