**MUST I GET RAPED IF I WALK NAKED?**

Watching “India’s Daughter” was celebration of being a human. While the portrayal is wrought with patriarchy at many levels- the title of the movie itself and the excessive emphasis on lifestyle of Jyoti- it has ruptured the surface-ground of politeness to the roots of inhumanity spreading in our minds.

With regard to the documentary, what has moral character got to do with the fundamental right to be recognized as a living being with physical and emotional capacities? How can the moral character of the woman or man or other gender decide the rightness or wrongness of an act of violence?

**Non-existence of a single morality:** There is no single moral law. Morality is appropriated by every individual in her/his own terms through their experiences. Moreover, it is also to a huge level determined by the religion that one belongs to. These are conditions which can be questioned subjectively- as Mukesh did and thus, lead to justification of the act of violence itself. That, women are the grace of home, they should be inside the house after 6pm and so on- which are moral norms of the ethical system he follows. (Of course, the question of- is such a system even ethical? can be raised. However, for the present case, we will assume that there are human beings like Mukesh and the lawyers like A.P.Singh and M.L.Sharma who believe that they are following a moral system consisting of like norms).

**Fundamental right to recognition as living being:** In any act of violence, the threat is to the fundamental right to be acknowledged as a living being. Jyoti was not seen as even a living being during the act but only as the Other who allowed the rapists to reinforce their morality. Is it possible to use one moral system against another in such a case? We have to look for something more fundamental.

**Who is a living being?** Every living being is an existent with physical and emotional capacities. Any act which hinders the actualization of these capacities can be considered violence. These capacities together constitute the essence of the being.

**What does ‘actualization of capacities’ mean?** This does not imply that there is a common-single goal which every human is destined to. This refers to the kind of actualization that an artist undergoes in the act of painting- a musician in his act of singing.

**Can the rapist say that his actualization lays in raping? Case of imposed essence.** First of all, we must understand that Mukesh and others did not even see the act as a rape, it was only a ‘lesson’ which upheld their morality- thus when they raped, they were not a group of six men but one team executing the duties of their morality. Secondly, rape or any form of violence arises in the act of imposition of one over the other- environmental degradation (of humankind over nature), domestic abuse (of one partner over the other), child abuse (of an adult over a child) and so on. Such an imposition only occurs when the accused considered her/his own system to be representative of truth and thus that the Other must acknowledge and accept it- even though it implies the use of physical force or emotional abuse. In this manner, the rape is also justified by Mukesh by saying that his moral norm is representative of the reality of women and thus, the rape is only a manifestation of this belief. In using the phrase ‘actualization of capacities’, I put aside the morality of the person itself. An artist might belong to a religion, sect but essentially, he actualizes himself through his art- the act of painting is the actualization of his/her self. The painting might be ‘about’ something- this must be differentiated from the act of belief that it is the true representative of reality which must be accepted and approved by the Other. The actualization of capacities refers to the process of an individual’s recognition of her/his inclinations and its execution. Such recognition does not involve the Other at all, though the Other is engaged in the execution of it. That is, the artist does not recognize that her true nature lies in painting when someone else tells her- she recognizes it for herself but she does engage with the world in actualizing this capacity- by talking to other about her experiences which shape the structure of her paintings indirectly. Thus, the rapist cannot say that his essence is to rape- since it presupposes an *imposed essence*- the essence I am talking about is one which is individual (not egoistic) and recognized by the individual unconditioned by his belief system. You can strip the artist of all her beliefs- even that the physical reality exists- but this will not change her essence of being an artist. Such an actualization of capacities also exists in plants and animals. Acts of violence against any living being is performed by a being who is infected by an imposed essence conditioned by his belief system. Rape, murder, thievery and others are different forms of violence which are only symptoms of a deeper issue- the disease of non-consideration of the other holistically- as a being with emotional and physical needs and capacities. Such a non-consideration only arises due to the reinforcement through the environment in family, school, community and nation itself.

**Fragmentary form of life and the other only seen in a non-human role:** My experiences with the world around me teach me to recognize the other as a fragmentary human being. When I am in office, I am only to see the Other as a colleague. If the target is not met, I am to say- ‘Dude, nothing personal. This is just office work.’ Without regard for the condition of the Other. Some might ask- How is it possible to please everyone and get anything done in office? The very idea of an office which works from 9pm to 5am that basically determines everything else in the person’s life (when can I take a holiday, where I can go to vacation, how much time I get to spend with my loved ones) shows the impracticality of the system- if you have had a fight with your love (forms of it being mother, father, girlfriend, spouse, friend) today morning, then how are you supposed to ‘objectively’ work through the day? Does this mean that the office gives you holidays every time you are upset with some little thing? My questioning is of the assumptions of the system of office itself- not of superficial changes. Such is also the case with education, relationship.

The Other becomes a series of these identities such that the scope for being human being with one another vanishes. These identities are based on gender, type of clothes, food habits which are as a whole filtered through one’s morality and then the action plan to be applied to that particular individual is created. So, I see that person A is:

Moral system 1(Woman + Short skirts and belly visible + smoking)= action X

Moral system 2(Woman + Short skirts and belly visible + smoking)= action Y

Moral system 3(Woman + Short skirts and belly visible + smoking)= action Z

Our decisions are generally not formulatic or simplistic in this manner. There are many other factors- perceptual and mental factors involved in making a decision. However, all the data received for the decision-making is conditioned through one’s belief system.

When indeed the only recognition I need to make is:

Human being = emotional and physical being= action B

In the face the above understanding, the only thing that matters to me when I see a women with short skirts with belly visible is to be a human to her, not a moralist or a religious fanatic. Even if a man or a woman or other gender walks naked on the street- a belief which is practiced in nudist societies, no human has the right to injure them. The *considerate* (not moral) decision would be to ensure that if the weather is too cold, they are covered in a blanket- not because I feel that it is immoral to walk on the street naked but because I feel that the person is going to fall ill and hurt himself. Where does such a consideration arise? From the very fact that we are living beings surviving through interconnections that exist between us- this is also the case with ecological systems: the insect and flower work in a symbiotic relationship- not isolated but interconnected to the multiple ecological systems of hydrology, atmospheric and others.

**Is it possible to be a human being without a belief system?** To be a human is to be cognizing the world through a point of view. This point of view contains belief systems, desires, expectations- most importantly, a world-view. The question is- can we be human beings with plasticity of mind which allows for doubt about these beliefs itself- admitting possibility of error and capacity for revision? Such a mind is given birth through education.

**Gap between life and education:** The statements of the lawyers clearly exposed the gap between life and education- what surprises me is that the Bar Council was worried about the lawyers not speaking as lawyers without worrying about how it is even possible for such a mind-set could be maintained in the law-institutions? The kind of education system we have has only become a pesticide which is in itself infecting the world-view- it has ceased to teach me to be a human and reduced me to a few number of roles I play.

The non-consideration of the Other as a living being with physical and emotional capacities is the cause of any form of violence, including rape. Such a non-considerate attitude arises through one’s continual experience with fragmentary form of life where there is only space for playing roles without possibility of being a human.

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