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INFLUENCE OF BUDDHISTIC SPIRITUAL VALUES ON PERSONAL CONSCIOUSNESS

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Abstract

The article deals with the issue of religious justice in the context of legal education. Law and religion as separate socio-regulatory systems are specific forms of social values. At the same time, moral attitudes that permeate religious dogma determine legal culture of society. Religious legal conscience includes views, doctrines, feelings, moods of individuals and social communities about law and legality determined by religious worldview. They are social sources of law and self-regulators of behavior in legal situations. The factors that determine religious and legal culture were studied; criteria characterizing formation and evolution of Buddhism were identified; features and principles of interaction of Buddhism and political and legal systems of Russian regions were studied. Based on the analysis of Buddhist aspects of religious justice, it was concluded that it is an independent social source of law incorporating a wide variety of spiritual elements and reflecting social ideology and psychology. It has a complex and meaningful morphology that does not coincide with types of legal awareness developing in social by their own cultural laws. Categories of lawful behavior, crime, punishment, relations of the rule of law and moral norms in Buddhist sources were analyzed. Mediation is considered as a method for resolving conflicts. Buddhism developed a doctrine of power, sociogenesis and social relationships. The basic idea of the social doctrine is that success can be achieved by following moral precepts.

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Keywords: Legal conscience, Buddhism, ideal state, crime and punishment.



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1. Introduction

Legal consciousness is not reduced to assimilation and reproduction of existing legal norms. It is a complex spiritual phenomenon that has a variety of political, legal, cultural, historical, religious and moral, national and ethnic roots. Legal conscience is connected with other forms of public consciousness, especially with religion, since religious norms have been an important source of law and legislation, and religious institutions have always been an indisputable moral authority. Factors of national, cultural and religious identities play a decisive role. Economic stability and political democracy are influenced by traditional social institutions, including religious consciousness, religious morality, and religious structures. The Russian Federation is a successor to the complex balance of power in the historical formation of multi-confessional Russian statehood. Religious legal conscience is a source of law and an independent regulator (self-regulator) of behavior in legal situations, religious norms have always been an important source of legislation, and religious institutions have always been an indisputable moral authority. What is national legal culture? What is the role of religious values in the legal culture of modern society? How to optimize the interaction between major religious denominations and the state? The answers to these questions determine the success of the reforms carried out in the country. These questions determine the relevance of research issues.

2. Problem Statement

The problem of interaction of religious and legal consciousness is relevant due to the increasing role of law and religion in modern Russian society. Social perception of the role of law and justice is changing. The previous approach to law, justice as a secondary phenomenon derived from political consciousness is not relevant. Religious legal consciousness is a fundamental guarantee of human rights regardless of their temporal and territorial aspects, since religious legal conscience must determine the hierarchy of values in the human rights system. Moral and religious traditions play an important role in preserving the Russian statehood, overcoming consequences of the economic crisis, and strengthening Russia's position in the international arena.

3. Research Questions

The subject of the study is Buddhist religious canons which influence legal culture and legal consciousness. Buddhism covers a significant part of the population of the planet, affecting people's behavior, the social structure, mentality, the state structure and government policy in the field of law and order, including development of legislation (legal policy). Considering that the elements of legal consciousness are ideology and psychology, we will try to analyze the role of Buddhist spiritual values in behavior of individuals.

4. Purpose of the Study

The main purpose is to carry out a comprehensive analysis of the relationship between law and religion in the context of formation and evolution of legal culture of society, and legal consciousness of the

individual. The article focuses on the mutual influence of Buddhism and other religious teachings in the national legal culture of Russia. The article studies the mutual influence of religious and legal consciousness.

5. Research Methods

The method of interdisciplinary analysis was used to consider Buddhism as a factor influencing legal behavior. The religious ideals of Buddhism were studied by comparing various confessions (Buddhism, Christianity and Islam) which determined the use of methods of legal comparative studies: comparison of modern legal systems, comparison of spiritual and legal concepts, identification of contradictions of ethnic and religious interests, etc. In addition, the following methods were used: formal-legal, legal and state modeling, reconstruction of ideas and theories, etc.

6. Findings

Buddhism covers a significant part of the population of the planet influencing behavior of people, the social structure of the country, mentality of the population, the state structure and government policy in the field of law and order, including development of criminal legislation. Buddhism addresses a person regardless of his national and social affiliation, etc. These factors were a powerful incentive for the spread of Buddhism in India and its further development in the Buddhist countries of the East (Abramova, Bogolyubov, & Mitskevich, 2013). Buddhism has a special humanism and morality, a peace-loving attitude towards religious opponents.

In modern society, it is widely believed that Buddhist ethics is non-social in nature. Indeed, Buddhism pays the least attention to social and legal issues. However, it cannot be blamed for complete indifference to this issue: Buddhism has developed a peculiar doctrine of power, sociogenesis and social relationships. The basic idea of this social doctrine is that success can be achieved by strict observance of moral precepts. Buddhism does not provide a clear understanding of criminal actions. Traditionally, the countries whose population professes Buddhism use conciliation procedures. The starting ideological orientation is a desire to achieve harmony. "Legal consciousness is an area of consciousness where spiritual foundations of legal culture are formed. Therefore, legal conscience is deeply connected with other forms of public consciousness, especially with religion, because religious norms have always been an important source of legislation, and relevant religious institutions have always been an indisputable moral authority".

Education of fair and humane views is more important than imposition of public sanctions. Law is regarded as patterns of behavior.

Buddhism, as a system of rules has influenced on human behavior. Buddha set an example of cooperation with secular authorities, but their actions which did not fit into the Buddhist doctrines, were not supported (killing for "ideological reasons" was considered a delusion) (Ruda, 1999).

According to the Buddhist concept of power, the king is not only a ruler. He is a mediator and a regulator of social order. If he is unfair, he brings misfortune to his subjects. A monarch who does not follow the Dhamma and does not observe the highest moral standards can destroy the country. In this case, he loses his power and people can overthrow or kill him.

The Buddhist concept of royal power deals with its legitimacy, asserts the dependence of power on moral and ethical laws (Griswold & Nagara, 1971). According to Buddhism, laws are less important than dignity of people who follow these laws. The most dangerous evils are as follows: violation of moral principles and legality, superstition, corruption, cruelty, abuse of power. In addition, Buddhists believe that repressive measures are useless. Moral principles are more important (Semityuk, 2015).

The preaching of non-violence permeates Buddhism. Peacefulness, humanity, denial of violence are features of this religious teaching which attracted prominent figures of world culture. Buddhism brings the spirit of mercy and non-violence (Gorbunova, 2015).

The Buddha said: "My law is the law of mercy. "He demanded that his followers do good: "Everyone trembles before punishment, everyone fears death — put yourself in the shoes of other people. It is forbidden to kill or to force to kill ..." (Lafitsky, 2011, p. 95). Unlike the West, Eastern peoples are not inclined to believe in law as a means of social order and justice. Legal decisions are disapproved. Social order should be protected through persuasion, mediation, critical self-assessment, moderation and harmony.

In the West, in Muslim countries, in India, the law is treated as a pillar of the social system. The reasonable organization of society requires supremacy of law. People must live in accordance with the laws. If they are deprived of this opportunity, they must fight for the triumph of law. Law is a mirror of justice. The lack of law causes anarchy.

In China, law is a tool of arbitrariness, a factor that violates the normal order of things (O'Dea, 1996) The human should not be guided by the desire for harmony and peace rather than legal rules. Conciliation procedures are more valuable than justice, and conflicts should be extinguished by mediation rather than by legal means. Of course, there may be laws as a deterrent tool or a behavior pattern. However, they are not created to be applied to those who want to build their lives ignoring rules of good behavior.

In Buddhist countries, the influence of Buddhism on criminal legislation is different. Education of fair and humane views is more important than imposing public sanctions. Law establishes patterns of behavior which should be followed not under the threat of coercion (Abramova et al., 2013). In Buddhism, there is no concept of responsibility and guilt as something absolute, no clear distinction between the ideals of religious and secular morality, mitigation or denial of asceticism. The moral ideal of Buddhism is non-infliction of harm to others resulting from general gentleness, kindness, and perfect satisfaction. In the intellectual sphere of Buddhism, distinction between sensual and rational forms of knowledge is eliminated and the practice of contemplative thinking (meditation) is established. The state of perfect satisfaction and self-deepening, absolute independence of inner being is liberation, or nirvana. Punishment is not material. It is reduced to karma ("karmic future"). The "karmic future" cannot be materially "felt". Unlike monks, laymen had to follow a more simplified ethical code reduced to the observance of five commandments:

- 1) to refrain from murder;
- 2) to refrain from stealing (do not take what does not belong to you);
- 3) to refrain from adultery (sexual promiscuity);
- 4) to refrain from lying;
- 5) to refrain from exciting (alcoholic) beverages (Ulanov, 2010)

These commandments are similar to the regulatory legal norms (legal prohibitions) contained in the criminal legislation of modern states.

In criminal law, the concept “crime” may have a different meaning. These five commandments are also similar to regulatory legal norms (legal prohibitions) (Batuev, 2004).

The role of everyday customs, norms of moral, virtuous and law-abiding behavior that require people to refrain from lying, intolerance, and addiction is not denied:

Everyone is trembling before punishment, everyone is afraid of death - put yourself in the shoes of another person. It is forbidden to kill and force to kill. Seeking happiness for himself and not punishing other creatures who want happiness, the person will be happy after his death. Who, seeking happiness for himself, does not impose punishment on beings who want happiness, he will receive happiness after death. Don't speak rudely to anyone. After all, irritated speech is unpleasant, and retribution can touch you. (Morozova, 1999, p. 188)

The commandment to “refrain from killing (violent actions)” is a cornerstone of Buddhist ethics. Adhering to the principle of non-violence, Buddhism rejected the sacrifice of animals which has been widely practiced in India. Buddhists believe that human life begins during conception (Ling, 1974). In countries that strictly adhere to Buddhist traditions (Sri Lanka, Thailand), abortion is prohibited by law, but modern Buddhists have come to the conclusion that there are circumstances that justify abortion. However, despite the fact that Buddhists consider it reprehensible to take a person’s life, in some countries (China, Thailand, Myanmar, etc.) the death penalty is used as a criminal punishment (Pavlova, 2007).

The Buddhist attitude to the individual path of salvation and attainment of Nirvana explains the ignorance of legal phenomena which have been regarded as part of a common chain of earthly misfortunes.

The theory of karma is a doctrine of causal relationship between the behavior of the human and his subsequent life. In Buddhism, karma is a natural cosmic law, an alternative to the theological idea of reward and punishment. The law of karma performs a sanction function explaining causes of sufferings (Vanchikova, 2006).

The basis for guilt and merit is evil and good, that is, it is the result of a “cause-dependent chain of actions”.

The most serious crime is killing which entails punishment according to the level of motivation. Punishment for stealing also depends on motives. If the problem of killing had a social aspect, punishment for stealing was considered as an individual measure. Lying, foul language, gossip, fuss entail punishment in the form of the lowest forms of birth or hellish sufferings.

7. Conclusion

The following conclusions can be drawn. Formation of legal culture involves the revival and activation of sources of religious justice. To this end, it is necessary to raise social soundness of the current legislation, moral standards of its legal content at the expense of the religious component of legal consciousness. Only moral law that does not contradict the ideas of good, evil, justice, truth, religion, can govern human behavior. Society can lose its unity without morality and religion, their emphasis on love and mutual aid.

The main thing for the behavioral aspect of legal culture is the moral choice of life position. Religious education is important for development of legal awareness as a component of legal education of citizens aimed at raising their general awareness of law which guides them to live according to the laws of God (religious norms) that do not contradict secular laws. It is necessary to note that the rules of Buddhism can have a more effective (positive) result than criminal law in regulating human behavior. They contribute to a more developed, humane and promising society.

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