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BOONLERT PIROMEIAM : AN ANALYTICAL STUDY OF THE “HARM PRINCIPLE”
IN BUDDHIST ETHICS COMPARED TO THE THAI CIVIL AND COMMERCIAL CODE. THESIS
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The objective of this research is to study and compare the “Harm principle” in Buddhist ethics and Thai civil and commercial code. The principle specifies the conditions under which an act of limiting an individual’s freedom is legitimate or the conditions that tell when an act is a violation, which can be interfered legally.

In Buddhist ethics, violations include harming both oneself and others. By the term ‘harm’, it is not meant only the damage done to life, body and property, but also the offense against social conscience. The act of limiting an individual’s freedom is not a violation if that individual uses his freedom in such a way that his human value is degraded and the realization of human potentialities is obstructed. Moreover, the society can legitimately interfere into an individual’s freedom if his action leads to social disorders or breaches of customs and laws, which are presumed to provide the suitable conditions for living together as a society.

According to the civil and commercial code, violations are those acts that harm other or individuals’ lives, body, health, rights, freedom, and property. In these cases, the violators are legally compelled to pay for compensation. Moreover, there are two kinds of violations for which an individual is held responsible by law: violation committed by an individual and, violation by those who are related to the individual such as a child or an employee.

The comparison shows the differences between “harm principle” in Buddhist ethics and the civil and commercial code as follows. According to Buddhist ethics, the principle permits intervention to stop acts that harm either the agent himself or other individual. Also, social conscience is also taken into account in order to consider whether the right to freedom can be legally interfered with. Conversely, the principle in the civil and commercial code takes into account only those acts which harm other individual.