Preface

This is an inquiry into the extent to which the two main ancient Eastern civilisations, Hinduism and Buddhism, had human rights values embedded in them by the standards of the day. It is a daunting task to seek out human rights values in the numerous scriptures of these two complex religions of the world. However, as a person born into the unbroken Hindu-Buddhist heritage of 5000 years, I was interested in learning whether the scriptures and tenets of these two religions exhibited early elements of human rights.

While pursuing my academic career in the UK, I was invited to deliver a lecture on the notion of human rights in Hinduism at the California Western School of Law in 1999. This lecture was published in the *California Western International Law Journal* that same year. Alongside my lecture, the journal editors published a response to my lecture in the form of an article which they had commissioned from Professor Mathew Ritter. The print publication of my lecture together with Professor Ritter's lengthy retort generated a lively debate in academic circles, which further inspired me to continue researching in this area.

My appointment by the United Nations (UN) in 2009 as the Special Rapporteur for Human Rights in Cambodia – an Asian country with a mixed Hindu-Buddhist heritage – provided a new opportunity to develop my interest in human rights further and to help strengthen particular human rights in the country.

Born into a traditional Brahmin family living in a picturesque village tucked away in the Annapurna range in the foothills of the Nepal Himalayas, I was educated until the age of 13 at a local school that used Sanskrit – the ancient language of the Hindus – as the primary medium of instruction, and that instilled in me an ethos of universalism and multiculturalism. When the op-ed editor of the American television network CNN published one of my articles in April 2015, I was asked to name the values that were most influential during my formative years. My response was that the values of my father, Pandit Hom Nath – a scholar of Sanskrit and a universalist in his approach to life – have had the deepest impact on me. His universalism came from the Vedas and especially the Rig Veda – the fountainhead of Hindu religion, philosophy, law, art and social institutions, in which there are prayers for all gods of the universe, known as विश्वेदेवा. There is no concept of my god and your god in the Vedas, since there is only one god for all. The names of other gods and goddesses in

Hinduism are different manifestations of the same god and are invoked for different functional purposes. For instance, Ganesh – who has the head of an elephant, symbolising that he has the memory of an elephant – is invoked for wisdom; Saraswati for learning; Laxmi for wealth; and Durga for energy and power.

The medium through which we reach our gods can vary, according to the tradition we follow, be it Islam, Christianity or any other religion. Therefore, as a Hindu, I did not hesitate to accept an invitation to join in prayers to Allah when visiting the Blue Mosque in Istanbul with my Muslim friends; or to Jesus Christ when visiting the National Cathedral in Washington DC with my Christian friends. Unlike the mistaken perception of many Hindus and non-Hindus alike, there is only one supreme god in Hinduism too. Various religious figures known later as gods and goddesses were humans, who were given godly status by the people because of their divine qualities and the great work that they carried out. The various gods and goddesses themselves and their followers believed in the supreme god, the Almighty Ishwar (ईश्वर), who had no form or shape; and there was only one Ishwar for all human beings.

The multicultural environments at my high school and in my village were also formative. We mingled with schoolmates from all castes, classes, genders, races and religious persuasions on equal terms, without even being aware of each other's particular castes or classes. Our teachers were also drawn from different castes. Since Nepal was officially a Hindu kingdom and Buddha was born in modern-day Nepal, we went to both Buddhist and Hindu temples and celebrated the festivals of both of these religions, regarding both as belonging to the same heritage.

My ancestors were content with their traditional role as Brahmins, which meant that they were destined to become educated in order to educate others and provide advice to the ruling classes. My ancestors did not aspire to take on a political role in the governance of the country. Governance within the social order of Hindu society was the exclusive preserve of the Kshatriyas, the second caste people known as the ruling classes, socially one grade lower than the Brahmins. These social classifications applied before the advent of modernity.

Although no colonial or other foreign flag had ever flown over Nepal, the withdrawal of the British colonialists from India and the adoption of the Universal Declaration of Human Rights (UDHR) by the UN caused a ripple effect in Nepal, as people began seeking a greater stake in the governance of the country and demanding democracy.

Under both Hinduism and Buddhism, the country's two main religions, people enjoyed personal liberty, including religious freedom. However, they were not given many political rights. Dissent was allowed only up to a point and political parties were banned. At that time, the country was ruled by King Birendra as the executive monarch, who was largely a benevolent ruler; but

the absence of genuine political rights troubled people like me. When I went to university to read law, I became a student leader and began to fight for political rights. It was during this fight for political rights that I was once held in detention for weeks without trial.

This experience strengthened my resolve to enquire as to whether the two main Eastern civilisations, Hinduism and Buddhism, incorporated any concepts of human rights, and whether Hindu and Buddhist tenets were compatible with the modern notion of human rights and the rights and freedoms enshrined in the UDHR. I pursued this particular interest along with my interests in international law during and after my academic studies at Hull and Oxford Universities. When I began my career as an academic in the UK, Tony Blair became Prime Minister and multiculturalism became one of his main mantras. But that mantra was not new to me, as I had been witnessing and experiencing multiculturalism since my childhood.

During my research for this study, I returned to some of the scriptures that I had read as a Sanskrit student in my early years. Now, after re-reading and studying these cherished scriptures in depth, I value the teachings in them even more. Although I was born as a Brahmin, and although I am a barrister and professor of law in the UK, hold a DPhil (विद्यावारिधि) from the University of Oxford and a DCL (महाविद्यावारिधि) also from Oxford, as well as another LLD (महाविद्यावारिधि) *honoris causa* from the University of Hull and the title of QC in England, I somehow felt that my knowledge of my own heritage was inadequate. The passion to learn more about it even led me to organise an elaborate week-long ancient Hindu yagyn (यज्ञ), known as Saptah, in London in 2019 – perhaps the first such yagyn organised in a family home in the UK. During the Saptah, one listens, together with family members and friends, for seven days to lectures from a Sanskrit expert (Pandit) on the essence of the Shrimad Bhagavatam, one of the most comprehensive Puranas. Even after holding the Saptah, my curiosity was not fully satisfied. Only after completing my research for this book, did I feel I had become a proper Brahmin, as I had learned so much about the origins, values and evolution of Hinduism and Buddhism.

I am grateful to my brother, Dr Devi P Subedi, a scholar of Hindu scriptures, for sharing his own thoughts on some of the questions that I have explored in this book. I benefited immeasurably both from my phone conversations with him in Nepal while I was in lockdown in London, and from his book – a comparative analysis of the work of the authors of the two popular Hindu epics, the Ramayana and the Mahabharata, the sages Valmiki and Vedavyasa respectively.

My sincere thanks also go to Kokila, for her care and devotion over 33 years; to Mevrouw Usha, for her unwavering support; to Dinesh and Sushmita, for always being willing to assist whenever needed; and to my son Pranay and daughter Anita, for their love and encouragement.

I would also like to take this opportunity to pay tribute to two authors whose work has had a profound impact on me. The first is Kamala Subramaniam, the formidable translator of the Mahabharata. She produced one of the best English translations of this great epic, comprised of 100 000 verses of poetry. In her translation of the Mahabharata, she provides an abridged version of the epic tale, with all the pivotal aspects covered, and masterfully conveys “the magic of its human interest and spiritual profundity”.¹ The second is Hervey D Griswold, a prolific writer who wrote a great deal about Hinduism; his book *The Religion of the Rigveda* (Oxford University Press, 1923) is a beautiful commentary on the Rig Veda and perhaps the best book about this oldest Hindu scripture.

According to the Mahabharata, a person is said to live in this world for as long as his or her fame lives on, and this is evident with regard to both of these authors. The Iso Upanishad states that विद्याऽमृतमश्नुते (‘education makes one immortal’); both of them live on through their magnificent work. I have enjoyed reading their books and have benefited immensely from them. My children, Pranay and Anita, have read Kamala Subramaniam’s Mahabharata too, thereby making it part of the family heirlooms.

Last but not least, my sincere thanks go to Mr Ben Booth at Edward Elgar Publishing for prompting me to write this book, and to his superb team – and particularly Miss Amber Watts – for their assistance.

To capture the essence of the vast Hindu-Buddhist scriptures through the lens of human rights values, a knowledge of the scripture-text, and of the scripture-land is required; I believed that I possessed both, albeit in a limited capacity. Hence, this attempt. However, as the Rigveda says, “To err is human” (I.25, 1). Therefore, I hope that readers will write to me to point out any errors in this book. Finally, I would like to note that in this book there are some Sanskrit characters that are not fully compliant with ancient Sanskrit orthography. This is due to limitations in typesetting and printing using software designed for the Latin alphabet.

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Surya P. Subedi

¹ Munshi in the ‘Foreword’ to the Mahabharata by Kamala Subramaniam.