

## **HUMAN RIGHTS IN TAMIL TRADITION**

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The New Lexicon Webster's Dictionary defines tradition as "a cultural continuity transmitted in the form of social attitudes, beliefs, principles and conventions of behaviour etc., deriving from past experience and helping to shape the present..." (1990 ed.p.1046) This article is an attempt to inquire into the Tamil customs, beliefs, principles and social attitudes with respect to human rights.

### **A Relevant Inquiry?**

The modern conception of human rights might have originated since the 17<sup>th</sup> century. The French constitution on the rights of its citizens formulated in the late 18<sup>th</sup> century and the United Nations Declaration on Human Rights adopted on December 10, 1948 gave indeed a push to the concretization of the human rights in most of the countries. It may look anachronistic to talk about human rights in the Tamil tradition since the Tamil culture dates back to several centuries from now. But an inquiry of this nature can be justified because the concern for human rights has been observed in one form or the other in every country, social and cultural group and religion from time immemorial.

### **The Meaning of "Rights" - Tamils' Perspective:**

As for as the Tamil tradition is concerned the word "rights" (உரிமை) is first found in the oldest grammar **Tholkappiam** ("அஞ்ச வந்த உரிமை" தொல். 1092). The famous Tamil encyclopaedia **Abithana Chinthamani** states that the word 'Urimaikkarrar' (உரிமைக்காரர்) refers to the drum beaters, the people

of the *Pariah* community (p.248). The real meaning of the word might denote the inhabitants who belonged to the Tamil land because the **Centennial Kazhaga Dictionary** explains the meaning of "rights" as "the aspect of belonging". According to Tamil tradition the positive aspect of public opinion is that the weak and women, old and sick, vulnerable and marginalized should not be destroyed by the mighty.

### **Right of Owning Land**

During the *sangam* Age Tamils lived as clan societies in the four regions of the Tamil land called *kuriniji* (the hill region), *Mullai* (the forest region), *Marudam* (the agricultural region) and *Neithal* (the coastal region). Land resource is the basic rights for the Tamils. The politics of the Tamil kings was based on waging a war to acquire the land of others. After the destruction of clan societies, smaller kingdoms emerged. All the lands were brought under the control of the kings and his relatives who were considered the landlords. In this way Tamils lost their ownership of the agricultural lands.

### **Right to Chose One's Life Partner**

The ancient Tamils in these four regions lived a quiet and happy life. The general acceptance of love marriage permitted the marriage system called exogamy. Men at the age of sixteen and woman at the age of twelve enjoyed the right to choose their life partner. Premartial relationship among the lovers was common, even though the elders and heads of the families tried to curb their freedom for some specific reasons spelt out in **Tholkappiam**. The norms insisted on the equality of various factors among the partners. Tholkappiar puts it as "முறையறக் கிளந்த ஒப்பினது வகையே" தொல். 1219), making it clear that the youth (male and female) were allowed to exercise freedom under certain expected norms.

### **Freedom of Exogomy**

In the case of arranged marriages also the girl had the right either to accept the proposals of her parents or to decline them. If a girl loved a boy she would try to convince her parents through her girl friend of her determination to marry the boy of her choice. If the parents persisted to disagree with the wishes of their daughter

the matter used to be resolved in two ways. One, the boy would visit the village of the girl in a wooden horse drawn by his friends. During this precession along the uneven and rough roads he would fall many a time and hurt himself. Moved by his disfigured body the elders of the village would, after knowing the mind of the girl, prevail upon her parents and get their approval for marriage. The other way of resolving the problem was elopement. Unable to speak out her mental agony because of her parents' refusal to marry the boy of her choice, she would seize at the earliest opportunity to run away secretly from home with the boy. Both would then marry in a remote village.

The Tamil society did not treat men and women equally in the exercise of their freedom in the choice of their life partners. Very often it is the women who were the victims of such partial treatment. Therefore for the lovers elopement came in handy to fulfil their determination to marry.

### **Right to Movement**

After marriage the husband used to go to far off places in search of some job from which to eke out his living. He would even go overseas to earn his livelihood (திரைக்கடல் ஓடியும் திரவியம் தேடு). As for the husband his job was considered his life. The husband however was considered as the life of his wife (வினையே ஆடவர்க்கு உயிரே; மனையுறை மகளிர்க்கு ஆடவர் உயிரென குறுந்தொகை). Men can take the liberty to travel in the sea to earn. The prevailing customs denied the women of their right to accompany their husbands in the journey by sea (முந்நீர் வழக்கம் மகடுஉ டில்லை - தொல்).

### **The Right of The Wife to Question Her Husband**

How a housewife responded to the family situation is a pertinent question. The chaste wife did not observe the culture of silence and shedding tears at home. She vehemently protested against her husband, asserting her right to intervene when he went wrong. She would not let him into the house if he happened to return from the prostitute. The husband had to beg pardon. It was the right of the wife to delay pardon and to condemn the misdeed of her husband. There are evidences to show that a husband had prostrated before his wife to request her pardon. Another good element in the Tamil family is that there is not a single evidence to prove that the wife ever discarded her husband. The tradition of

the Tamils was such that a woman could question her husband in order to create moral fear in him. Tholkappiar calls it as “அஞ்ச வந்த உரிமை” (தொல். 1092) - the right of a woman to be feared.

### The Right to Live

It is the understanding of the Tamils that food and dress are quiet common basic needs of any individual whether he is educated or not. Shelter, sex and other needs are common whether a person is king or ordinary citizen. Today these needs are considered to be basic rights. The Tamils felt that the use of wealth is to share with the have-nots. The other side of the coin of human rights is human responsibility or duty to others (“செல்வத்துப் பயனே ஈதல்” - புறநானூறு 183).

### The Right to Intervene in Politics:

When the kings belonging to the same families fought with each other in order to defeat ones own kith and kin and acquire their land, the learned poets took up the right to intervene. They advised them, “if one among you is defeated, it will be the defeat of your own family” (ஒருவீர தோற்பினும் தோற்பது நும் குடியே! - புறநானூறு 45). When king Pegan left his queen wife and fell in love with his concubine, the poet of his palace courageously intervened and advised him to correct himself.

The king or his state sometimes collected exorbitant taxes from poor citizens. At such times the Tamil poets warned the king that it would be a violation against the welfare of the public. They compared the act of the king to an elephant, which is getting into the field directly and spoiling the crops and consuming it. Exorbitant tax collection will be useless accumulation of wealth for the king and it will lead to utter poverty of the people; as a result his country will be doomed. The warning given at the right time saved the people from being taxed too much.

### The Right of Equality

After the invasion of the Aryans, the Tamil society was stratified on the basis of the *varna* (caste) system. The Aryans concocted stories as if the *varna* system was the creation of God. Brahmins called it as *dharma*. Caste system divided the classes of the Tamil people into different castes. Caste was attributed from birth though it is primarily a state of mind. Caste was justified on the basis of the scriptures and *puranas* of Hinduism. It put an end

to exogamy. Every *varna* or caste group became a closed group. The basic human right concept of equality by birth was denied by Vedic Hindu Brahminic religion. The feudal societal set up safeguarded the caste system advocated in the name of religions.

King Manu gave legal sanction to *varnashrama dharma*. The vedic brahminical constitution **Manusmiruthi** advocated discriminative judgements for the same crime on the basis of caste. The Tamil polity had fallen prey to casteism and the Tamil people lost the right of equality. Tamils were made to believe that every person is born in a caste due to his *karma* or fate. Tamil kings, specifically Cholas, adopted **Manu Dharmasastra** and administered their state accordingly.

The great Tamil sage Thiruvalluvar challenged the conspiracy of caste ideology. He stated that all men are equal by birth. Today's understanding insists that human rights are birth rights. Human rights can not be confiscated; not can they be denied to anyone.

The tradition of Siddhars vehemently condemned and criticized the Vedic Brahmins and their unjust caste ideology. Siddar Sivavakkiaar openly questioned the Brahmins, "Is caste written on the bones and skin of a person?" He sarcastically asked them whether they found any difference in the sexual enjoyment they received from a dalit woman and a brahmin woman? (பறச்சிபோகம் வேறதோ? பனத்திபோகம் வேறதோ? சிவவாக்கியர் 35) The inner meaning is that men did not mind caste when it meant indulgence in illegal sexual relationship. The practice of untouchability among the Tamils and Indians is a shame and the dalits have forcefully demanded its removal. (**Dalit Human Rights** p.23).

### **The Right to Education**

Pandian Nedunchezhiyan, the king-scholar, clarified that education alone will eradicate all the differences that exist in the Tamil society. According to him if a person from a lower stratum becomes educated, the uneducated persons from the upper strata will voluntarily approach him to learn from him ("கீழ்ப்பால் ஒருவன் கற்பின், மேற்பால் ஒருவனும் அவன்கண் படுமே" புறநானூறு 183). Brahmins restricted Vedic Sanskrit education only to three *varnas*: the Brahmins, Shathriyas and Vaisyas and as a symbol of this right the sacred thread was allowed to be used by them alone. On the contrary, the Tamil tradition which accepted the right to equality

encouraged both men and women to be educated and have equal opportunity. That is why we find Kakkaiyadiyar, Nachellaiyar, Nanmullaiyar, Kaval Pendu, Avvaiyar, Parimagalir and a galaxy of women recognized and respected as poets and scholars in the *sangam* age.

### Right of the Weak and Vulnerable

During the *Sangam* age, when two kings decided to wage war prior warning was to be given to the citizens. The weak and the disabled, the sick and the old, Brahmins and women, calves and the cattle would be warned to move to safer places. Their right to protection was recognized by the kings (ஆவும் ஆனிரை பார்ப்பன மாக்களும் பெண்டிரும் பணியுடை யீரும் பேணி..." புறநானூறு).

### Right to Temple Entry and Worship

The *varna* (caste) system was successfully established by Brahminism and the dalits were segregated from the non-dalits and forced to settle in separate places.

Aadanur Nandanar's episode is a good example to prove how dalits were denied the right to enter into the temples. Dalit Nandanar wished to see and worship Lord Siva in the temple of Tiruppungoor. In all the Siva temples there is a *nandhi*, the statue of a bull, erected facing the sanctuary. *Nandi Devar* will hide the Lord from the view of the untouchables if they try to see and worship the Lord from outside the entrance of the temple. When the dalit martyr Nandanar came to Tiruppungoor the *nandi* sat in front of the Temple and hid the Lord Siva as usual from his sight. Lord Siva ordered the *nandi* to get away from his place to enable the dalit Nandanar to have a direct vison (*dharshan*) of the Lord and to worship him. But dalit Nandanar could not enter the temple. He stood on the outside and worshiped the Lord Siva. Lord Siva's action at Tiruppungoor temple clearly expresses that God is willing to treat everyone equally and recognizes the right of everyone to see him in the temple.

Dalit martyr Nandanar longed to see the Lord Siva dancing in the temple of Chidambaram. The Brahmins conspired together and told Nandanar that he could enter the temple if he would become a Brahmin by the rite of purification through fire. Dalit Nandanar agreed to the plan and he was burnt alive near Chidambaram temple. [It was a premeditated crime in the name of God and a gross violation of human rights. This event eventually crowned Nandanar as a "dalit martyr"]

Dr. Sundarraj Manikkam enumerates a five fold problem of human rights through the "Nandanar Syndrome": 1) Step motherly attitude (of the non-dalits) 2) Existence of two different worlds (dalits/non dalits) 3) Continuing exploitation of the dalits 4) Unending caste atrocities 5) Unwillingness of the non-dalits to change their attitude with regard to the right of the dalits to enter the temples.

### Right to Shelter and Food

During the medieval period a poet lived under the rule of the Chola dynasty. The name of the king and the exact period of his reign are not specifically known. The poet expresses his agony of having walked a very long distance with utmost pain and suffering to meet the Chola king. He states that it is not so easy to narrate the difficulties he had to surmount before reaching the king. The Chola king rules the land in which river Cauvery flows and makes the surroundings ever green. It is a land of milk and honey. On the contrary a learned person like the poet finds not even a small place to lay his head. So he asks the Chola king, "Where is my place to live?" The lonely voice in the collection of poems by different authors (தனிப்பாடல் திரட்டு) echoes the right to shelter (கால் நொந்தேன் நொந்தேன் கடுகி வழி நடந்தேன்; யான்வந்த தூரம் எளிதன்று - கூனல் கருந்தேனுக்கு அண்ணாந்து காவிய சூழ நாடா இருந்தேனுக்கு எங்கே இடம்?).

The great poet Bharathi throws a question to the goddess Kali whom he worships: "O! Kali! if I will have to struggle like this for salt and chilli how can I sing immortal songs? How many days can I give false reasons to the house owner when he comes to collect the rent form me?" As a Tamil teacher Bharathi could not pay even R. 5/- as monthly rent for the house in which he lived. Thus he writes in his small diary called "Siddakkadal".

The traditions of the Tamils show that down through the ages that Tamils have become victims of the caste system and vedic Hindu Brahminic Religion. Discrimination on the basis of gender also entered into their society. One fourth of the Tamils, the dalits, became slaves and untouchables and were deprived of every human right. Reclamation of *Panchami* lands, right to education, right to equality, and eradication of all forms of discriminations are the real challenges that face them still. Tamils have a long way to go to achieve and realize their rights in society.