

Introduction to Political Theory
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Lecture - 5
Liberty: Swaraj as freedom; Free Speech and Hate Speech

Hello, friends. Today in the concluding lecture on liberty, we are going to discuss two key ideas. We will discuss the idea of freedom as Swaraj or Swaraj as freedom as put forward by Mahatma Gandhi. And also, briefly, we will discuss Amartya Sen's idea of development as freedom.

In the second part of today's lecture, we are going to discuss free speech and hate speech. We will conclude this lecture on freedom or liberty, today. In the next lecture, we are going to discuss the next topic as mentioned in our course.

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Intro

- So far we have discussed the notion of liberty through the writings of political theorists and political philosophers from the west. In this lecture we will discuss the ideas on freedom from Indian context particularly through the Mahatma Gandhi's conception of *Swaraj as freedom* and Amartya Sen's idea of *development as freedom*.
- In the second part of the lecture, we will discuss the debates around the issue of free speech and hate speech. While doing so, once again we will revisit to the conception of freedom by John Stuart Mill. If you recall, we have discussed his ideas in the first, introductory lecture on the freedom.
- Finally, we need to understand the normative aspect of this concept which open it to multiple interpretations. But, in all of these, freedom turn out to be not just a desirable but a necessary pre-requisite for the progress or development of an individual or a community.

We have had discussion on liberty and tried to understand it through the ideas of some thinkers, particularly, from the west, like Locke, Rousseau, John Stuart Mill. We have discussed certain conceptions of freedom like republican notion of freedom, negative and positive liberty, freedom as autonomy through Kant. So, we have so far, discussed the idea of liberty from the perspective of the west. In this lecture, we are going to focus on the Indian perspective on freedom, particularly, through the ideas of Mahatma Gandhi's Swaraj as freedom and Amartya Sen's idea of development as freedom.

In the second part of today's lecture, we will discuss about the debates around issues of free speech and hate speech. While doing so, we will once again, revisit some of the ideas that we have already discussed in our previous lecture, on the idea of liberty as explained or interpreted by John Stuart Mill. We will discuss about free speech or hate speech, that is, what is free speech? What could be the reasonable restriction to free speech? We will revisit some of these ideas as interpreted by John Stuart Mill.

Finally, we need to understand, while discussing freedom that this is essentially, a normative concept. This normativity gives it a kind of value loaded meaning or interpretation. Therefore, it is very difficult to have a kind of unanimous or consensual understanding of what is freedom, what is free speech, what is hate speech, which conception of freedom, whether it should be negative or positive, or whether the legal or the institutional restrictions on freedom of individual is good or bad.

These are some of the contentious issues we have been discussing about. And precisely, because of its normative nature, it is very difficult to have a consensual, unanimous understanding or interpretation of the term as what is freedom. However, what we need to take into account is in these contested interpretations or understanding of freedom, there is one agreement on the role of freedom for the progress or development of individual and society, as well. No matter, what is the interpretation or meaning that is attached to the idea of freedom.

Every individual or society tries to develop itself through their idea of good or bad and in doing that they require freedom from any kind of interferences and restrictions from the external forces. So, freedom is not just desirable, but also, it is considered as prerequisite for the growth and development of any community or individual.


If we come to discuss the term Swaraj, many of us may be familiar with the Indian anti-colonial struggle or nationalist movement. This term Swaraj was the rallying point for many groups, parties, leaders and movements. They all wanted to have Swaraj from the foreign rule, that is, the British rule. Although, the consensus was on having the Swaraj, but it had very limited or a kind of confusing understanding about what Swaraj is. In that context, Mahatma Gandhi tried to not just theorize what is Swaraj, but also, he gave it a wider connotation, where he conceptualized Swaraj as something, more than just

freedom from the foreign rule or British rule. He brought the idea of self-rule and the ability to govern oneself, which we will discuss in a moment.

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Swaraj as Freedom

- The term *swaraj* or self-rule is a derivative of *swarajya* and is often associated with the anti-colonial freedom struggle in the early decades of twentieth century. Although, the term has its earlier origin in Indian Intellectual tradition especially *Chhandogya Upanishad* mentions the term. The other word related and similar to idea of freedom in Indian tradition is *mukti*. However, in modern times the word *swaraj* convey a more social and political nature of the concept then the other-worldly notion of *mukti*. During the nationalist struggle Dadabhai Naoroji first introduced the concept of *swaraj* in INC, in 1906. Since then, till 1929, when INC declared *purna swaraj* as the objective of the Congress, there have been many interpretations of the term including by people like B G Tilak who famously said that 'Swaraj is my birth right and I shall have it'. Mahatma Gandhi in his text *Hind Swaraj* provided much needed philosophical basis to the term which meant both individual governing himself and herself and also at the collective level freedom from the foreign i.e. British rule.
- For him, 'Swaraj of the people meant the sum total of the 'swaraj' or self rule of individual...swaraj is much more than freedom from all restraints, it is self-rule, self-restraint and could be equated with moksha or salvation'.



We need to understand the term Swaraj itself or what we also, called the self-rule which is derivative meaning of Swaraj. The term was often used during the anti-colonial struggle in India. Thus, it was associated with the anti-colonial freedom struggle in the early decades of 20th century. There was one phase in our anti-colonial struggle, where we wanted some kind of self-representation within the overall paramountcy of British rule. So, we did not really, inspiring for complete independence from the British rule, but we wanted some kind of dominion status or some kind of better representations for Indians in the administration, or making the British rule itself, more liberal.

In that context, the term Swaraj has many derivatives in local vernacular language like Swraj or especially, Gandhian ideal of Swaraj which imbibed a kind of churning or agitation in the masses for fighting against the British and for gaining political independence for India. Prior to that, the nature or characteristic of nationalist movement was very much limited to the middle class or particularly, the english educated middle class. Gandhi, through this term imbibed ethics of fighting through non-violence means, like satyagraha. Further, to instill in masses, a sense of self-independence or self-rule was the Gandhian perspective or Gandhian key to attaining Swaraj.

He thought individuals developed the capacity to rule himself and there was no need of any British rule. It was only, when we refused to govern or control ourselves, or in other words, discipline ourselves, we became dependent on the British rule. In *Hind Swaraj*, he made arguments, where he said, British were here because we wanted them to be here, we collaborated and cooperated with them. Once we stop cooperating or refuse to collaborate, then British had to go from India and we need to learn for that how to govern ourselves. So, that is the kind of idea, Gandhi used to not just make the national movement, more popular or mass based, but also, to instil in them, a sense of belief or confidence, to recognise their own ability to govern or discipline themselves. That is how, he approached the question of Swaraj.

This term, however, is not very new and in the Indian intellectual tradition, especially, in the *Chhandogya Upanishad* has mentioned this term Swaraj. The other related or somewhat similar term often used in Indian discourse on this question of freedom and liberty is the idea of *Mukti* which means liberation, a deeper, more philosophical and also, a kind of transcendental sense of freedom attached to it and from everyday pragmatic struggle of human existence and contradictions that human faces.

The notion of *Mukti* takes it beyond that and in Indian tradition, it is one of the four *Purushartha* namely, *Dharma*, *Artha*, *Kama* and *Moksha*. So, *Moksha* or *Mukti* is about transcending the limits or contradictions of everyday life and to enjoy, or realise the true freedom, when one attains that state of *Mukti*. Moreover, *Mukti* is somewhat related or similar to the conception of Swaraj. We will see in Gandhi also, there is some element of this conception of freedom as *Mukti*, while he defines what is Swaraj. However, in modern times, the word Swaraj conveys a more social and political nature of the concept, than the other worldly, notion of *Mukti*.

The term Swaraj becomes the rallying point, especially, during the early decades of twentieth century. During the nationalist struggle, Dadabhai Naoroji for the first time introduced this concept in the Indian National Congress in 1906. Since then, for almost two or three decades, this idea was often repeated as an idea without any substantial meaning attached to it or without any kind of unanimous understanding of what this Swaraj, actually is. When Dadabhai Naoroji introduced this idea in 1906 till 1929, then Indian National Congress declared that Poorna Swaraj is the objective of the congress.

There were many people like Annie Besant, Bal Gangadhar Tilak, various groups like Hindu Mahasabha or Bharat Dharam Mandal, and many such other organizations also, conceptualized this term. There were many critics to this idea of Swaraj as well. So, there was in other words, a lot of confusion about the meaning of Swaraj. One of the famous slogans used during that time became a rallying point for many nationalist leaders or groups like Bal Gangadhar Tilak's, 'Idea of Swaraj is my birthright and I shall have it'.

This idea was politically and emotionally loaded, often used and repeated by many people without any common understanding or any agreement as to what this idea was all about. So, from achieving dominion status from the British to a more self-representation, or to attain complete independence were varying kinds of interpretations or understanding of this concept, Swaraj. However, there was confusion about the meaning of this term Swaraj. Gandhi in his work, *Hind Swaraj* thus, provided a much needed philosophical basis to this term which meant individuals governing himself or herself.

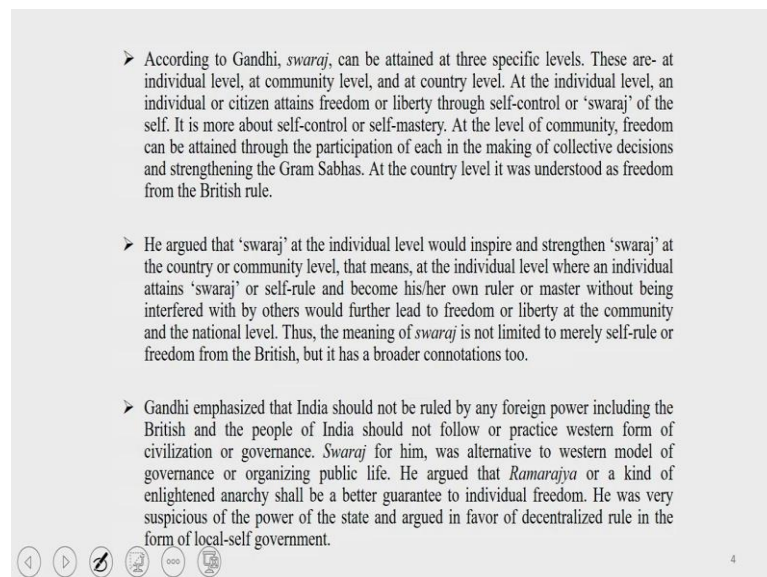
Gandhi gave a more theoretical or philosophical interpretation to this term. For him, Swaraj is not just a dominion status or a more representation or complete independence. But also, the ability of individuals, to govern himself or herself. It is simultaneously, used for the individual and their ability to govern himself or herself, and at the collective level, freedom from the foreign British rule. So, Gandhi combined both the ideals of Swaraj from the British rule on the one hand, and more substantially, to the individual ability to govern himself or herself, on the other hand. That is very fundamental to his conception of Swaraj.

For him, Swaraj of the people meant that sum total of the Swaraj or self-rule of individual. His idea of freedom from the British rule or Swaraj was actually, rooted in the individual ability to govern himself or herself. That is how, he saw Swaraj and how India should achieve Swaraj. It is possible, when individual acquire the ability to govern himself and herself. Then automatically, Swaraj can be attained. The route for Swaraj or political independence from British rule, for Gandhi was thus, to inculcate in the individual the ability or confidence to govern himself or herself. Swaraj at the collective level, then is the sum total of individuals ability to govern himself or herself.

Swaraj is more than freedom from all restraints. It is about self-rule, self restraint and could be equated with *Moksha* or salvation. So, it means of transcending all limitations, restrictions and developing self-discipline or leading a life which is truly, independent from any kind of restrictions or interferences. It is also, perhaps, necessary to understand Gandhian focus on the soul force and the brute force, in *Hind Swaraj*, where the soul force is the solid basis for fighting against the injustices. This fighting through soul force without any recourse to violence is something, very unique about Gandhian conception of self.

And individual not just understand, what he or she should be doing, but also, willing to sacrifice himself or herself for the sake of his belief or his or her faith without harming or doing violence to the oppressors, perpetrators of that actions or to those who hold the contrary beliefs. So, the Gandhian conception of Swaraj is related or closer to the understanding of *Mukti* that is, the realisation of the self. In the training of *satyagraha*, he followed certain manuals and those manuals included this hard discipline on the part of *satyagrahi* for the willingness to sacrifice himself or herself for the larger cause which they cherish.

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- According to Gandhi, *swaraj*, can be attained at three specific levels. These are- at individual level, at community level, and at country level. At the individual level, an individual or citizen attains freedom or liberty through self-control or 'swaraj' of the self. It is more about self-control or self-mastery. At the level of community, freedom can be attained through the participation of each in the making of collective decisions and strengthening the Gram Sabhas. At the country level it was understood as freedom from the British rule.
- He argued that 'swaraj' at the individual level would inspire and strengthen 'swaraj' at the country or community level, that means, at the individual level where an individual attains 'swaraj' or self-rule and become his/her own ruler or master without being interfered with by others would further lead to freedom or liberty at the community and the national level. Thus, the meaning of *swaraj* is not limited to merely self-rule or freedom from the British, but it has a broader connotations too.
- Gandhi emphasized that India should not be ruled by any foreign power including the British and the people of India should not follow or practice western form of civilization or governance. *Swaraj* for him, was alternative to western model of governance or organizing public life. He argued that *Ramarajya* or a kind of enlightened anarchy shall be a better guarantee to individual freedom. He was very suspicious of the power of the state and argued in favor of decentralized rule in the form of local-self government.

Thus, according to, Gandhi, Swaraj can be attained at three specific levels. One is at the individual level, then, at community level and finally, at the country level. At the individual level, a citizen or individual attains freedom or liberty through self-control.

Swaraj here means, 'swa' which is the self, the ability to govern oneself, is how he defined Swaraj. And this self, then, works both at the individual and collective level. Again, at the collective level, it has two dimensions or aspects to it.

One is at the community level and then, at the national level. He argued that an individual or citizen attains freedom or liberty through self control or Swaraj of the self. It is more about self-control or self-mastery at the individual level. Now, at the level of community, freedom can be attained through participation in making collective decisions or strengthening the local bodies such as Gramsabha. In Indian constitution, if we study Article 40, in Directive Principle of state policy, it talks about strengthening the local self-government, to make it as the institution of Swaraj or Gram Swaraj.

Moreover, with the 73rd and 74th Amendment Act, these local bodies are made a constitutional institution. So, at the community level, freedom can be attained through participation. Here, it is a kind of positive freedom. It is not just freedom from or a condition of freedom, but also, it is to engage with the collective decisions or collective institutions, or discussions and through that engagement only, we can realise freedom.

At the community level, one can attain Swaraj through participation by each in the making of collective decisions and also, by strengthening the local bodies like Gramsabha. At the country level, it is understood as freedom from the British rule that was the common sense of that age, where Swaraj for everyone, even when they differ from each other on many issues or the methods, or approaches to the Swaraj and what should be the vision for future India.

Swaraj, in the immediate sense, means freedom from the British rule at the country level. So, simultaneously, in Gandhian ideal to or in a historical context, Swaraj has application at all the three levels, from individual to community, to the nation. Gandhi, argued that Swaraj at the individual level would inspire and strengthen Swaraj at the country, or community level. It is a kind of dialectical relationship when individual develops sensibility or confidence of ruling or controlling himself, then it will automatically, help in strengthening Swaraj, both at the community or national level.

So that means, at the individual level, where an individual attains Swaraj or self-rule and become his or her own ruler or master without being interfered with by others would further, lead to freedom or liberty at the community and the national level. There is a

kind of chain reaction to one's realisation of Swaraj at the individual level and it is simultaneous, extension at the community level and finally, at the national level. Gandhi believed that once the individual develop this confidence or ability to govern himself or herself, automatically, it will lead to Swaraj both at the community or national level as well.

Thus, the meaning of Swaraj is not limited merely, to self-rule or freedom from the British, but it has a very broader connotation too. For Gandhi, the idea of Swaraj is not just merely, a kind of political independence from the British or just about the ability to govern oneself. But it also, instills a kind of engagement, a participation in making the collective or community life national, or at the local level, which should be reflective of this idea of autonomy or independence, or what he calls Swaraj.

Swaraj is not something, that is limited to either political independence or individual capacity to govern himself or herself. But it must be realised at every level of our public life, starting from individual to the national level. So, Gandhi, emphasized that India should not be ruled by any foreign power including the British.

The people of India should not follow or practice western form of civilization or governance as he argued in his very powerful text, *Hind Swaraj*, where he provided a substantial critic to western civilization which he often calls as modern civilization. He argued, it is danger, if India were to blindly, follow the western modern civilization. He wanted India to follow an alternative path of governance or managing its public life.

He calls the idea of Ramrajya and this is similar to, as I have been discussing about this self-rule at the community and national level, where individual, each one of them participate actively, in the decisions that governs their collective life both at the national and community levels. He argued, that Ramrajya or an enlightened anarchy is something, which is very unique to Gandhian conception of Swaraj, where he thought that individual progress or freedom is of paramount interest. There should not be any compromise to that freedom of individual or the self.

To ensure that individual freedom is not compromised or interfered with, he was conceptualizing a society, which would be a more enlightened anarchy, where there would not be concentration of power in the hands of the state. He was very sceptical or suspicious about the role of state and its enormous monopoly, on violence or power. So,

he argued, about a kind of decentralized, loosely, confederated system of managing a public life through participation of the individual, at different levels without concentration of power or centralisation of authority.

He talked about a kind of enlightened anarchy that could be a better guarantee to individual freedom. He was very suspicious of the power of the state, especially, its monopoly of violence and concentration of authority. He argued in favour of a decentralized rule in the form of local self-government and this is the Gandhian legacy, we have in Indian democracy, where all the parties do have some kind of consensus about decentralization of power. In the actual political, we see time and again, how parties or leaders are trying to concentrate power.

The trend was about making power or authority more decentralized and the enactment of 73rd and 74th Amendment Act and also, PESA in 1996 were about that journey from concentration of power in the hands of state, to involve more and more people what we call *Bhagidari* or participation, and it is believed that only, through participation or *Bhagidari*, we have better governance or management of public life. So, ideas although, in practice more often not in existence, but it is, there as inspiration for us to make power or the authority, more decentralised, or accountable and Gandhi was the votary of that kind of Swaraj.


To conclude, Gandhian ideal of Swaraj, it can be argued that for him, Swaraj as freedom and individual is of paramount interest. His freedom must be protected from interferences either from community or the state. An individual must also, participate in the collective life of society or the nation, to actually, realise Swaraj.

Swaraj, thus, at the individual, community and national level is interrelated and not isolated or separated from each levels. That is how, Gandhi conceptualized Swaraj as freedom which not only, includes a political freedom or political independence, but also, individuals ability to govern himself or herself.

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Development as Freedom

- Amartya Sen in his book *Development as Freedom* argues about freedom being a primary object as well as means of development. He argues that the assessment or measurement of development can not be divorced from the lived experience or real conditions of freedom of people.
- According to Sen, thus, merely enhancement in GNP, or industrialization, or technological advancements, or social reforms, although valuable and do influence our lives, but these are not enough in themselves. Their significance depends on the fact that how far these are helpful in the enhancements of the people's freedom.
- Thus while arguing about taking a broader view of development and taking into account the enhancement of freedoms in people's lives as crucial measure of assessing development in any country or society, Sen also argues that there are interdependence of freedoms. That is to say freedoms are interrelated and one kind of freedom lead to another kind of freedoms. He classifies five such kinds of freedom – economic empowerment; political freedoms; social opportunities; protective security; and transparency guarantees. Taken together these all gives us a broader view of not only freedom but also the notion of development.



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Next week, we will discuss the idea of development as freedom. Amartya Sen, in his book *Development as Freedom* argues about freedom being a primary object as well as means of development. He connects these two ideas of development and freedom together, where he considers freedom both as a primary object and also, as a means for development. This interrelated and reciprocal relationship between development and freedom is something, which is very unique to understand the conception of freedom through Amartya Sen.

He argues that the assessment or measurement of development cannot be divorced from the lived experience or real conditions of freedom from the people. So, the measurement of development cannot be removed or divorced from the actual lived realities or conditions of freedom or unfreedom of the people. Freedom or unfreedom is not necessarily, political or legal in nature. But also, it is about healthcare or opportunities in life.

If the individual who is capable of are not getting opportunity, to explore those capabilities or skills, is also, regarded as a kind of unfreedom or the individual not having basic needs like healthcare or basic education. It curtails his or her freedom to develop himself fully to a great extent. So, there are different conditions of unfreedom and that not necessarily, always be political and legal in nature. It may be social, educational, or about healthcare, social opportunity, or equality.

Thus, those conditions, the real lived conditions of people cannot be ignored, when one theorise about freedom or when we measure, or assess development in any society. In the assessment or measurement of development, one also, needs to take into account the conditions of freedom or unfreedom of the people. According to Sen, merely, the growth or enhancement in the GNP that is, the Gross National Product or industrialization or technological advancements in itself, are not enough to measure development.

Although the growth of GDP or GNP, industrialisation or technological advancements helps substantial influence in our life, even the economy is doing well and help everyone, but this growth in itself, is not a sufficient or appropriate measure to develop, or assess development. Their significance depends on the fact that how far the growth in GDP or GNP, industrialisation or technological advancements are helpful in enhancement of people's freedom. Thus, people's life expectancy, literacy, healthy life escape from preventable diseases.

These are the conditions which affect individual prospects or chances in life. And those conditions, how far, the growth in economy tackle those conditions also, need to be taken into account, when we assess development in any country or society. Thus, he was arguing about taking a broader view of development and not reducing it merely, to the GDP or GNP number. But a broader understanding of development taking into account enhancement of freedom in people's lives as crucial measure for assessing development in any country or society.

Sen also argued, there is interdependence of freedom. One kind of freedom leads to another kind of freedom. And then, together constitute a society which is more free, and a prosperous society. That is to say, freedom is interrelated and one kind of freedom leads to another kind of freedom. He classified five such kinds of freedom, which should not be taken as given. One can include many other forms of freedom in that. But together, these five categories of freedom are classified by Amartya Sen, and gives us a broader understanding of not just what is freedom, but also, about what is development.

These freedoms are first, economic empowerment of the masses, which is very crucial, but also, political freedom, social opportunities, protective security for those who are marginal, unprotected, dependent or vulnerable and transparency guarantees. Now, these all kinds of freedoms together constitutes, what Amartya Sen calls development as

freedom. So, taken together, these all gives us a broader view of not only, the freedom, but also, the notion of development in Amartya Sen's idea of development as freedom.

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Free Speech

- Free speech broadly explains the right to freedom of speech and expressions. Free speech, thus, emphasize the right to express one's opinions in public without any restraints or censorship from the government.
- J. S. Mill was an ardent defender of free speech. He writes that freedom of speech and expression is absolutely required for the development of individuality and creativity in human personality. He pointed out that every speech is important no matter how immoral it might seem to others. His defense of the freedom of speech and expression can be understood by this quotations:

‘if all mankind minus one were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person than he, if he had the power, would be justified in silencing mankind’.
- Thus, Mill believed that a silenced opinion might be of importance to mankind and it might hold truth in it, whereas, it might be possible that an unsilenced opinion might hold untruth or it might become a prejudice or a dogma.

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In the second part of this lecture, we are going to discuss very briefly, about free speech and hate speech. Free speech, broadly, explains the right to freedom of speech and expression. Free speech, thus, emphasize the right to express one's opinion in public without any restraints or censorship from the government and authority. So, the biggest threat to freedom of speech and expression is essential for individual growth.

It can be said that expressing an opinion leads to a kind of communication, a discourse and which ultimately, governs the collective life or decision making or policy making which affects everyone. So, whether a society, a law, absolute freedom of speech and expression or not, should there be absolute freedom of speech and expression or not is something, very contentious. We will discuss, how this contentious nature of freedom of speech and expression, is regarded as essential for the overall progress and development of society or individual personality.

It is at the same time, considered as a potential danger for the social peace, harmony and it may unleash violence or polarise the society. So, should there be any limits to the freedom of speech and expression or not, or whether there should be absolute freedom of speech and expression or not. Now, who is going to decide, what is reasonable restriction

and what should be the quantum of that reasonable restriction. That makes the whole discourse on freedom of speech and expression very contentious.

One of the contemporary examples is of Charlie Hebdo, a caricature of the prophet who hurt sentiments in particular religious community. Many examples, like Taslima Nasrin or many other writers, cartoonists, because of their artworks being prosecuted, detained or jailed. So, that poses a threat to their freedom of speech and expression. Whether all kinds of restrictions or interferences in the name of reasonable restrictions are justified, or who is going to determine, what is justified or not, makes the whole idea of freedom of speech expression very contentious.

We will discuss the idea of free speech through John Stuart Mill who wrote a text called *On Liberty*. He was an ardent defender of free speech and he wrote that freedom of speech and expression is absolutely, required for the development of individuality. The uniqueness of individual judgement or character is dependent on his ability, to not just think freely and independently, but must have the chance and opportunity to express it freely and independently. So, to develop individuality and creativity in human personality, the freedom of speech and expression is absolutely, necessary.

He pointed out, every speech is important, no matter, how immoral it might seem to others. And this point, whether all their speeches should be allowed or permitted or not, we will discuss in a minute. But even, if a speech is seen immoral or bad in the eyes of many yet that speech must be allowed to be expressed. His defence of this freedom of speech and expression can be better understood by this quotation, where he says, 'if all the mankind minus one were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person than he, if he had the power, would be justified in silencing mankind'.

Here, it is very crucial to understand the opinion of one person as valid as the opinion of rest of the mankind. And one person's ability, if he has the opinion and courage to silence the mankind is more defensible, than the mankind silencing the opinion of one person. This we can understand through many examples, like revolutionary ideas or transformative ideas were there in the mind of a few or one or two individuals. And, it saved the new discourse and determines the nature of modern society.

In modern examples, if we take examples of Galileo, Kepler and Adam Smith or many such other thinkers, or individuals, their ideas were considered very revolutionary. And most of the societies, of their times were not in accordance or did not believe in their ideas. And yet now, we accept their ideas in contemporary times. The defence of free speech, even, if it is the opinion of one person must be allowed to be expressed. So, Mill, believed that a silenced opinion might be of importance to mankind and it might hold truth in it.

The question of truth is also, then very crucial to understand. Can one have the totality of understanding, what is truth? Mill argued, there is no absolute conception or understanding of truth. It is seen from various perspective and points of view. And all the points of view must be expressed, even if, it is the minority voices or the voice, or opinion of one person. Because, even that minority voice or the opinion of one person may contain some elements of truth, and that elements of truth will help in the overall prosperity, or development of that society.

So, silencing that minority opinion or opinion of one person is detrimental to the overall progress of society. Therefore, all opinions in Mill's conception of freedom must be allowed to be expressed. The majority voice, on the other hand, might have certain dogma or prejudices which can be rectified, if all the opinions are expressed

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- Mill stressed on the fact that freedom of expression or free speech is necessary for the dignity and development of human beings into a progressive being and free speech should not be limited out of fear of public embarrassment or social disapprobation.
- However, Mill put forward the view that some limitations are also needed to protect freedom of speech or a free speech. His limitation on free speech is known as the 'harm principle'. This principle means that the only restrictions or restraints to be applied on free speech is for the purpose when such speech would harm others or it can be argued as when actions of an individual would violate directly the rights of others. Basically, Mill is referring here to the other's-regarding acts of individuals that harm others or their freedom. Thus, Mill stated that 'the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection...The only purpose for which power can be rightfully exercised over any member of a civilized community against his/her will is to prevent harm to others'.
- For Mill, except that there should not be any limit to freedom of speech and

Here also, the benefit of free speech, according to Mill, is even if, some opinions are biased, prejudiced or untruthful, yet its expressions, if it is expressed, then humanity has the benefits of reasserting their confidence in what they think is right. But if, what humanity thinks is infact wrong, then the expression of one person's opinion will rectify mistakes. One example, of this could be that for a very long time, humanity thought that it is the earth which is at the centre of the universe and everything revolves around the sun. But now, this is the other way round.

This belief, for a very long time was considered as truth by the humanity can be rectified, if the opinion, contrary to this belief is allowed to be expressed. That is how, humanity benefits from freedom of speech and expression in all circumstances, even when the opinion is biased, or untruthful. So, Mill, stressed on the fact that freedom of expression and free speech is necessary, for the dignity and development of human-beings into a progressive being. And free space, should not be limited out of fear of public embarrassment or social disapprobation.


However, Mill, put forward the view that some limitations are also, needed to protect freedom of speech or free speech which is 'harm principle' as we have discussed. That basically, argues, only those actions of individual which are potentially, harmful to the other. And that potential harm to others should be substantial to physical and it is not fictitious. Only then, certain restrictions can be posed on individual freedom. He writes, 'the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number is self protection'.

The only purpose for which power can be rightfully, exercised over any member of a civilized community against his/her will is to prevent harms to others. The harm principle only allows certain restrictions to the individual freedom of speech and expression. Besides, there should not be any limits to freedom of speech and expression.

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Hate Speech

- Hate speech refers to hateful thoughts, attitudes, use of abusive words or hateful remarks in one's speech that can potentially harm others. Susan Benesch argued that it has two possibilities – the capacity to harm people directly by humiliating, denigrating, frightening or offending; and also to motivate others to think and act against the member of the groups. Moreover, unlimited free speech will lead to harm equality, dignity, justice, the very ideals and values of liberal democracy. In other words a hate speech is such that has a potential to amplify violence of one group against the other. Jeremy Waldron pointed out that visual impact of hate speech through use of posters and signs displayed in public. He argues that hate speech is harmful because it threatens or attacks the dignity of individuals. However, he stated that hate speech legislation is not needed to punish those who use hateful words or show attitudes or hateful thoughts but the objective is to prevent harm to the social status or dignity of a particular section of society.
- David Boonin also believed that prohibition is necessary and it is acceptable, when speech is threatening in nature. He however, stated that there is no requirement for any special hate speech legislation because hate speech cannot be fitted within regular kinds of speech that can be prohibited and there is already existing laws to prohibit offensive speech.
- There are others who believed that if there is the need to limit speech, then political speech and religious speech needs to be put under certain limits. Because, these speeches are offensive, deceitful, create fundamentalist opinions, so it is harmful for one or other groups in society.



Now, if we take to the opposite of free speech, what we call hate speech is potentially, dangerous, as it may potentially, incite violence by one group against the other.

Now, should we also defend or permit hate speech? In this debate on hate speech, many groups, leaders, parties, individuals, have involved themselves which is offensive in nature, and that hurts sentiments of other groups or community. Should that be also, allowed or to restrict that, or to regulate it? Should we have legislation or not on hate speech? This is something, we need to discuss in this part of hate speech.

First, we need to understand, there is no legal definition of what is hate speech. It is understood in a case to case, context to context situation, where the danger is always in the name of hate speech and reasonable restrictions. There can be unnecessary interferences in individual freedom to speech and expression.

And yet all kinds of speech and expressions, especially, if it is derogatory in nature or offensive in nature can potentially, incite violence should not be allowed and on that delicate balance to maintain, there is a debate over that. Basically, hate speech refers to the hateful thoughts, attitude, use of abusive words or hateful remarks in one's speech that can potentially, harm others.

Susan Benesch, argued, it has two possibilities. Basically, the capacity to harm people directly, by humiliating, denigrating, frightening or offending and also, to motivate

others, to think and act against the members of other groups. This hate speech has two potentialities, either, directly humiliating, threatening, frightening others or inciting others, to think or act against other groups.

This unlimited free speech will lead to harm, equality, dignity, justice and the very ideal and values of liberal democracy. In other words, hate speech is that which has a potential to amplify violence of one group against the other. So, in actual living realities or pragmatic life, there are situations, where the necessary condition for realising or expressing one's freedom or opinion is unavailable. Now, in that kind of situation, what should be the limit to freedom of speech and expression?

If the situation is already volatile, should we allow someone to deliver a speech which can further amplify that agitation or violence in that society? So, in that condition, we need to recall the idea that liberty must be exercised or can only, be realised in a given condition, and that condition is protected and provided through laws and institutions. The republican notion of liberty is here, which requires that law is not interference or a kind of limit to freedom, but it is a necessary, precondition for one to enjoy his or her own freedom.

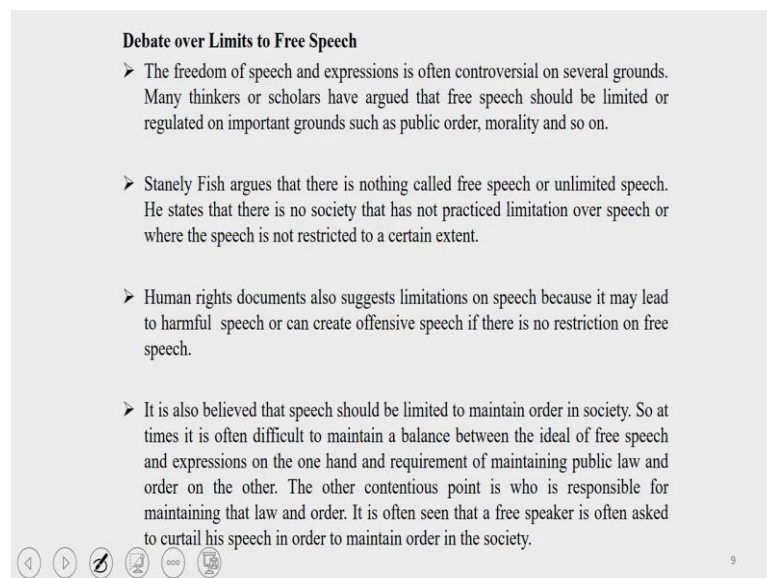
In the given conditions, like during partition or riots, there has to be certain limits to the freedom of speech and expression. When there is such danger or potential to that danger, then the authority has the legitimate responsibility to curtail certain freedom. Jeremy Waldron, pointed out, the visual impact of hate speech, through the use of posters and signs displayed in public. He argued, hate speech is harmful, because it threatens or attacks the dignity of individual. However, he stated, hate speech legislation is not needed to punish those who use harmful words or show attitudes, or hateful thoughts. But the objective is to prevent harm to the social status or dignity of a particular section of the society.

That is the key purpose and it does not require new legislation as such to control hate speech. David Boonin, also, believed that prohibition is necessary, and it is acceptable, when a speech is threatening in nature. He however, stated that there is no requirement for any special hate speech legislation. Many countries thinking about enacting legislation to curb hate speech, because hate speech cannot be fitted within the regular

kind of speech that can be prohibited and there is already, existing laws to prohibit offensive speech.

There are others who believed, if there is the need to limit speech, then the kind of speech is especially, political and religious in nature which can potentially, incite violence of one community against the other, and that can be reasonably, restricted. But here one thing, we need to understand in the name of maintaining public order or law that should the authority legitimately, curtails individual freedom of speech and expression or not.

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Debate over Limits to Free Speech

- The freedom of speech and expressions is often controversial on several grounds. Many thinkers or scholars have argued that free speech should be limited or regulated on important grounds such as public order, morality and so on.
- Stanely Fish argues that there is nothing called free speech or unlimited speech. He states that there is no society that has not practiced limitation over speech or where the speech is not restricted to a certain extent.
- Human rights documents also suggests limitations on speech because it may lead to harmful speech or can create offensive speech if there is no restriction on free speech.
- It is also believed that speech should be limited to maintain order in society. So at times it is often difficult to maintain a balance between the ideal of free speech and expressions on the one hand and requirement of maintaining public law and order on the other. The other contentious point is who is responsible for maintaining that law and order. It is often seen that a free speaker is often asked to curtail his speech in order to maintain order in the society.

So, some speeches, if it is inciteful in nature, then one can do that. But the misuse or abuse of that reasonable restrictions can also, pose threat to the genuine right of individuals, to express himself freely, or think freely.

This debate on our limits to free speech, the freedom of speech and expression is often controversial on several grounds. Many thinkers or scholars have argued that free speech should be limited or regulated on important grounds, such as public order, and morality. Stanely Fish, argues, that there is nothing, called free speech or unlimited speech, it is a kind of ideal for a society, community, for individual to aspire, but there is nothing, called absolute free speech or unlimited freedom of speech and expression. He states that there is no society that has not practiced limitations over speech, where the speech is not

restricted to a certain extent. Thus, all societies pose certain limits or regulate freedom of speech and expression. Human right documents also, suggest limitations on speech.

Because, it may lead to harmful speech or can create offensive speech, if there is no restrictions on free speech. It is also, believed that speech should be limited to maintain order in society. At times, it is often difficult to maintain a balance, as I was saying between the ideal of free speech and expressions, on the one hand and requirements of maintaining public order, on the other.

The other contentious point, here, is now, who is responsible for maintaining the law and order? It is the institution of the state. However, it is often seen, it is the free speaker, the individual who is asked to curtail or compromise his speech, or his right to speech and expression to maintain order in society.

Thus, the responsibility to maintain order is somewhat delegated from the institutions of state to the individual and that is something, very problematic in this contentious relationship between freedom of speech, on the one hand, and maintaining law and order, on the other.

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Conclusion

- Freedom and liberty is essential for progress of individual and society. Being a normative concept the term is open for multiple interpretations.
- Its exercise, though is self-related, always include the other and that subject individual's freedom to 'certain reasonable restrictions'. Now what that reasonable restrictions are and who is going to decide what is reasonable or not, make the debates over liberty and freedom even more contentious. This we have seen while discussing what is free and what is hate speech.
- We have discussed freedom as interpreted by various thinkers like Locke, Rousseau, J S Mill and we have particularly focused on the republican conception of freedom; freedom as autonomy, negative and positive conception of liberty; freedom as swaraj; development as freedom; and free speech and hate speech.
- Although, its conceptualizations or interpretations differ, the idea of freedom and liberty is central to any political discourse. It includes not only 'freedom from' external interferences or restrictions but also 'freedom to' achieve self mastery. In other words, freedom can or should be understood as not merely as the conditions but its actual realization require the individual to act, to participate, to engage in order to meaningfully realize one's freedom.

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In conclusion, we see that freedom and liberty is essential for progress of individual and society and being a normative concept, the term is open for multiple interpretations, as

we have been arguing and it is exercise though self which is related always or include the other.

And that subject individual freedom to certain reasonable restrictions because the freedom although, its exercise is self related, always include the existence of others. Again, how, exercise of freedom should be prevented from harming or interfering with freedom or rights of others pose certain reasonable restrictions to individual freedom. Now, what those reasonable restrictions are and who is going to decide, what is reasonable or not makes the debate over liberty and freedom even more contentious. All the edges develop different approaches to resolve conflicts and contentions. We have seen this, while discussing freedom of free speech and hate speech.


We have discussed freedom as interpreted by various thinkers like Locke, Rousseau, John Stuart Mill. We have particularly, focused on the republican conception of freedom, freedom as autonomy, negative and positive concept of freedom, freedom as Swaraj development as freedom, and free speech and hate speech. So, these are some of the things which we have discussed on this concept of liberty or freedom. Thus, although, its conceptualizations and interpretations differ, the idea of freedom and liberty is central to any political discourse.

It includes not only, freedom from as in the negative freedom, but also, freedom to achieve self-mastery. In other words, freedom can or should be understood as not merely, the conditions, but its actual realisation requires the individual to act, participate, or to engage, in order to meaningfully, realise one's freedom.

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So, freedom is something, which one can realise, when one acts upon the conditions of freedom available to him and that makes the idea of freedom. Its centrality lies in the fact that it has the constitutive element of developing oneself or one's personality, one's creativity and expressing it freely, without any restrictions or interferences from others.

But that requires not just merely, conditions of freedom, but also, the willingness to participate or engage in the public life. So, in this lecture, you can refer to some of these books like Bhargava and Acharya's, *Political Theory: An Introduction*, in Hoffman and Graham's book, you can also, look at the chapter on liberty. In John Stuart Mill book, you should read to understand his defence of free speech, even when that speech is not truthful, as I have discussed how that can help humanity, nonetheless. In Mukherjee Rudrangshu, you can read Gandhi's Swaraj, and his conception on Swaraj.

And also, Brown C Mckenzie's 'Swaraj the Indian Idol of Freedom: A Political or Religious Concept?' will give you the perspective of Indian approach to freedom through *Mukti* or Swaraj and especially, the progression of Swaraj and its different connotations during the anti-colonial struggle.

Again, development as freedom, for that you should read Amartya Sen's *Development as Freedom: An Indian Perspective* and also, Siddharth Narrain's 'Hate Speech, Hurt Sentiment and (im)possibility of Free Speech', you should read to understand some of

the debates on free speech and hate speech. That is all for today's lecture. Thank you for listening. Thank you all.