

# “Practicing Hinduism, Buddhism & Sikhism under Australian Civil Law”

## A Paper by Jim Ferguson – President of the Buddhist Council of Queensland.

Practicing Buddhism, in its simplest form, could be considered easy to do, since that only implies living a life that does not cause harm to any sentient being and practicing compassion to all.

And to that extent, I feel confident to say, that at least the majority of people here today, would support that philosophy and therefore might even be deemed to be Buddhist, or a sympathizer at least.

People who adopt Buddhism as their philosophy explicitly however, actually take on far more than that simplistic form, giving it “substance” so to speak.

The first is to formally take “**Refuge**” in the Buddha, the Dharma and the Sangha, collectively called the Triple Gem, or the Three Jewels:

- the Buddha – for achieving Enlightenment by himself, and for the benefit of all others;
- the Dharma – his teachings, that form the Way of Living or the Path; and
- the Sangha – the community of people who strive to spread the Buddha’s teachings and help others also seeking that same Path, usually identified as the monks and nuns of this philosophy.

The Buddha’s Enlightenment revealed the **Four Noble Truths**, which explains our life, influences and outcomes, which Buddhists then work with, and from which, hopefully attain our own enlightenment in the process.

These Truths state that -

- (1) Life is essentially one of suffering; arising out of fundamental ignorance, and that
- (2) suffering is due to ignorance, greed and anger; however
- (3) there are antidotes to that suffering - applying wisdom, generosity and compassion; and
- (4) these can be practiced by practicing the Eight-fold Path – of right:  
view, intention, speech, action, livelihood, ethics, mindfulness and concentration (meditation).

The way many Buddhists implement the **Eight-fold Path**, is by freely choosing to live by the Five Precepts, which means, simply, to avoid:

- killing or harming sentient beings, including oneself;
- stealing or taking anything that has not been freely offered to you;
- telling lies or even using derisive speech, such as gossiping and defamation;
- sexual misconduct; and
- taking intoxicants, meaning anything that may impede mindfulness.

A quick appraisal of these five Precepts provides not just a perfect blue-print for Life, as I think you will all agree, but they might also be interpreted as the **Personalization of our Australian Civil Law** for each one of us..!

In Buddhist practice too, actions also include the thought of doing, the desire to do; as well as the actual doing, and therefore go much deeper than simply the physical breaking of any Precept.

And furthermore, Buddhists believe that, the law of cause and effect of all our actions, which we call **karma**, can, and does influence not just this present Life, but may also influence our endless future lives as well.

It must also be pointed out too, that the emphasis is on **Avoidance** of such actions, rather than a “Thou Shalt Not...” stance, since, as I think we all attest to, life is very subjective and there tends to be far more Grey than Black and White in our day-to-day lives.

Buddhists also believe in to the interconnectedness and inseparability of all phenomena, so while all the above concepts may seem to be individually identifiable and distinct, they often, in action, mould into the one outcome that holds aspects of all the elements, as this paper will try to demonstrate.

## **So is there any problem arising from practicing Buddhism under Australian Civil Law?**

Buddhism clearly supports Australia's view on capital punishment, insofar as it no longer applies in this country.

The Buddhist view is that execution could potentially prevent the offender from fully repenting the crime and thereby deny them the chance to make good any associated negative karma. Also, karma is also attached to the persons carrying out that sentence, and if they are not acting out their role with deep compassion, the ramifications could be significant to their future.

Incarceration and punishments generally, if viewed as a means for reform and rehabilitation of the offender, or protecting others from further harm by the offender, then we again concur; however if there is a notion of revenge, retribution, or imposing suffering on the offender, then Buddhism is at odds with such practices and sees any such policy as generating negative outcomes for both the offender and the perpetrator of such punishment, and also the society that condones such policy.

As will be seen as we continue, it is the motivation leading to any action that is crucial and the attitude of the participants in that action at that moment that generate the karmic results – utilizing love and compassion in such matters is far more beneficial than anger and hate.

Stealing, theft and fraud is a world-wide phenomenon and Australia is not immune from this in all its forms – and it all arises out of greed and a lack of respect.

It is still important for individuals to also be mindful and reasonably protect their identity, valuables and dealings with others, however, when it comes to finding a solution to this problem, it seems to be one of better education about individual recognition and respect for self and others, of fair pay for fair work, and working to eliminate exploitation in all fields of endeavour and commerce.

Enforcing restitution and compensation is not unreasonable and where appropriate, offering re-skilling and training opportunities to offenders may also help them raise their self-esteem and help eliminate their potential for re-offending.

So once again, Buddhism endorses those practices aimed at rehabilitation, rather than revenge and a punitive response, and are wholly supported, and there is no conflict between our society's values and Buddhist practice.

Sexual misconduct can be viewed either in a very narrow perspective or one of huge proportions and both have equal relevance.

In its simplest definition, it means no sexual relations outside of marriage, or better, only within a marriage and consensually between those two parties.

However, as we all understand, in today's society it goes far beyond such a simplistic definition. And when I remind you that the Buddhist view also includes just thinking or desiring such behaviours, it is a virtual minefield – particularly in determining just what "misconduct" represents.

Buddhism treats all life as equal, so there is no difference between man or woman, and if, as Buddhists believe, through the endless progression through an infinite number of lives, we each have been a man, a woman, and every other form of sentient existence many times. Therefore, it is the respect and compassion for others, which are of paramount importance.

Because sexuality issues can also affect personal health, community standards of protocol, relationships, gender issues, advertising and entertainment, abortion, contraception, cultural stereo-typing and so much more, this is probably the one subject that has the most impacting issue affecting social cohesion today.

It is, as always, a matter of perspective and degree that is important.

Some societies see nothing wrong with people lying on a beach semi-naked, while in others, to show a wrist is considered indecent. It therefore comes down to that respect for other people and the customs of the land and how to best practice Buddhism in that environment.

The significance of this precept is that while “misconduct” itself, is a very subjective term, and may have no deleterious impact on the partners or others in our society, the propensity for failing other precepts and thereby creating conflict arising from perhaps harming (including sexual harassment), lying or stealing is why such strong emphasis is given to this precept.

Buddhism is in accord with Australian Civil Law in this regard and by striving to eliminate social ignorance of the risks associated with this issue, a better informed and healthy set of outcomes would result, that would be a positive benefit to society overall.

How individual Buddhists choose to interpret the Buddha’s teachings is a very personal matter, however by adopting the Precepts generally, it would be most unusual for any unwholesome behaviour to occur.

Intoxication and dependency on any substance or habituation should generally be discouraged, though societal standards sometimes could be perceived as being contrary to our society’s best interests, then permitted, or worse, encouraged. The appeal of such things can be rooted in many factors, including spirituality, escapism, despair or just experimentation. However the outcome is essentially one of removing or distorting a person’s capacity for mindfulness, which can then lead to other consequences.

Cannabis for example, directly affects the anandamide receptors in the body (“Ananda” being the Sanskrit word for ecstasy or bliss), suggesting the attraction of such drugs, is the experiencing of that same euphoria or bliss that directly equates with the spiritual phenomenon. Once again, the methods for countering such tendencies, from the Buddhist perspective is to provide compassionate support for the individual and aim to better informing them of their choices and the resources available to help them manage their dependency. This then helps them to better maintain attention and their “presence in the moment”.

And again this also aids in preventing them from failing the other precepts already mentioned and other social and health issues associated with intoxication and drug use. Stealing, violence and disease (both internally and those passed to others) are often companions to extreme cases of such dependencies.

So having explored these two structures, it can be deduced that Buddhism can co-exist quite comfortably with Australia’s Civil Law and moreover, if anything, Buddhism can be seen to be far more demanding and stricter than society’s, however the adherence to both is, as always, one for individual choice.

True Buddhist practice is not just one of tolerance for others views and standards, but more the acceptance of and recognition of their part in sustaining society, and if such practices could be adopted more universally (in a Utopian view of our world) they would end the need for the judicial system, Police, Military and other enforcing agencies – with all those resources aligned to medicine, aged care and earth-sciences, etc.

In conclusion, when a person chooses to become a Buddhist by taking refuge, they accept the Four Noble Truths and the Eight-fold Path as their Way of Life, and the Five Precepts as the means for traveling that Path. By doing so, they enhance and personalize those values encapsulated in Australia’s Civil Law and positively contribute to our community, reinforcing Australian society and helping us all to live and relate to each other in a more wholesome and peaceful way, cementing social cohesion and reinforcing the fabric of our Australian community.

And so may we all live in peace, harmony and goodwill.

Thank you