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Free speech and pluralism

Ramjas and the Purge of Dissent

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Students at a 'Save DU' march from Khalsa College to Art Faculty at North Campus in Delhi University against violence at Ramjas College last week, in New Delhi on February 28, 2017. Photo: Sandeep Saxena [The Hindu](#)

It may be tempting to count the violence at Ramjas College, Delhi, in February as either isolated or yet another fracas. Reducing the organised muzzling of an event meant to celebrate ideas to mere vandalism runs the danger of ignoring the right-wing forces that are set on dismantling an India in which the coexistence of varied and even non-conforming intellectual strands is celebrated.

*In this article, **Syed Areesh Ahmad**, Assistant Professor, Ramjas College, turns the spotlight on the alarming trend of organised violence that aims to not merely restrict free speech, but also to hamper individual reasoning and thereby rid India of its rich pluralist tradition. By placing the philosophical works of Aristotle, John Locke, and J.S. Mill and the traditions of Bhakti and Sufi movements, in the context of the legal framing and practice of freedom of expression in modern states, he points out that societies only stand to gain from free speech and the spirit of dissent. Defending universities as spaces of freedom, he emphasises, requires a thorough reiteration of an undiluted commitment to safeguarding India's rich and historic diversity.*

The final days of February 2017 were immensely painful for most of us at Ramjas College. In the eye of the storm was a seminar on 'Cultures of Protest', organised jointly by the English Department and the Ramjas Literary Society—Wordcraft—over two days, February 21, and 22, with multiple sessions and many speakers lined up. Ostensibly, it was the inclusion of students from the Jawaharlal Nehru University (JNU), Shehla Rashid Shora and Umar Khalid, who was charged with sedition along with Kanhaiya Kumar, in February 2016, for allegedly raising anti-national slogans, in a panel that seemed to have triggered the neo-nationalists. Their wrath led to the cancellation of the seminar and culminated in the violence that ignominiously hurtled the college and Delhi University (DU) into a vortex of controversy.

This episode came as a rude shock, as Ramjas College had very recently celebrated its centenary, and was still basking in its glory. Ramjas is among the finest and oldest colleges of DU, along with Hindu College and St. Stephens College. It might also be worthwhile to mention that it was Mahatma Gandhi, who laid the foundation of this college in 1917, and Dr. B.R. Ambedkar served as a member on its governing body. The college has an illustrious history, particularly earning laurels for its service in providing affordable education to the less privileged since inception. I have been teaching here for a decade now, and I can say with no hesitation that Ramjas is not just a space of academic freedom but also a site of human flourishing ¹.

To reduce that what happened in Ramjas College to an isolated event would be a travesty of truth. There are greater forces at play, and there is a pattern to this violence. In many ways, the roots of this can be traced to the infamous JNU incident of February 9, 2016. It was here that an old word—*azaadi*—re-entered the political lexicon with a new meaning. To the Sangh Parivar, the word *azaadi* is abhorrent as it conjures up the ghost of secession, and the only desirable way to quell such an abominable assertion is to respond with exemplary violence, and if need be, by slapping laws of sedition. In their limited and diminished imagination, *azaadi* and nationalism are antithetical. However, it must be emphasised that whatever may have been the origins of this slogan, and, whatever it may have meant earlier; it is undeniable that the slogan of *azaadi* has since been embraced by a wide variety of dissenters, who have absolutely nothing to do with secession.

The echoes of *azaadi* have resonated on campuses from FIIT, Hyderabad, Jadhavpur, and beyond, to the deep recesses of civil society, in the ordinary struggles of people against exploitation, injustice and repression. In the fierce contestations at JNU and during the farcical media trials, *azaadi* was reinvented by JNU into a song of resistance, to mean many things, and it was imbued with a new potency for articulating dissent and for demanding freedom from the old, entrenched structures of violence. Suddenly, in a creative leap of political imagination, *azaadi* became the lusty war cry against patriarchy, *manuvad* (casteism based on Manu's laws), *brahmanvad* (Brahmin domination), hunger, corruption, unemployment, oppression, and other genuine and perceived ills. The chant of *azaadi*—set to the tune of rhythmic claps, choreographed to dancing fists—has a heady romance to it, and the young idealists that we nurture in our universities get seduced to its charms much more easily than the battle-hardened, cynical, practitioners of realpolitik in the mainstream political parties ever can.

Azaadi is hope, it is the culture of hope, and it is at the very heart of any culture of protest. The seminar that had to be called off midway in Ramjas was aptly on this very theme, on '*Cultures of Protest: Exploring Representations of Dissent*'. Had they allowed the seminar to run its course, it would have been a two-day celebration—of ideas, of stories, of contestations around gender, of protests and languages thereof, of individual expressions of resistance, of the sanctity of university spaces and the complexities of regions in conflict. It would have been a hugely successful seminar; as academic seminars go.

Why are the Sangh Parivar and the Akhil Bharatiya Vidyarthi Parishad (ABVP) so scared of our constitutional freedoms? Is it because *azaadi* is conveniently strait-jacketed by the right wing only as a call to secession? Or, is it because *azaadi* has become the most creative expression of dissent. It is in the term's capacity to become a new register for all emancipation, in its rootedness in the most basic human aspiration for difference, for identity, and

for individuality, that the Hindu right finds compelling reasons to become insecure, nervous and often violent. *Azaadi*--with its powerful symbolism of hope and an alluring morality of justice--has the therapeutic effect of washing away the guilt forcibly imposed upon it by a selective and violent nationalism, which refuses to read anything but secession in it. In denying the multivocality of *azaadi*, by stifling its many expressions through threat of criminal laws, by muffling the myriad imaginations that lie within it, the neo-nationalists refuse to acknowledge plurality. Their response emanates from a univocal universe of meanings, from a monolithic vision of nationalism and an essentialist view of culture.

II

Having said that, it must be stated that the notion of free speech remains central to the pluralism that inheres in the imagination of Indian nationalism, and the defence of free speech is, therefore, necessary to safeguard diversity. The intimate connection between speech and reason is an abiding theme in philosophical traditions the world over. Aristotle, the philosopher for the ages, believed that it was in the moment of the emergence of speech, of language, that human beings actualise their rationality ². Speech embodies reason, and it is what separates us from other animals. The freedom to speak, in other words, to reason, is the mark of humanity.

John Locke, the quintessential liberal, in a stroke of genius, situates all freedoms—including the freedom of speech—in the right to property, arguing that individuals are the sole proprietors of their own person and all the faculties and energies that come with one's body are legitimately theirs. This includes thought and speech ³. The denial of free speech is operatively the denial of the ownership, of property, that all individuals have in their person. Locke's ideas on toleration, although in the context of religious freedoms, too, reinforce the sanctity of free speech as an inviolable preserve of any individual's autonomy, a natural right inhering in the humanity of man, not owed either to the state or society.

However, when such a vituperative and vicious attack is committed on the ideal of free speech, the defence that most readily and instantaneously comes to mind is by J. S. Mill. He makes an inspired and persuasive case for the freedom of thought and expression. His eloquent phrase rings ever more true today, "*If all mankind minus one were of one opinion, mankind would be no more justified in silencing that than he, if he had the power, would be justified in silencing mankind*" ⁴. The above statement has a prophetic sound to it, especially if we look at how dissent and free speech have been smothered in India, especially across university campuses, over the last many months. What is equally remarkable is that Mill here speaks of this silencing in the context of what we might now call democratic government. Mill unequivocally holds that the silencing of speech "*is as noxious, or more noxious when exerted in accordance with public opinion than when in opposition to it*". In other words, the freedom of speech is useless, ornamental—if you like—if it were only meant to allow concurrence with majority. By definition, free speech should enable the individual to fearlessly say offensive, unpleasant and even vitriolic things.

According to Mill, suppression of free speech produces more harm than benefits to the community as a whole. Even an opinion, which is manifestly false, should not be suppressed because truth has nothing to fear but only to gain. It is in the contestation of ideas, that our convictions towards the truths we hold dear are nourished over time. A false opinion that is aired freely only increases our own appreciation and understanding of our cherished positions. In absence of all disagreement, and contestation, our truths can turn into dogma. That is something, which hinders the moral and educational development of human beings. Mill also says that there is a chance, although rare, that a minority opinion might be true. In such a situation, freedom of speech results in a great benefit because the erroneous majority view is replaced by the correct minority view. But Mill is not content in merely giving us a utilitarian defence of liberties. He says that some liberties —including free speech—constitute basic freedoms are above the considerations of utility alone.

In all fairness, one must admit, however, that free speech is no simple matter. The philosophical justification of its indispensability and centrality to the human condition is one thing, its legislation into law is quite another. The world over, free speech statutes work within a pragmatic framework where considerations, other than idealism are in play.

Broadly, there are two kinds of theories on free speech. Free speech consequentialism ⁵ allows for legitimate regulation of speech in the context of the speech-harms by evolving a complex method of estimating harms caused by speech-acts. This simply means that freedom of speech is not absolute. The Indian constitution can loosely be described to be following the method of free speech consequentialism with an attendant doctrine of reasonable restrictions. The other stance on free speech is non-consequentialist, which considers free speech an absolute right irrespective of the consequences that it may produce, a natural right that is intertwined with our very humanity, our self-creation as an autonomous being. The post First Amendment U.S. constitution can be described as upholding non-consequentialist free speech. In practice, however, even in the U.S., courts have frequently resorted to consequentialism over the years. Often, this has been done indirectly by defining what speech means, and excluding some content—like defence of holocaust or racial abuse—as legitimate speech protected by law, and sometimes directly by evolving a complex calculus of estimating speech-harm caused by speech acts.

The point that I wish to underscore is that notwithstanding the kind of free speech theory that constitutions and courts get inspiration from, in operative terms absolute free speech is possible only in the realm of philosophy, whereas, in the real world, free speech legislation and adjudication meanders through the terrain of pragmatism. What everybody is unanimous about though is that restrictions on speech, if at all, ought to be an exception and not the norm, and violence in any instance cannot be the way of proscribing or censoring speech.

It is this blatant disregard for settled legal and constitutional principles by the organisations associated with the Rashtriya Swayamsevak Sangh (RSS) and their proclivity to indulge in violence and terminate all dialogue thereby, is what concerns us more.

III

Cultures of protest are swiftly met with cultures of violence. The easiest way to arouse public indignation is to label any dissent 'anti-national', as India's ruling dispensation has shown a predilection for lately. *Azaadi* slogans are especially unpalatable to the Sangh Parivar. A spate of attacks on educational institutions has continued unabated in the recent past and the *modus operandi* everywhere is the same: the ABVP, the student wing of the RSS, unleashes its terror in the name of Bharat Mata, and, with the complicity of the police, is able to muzzle all differing voices. In campus after campus, seminars have been called off, movie-screenings have been disrupted, teachers and students have been intimidated, and administrations have either been willing accomplices to this pressure, or else they have easily succumbed to the might and power of the perpetrators of violence.

The police, which is bound by its legal duty to uphold the law of the land, is getting increasingly plagued by stasis, and prefers to stand and look while goons wage a veritable war against the letter and spirit of the constitution. The party in power keeps a strict vigil to ensure that the establishment falls in line, lest there should be sudden rushes of conscience. A dispirited media is busy with drawing a moral equivalence between everything, between the kinds of violence, between the left and the right, between oppression and resistance--everything is balanced, or is made balanced, every slur matched, and every fact challenged by a counter-fact, in a nauseating cycle of debates, and panel discussions that go on incessantly, especially on prime-time television. We have our own version of a post-truth discourse, where meanings are lost to the cacophony of ideological shrieks, and where no one has any patience for nuance. It is a painful irony that to win a debate even on freedom of speech, in many news shows, and everywhere on social media, one should force the other person into silence, by drowning her voice in abuse or by silencing the other point of view by speaking louder than everyone else.

Our institutions keep dying a little every day in refusing to stand up for constitutional freedoms, and this atrophying of trust is nurtured by a prevailing culture of condoning that seems to have inexorably set in. The social contract is on the verge of breaking down, as the state has repeatedly failed to secure the life and freedoms of its citizens. The Ramjas episode, which actually is about the freedom of speech and the right to dissent, has been recast into a debate on nationalism by the ABVP. A concerted attempt is being made to establish the legitimacy of violence by taking the refuge of nationalism. The pedestrian argument, which is being replicated everywhere by their spokespersons, is that when nationalistic fervour is aroused, when patriots are provoked by the mere possibility of hearing something that might in some likelihood eventually turn out to be what they could deem unilaterally in their wisdom as anti-national, the resort to violence to punish potential traitors is painted as desirable and perhaps moral. Even more sinister is the second argument that the mere presence of any person, Umar Khalid in this case, who has been certified as an 'anti-national' in their kangaroo courts with the partisan media cheering on, is to be dismissed by using force, by threatening violence.

Violence in the service of this misguided idea of nationalism is sought to be exalted as moral, purifying, necessary for the purging of pollutants, and irritants, and no wonder, according to reports, the Sangh plans to engage the most expensive lawyers in the defence of those accused in the Ramjas violence, should there be a farce of a trial to satisfy the pangs of guilt that moderates may have, or should such a need arise in case they run into an obdurate judiciary. Violence, or incitement to violence, is not just normalised, it is also moralised, and even rewarded in many cases by the Sangh Parivar, if only by some contrivance it could be argued that it was done in the service of Bharat Mata, either in the nondescript town of Dadri, or in the rich cities of Gujarat, in campuses across the country, or now in Ramjas.

This masculine vision of nationalism, this paradiastolic reframing (of violence into a possible virtue), this obsession with a regimented culture, this fantasy of a homogenised Hindu rashtra is unarguably a heavy burden to bear. This burden has to be borne by the anti-Hindu—the imagined Other, the demonised, essentialised, evacuated of all humanity, and thus a symbol of pure evil. This Other could be a country, a community, a caste, a religion, a symbol, a history, a place of worship, a book, a poet, a painter, a rationalist, a seminar, and even a person, a girl like Gurmehar Kaur, who dares to speak out. The Other is chosen opportunistically, with a highly developed sense of timing—that only comes with practice and perfection—sometimes, with a view to electoral gains, at other times mostly for deepening the divide that keeps the furnace of Hindutva boiling.

Evidently violence is at the very core of such a conception of nationalism. It is the engine that drives everything. This violence is often used as a political tool to browbeat opponents into submission, but also to effectively squeeze the space for questioning, challenging, critiquing the vision of cultural nationalism the Sangh espouses, and to prevent heterotopic ⁶ imaginations of alternative histories and counter-nationalisms. Hence, it would be perilous to confuse it with mindless, purposeless ordinary violence of everyday life that may possibly happen because of a spontaneous reaction under provocation. On the contrary, the violence perpetrated by the Sangh Parivar, and organisations under its aegis, is sustained, relentless, often tactical, but strategic too, ideologically rooted, and philosophically justified ⁷ violence for the achievement of what they cast as lofty ideals.

In this moment of crisis, arises the moment of critique. A routine condemnation of this violence is not enough, and drawing any moral equivalency between this and every other kind of violence, which is what most political parties, many television news channels and some newspapers do uncritically, is a profound act of bad analysis. What is needed is a thorough critique of the substance, the nature, the teleology at work, and intrinsic to the conception of such an idea of violence. To begin with, it is imperative that the perpetrators of this species of violence be identified and called out. That is what Gurmehar Kaur did. Many more would need to find that courage.

IV

To my mind, we cannot defend India's universities against this orchestrated onslaught by merely making an argument for the defence of free speech. The issue at hand is much broader as it involves a siege on the foundational values that India's body politic was built on. This defence has to be inevitably political, and it must respond to the debate on nationalism, the rule of law and democracy; it is, as it were, the very idea of India is being held hostage to a rising tide of political violence, and it needs a thorough reiteration, a passionate reaffirmation.

The Sangh Parivar disappoints in its puerile imagination of nationalism. The dumbing down of a whole cosmos of ideas—replete with countless ways of being and existing, and infinitely rich and complex in modes of thought—into a poor, sparse, inhospitable, exclusivist, repulsive and violent mode of irrational nationalism, shamelessly borrowed from the worst nightmares of the west, is the greatest disservice that anyone could have done to Bharat Mata! They have learnt nothing from our essentially variegated culture, its much-vaunted tradition of tolerance, from its truly glorious history of accommodation, and from its remarkable celebration of dissent. To be able to merely extract Cow, Ram and Capitalism from this endless ocean of possibilities is a monument to their intellectual poverty.

In ancient India, as is well documented, the practice of *shastrartha* (debate) settled theological differences. The Buddhist philosophical tradition is one of criticality and rationality, but also of scepticism⁸. In medieval India, the Bhakti and Sufi movements were expressions and imaginations constitutively directed against the monopolies of truth, and the determinisms of religion. Our knowledge systems have always been informed by a pluralist epistemology sheltering reason, unreason, irrationalism, experience, intuition and spiritualism together in a magnificent marquee of achievements. In India, the construction of truth has always been many-sided, and there have been multiple ways leading to it. Dissenters were not only tolerated but also accorded an equal status. The substance of our being, the bedrock of our ontology, indisputably, has been pluralism and—to put it in a word that still resonates in all of us—diversity. This idea of India needs to be salvaged from the mutilation that awaits it.

References:

1. I use the term 'human flourishing' in its philosophical sense, meaning broadly the all-round development of human beings and a full flowering of all the potential that inheres in them leading to a state of *eudaimonia* or happiness.

2. Aristotle, in his many writings demonstrates the relationship between speech and reason (logos). For a more detailed account of how Aristotle understood this human exceptionalism with reference to the power of speech refer to sec. 1253a7 in his masterpiece, *The Politics*.

3. Locke, J. 1689. *Two Treatises of Government*, chapter V, Of Property, sec. 27.

4. Mill, J.S. 1859. *On Liberty*, Chapter 2.

5. A comprehensive account can be found in Erica Goldberg, 'Free Speech Consequentialism', *Columbia Law Review*, Vol. 116, No. 3 (APRIL 2016), pp. 687-756.

6. Foucault talks about 'heterotopias', the possibility of alternative histories, that exist alongside dominant discourses in his book, *The Order of Things* (1971).

7. Savarkar justifies killing and violence to achieve political and cultural goals in many writings. Refer V.D. Savarkar, *The Indian War of Independence* (1909).

8. Amartya Sen presents a rich account of the above in his celebrated book, *The Argumentative Indian* (2005).
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