

**Abstract:**

The concept of right is intrinsic part of human life by birth. When a right is recognized by any authority then it becomes applicable for all. This paper discussed the basic concept, evolution and classification of right. In classical Buddhism there is not such specific discussion on human right but their conception of Dharma determines what is right in any situation from all prospective and in all contacts. Basically, in Buddhism the concept of morality implies right. According to Buddhism all human being as equal in dignity and rights irrespective of caste, race, colour and gender. After analytical study of the concept of right for nun we can conclude that, in spite of all equality in Buddhism there is some discriminations with nuns in 'Garudhamma' which describes some rules for nuns in Vinaya Pitaka.

**Key words:** Right, Human rights, Nun, Buddhism, Vinaya Pitaka, Garudhamma, Sila

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**Introduction:**

In this paper we will discuss about two major points in three sections. One is on the concept of rights and another is on *Vinaya Pitaka*. The first section will include concept, definition, evolution and classification of rights. In second section, we will discuss on how human right reflects in *Vinaya Pitaka*, a part of early Buddhism and how human rights can be traced into rules for nuns. Finally, we will end the paper with analytical and critical observations on rights of nuns according to *Vinaya Pitaka*.

**Section I - Rights**

Each of us has a right to live by birth. Likewise, we have many rights which are given by our own family, society, religion, state or government etc. so on and so forth. These rights are not all equal in their status. Only the rights given by state or government can be over ruled on all other rights. Other rights can be considered as a basic or fundamental status of an individual. Even though it is not recognized by law, one can enjoy social, religious, moral rights in the society. In this way we can say that rights can be classified, it can be described in its various aspects. In order to clear various aspects of right we need to discuss about basic concept of right. In general sense right is a fundamental normative rule to protect the people of the society from political, social and legal abuses. According to Indian constitution the fundamental rights are defined as “basic human freedoms which every Indian citizen has the right to enjoy for a proper and harmonious development of personality. These rights universally apply to all citizens, irrespective of race, place of birth, religion, caste, creed, color or sex.” Moreover, “Rights literally mean those freedoms which are essential for personal good as well as the good of the community.” Thus rights indicate normative values for individual as well as



for the society.

In case when a right comes under the heading of ‘Norms’, it automatically has limits and boundaries. In other words rights are claims and are necessary for leading a life of respect, dignity and wellbeing. Right is an entitlement that an individual can act in a certain way or to be treated in a certain way. Even though we have various rights but we can claim only on those rights which are recognized by the state or the government. These claims should be justified and it should be legitimate claims. So, rights are important for an individual and for the society. In deep perspective, right protects individuals, it has capacity to restrain the government and it helps to develop the country.

### **Evolution and Classification of Rights:**

While talking about the concept of rights and its classification, we need to look into how it has gradually developed. In ancient times “initially the right of men as legal or moral concept, first appeared in the form of natural right.” It is founded on natural law which a person gets by birth. This natural rights are based on human nature and reason. Every human enters into society with certain basic rights for example right to life, right to liberty and right to property, which are also known as natural rights. Especially philosophers like ‘John Locke’ and ‘Jean Jacques Rousseau’ attempted to articulate the concept of natural right. Furthermore, countries like France and Germany acknowledged ‘Moral Rights’ at first time. Moral rights are personal rights and is based on human consciousness. It is related with the sense of goodness, justice, rules of good conduct, courtesy and moral behavior. Later on United Nation’s organization has converted this version of ‘Natural right’ is newly coined by term as ‘Human Right’ by 1948. These rights when it is recognized by the state or the government becomes legal rights. Violation of any legal right is punished by law.

Legal rights are further classified into 3 categories. First is civil, second is political right and third is economy rights. Civil rights are those fundamental rights which are noted in constitution. Even Indian constitution has mentioned this under article 12 to 35 contained in part III. It protects individual freedom from violation by the government, any social organization or and any individual. Basically, Indian constitution describes civil rights as seven fundamental rights which are – the right to equality, right to freedom, right against exploitation, right to freedom of religion, cultural and educational rights, right to property and right to constitutional remedies. Political rights are essentially political activities such as right to vote, right to elected, right to hold citizenship and right to oppose the government etc.

Economic rights are those which protects respect and dignity of the person. It includes right to work, right to adequate wages, right to social security etc.

Moreover, the above-mentioned classification of human right, the contemporary thinker ‘Louis B Sohan has classified rights into three generations. The first generation of human rights include ‘Civil and Political Rights’, the second generation of human rights include ‘Economic, Social and Cultural Rights’, and third generation of human rights include ‘Collective Rights’.

After discussing primary observations on the concept of right we can say that the grounding of human rights is the dignity and respect for all human persons. In Buddhism human birth is treated very precious. It is said

that in only human birth there is a possibility to attain ‘Enlightenment’ and ‘Buddhahood’. According to Buddhism all human being as equal in dignity and rights irrespective of caste, race, colour and gender.

## Section II - Human Rights in *Vinaya Pitaka* as a part of Early Buddhism

In classical Buddhism there is not such specific discussion on human right but their conception of *Dharma* determines what is right in any situation from all prospective and in all contacts. So, according to Buddhism the human in other side the same coin of *Dharma*. Buddhist concept of *Dharma* is unique in itself. ‘*Dharma* refers to the phenomenal world as it is, the law of nature, the results of fulfilling such duties and totality of Buddha’s teaching.’

Buddha’s teaching reflects a kind of cosmic law which describes the basic syntax of all life. In four noble truth Buddha says that there is suffering (*Dukkha*), it has causes (*Dukkha Samudaya*), cessation of suffering (*Dukkha Nirodha*), and path leading to the removal of suffering (*Ashtangik- Marg*). As an integral part of Buddhism this four noble truth is manifestation of morality and justice. In a sense, Buddhism is leading all human beings, without any discrimination towards the cessation of suffering through its eightfold path which is very primal thing in the formations of the concept of human right. In this eightfold path Buddha instructs with regard to the practice of 1) right (*Samyak*) understanding, 2) right (*Samyak*) thought, 3) right (*Samyak*) speech, 4) right (*Samyak*) action, 5) right (*Samyak*) livelihood, 6) right (*Samyak*) effort, 7) right (*Samyak*) mindfulness and 8) right (*Samyak*) concentration. Here the word “*Samyak*” means ‘a thorough action is done very carefully and methodically.’ Here it is very clear that in ‘*Ashtangik-Marg*’ of the Buddhism there are teachings of being very careful about our actions, speech, and livelihood. In eightfold path, number 3, 4 and 5 are cultivation of morality. Buddhism clearly has a place for correct social behavior, it was a sound effort to protect dignity and respect of all human beings and by introducing right livelihood it leads to the way for right to live, right to property etc. And finally getting ‘*Nirvan*’ is total freedom from all sufferings is right to liberty.

Not only this but in the cardinal of Buddhism, the discussion about practicing five moral precepts (*Pancha-Sila*) for all and extra five moral precepts (*Dasha-Sila*) for nuns and monks, we can find a steady flow of basics of natural, moral and political rights. Five moral precepts are 1) not harming living beings, 2) not taking what is not given, 3) avoiding misconduct in sensual matters, 4) abstaining from false speech, and 5) avoiding substances that cloud the mind (intoxication). The first moral precept indicates respect not only for humans but also for all living creatures. Second precept is talking about not taking what is not given is in other words one has full right on his property/belongings and it should be protected by each member of the society and therefore one cannot just make a rule. It is reciprocal part of right to protect our own property and to get protection of it from others. Three, four and five precept indicates the moral behavior and conduct. The concept of ‘*Pancha-sila*’ goes with this sentence ‘a duty of one corresponds to the entitlements or rights of others.’ It means notion of right is present in classical Buddhism.

As mentioned above five additional precepts (*Sila*) for monk and nuns were added including: 6) abstention from solid food after noon, 7) avoiding music, dance, and dramatic presentation, 8) abstention from scents, unguents, and other bodily adornments, 9) avoidance of high beds, and 10) avoidance of handling gold and



silver. These are special rules for monks and nuns. As they have chosen the pathway of enlightenment or Buddhahood, have to follow the *Dharma*. As mentioned in the first paragraph of this section, *Dharma* is define as following totality of Buddha's teachings and fulfilling such is the duties of monks and nuns. Rights are always correspondence with duties. When one is getting special right it always comes with exceptional duty. The monks and nuns has special right to liberty-absolute freedom from all suffering i.e. *Nirvana*, they have to follow additional five precepts. The *Sangha* is a community where they have their own constitution of rights and rules. And therefore each member of *Sangha* has to follow these special rules to enjoy spiritual and religious rights.

After discussing about early Buddhism we will discuss some prominent points on concept of Human rights in *Vinaya Pitaka*, especially for nuns. It is the first canon of 'Tri-Pitaka' of *Theravada* Buddhism. Literal meaning of '*Vinaya*' is discipline and '*Pitaka*' means basket so together it means basket of discipline. 'It is treated as the main root of the *Buddhasasana* and they maintain firmly that it should not be changed or given up.' In early stage of the formation of *Sangha*, Buddha did not allowed the entry of women as '*Bhikkuni*'-the nun. After seven times request for permission by *Gautami* i.e. Buddha's step mother, Buddha allowed women to be ordained into his monastic community. He also made eight special rules (*Garudhamma*) as a condition for their ordination.

These eight special rules for nuns are '1) A *Bhikkhuni* who has been fully ordained even for more than a century must bow down, rise up from her seat, salute perform the duties of respect to a *Bhikkhu* even if he has been fully ordained only a day. This rule is to be honored, respected, revered, venerated, never to be transgressed as long as she lives." (2) A *Bhikkhuni* must not spend the rains in a residence where there is no *Bhikkhu*. (3) Every half-month a *Bhikkhuni* should request two things from the *Bhikkhu Sangha*: she should ask for the date of the *Uposatha* day and come for an exhortation. (4) At the end of the rains-residence, a *Bhikkhuni* should invite (criticism both from) the *Bhikkhu Sangha* and the *Bhikkhuni Sangha* on any of three grounds: what they have seen, what they have heard, what they have suspected. (5) A *Bhikkhuni* who has broken any of the vows of respect must undergo penance for half a month under both *Sangha*. (6) Only after a probationer has trained in the six precepts for two years should she request ordination from both *Sangha*. (7) A *Bhikkhu* must not in any way be insulted or reviled by a *Bhikkhuni*. (8) From this day forward, the admonition of a *Bhikkhu* by a *Bhikkhuni* is forbidden, but the admonition of a *Bhikkhuni* by a *Bhikkhu* is not forbidden. This rule, too, is to be honored, respected, revered, venerated, never to be transgressed as long as she lives.'

After observing above mentioned eight rules for nuns i.e., *Garudhamma*, we can note the following points - 1) As mentioned in rule no. 1, the respect for *Bhikkhu* is noticeable but the same is neglected in case of *Bhikkhunis*. Even though in Buddhism all human beings are equally respected and dignified by birth. In rule no. 2, we can observe the human right for nuns as they are protected by the community. In rule no. 6, we can observe the human right for nun providing education before entering into *Sangha*. And lastly in rule no. 8, we can observe that nuns does not have equal right for expressing their thoughts or to give any advice.

**Conclusion:**

In *Vinaya Pitaka*'s first section '*Suttavibhanga*', rules of *Pattimokha* - in that *Parajika* section for nuns we can see the human rights as good conduct, morality. If we observe the rules of *Bhikkhunis* in *Vinaya Pitaka* we can see reflection of rights in both the sense i.e. positive and negative. Buddhism gives us Right to achieve the *Nirvan* i.e. total freedom from all our sufferings, it allow all the right to education, Right to communal participation, Right to freedom of opinion and expression thoughts and preaching in eight fold *Marga*, Lastly special rule for nuns, in *Pacittiya*, rule no. 6, mentioned that should any *Bhikkhuni*, when a *Bhikkhu* is eating, attend on him with water or a fan. And in another rule, it is mentioned that a *Bhikkhuni* should not work any household works in any household. It indicates directly the right to freedom from slavery.

At the end we can say that it is definite that there is traces of human right in Buddhism with all its aspects even though they never used the word 'Human Right' or 'Right'. But their concept of morality implies right. We can conclude the paper by saying that, all rules and rights are the matter of circumstances and are in the context with the time. Buddhism is 2500 years old religion and thus we can find some negative points in today's context but it has many positive and practical application in our day-to-day life.

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