

## Manji Needs No Mercy: How Humanly are Human Rights?



### Philosophy

**KEYWORDS :** Human right, relativism, contextualism, absolutism

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### ABSTRACT

*Human rights world over is thought to be universal. In fact, the UN in its universal declaration of human rights proclaims that certain rights have to be universal. However, many a time, this universal conception of human rights is classed with other rights such as right of citizens of a country. In a more specific field like bio-ethics these human rights are questionably applied to particular cases which ask for a revisiting of these rights. Taking a stunning case of surrogacy in Gujrat state of India, this article tries to examine the moral status of so called human rights*

In 2007, a baby was emotionally conceived in Japan by a Japanese Couple, Yuki Yamada and Dr Ikufumi Yamada, only to be produced in a baby factory in Ahmadabad by surrogacy. Since the lady Yuki Yamada could not conceive a baby, the gametes of Dr Ikufumi Yamada and an anonymous egg of an Indian surrogate mother were programmed by the baby production manager Dr. Naina Patel giving birth a girl child in 2008, later named as Manji. By the time, the Japanese couple was divorced from each other and the mother disowned Manji. Even though, the father tried to own little Manji, 120 year old Japanese law of adoption and 60 year old Indian law of citizenship hindered him. Manji, thus conceived in Japan was forsaken in Jaipur because her tiny life could not fit into the 120 year old legal system. Manji, thus struggled in the verandah of an Ahmadabad based hospital first for the soothing touch of her mother, and then for her natural name, her existence and identity before one NGO threw some mercy on her.<sup>1</sup>

Manji needs no mercy. What she needs was her rights as a human being. Manji asked the receptionist of the hospital about her rights. Manji pleaded for her life, her liberty, and her opportunities as a human being. The receptionist asked Manji to show her identity card, i.e. the birth certificate showing her parent's authenticity. Manji could not produce one. Manji could not understand the logic of the receptionist's demand. Cognizing Manji's astonishment, the receptionist explained Manji that her rights are dependent on or rather relative to her parent's rights; the country in which they live, or are the citizens, the religion they subscribe to or the culture they commune with and what not. To simplify, the receptionist explained that Manji could have right to life, liberty, equality or right to religion, culture or education and constitutional remedy, etc, had her parents been Indian citizens. Manji frowned. Manji, by herself is not entitled to any rights. Manji could not take it easily. After all she is also a human being and therefore should be entitled to all the rights that all human beings enjoy.

With utter frustration, Manji crawled a little further. After a while she entered to the verandah of the new born ward. There was a hot debate going on in the verandah. Manji waded through the crowd. A man with elegant look was pleading something hard. Manji eared towards the gentleman. The man was Michael Tooley, talking about his essay on 'abortion and infanticide'. Tooley was quite assertive. He declared that, "an organism possesses a serious right to life only if he possesses a concept of a self as a continuing subject of experiences and other mental states and believes that it is itself such a continuing entity."<sup>2</sup> With all his philosophical style of debating, Tooley was pleading that human rights even the most basic one right to life can only be ensured to a person who is capable of claiming the right, or capable of desiring such a right. Manji was too poor, little baby to claim her rights. Tooley also advertised another thesis. That being human is not merely dependent on being the members of *homo sapiens*. Manji saw another handsome man nodding

Tooley's claim. The man was Peter Singer who took the audience in a travel to Greek civilization. Peter Singer then excavated the history to claim that in Greek civilization, the elderly and deformed babies were thrown on a hill top for wild animals because even though they are members of *homo sapiens*, they are not active citizens of Greek *polis* to claim their rights. While travelling around the citadel, Manji asked loudly, 'can I claim my rights?'

Manji could hear someone responding to her question from the top of the citadel. Manji eared towards the voice. A man with kingly physis, a philosopher attire with an idealist look appeared in front of Manji. The man introduced himself as the Greek philosopher Plato and asked Manji about her situation. Manji looked dispassionately. Plato asked her, "Are you a warrior, or a philosopher or an artisan? Manji backfired loudly. How is this question related to my question Sir?" Plato answered because your claims of rights would be proportionate to your station in the society. For example, had you been a warrior, you would have been entitled to certain rights which are normally not enjoyed by the artisans and vice versa. Furthermore Plato added no one should meddle into another's right because justice is to get every one's due and one's due is in proportion to her position in the society.

Am I a warrior or an artisan or a philosopher? Manji asked to herself. In order to obtain human rights I must have these qualities in me. Manji thought seriously. These qualities are injected on me by the society or do I inherit them anyway? If I inherit them I am a human being even though I don't exhibit the slightest sign of these qualities. If they are socially infused in me, my rights are socially fabricated. In that case I have only social procurements, not rights. Manji could not understand the logic. Before Plato could respond with his theory of soul and human predicaments, one sweet but pierce voice airs into Manji's ear.

It was Malala, the young Nobel laureate with and innocent but firm look. Malala warned Manji not to equate human rights with socio or political rights less one Taliban Army man will decide the structure of human rights. Malala through her tragic story narrated the Nazi atrocities when human rights became relative to society, political authority or religious rendition. Malala pleads that human rights should be universal and absolute devoiding any penchant to above determiners. Malala invited Manji to a grand hall. The hall was the General Assembly of the UNO. She informed Manji that this hall decided the structure of human rights decades ago in order to free them from the danger of relativity. Manji felt elated. At least something shall include herself in the ambit of human hood and subsequently human rights. Manji scanned through the table of articles craved as human rights. The third one was the most eye-catching which declares that everyone has right to life, liberty and security of a person. The third one was supplemented by the first one, i.e. all human beings are born free and equal in dignity and rights. Manji's ela-

tion defused to grave disappointment again. She could not understand the language of the articles. Does the phrase all human include all the members of *homo sapiens*? Manji could apprehend that Peter Singer was pointing to her asking this question. Manji recollected Singer's saying that human persons are not defined only through the membership of *Homo sapiens* but something named as the markers of personhood. The markers of personhood include qualities like rationality, self-consciousness, feeling of pain and pleasure, feeling of past and future. Manji could see many of these qualities can be ascribed to her. However, her revolutionary self asked her a very pertinent question, what about a newborn baby devoiding these qualities? What about with a precarious sign of *Spina bifida* or what about babies with *Down syndrome*. These babies don't exhibit or can't exhibit the qualities of personhood. Are not they humans? The scope of human rights designed by the UN is silent. Manji felt frustrated.

Manji was planning to eradicate the notion of personhood from Article 3 which declares that everyone has right to life, liberty and security of a person. The next attractive idea was the right to life. Manji was assured that no one can take her life anyway. At least her life is secured because the right to life prohibits others even the state taking away any one's right. Manji thought that the idea of a negative right was very convincing. Alas, Manji could see someone was trying to speak something. Manji came closer. A bony and skinny poor lady was sleeping on a bed of a hospital. This was KEM hospital in Mumbai. Manji could read the name from the bedside as Aruna. Aruna begged Manji to come closer as she was too weak to respond loudly. With a teary eye, Aruna narrated her story to Manji

Aruna was a nurse in the hospital thirty years back. One night before her marriage, she was brutally raped and attempted to be murdered by a ward boy. After the incident, she went into indefinite coma. It is now thirty years. Aruna was confined to the hospital bed. She could not eat, drink, or do her own work by herself. The nurses of the hospital, in order to manifest their so called magnanimity helped her in living though such an inhumane life. The hospital might have raised its reputation showering her case as a mark of great act of philanthropy. After many years, social activists wrote their books advocating her case. The religious leaders reclaimed the act of God showing that the case is a miracle. The judges debated about the negative notion of right to life, i.e. no one (even Aruna herself) can take away her life as the provision of human rights debar that.

No one consulted Aruna. No one bothered about what Aruna wants. Manji, am I not a human being? Should not the so called human right allow me to decide what to do with my life? I decide, Aruna fumed, to exit. Is there any provision in human right to bid me a dignified exit? Aruna continued. My life is worse than any neglected animal. Even then, the hallowed notion of absolute human rights made me human to treat me inhumanly. The pain, suffering and torture I undergo are due to the absolute notion of human rights and the negative notion of right to life.

Aruna said, "Yes I am talking about euthanasia, a beautiful death." Your human rights claim to provide a beautiful life. But where a beautiful life is not possible without a beautiful death, human rights prohibit it by the name of hollowed concept of human hood. Aruna said that an absolute concept of human hood might include you into human hood but the same concept would push me into an undignified animal life.

Manji could now see the problems of human rights clearly than the answers. Manji murmurs to her, how humanly are the human rights when they lay a deaf ear to babies with *Spina bifida*, and *Down syndrome*. How humanly are human rights when they treat Aruna nonhumanly an undignified animal? Manji

was slowly realizing that all is not well about the idea of human right. If she is included, Aruna is out. If Aruna is in, many babies are out. Manji could feel two hands are slowly stretching towards her. Manji was lifted to someone's chest with soothing love. Manji pleaded no mercy.

#### References:

- 1) Bhandari Prakash, "Conceived in Japan, abandoned in Jaipur", The Times of India, 6 August 2008.
- 2) Tooley, Michael Tooley, 'Abortion and Infanticide', Philosophy and public affairs, 2:1, 1972, pp-37-65