

Metaphysical Concepts behind Human Rights: An Indian Outlook

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Abstract

Human rights have been stepped over again and again. History conveys the evidence of this truth. Till now we perceive so many instances of transgression of human rights. Accordingly, it is relevant to study on human rights. It becomes essential to investigate what the causes are present behind the transgression of human right, which is necessary element to protect human civilization. But why do we in spite of being more conscious and logical to life transgress human rights? Why shall we show the honour to human rights? What is the standpoint of our tradition to this particular question? In this paper, an attempt has been made to judge the above questions and also to explore metaphysical concept behind human rights, so that we can show the right treatment to human rights in true sense of the term. And this will be done in the line of Indian tradition.

Key words: Humanity, Human rights, Consciousness, Debt, Oneness, Morality

I

Generally the term 'human rights' is meant for the rights which human beings can enjoy. Here human beings are not of particular religion, particular caste, or particular country. The term 'human' suggests a universal idea. Jivanananda Das wrote: '*mānuṣer mrityu hale tabuo mānab theke jāy*' i.e. humanity exists after the death of man. In the same manner, Ramprasad also spoke of the cultivation of mental soil (*mānab-jamin*). In these two cases the term '*mānab*' is not taken to understand particular man or some men of a particular country. It has rather indicated to humanity (universal property of man) which is beyond religion, caste, country and culture; a universal property that becomes pervaded in each individual of every society. The term 'human' (*mānab*) of human rights is to be understood in the

aforesaid thinking line. Here, human rights are not to be understood as the rights of particular human beings, rather to be understood as the essence of all humanity. In single words, human rights are nothing but the rights that a man just for belonging to man class can enjoy. Human rights are the rights for all man. This right is essential to a man for his living and becoming.

Richard Wasserstorm has mentioned four features of human rights in his article 'Rights- Human Rights'. These are as follows: i) Human rights are the general rights of all human beings. Only man can have the benefit of these rights. These rights are not for nonhuman beings. ii) As these rights are general, consequently all man can equally enjoy these rights. iii) These rights do not vary on the basis of man's designation. iv) These rights do not depend on the sanction of someone as these are universal.¹ Now the question is what right is. The answer is that 'right to something' means to have the right to enjoy of that thing. 'I have right to something' means that I have moral and legal claim of those particular things. All these general feature of the notion rights are applicable to the notion human rights also. Hence, human rights are the rights on that man have moral or legal claims. And these rights will be natural and universal as these will be owned by irrespective of cast, creed, race and so on.

From the above discussion raised by Richard Wassertorm, it is followed that there are two main features in human rights. i) It is natural and ii) It is universal. But a section of thinkers has raised their objection that human rights may not be natural, and also universal on account of the fact that it cannot fulfill the requirement for which it can claim itself as natural and universal. They said that the very term human rights as natural rights are ambiguous. For, men have no clear conception of the characteristics of natural rights. They have no uniform opinion to this matter. Sometimes they are opposed in their rights. And the criterion of natural rights is not to be determined. J. B. Mabbot, in his book, 'The State and the Citizens' has considered the term 'natural rights' as an unjustified term. He says:

'Natural rights must be self-evident and they must be absolute if they are to be rights at all. For if a right is derivative from a more fundamental right, then it is not natural in the sense intended; and if a right is to be explained or defended by reference to the good of the community or of the individual concerned, then these 'good' are the ultimate values in the case, and their pursuit may obviously infringe or destroy the 'rights' in question... There is no single 'natural right' which is, in fact, regarded even by its own supporters as sacrosanct.'²

If rights are natural, it is to be intrinsically value and unconditional. But we always perceive it to be relational with duties. The freedom of rights generally depends on the performance of some duties. Hence, the idea of natural rights is not to be established. On the other hand, rights may not also be universal. The idea of universality regarding the concept human rights comes when it is determined that men have a universal property. The persons like Richard Rorty, Michael Foucault are announcing their doubt on the question of universal property in man. Michel Foucault in his famous book 'The Order of Things' (1970) has told that we can give a philosophical laughing to those who are engaged in search of the question of the essence or universal property in man till now.³ The same doubt is expressed by R. Rorty in his lecture in 1993. He says that we, human beings are unbelievably

essenceless so far as historical and anthropological teaching is concerned.⁴ In this way Rorty, Foucault and their followers have denied the so called universal property of man for which it is said that a man is considered a man. As all the questions relating to universal human rights proceed to after following this so called universal property of man, the idea of universal human rights have come into doubt as well. They propagated culturally relative mental attributes instead of so called universal property of man. In fact, they have challenged foundationalist philosophy.

Despite high ignorance to the essence of man and also to universal human rights, the movement for human right is not decreased. For, we do not commit wrong to recognize a man as a man in spite of having so many differences among cast, creed, culture and religion. At least, it is not difficult to us to understand that everyone wants to be free from deep pain like me. In the like manner, they feel the world with their sense organ just like me. In fact, if we admit these common similarities, there is no question of hindrance to admit the essence of man which all man bear. And consequently the notion of universal human rights is taken into account. Gregory Vlasto in his article 'Justice and Equality' has given his view that man wants both well-being and freedom; these two have got intrinsic value. He says: 'since we do believe in equal value as to human well-being and freedom, we should also believe in the *prima facie* equality of men's right to well-being and to freedom.'⁵

Hence, whatever Rorty, Foucault and their followers say about the essence of man, we cannot deny the universal property of man and consequently human right as well. But it, though undesired, is true that human rights have been being neglected, humiliated and above all stepped over from the preliminary stage of the society to present day. The word 'human rights', as if, has got merely phonetic value. The word is taken only for captivating the people by the political leaders, not for implementation. There is no lacking of instances. If we look at history, we find the cast system in ancient India. It is one aspect of humiliation on human rights. Child labor is also humiliation of human rights. We find the existence of child slave in ancient Greek. There are so many instances of transgressing of human rights such as gender discrimination, untouchability, imperialism, terrorism etc. These all are running at present day also.

After the Second World War (1945), we know that UNO is constituted. General Assembly of UNO declared an order to protect human rights in Parish on 10th December in the year 1948, which is known as Universal Declaration of Human Rights. But it is matter of sorrow that transgression of human rights is being continued. There are 50 lac child laborers in India. Out of them some are engaged in agricultural work. Near about 10 lac children are engaged in brick making, mine-work and house building work. Besides these, a large number of children are engaged in cutting of the diamond, carpenter industry.⁶ Moreover; there are so many children who are engaged in household work, or in hotel, bar, or in tee stole. How much the problem of untouchability was in India is beautifully depicted by a statement of Ambedkar. He said: 'I had the misfortune of being born with the stigma of an Untouchable. It is not my fault. But I will not die a Hindu, for this is in my power'.⁷ We can understand that he has told this with how much grief. A burning instance of the deprivation to the woman is that no woman or blackish man can be elected as

president in America till now.⁷ Terrorism and imperialism these two are important aspects of transgressing of human rights. America dominated the other countries of the world. Noam Chomsky said: 'Western Powers could never abide by the own official definition of the term as in the U.S. code or army manuals. To do so would at once reveal that the U.S. is a leading terrorist state, as are its clients'.⁸ In 1991, the ex president of America Jimmy Carter told in his non-official lecture that war is the most ugly invasion to human rights. And in his consideration, U.S. becomes the source of war for the last ten years.⁹ We do not know whether Jimmy Carter was the worshiper of humanism; but his word is undoubtedly praiseworthy.

II

While we discuss about the necessity of human rights, a question may be raised why rights are only for human beings. Why are those not for nonhuman beings? In answer to this question, we view that Indian philosophy does not differentiate between human beings and nonhuman beings, so far as divinity is concerned. But it is admitted that human beings are more conscious than nonhuman beings due to the degree of consciousness. In Hinduism, the first stage of evolution is matter. From matter life comes. It is stated in Mundaka Upanisad: '*tapasā cīyate brahma tatahnnambhijayate/ annāt prāṇo manḥ satyaṁ lokāḥ karmasu camritam*'.¹⁰ This verse is rendered by Arbindu which is as follows 'By energism of consciousness, Brahman is massed; from that Matter is born and from Matter Life and Mind and the World'.¹¹ The same thing is expressed in Taittiriya Upanisad also. In this Upanisad it is said that there are five evolutionary stages of the self. The first stage is physical self which is called '*annamaya puruṣa*'. The term '*anna*' is used in the Upanisadas as a symbol of matter. In this stage the consciousness is covered. The second stage is vital self or self of life which is called '*prāṇamaya puruṣa*'. In this stage nonhuman beings are born. The third stage is mental self or self of mind, which is called '*manamaya puruṣa*'. In the evolutionary process of this stage, the self takes shelter in the body having mind. This stage indicates human beings. Apart from these, there are two stages of self viz, self of truth knowledge and self of bliss (*vijñānamaya & ānandamaya puruṣa*).¹² In this stage the self obtains godly life. This evolution theory suggests that human body have a dignity on account of the fact that this body is entitled with a developed consciousness. Bible also tells that God creates man with His own images i.e. human life is near to god's life. The power of thinking (*manana*) differentiates human beings from nonhuman beings. Accordingly this form of life should have a dignity. The importance to human rights comes in around of the question of the dignity of man.

Now my interest is to investigate why a man is transgressing the right of another man. What is the cause behind this? How can we come out of this problem? All these problems, I think, come from the sense of others. This problem exists when we fail to discover ourselves within others. Hence, one should discover oneness, which is important thing in this regards. Those who can see all beings in his own self and self in all beings cannot hate others. ('*yastu sarvāni bhūtāni ātmanvevānupaśyati/ sarvabhūteṣu cātmanam tato na vijugupsate*').¹³ If someone thinks others as separated from himself, he can hate others. But if he looks at others as his own self, he

cannot think them as separated from himself and hence, there does not arise any question of hate or transgression of human rights. Hence, we have to investigate the metaphysical elements that lie in favor of showing the right treatment to human rights.

In our tradition, it has been repeatedly said that despite difference among us we are interlinked with each other or we bear the same self. We cannot give the right treatment to others until we realize oneness within us. We are very much concern about our happiness, our rights. But we are not mindful to others. So, the divine teacher, Krishna advised to take oneself as criterion while conducting to others (*ātmaupameyena sarvaratra samatṛ paśyati yoharjuna*).¹⁴ If one takes oneself as criterion to deal with others, he cannot transgress other's rights as he does not want the same treatment from others.

Right treatment to human rights can be done if Advaitic and Upanisadic view is taken into account. The Advaita Vedanta Upanisads say that Self or Brahman exists in all animate and inanimate objects (*sarvam khalvidam Brahma*). The Isopanisad says that as the whole world is covered by Self or Brahman each and every individual being should be looked upon as the part of the Divine or Self. Hence, one would not have any tendency of exploiting others. Hence, he should not feel greedy towards others properties. (*īśavāsyamidam sarvam yatkiñca jagatyām jagat/ Tena taktena bhuñjithā mā gṛdhah kasyasviddhanam*).¹⁵ There is no any room for exploitation of other's properties or rights in our tradition; rather it has been emphasized to repay the debt. We are indebted to our parents, sages and societies. Hence, it has been stated in our scriptures that there are five debts which have to be payed. These debts are as follows: the debt to the saints (*ṛṣi ṛin*), the debt to the supernatural power (*deva ṛin*), the debt to the nonhuman beings (*bhuta ṛin*), the debt to the parents (*pitri ṛin*), and the debt to the government (*nṛi ṛin*).

In the Rgvedic mantra seers are always found to pray for the same status of all human beings irrespective of caste, creed etc. It is prayed so that all of us can go together, speak together have same equal mental status. We should also have same purpose, same organization, equal mind and equal hearts, same appeal to the Almighty, and so also same heart having same feeling (*sam gacchadhvam sam vadadhvam sam vo mānasi jānatām./ samāno mantrah samitih samānī, samānam manah saha cittameṣām.., samṣni va āṣkutih samānāh hṛdayāni vah samānamastu vo manah*).¹⁶ There is no any room for bearing the sense of exclusion. It is advised to bear the sense of inclusion as we are somehow related with each other. We can come across the seed of such type of inclusion in the Yajurveda in the following mantra.

*‘Mitrasya mā cakṣuṣa sarvāni bhūtani samīksantām/
Mitrasyāham cakṣusā sarvāṇi bhūtāni samikṣe
Mitrasya cakṣusā samīksāmahe’//.*¹⁷

‘ May all beings look upon me with the eyes of a friend; may I look upon all beings with the eyes of a friend; may we look upon one another with the eye of a friend’. The prithivi-sukta of the Atharvaveda echoed the same theory of inclusion among men where it is prayed to Mother Earth, give us as your children the ability to mix harmoniously without any discrimination, may we speak sweetly with one

another'.¹⁸ The ancient seers were able to keep such type of mentality to others due to the fact that they discovered oneness that lies in everyone. They intuitively perceived metaphysical linkage of relationship with each other. Without this notion no human rights is possible. It is also said in the Bhagavadgita that Self exists in all beings and all beings are in Self (*sarvabhūtastham ātma ātmani sarvabhutam*). This sense is the basis of doing the right treatment to human rights. The Vedic sage in our tradition was the worshiper of human rights. Hence, they announced: 'śrinbantu visve amritsyā putrā...' Vivekananda considered that all *Jivas* are *Śivas* (*jatra jiva tatra śiva*). Accordingly, he advised to render service to all beings considering the fact that *Jivas* are similar with *Siva* (divinity). It is this which is the only teaching of his practical Vedanta. Aurobindo, Rabindranath, Kazi Nazrul Islam – all announced the glorification of humanism. In contemporary time, a tendency in India is found to eulogize humanity over and above divinity. If there is Divinity at all, it is in the form of humanity.¹⁹ We here Candidas, a Vaisnava poet, to speak that man is the greatest truth i.e. there is nothing in man over and above his humanity (*śunaha mānuṣ bhāi sabār upare mānuṣ satya tāhār upare nāi*). Nazrul Islam has also emphasized to humanity. When a man is found endanger, one should not ask whether he or she is Hindu or Muslims ("hindu nā orā muslim"? oi jijñāse kon jan?). In that situation one should consider that a man is sinking into the water, who is the son of his mother, i.e. his brother (*dubiche mānuṣ, santān mor mār!*).²⁰ Rabindranath also finds God among man. Without giving the honour to man, no one becomes considered to have the grace of God. In his words, if someone neglects the pious touch of human being, he indirectly hates his own personal God (*mānuṣer paroṣere pratidin thekāiā dūre; ghrinā kariāco tumi mānuṣer prāñer thākure*).²¹ In the like manner, according to Sri Aurobindo, the chief aim and duty of human spirit are respect, service and progress of human being. The religion of humanity is the religion against the oppression, cruelty and exploitation of man, no other consideration are to be taken for determining the religion of humanity.²² The Boul sect of Bengal calls this humanistic religion in their language 'Maner Mānuṣ'. Gagan Harkera, a singer of Boul sect sings 'Āmi kothāy pābo tāre/ āmār maner mānuṣ yere'. To Rabindranath the notion 'Maner Mānuṣ' of baul is nothing but the surplus in man, which gets its perfection giving the service to humanity.

From the Vedic Ṛishi to contemporary thinkers- all announced the glorification of human dignity. They discovered the interrelationship factor. In fact, the sense of exploitation comes when one feels himself separated from another. It is true that apparently we are separated from another. Hence, we should discover the metaphysical element of oneness which exists beyond this apparent separation. If we look at carefully, we can come across that Ṛisis or great man find out this metaphysical interlinking factor which made them as worshiper of humanity. Transgression of human rights, exploitation- all these are taken place, since we are uninterested to this truth or we do not have faith in this truth. Kathopanisad articulates that there is no duality (*neha nānāsti kiñcana*). Transgression of human rights may be stopped when we shall be able to realize our relationship in standing on metaphysical surface. And for this we need first the purification of heart and the sense of morality. It is not possible to protect human rights only through speech, or through law and

order. We need such type of education system that not only gives 'learning to know' but also 'learning to be' education. Otherwise human rights will not mere be transgressed, but also human existence would be endangered.

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