

A Comparative Study on Crime and Punishment as Reflected in Buddhism and Modern Legal Philosophy

Ven. Walasmulle Bhaddiya

Department of Pali and Buddhist Studies, University of Kelaniya, Sri Lanka

Law is there in a country/ institution to control the behaviours of its members. It is very supportive in protecting the peace and harmony in a society or a country. The term “Law” has been classified in many ways from ancient times. In the ancient past most of the systems of administration were based on tribal rules. There are 02 main legal systems in Sri Lanka as Civil and Criminal law systems. In Buddhism, the law of discipline in the section is known as the Suttavibhanga and are arranged and presented in a certain order with the law dealing with the serious offences coming first and the others presented in a descending order under eight categories. "CRIME" is a word we use today to denote any offence against a community as a whole, or one (or more) of its members. At the same time implicit in our use of it, is the sense that it is punishable or deserving of punishment by a socially recognized authority. The most grievous punishment in the state law is the capital punishment while the most grievous punishment in the Buddhist Vinaya is the *Brahmadanda*. *Brahmadanda* is a punishment involving a boycott, the highest penalty that can be imposed on an ordained monk. Both Buddhism and modern law gives priority for the volition rather than the action. Buddhism explains it under *kamma* concept providing priority for the *cetanā* while modern law deals with “*Mens Rea*” and “*Actus Reus*”. Research problem is to investigate whether the Buddhist law and modern law have equal or different application. The study aims to show the interrelationship between these two systems and identify the modern legal aspects reflected in Early Buddhist teachings. Research is limited to finding the nature of crimes and punishments of both disciplines. Research methodology is the qualitative method and requires gathering relevant data from the specified documents and compiling databases in order to analyze the material and arrive at a more complete understanding.

Key Words: Actus Reus, Crime, Mens rea, Punishment, Volition