

The 'Battle of Wins' and 'Peace' in the Eyes of a Lawyer: A Buddhist Perspective

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Introduction

The philosophy which is enshrined in Buddhism is basically directed towards the peace. This stands to the attainment of peace and also the way to find peace. The Buddhism as a religion highlights the traits of non violence which emphasizes the significance of kindness and compassion. The pureness in Buddhism is grounded in the manner which it conquers the hatred and spread of goodness which eliminate the greed, enmity, jealousy.

In the legal sense, the 'conflict' can be defined in several ways. The simplest definition, which is apt for the study is that conflict is an ongoing state of hostility between two groups of people, which is attributed to the natural human disposition. A human encourages himself / herself in to a dispute stands to an instance where he/ she outwardly manifests that, the specific mind is in need of inner peace. Further, it accentuates that, a man drags in to a struggle or a conflict is a clear depiction of the fact that, there is a disease in the mind. As the Buddhist perspective is positioned on the conflicts, it can clearly be seen that two cultures which have been identified namely the culture of violence and culture of peace. The study basically inquires in to the fact whether, the conflicts which are appeared severe in the eyes can be resolved by incorporating the virtues and Buddhist ethics. The author specifically attentive on the legal remedies and enactments available to prevent the involvement of humans in the conflicts. It further effects a comparison between the principles of criminal law and the process of mediation which can be progressed while incorporating the Buddhist ethics.

The purpose of this study is to have a deep understanding on the nature of conflicts which are being caused in between hostile parties and to discuss the legally defined ways. Further, the author's attempt is focused on the Buddhist perspective on the conflicts or struggles which have been discussed legally and the ultimate promotion of peace, kindness and compassion in accordance with the grounds on which the philosophy of Buddhism is based.

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Methodology

The Methodology of the study is normative in nature and adopted a qualitative approach. The author has basically concerned on a literature review which involved with the primary and secondary sources of literature. The author has specifically attentive on the sources of law namely the local and international legal enactments.

Results and Discussion

The conflicts or the disputes are considered as inherent among the human beings. The anomie or the lawlessness act as stimuli to the outward manifestation of aggression. There are different types of conflicts which occur among the humans namely one to one situation, which takes different facets. A human does confront with the intra-physic conflicts, inter group and intra group conflicts, person to person conflicts. Such a struggle is not confined to a specific land mass of the country, as there are tendencies to occur in between the countries

and continents. The ultimate result of every such dispute is the suffering. This has been emphatically grounded in Buddhism. The reason for the suffering emerged from conflicts and a dispute is the craving that the humans are possessed with. The 'craving' which the humans are dealt with is deeply interconnected with the attachment that they have with the materialistic possessions. The ultimate result of craving is the breed of anger, jealousy, and hatred. If a legal perspective is kept on the conflicts and resolution, the national and international legal instruments have contributed to exercise a control over the human engagement in conflicts.

The United Nations Declaration on Human Rights internationally imposes barriers on the human movement against each other. The local enactments in Sri Lanka, namely the Penal Code and the acts and legislations enacted to punish the people involved in crimes against each other and destroy the lives of the fellow humans with brewing aggression. The cardinal principle which is enshrined in the Criminal Law is that the person is liable for an offence, when his guilty mind is proved simultaneously with the criminal conduct. Thus, if a man commits a crime with the clear intention that the consequence is illegal and harmful, he is liable under the law of the country. The crime is a result of a persistent behaviour of conflicts and animosities exist among the people.

As defined in the Buddhism, mediation is considered as a mode of conflict resolution which has its roots in the Buddhist ethics. The mediation is predominantly deals with an instance where reconciliation is affected by a mediator with a clear and ethical mind. The mediation, as defined by the Buddhist scholars, is a process which has to be taken place with the development of the virtues as preached by the Lord Buddha. The virtues which need to be incorporate in the conflict resolution

are non- violence, compassion, wisdom, benevolence and empathy. The mediator is expected to possess self management in the process of conflict resolution.

Conclusions

The peace is grounded in the core of the Buddhism. It basically deals with the attainment of peace and the way which is utilized to find the peace. When it is analyzed in depth, it is clear that, the humans have an inherent nature where they involved themselves with the conflicts. This is accelerated by the craving. 'Craving' is the attachment that the humans have with the material possessions. This ultimately leads to the suffering. The legal impediments have been imposed to restrain the people from committing the crimes. The technical impediments on the conduct of the people are subordinate to the processes such as mediation which can be progressed with the incorporation of Buddhist ethics and virtues.

Keywords: Buddhism, Law, Ethics, Conflicts, Peace

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