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[See table of contents](#)

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HUMAN RIGHTS – FROM JAIN PERSPECTIVE

By Shantichandra B. Shah*

All sounds recoil thence, where speculation has no room,
nor does the mind penetrate there. The liberated is not long
or small or round or triangular...he (she) is not black...or white...
he (she) is without body, without association with matter, he (she)
is not feminine or masculine or neuter, he (she) perceives, he (she) knows,
the nature of the liberated soul is beyond description
and beyond analogy, its essence is without form;
there is no condition of the unconditioned.

Lord Mahavir – *Acharanga Sutra*¹

Denial of human rights are based on distinctions of colour, race, religion, sex, age, class, caste and so on. It is the karmik conditioning of the soul which is the cause of such distinctions and the denial of rights based on such distinctions. The denial of human rights is thus based in the impurities of the soul and human rights does thus become a spiritual problem. The disease is that of the soul and the cure must therefore lie in the soul also.

Conditioning is the result of karmik burden and the goal is to rise to the *condition of the unconditioned*.

Since the problem is rooted in karmik conditioning, a few words to deal with the karmik conditioning from the Jain perspective.

1. The soul in its pristine state is free of conditioning.
2. The karmik impurities impart conditioning and attitudes to the soul.
3. The teachings of the Tirthankars show the path to purify the soul and set it free of all conditioning and spiritually evolve it to revert to its pristine state.
4. There are no doctrines or dogmas or fundamental positions. The only way to know is by first hand experience.
5. There is a beginner's Code of Conduct. It is necessary at the lower state of spiritual evolution. This Code amongst other things does require a conduct which rejects violence, exploitation and unjust enrichment, and prescribes non-possessiveness, truth and self-restraint.

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¹ English translation from P. Jaini, *The Jaina Path of Purification* at 271 (slightly modified).

6. The evolutionary ladder has 14 rungs. The first Awakening is at the fourth rung – for the first time the soul glimpses at its true nature.² This experience gives rise to the onset of faith and the beginning of samyak darsana or enlightened perception. This is just the beginning and one can move up and also move down from here.
7. Enlightened perception of knowledge is the perception or knowledge which is attained through the agency of the soul. In its absolute state, the enlightened perception and enlightened knowledge are also infinite. These are within the nature of the soul. The perception and knowledge in every day life are finite and owe themselves to mind and the intellect and books and studies and external agencies. Enlightened perception and in its absolute form is within the soul and beyond the mind and the intellect and the external agencies. It is infinite.
8. Enlightened perception brings with it enlightened knowledge and enlightened conduct follows, in that order. Conduct by itself without the perception and the knowledge does not amount to much. Which means that a Conduct which is imposed from outside does not count. It has to evolve from within – like the quality of mercy it is not strained.
9. The final stage and the summit of the evolution is the state of liberation and the condition of the unconditioned – a state of infinite bliss, infinite powers and infinite perception and infinite or absolute knowledge. The soul no longer identifies itself with the body or with the mind.

It is ironic that religion is used to justify denial of human rights through-out human history. The Jain system prescribes some built-in safe-guards against fundamentalism as well as against claims to monopoly on truth.

1. Acknowledgement that Truth and Reality are Infinite and Absolute.
2. Acknowledgement that the tools at our disposal are finite and are not adequate to deal with the infinite and the absolute.
3. The distinction between direct and indirect knowledge is recognised. What is perceived with the senses is indirect and therefore secondary and less reliable or imperfect knowledge. Direct knowledge is from within and inherent to the pristine Soul. This in the purest form is perfect knowledge, Absolute Knowledge or Infinite Knowledge.
4. What one hears and reads, even the Scriptures, is indirect knowledge and therefore secondary.
5. Until one has Absolute knowledge, one does not Know. And, one does not have Absolute Knowledge until one is liberated.
6. Therefore, the concept of Non-Absolutism or of Multiplicity of View-points. This is *Anekantvad*. This is an acknowledgement or admission of one's limitations.

² *Ibid.* at 142.

7. Pursuit of Knowledge must however continue. This then brings the system of *Nayavad* and *Syadvad*. The *Nayavad* entails dealing with segments and not the whole – the segments put together may approach the whole but can never be the whole. *Syadvad* entails prefacing of all statements with “It appears that”. This ensures intellectual integrity.
8. There is also the system of logic of Seven Postulates – the *Saptabhangi* and the *Saptabhangi-naya*. The Seven Postulates are: is, is not, Is and is not, cannot be determined, is and cannot be determined, is not and cannot be determined, is and is not and cannot be determined.

In science and mathematics, uncertainties and imponderables are duly acknowledged. The same spirit must prevail in theology and humility, as well as intellectual integrity must prevail to ensure that claims as to monopoly on truth are not made and other view-points be not only tolerated but respected and protected.

Where does one find comfort in religion in the context of human rights? The need is to save religion from losing spirituality. The need is to save religion from being exploited by fundamentalism. It has been said that religion is the song of the soul.³ Let the freedom to sing prevail.

In practice we may find that it does not quite conform with all the principles as outlined above. On the other hand, there is always a question of differences arising through impact of cultural and social environment. The following may merit some consideration in this context.

- (a) while one sect of Jains ordains nuns (in fact there have been more nuns than monks at any given time since the past 2500 years), another sect does not allow women to be ordained as nuns; and
- (b) nuns do not make the highest ranks of Acharya or Upadhyaya, subject to one or two exceptions; and
- (c) there is only one Tirthankar who was born a female as against twenty-three who were born male; and
- (d) one sect of Jains believes that women cannot get liberation.

Some comments on the draft for the *Universal Declaration of Human Rights* by the World’s Religions:

1. Regarding the paragraph immediately preceding Article 1, one wonders if instead of “all people” it should be “all living beings”.
2. Article 12 (4). This may curtail free speech and free discussion.
3. Article 13 (2). What about civil disobedience? Morality against Law?

³ A. Sushil Kumar, *Song of the Soul* at 16.

4. Article 16. Lord Mahavir, the last of the twenty-four Tirthankars, did not wish to distress his parents and postponed entering into monastic life until both his parents had passed away.
5. Article 17. Is there a concomitant duty not to amass property and power, keeping in mind the insatiability of human-beings.
6. Article 24. Should not the entire creation, as against just the earth, have the right to rest.
7. Article 25 (2). Not just the parents but also the society.
8. Article 29 (2). Can the onus be a lot higher in the matter of choice between non-violence and violence in the context of asserting one's rights. Let us for instance compare non-violent civil disobedience against violent revolution.