

THE DICHOTOMY OF OPINION, SPEECH AND THE HATE

Shivam Gupta

Scholar, Guru Gobind Singh Indraprastha University, New Delhi, India

Suhani Kukreja

Scholar, Guru Gobind Singh Indraprastha University, New Delhi, India

Abstract

This extensive piece explores the intricate balance and conflicts inherent in freedom of expression, drawing from historical events, artistic controversies, and modern-day societal debates. It delves into the struggles faced by prominent figures like Da Vinci, Manto, and Faiz due to their expressed ideologies, discussing how differing opinions often clash and become points of contention. The writing addresses the impact of expression on society, highlighting cases of censorship, ideological conflicts, and the power dynamics in media. It touches on the gendered aspect of online abuse faced by women and examines the evolving role of media in contemporary times, juxtaposing the ideals of journalism with its current state. The piece ends by emphasizing the importance of expression in building a progressive society while acknowledging the complexities of free speech and the multifaceted nature of truth. A research paper abstract might focus on how this text navigates the historical, sociopolitical, and ethical dimensions of freedom of expression, showcasing its relevance in understanding contemporary discourse and its implications on society.

Keywords: - Opinion, Speech, Hate

Introduction

In a world brimming with diverse opinions and ideologies, the landscape of expression and its ramifications remain a topic of intense scrutiny and discussion. This research delves into the multifaceted realms of freedom of speech, analysing its dynamic interplay within societies. From historical references to contemporary incidents, the paper investigates the impact and constraints surrounding expression, especially concerning influential figures and the media.

Examining the experiences of renowned individuals like Da Vinci, Manto, and Faiz Ahmed Faiz, whose unyielding commitment to their beliefs clashed with societal norms, this paper navigates through a spectrum of controversies. From artistic interpretations to ideological confrontations, their narratives serve as poignant examples of the friction between personal expression and societal acceptance.

Furthermore, the research analyses contemporary instances involving prominent figures like Kangana Ranaut, Deepika Padukone, and Kapil Sharma, unravelling the complexities of public reception and the role of media in amplifying or stifling their voices.

Expanding beyond individual experiences, the paper investigates the pervasive issue of online trolling, especially targeting women. By exploring instances of harassment faced by influential figures like Rana

Ayyub and the gendered nature of online abuse, the research underscores the urgent need to address and mitigate such harmful behaviour.

Delving into the realm of media, the study scrutinizes the evolving landscape of journalism in India. It reflects on the dichotomy within the media—once the voice of the people now entwined with sensationalism and polarizing narratives. Through case studies like the Sushant Singh case, Aryan Khan's drug case, and instances of media intrusion into private lives, the paper highlights the blurred lines between news reporting, sensationalism, and ethical boundaries.

Amidst these intricacies, the research contemplates the juxtaposition of free speech and its restrictions, considering the delicate balance between safeguarding individual liberties and preventing harm or discrimination. It analyses legal and ethical dimensions, emphasizing the necessity for clear regulations that balance the right to expression with societal well-being.

Ultimately, this comprehensive study seeks to shed light on the nuanced dynamics of expression, critique, and the evolving nature of societal discourse, culminating in a call for a more informed, empathetic, and responsible approach to the exercise of free speech.

THE DICHOTOMY

When you open your mouth, you are also opening your heart, and knowing that someone truly hears what you are feeling and understands you is soothing to your soul **1. (Barton Goldsmith,2013)**. As human, there is constant tendency about forming an opinion on anything he/she watches or hear or even believe about anything. The world is constantly evolving by their change in social economic and political condition. Each are so dependent on each other that really effect human need to raise or applaud her/his voice to put remarks.

But the conflict arises when one decides to oppress the others opinion for personal benefits or just because of their ideological differences.

Your voice matters. You have the right to say what you think, share information and demand a better world. You also have the right to agree or disagree with those in power, and to express these opinions in peaceful protests.

Exercising these rights – without fear or unlawful interference – is central to living in an open and fair society; one in which people can access justice and enjoy their human rights **2. (Amnesty.org)**.

Yet the power around the world routinely imprisons people – or worse – for speaking out, even though almost every country's constitution refers to the value of 'free speech'.

History would always be referred as proof of evidence to justify these points.

Painting by Da Vinci in the late 1400s, the painting is subject to many mysterious theories. The theme of the painting is traditional in nature where Jesus is seen sharing the final meal with his Apostles in Jerusalem before his crucifixion.

Some have identified the person to Jesus' right not as John the Apostle, but a woman, often purported to be Mary Magdalene. It has also been suggested that there is no cup in the painting, yet Jesus' left hand is pointing

to the Eucharist and his right to a glass of wine **3. (Kyla Serrano 2023)** The legendary artist still was criticised for his expression to what he perception.

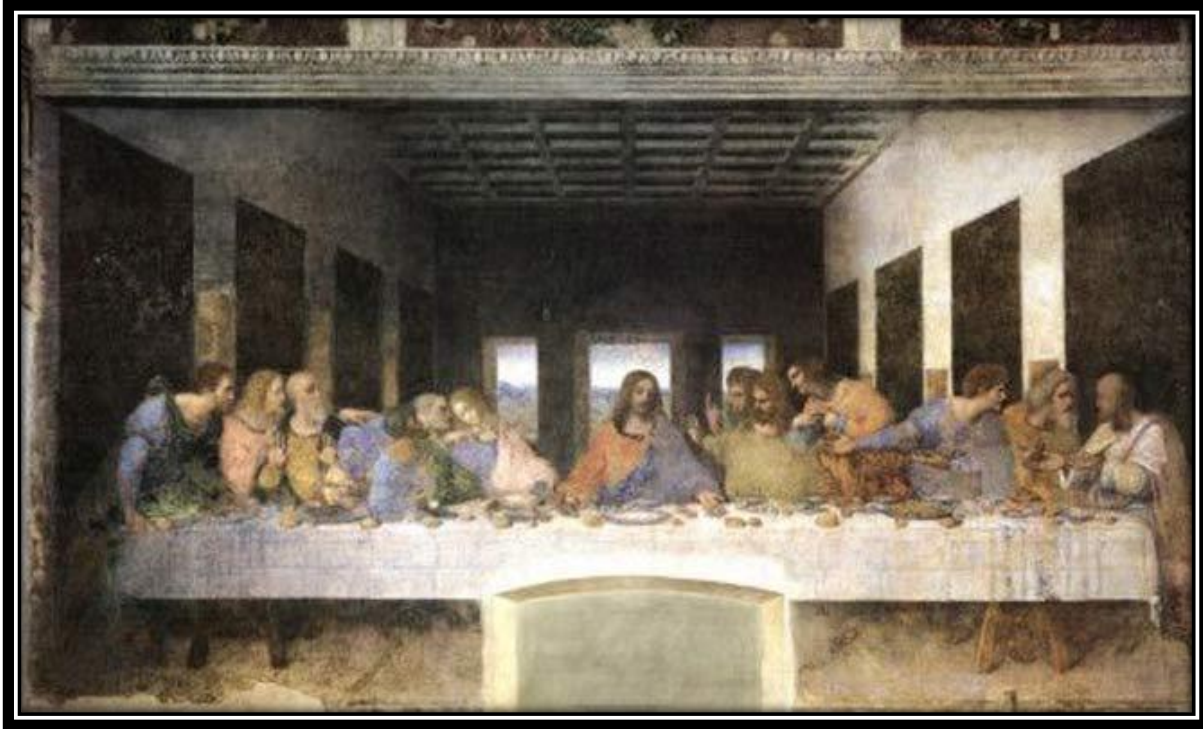


Image Source= <https://www.india.com/viral/leonardo-da-vincis-top-3-most-controversial-paintings-41991/>

Da Vinci, over a span of 25 years, completed two paintings called the Madonna of The Rocks and The Virgin of The Rocks.

The Madonna of The Rocks had sparked controversy because the painting had illuminated John the Baptist rather than Jesus. Therefore, the first version of The Virgin of The Rocks was rejected by the church due to its heretical content **4. (Krishna Makwana 2014)**. Whatever may the speculations be it still stood as a masterpiece but the he was still opposed that he truly believed in.



Image Source= <https://www.india.com/viral/leonardo-da-vincis-top-3-most-controversial-paintings-41991/>

Manto, the legendary writer whose writing are said to be more progressive than even today's time faced trial for obscenity in his writings, three times in British India before 1947 ('Dhuan', 'Bu' and 'Kali Shalwar') and three times in Pakistan after 1947 ('Khol Do', 'Thanda Gosht' and 'Upar Neeche Darmiyaan') under section 292 of the Indian Penal Code (by the British Government) and the Pakistan Penal Code in Pakistan's early years.[60] He was fined only in one case. Regarding the charges of obscenity he opined, "I am not a pornographer but a story writer".

मैं काली तख्ती पर सफ़ेद चाक इस्तेमाल करता हूँ ताकि काली तख्ती और नुमाया हो जाए

Translation: I use white chalk on blackboard so the black of the board is more apparent.

©Saadat Hasan Manto

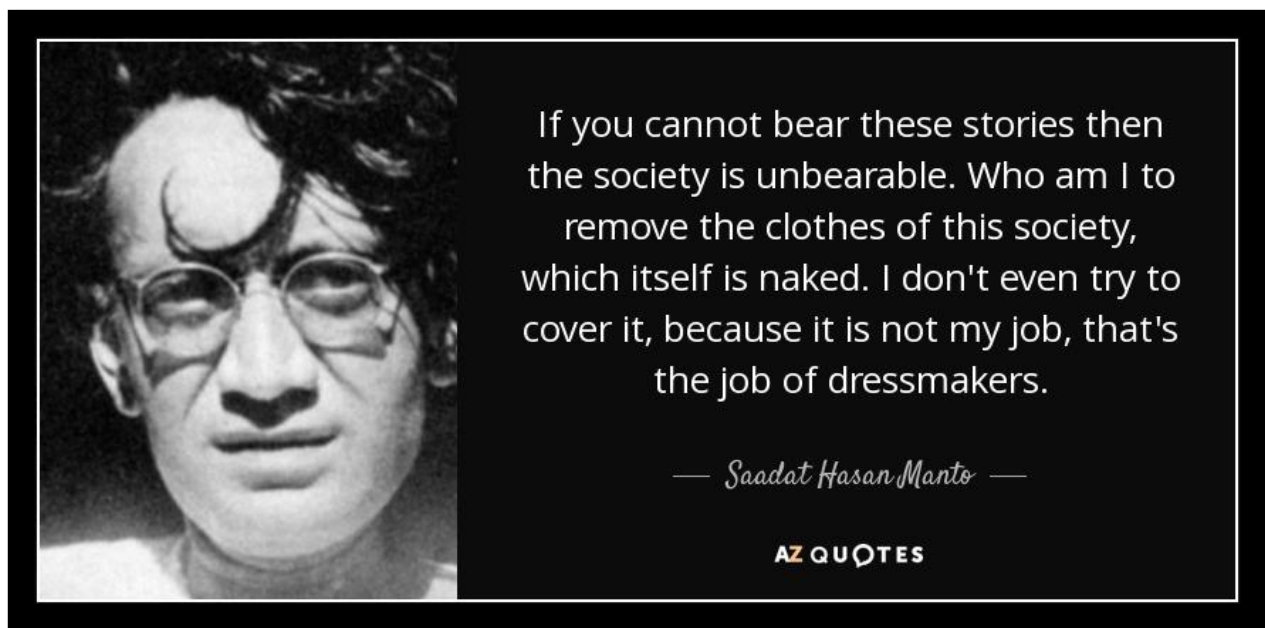


Image Source= <https://www.azquotes.com/quote/480450>

Another one of the revolutionary writer Faiz Ahmed Faiz, whose writings are still stands relevant and is must to study (if you are learner of poetry or life) suffered for his opinions. On March 9, 1951, Faiz was arrested with a group of army officers under the Safety Act, and charged with the failed coup attempt that became known as the Rawalpindi Conspiracy Case. He was sentenced to death and spent four years in prison before being released. He also wrote HUM DEKHENGE as a mark of protest in his after life for which he also faced many consequences.

Hum Dekhenge

Hum dekhenge
Lazim hai ke
hum bhi dekhenge
Wo din ke jis ka wada hai
Jo lauh-e-azl mein likha hai

Jab zulm-o-sitam ke koh-e-garan
Rooi ki tarah ur jaenge
Hum mehkoomon ke paaon tale
Ye dharti dhar dhar dharkegi
Aur ahl-e-hakam ke sar oopar
Jab bijli kar kar karkegi

Jab arz-e-Khuda ke kaabe se
Sab but uthwae jaenge
Hum ahl-e-safa mardood-e-harm
Masnad pe bethae jaenge
Sab taaj uchale jaenge
Sab takht girae jaenge

Bas naam rahega Allah ka
Jo ghayab bhi hai hazir bhi
Jo manzar bhi hai nazir bhi
Utthege an-al-haq ka nara
Jo mai bhi hoon tum bhi ho
Aur raaj karegi Khalq-e-Khuda
Jo mai bhi hoon aur tum bhi ho

Faiz Ahmad Faiz
Transliteration & image by Ismat Ara

(We shall witness
It is certain that we too, shall witness
the day that has been promised
of which has been written on the pages of
eternity)

(When the enormous mountains of tyranny
Will blow away like cotton.
Under the feet of the oppressed- (us),
When the earth will pulsate deafeningly
and on the heads of our rulers
When lightning will strike.)

(From the abode of God
When deities of falsehood will be taken out,
We, the faithful (who have been barred out of
sacred places)
Will be seated on exalted cushions
The crowns will be tossed,
And all thrones, brought down.)

(Only the name of God will survive
Who cannot be seen but is omnipresent
Who is both, the spectacle and the spectator
'I am the Truth'- a cry will rise,
Which is I, and you as well
And then God's very own creation will rule
Which is I, and you as well)




Image Source= <https://twitter.com/thepeopleofin/status/1212957111723814912>

Image Source= [https://upload.wikimedia.org/wikipedia/commons/c/cc/Faiz_Ahmed_Faiz_\(cropped\).jpg](https://upload.wikimedia.org/wikipedia/commons/c/cc/Faiz_Ahmed_Faiz_(cropped).jpg)

These people suffered for their obscenity thinking ideology which believe expressions are must to deliver what they really believe in.

Each human believes in different idea or an ideology that also contradicts to others. The idea of being supreme, neglecting or hurting someone else belief also becomes point of concern. The words are powerful enough to manipulate or hurt someone else sentiment. It's scary that it may also impact to degrade personality or life of a mass.

One such case of Nazi ideology which led to destruction, huge mass outcry and frequently to a world war.

The Commission of European union held the public interests in the prevention of crime and disorder in the German population due to insulting behaviour against Jews, and similar offences, and the requirements of protecting their reputation and rights, outweigh, in a democratic society, the applicant's freedom to impart publications denying the existence of the gassing of Jews under the Nazi regime. It also questioned the existence of nazi ideology which was been perceived by Adolf Hitler's pseudo-nationalism and discriminatory idea.

CONTEMPORARY OPINION LED CONTROVERSY

Case Study: - KANGANA RANAUT

She gets trolled for her speech after receiving the Padma Shri Award. Bollywood actress Kangana shared a video after receiving the Padma Shri Award said "it will shut mouth of lot of people". However, her speech

didn't go down well with some netizens and called it "Too self-absorbed". Kangana was trolled for her speech. She mentioned how she has spoken against "JIHADIS" & "Khalistan's any rival country constantly. 'Don't know how many cases are still upon me'. The people started trolling her by saying "She lowered the value of Padma Shri". The hate monger is still dipped into hate and may comment like this.

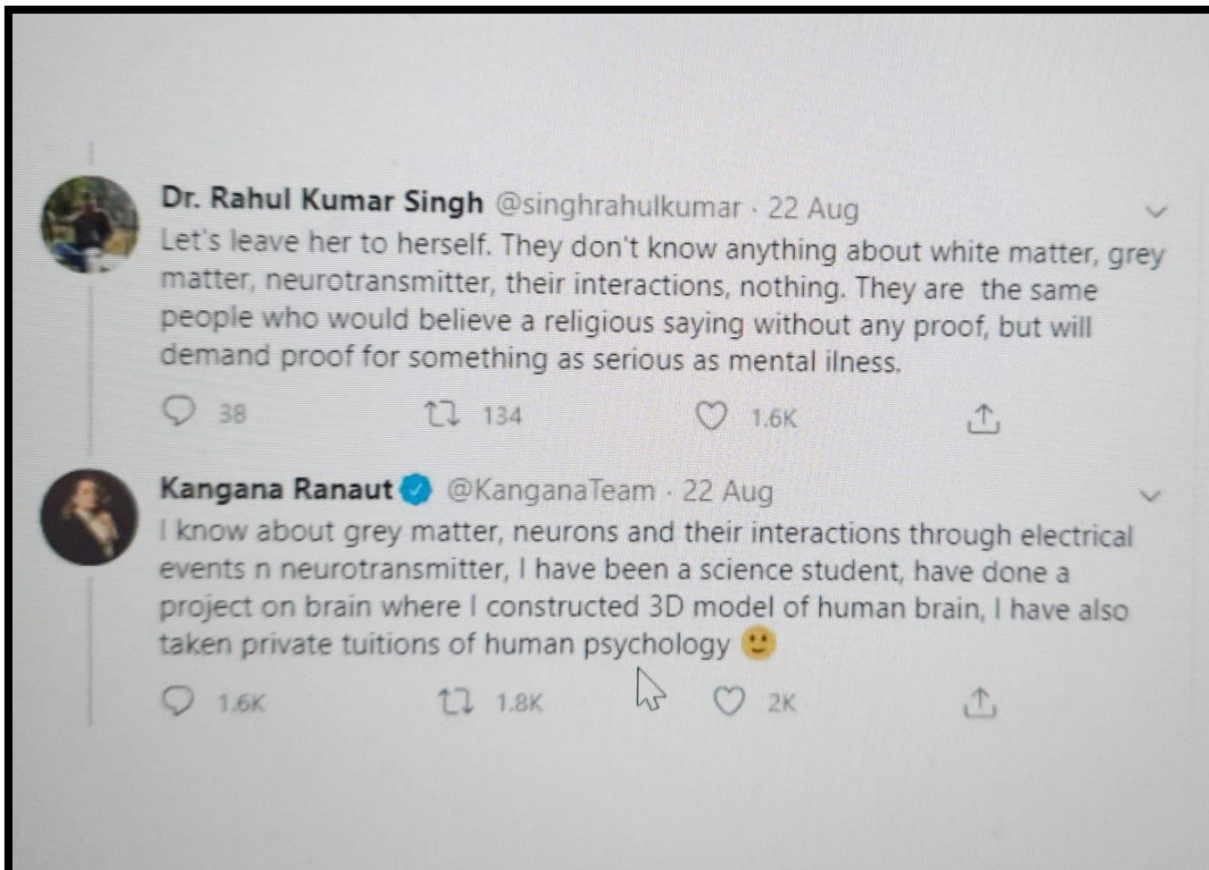


Image Source= <https://timesofindia.indiatimes.com/entertainment/hindi/bollywood/news/twitterati-troll-kangana-ranaut-for-comments-on-mental-health-actress-hits-back-with-fiery-response/articleshow/77702667.cms?from=mdr>

Case Study: - DEEPIKA PADUKONE

Padukone plays Rani Padmini in Padmavat. The film that was earlier titled 'PADMAVATI' had to be changed to 'Padmavat', after several Hindu group led by Shri Rajput Karni Sena protested against it. They alleged that Bhansali was guilty of distortion of history in his film. The main reason behind that controversy was the 'Jauhar' scene & few dance step of Deepika Padukone as Rani Padmini. Huge number of people were on the road to oppose Bhansali production & Padukone. They were demanding rapid ban on that movie. Later on, Padukone got many lives threat. After few days Padukone opened up on the controversy "Let me put things in perspective, we are not endorsing JAUHAR, you must be the scene/practice in context to the period in which it was shown & when you do that you will realise, it is so powerful & you will not feel like she is doing anything wrong.

Case Study: - KAPIL SHARMA

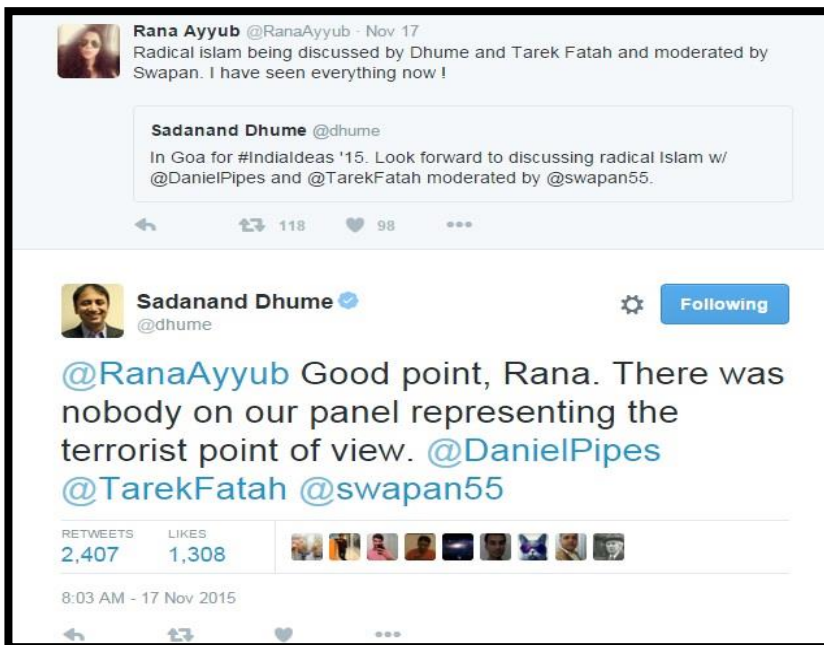
A complaint was filed against the show maker over an episode which showed the comedians consuming alcohol while performing a courtroom skit. In the FIR which was filed by a lawyer, “the team has been accused of disrespecting the court”.

OPINIOTED TROLLS ON OPINIOTED WOMEN

Online trolling of women is only an extension of the everyday harassment they face.

Nowadays, online trolling has really become common on social media. People find it really easy to troll others without thinking of its further consequences to someone’s life. And being women, this makes it easy target for the trolls. So, the need of the hour is to tackle the gender aspect of online abuse and uphold dignity of women.

We can see live examples in India. Even a lady holding a powerful position in India was trolled that really brings disturbing realities of online violence and abuse face by women in India. Earlier this year journalist and author Rana Ayyub received rape and death threats online, making her a victim of doxing where personal details about her, including her address were shared online. Five UN SPECIAL RAPPORTEURES called upon India to protect her from the online hate campaign which started with her tweet “LEAVING HER ISLAMIST, THEY REFER AS JEHAD JANE.”



Image

Source=

https://www.reddit.com/r/indianews/comments/3t9bml/tweet_pic_dhume_rekts_jihadi_rana_ayyub/?rdt=56742

When Virat Kohli spoke for Shammi, trolls sent rape threats to her one-year child and his wife. Trolls usually troll actress for their dress up, their slurs for their photos been uploaded on social media.



Image Source= <https://twitter.com/shilpitewari/status/813176871642742785/photo/1>

Online violence against women is essentially an extension of the offline violence directed at women owing to their gender – it targets their sexuality, reduces them to sexual objects and reinforces gender stereotypes. Online violence often leads to women being silenced or self-censoring of their opinions because of fear of backlash. Therefore, such violence and abuse act as barriers to women being able to exercise their rights to equality and freedom of expression. In 2017, Amnesty International conducted a study on online violence against women which showed that over 70% of women surveyed who had faced some sort of abuse online changed the way they used social media, and a third of them said they no longer post their opinions on some issues

5. (Mariya Salim 2018).

Opinion As News

The news media are in crises across the developed world. Journalism as we, know, it is being described, obviously with some exaggeration as “collapsing” “disintegrating” in ‘meltdown’. Two decades after a call issued from a conference in Windhoek, Namibia for the establishment of World Press Freedom Day, ‘the arrival of the digital revolution- the evolution of the internet, the emergence of the new forms of media, and the rise of online social networks- has reshaped the media landscape and made “the press of 21st century something that those gathered in Windhoek could not have imagined.

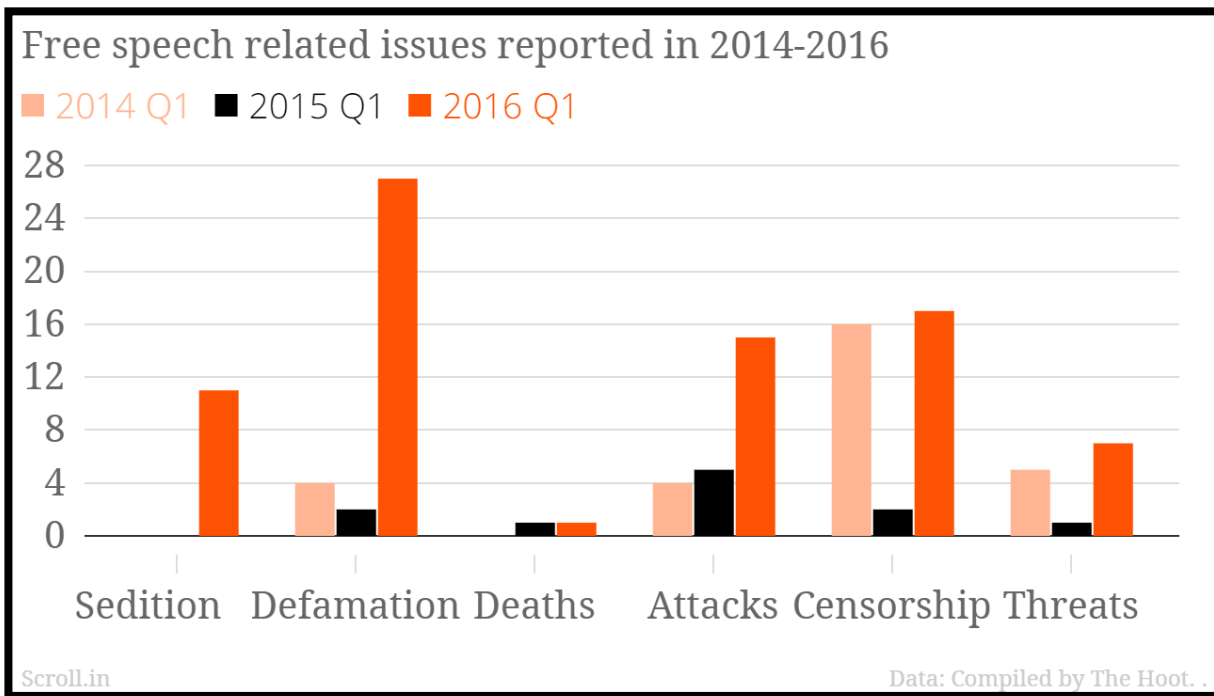


Image Source= <https://scroll.in/article/1059930/anuja-chauhans-the-fast-and-the-dead-falters-but-still-is-more-than-the-sum-of-its-parts>

The Media supposed to be a watchdog in a democracy. While analysing I came to a bitter truth, the INDIAN MEDIA is divided with two ideologies. Media; that used to work for, by & of the people now work for, by & of the sponsors Hate speech and propaganda have taken Centre Space in mainstream media. Sensation has replaced sense; Noise has replaced news and news channels have turned into a hub of cheap thrills & react like a one- sided supporter.

THERE ARE FEW NEWS REPORTING WHICH COULD VALIDATE THIS JUDGEMENTS:

Case Study: - SUSHANT SINGH CASE

The phenomenon of declaring the accused or suspect as a convict in the mid of inspection- A type of Media trial.

This widespread coverage of the guilt of the accused and imposing a certain perception about him/her, regardless of any of the verdict given by the court of the law.

FREE SPEECH & FAIR TRAILS ARE TWO OF THE MOST CHERISHED POLICIES OF OUR CIVILIZATION, AND IT WOULD BE A TRYING TASK TO CHOOSE BETWEEN THEM.

Case Study: - ARYAN KHAN DRUG CASE

INDIA is not in the upper said scenario now.

It sees vigilante media as a violation of the accused rights and a role in the outcome of trails. The unrestrained media bombardment in celebrity cases has frequently emphasized the uncomfortable but vital topic of media trail impact on judiciary trail. Despite the lack of proof that extensive pre-trial publicity invariably leads in criminal convictions.

Case Study: - SHEENA BOHRA CASE (2012)

The media spied on the personal life of the primary accused Indrani Mukherjee. The media investigated every area of her personal life & character.

Case Study: - VIR DAS CASE

Headlines like “Debunking the 7- minute monologue, Descriptions like “Defaming India in America- Why Vir Das should be arrested? An opinionated critique on the matter before a debate on the issue & the channels started hashtags for their respective news shows. How is a panellist supposed to keep a point contrary to the pre- established narrative for the viewers when #AbuseIsNotComedy hangs above their tiny frame?

It is said, that journalism is not the line for money making, the media should act as the voice of the voiceless but surprisingly it is busy guarding the powerful. Day by DAY news is becoming a money-making business.

There was a time, when the content of any information was selected on the basis of the choice of; What India wants to see? News was delivered so softly, simply& sincerely

Interestingly nowadays, ‘Gandhiji Ke teen bandar’ are very much suitable.

Journalists have turned into sycophants, always making sure they toe the line of their political masters. Essence of journalism i.e., logic reasoning & truth have completely died in Indian Media. Bold and daring journalist has surrendered themselves in the name of money. TRP supremacy is trending over truth and the public issue has been replaced to MASALA topic. Ironically, those who are supposed to make the representatives of people credible, have lost faith in public.

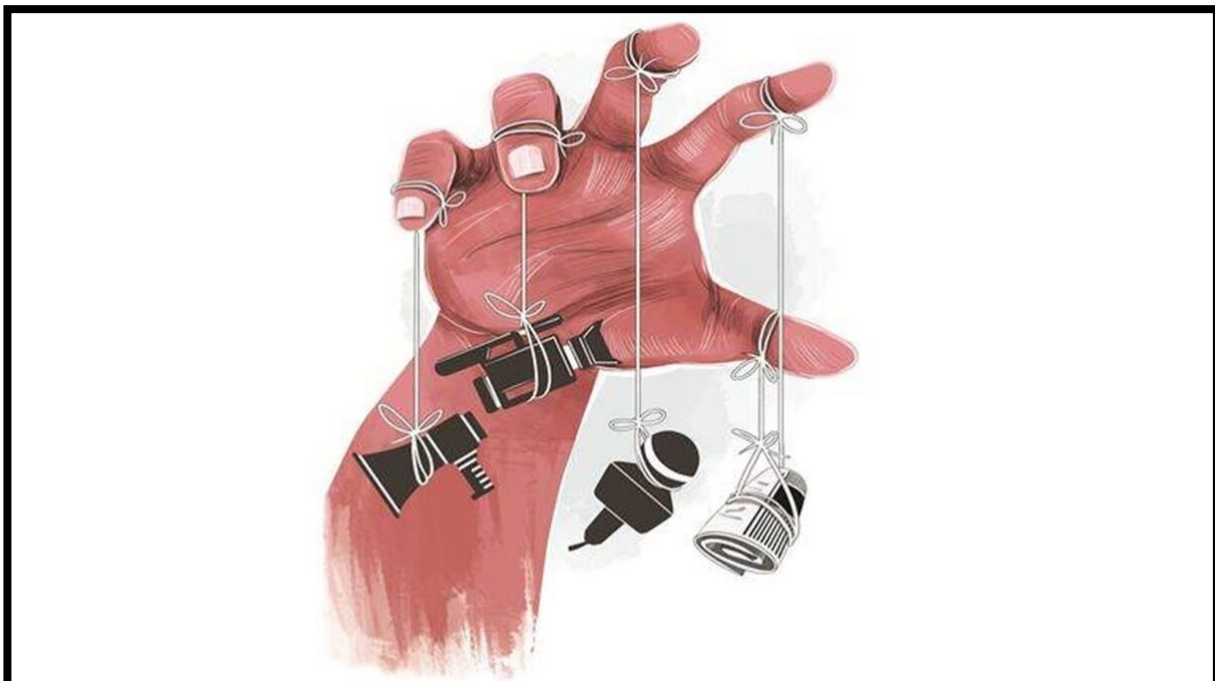


Image Source= <https://indianexpress.com/article/india/world-press-freedom-index-india-remains-one-of-the-worlds-most-dangerous-countries-for-journalists-7281362/>

JUDICIARY COMMENT'S ON MEDIA TRIAL

In Sushant Singh case, The Bombay High Court asked if it was the media's job to advise an investigating agency on how it should conduct a probe.

In November 2006, former Indian CJI Y K Sabharwal stated; A defendant is regarded innocent until proven guilty in court & is entitled to a fair trial. So, it's appropriate to expect that no one pre-judge or pre-judice one's case? Why should public opinion effect judges?

Human may differ in their opinion or ideology but this could be lusted into debates for progressive building not spreading hatred. If there is a hate speech which affects sentiments then there is also hate in trolling, harassing or lynching the same human. The words are the most powerful weapon but never used weapon to kill those words. Even if you try to kill it there would be nothing more than a pen leak which would be again persuade as a contemporary art.

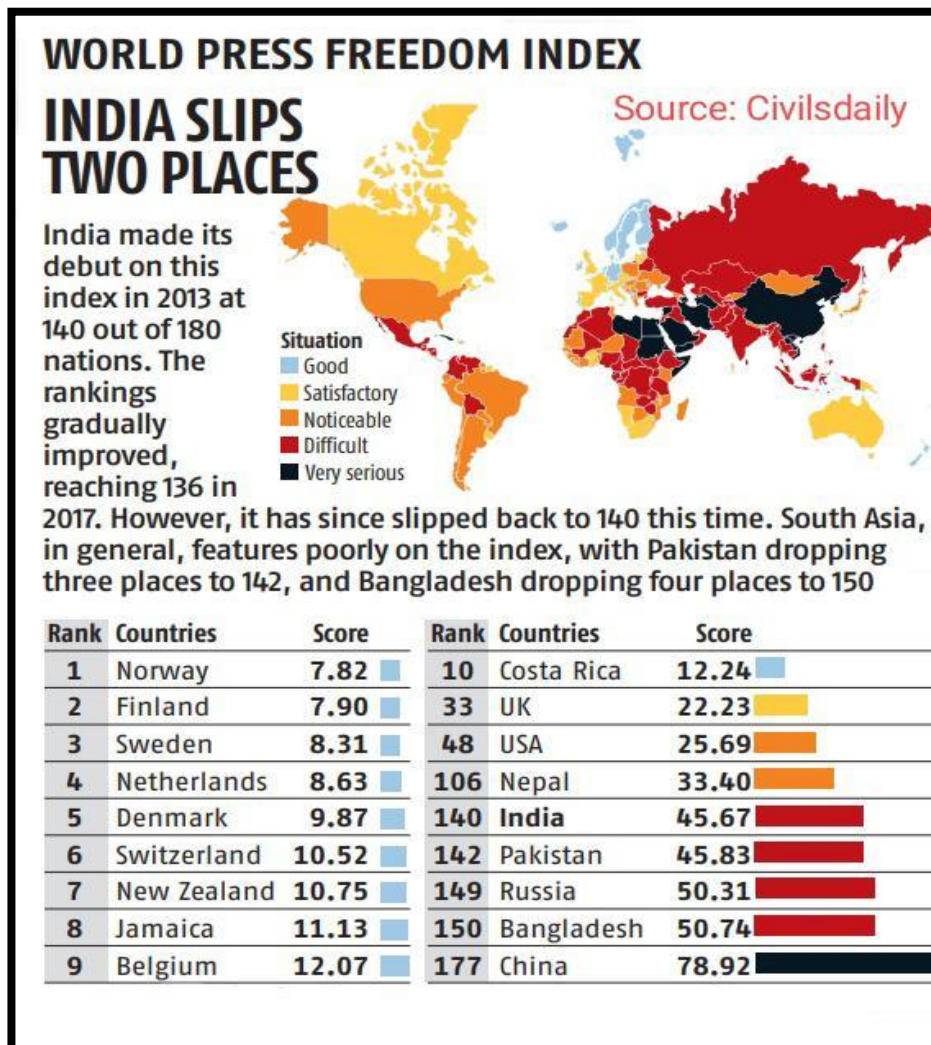


Image Source= <https://www.youthkiawaaz.com/2020/04/security-situation-for-indias-media-to-have-improved-the-world-press-freedom-index-2020/>

And as Manto says: KALAM AZAD HAI TO LEKHAK KYU NAHI.

We really want to create a world where minority and women or LGBTQ community would stay silent or the world where each protest stands as verse, each denial as a chorus and a Ghazal which could talk about the pain and suffering.

We all have opinions that need its expression. Expressions paves a mind into world of progression and a sense of communication giving sense of belonging. This also makes us to wonder the quote by Faiz: BOL KI LAFZ AZAD HAI TERE, BOL YEH ZUBAN AB TAK TERI HAIN.

Criticise or applause whatever you believe in, that really makes better learner. As by quoting the text BHAGVAT GITA:

Pursuing knowledge is superior to

any ritual with material offerings

because all activities find them

fulfilment only in knowledge

(BG 4.33)

Learn that knowledge from

those who have realised the truth

Approach them with

a spirit of sincere enquiry

and serve them with humility

They will impart that knowledge to you

(BG 4.34)

Freedom of speech, or freedom of expression, applies to ideas of all kinds, including those that may be deeply offensive. While international law protects free speech, there are instances where speech can legitimately be restricted under the same law – such as when it violates the rights of others, or, advocates hatred and incites discrimination or violence.

However, any restrictions on freedom of expression must be provided by law, protect certain public interests or the rights of others and, be clearly necessary for that purpose.

Conclusion

Freedom of expression, a cornerstone of democratic societies, stands as a beacon for human progression, shaping the fabric of nations and cultures. It holds the power to spark change, ignite debates, and bring forth a myriad of perspectives that enrich the collective consciousness. Yet, this freedom, while universally cherished, is entangled in a web of controversies and conflicts, threading the delicate balance between rights and responsibilities.

The evolution of societal landscapes, intertwined with political, economic, and social currents, has magnified the voice of individuals. The cacophony of opinions, a testament to this empowerment, echoes through history, adorned by revolutionary artists, writers, and thinkers whose expressions challenged conventions and status quos.

However, the narrative of freedom of expression is shadowed by dark chapters where voices were stifled, and opinions met with persecution. Throughout history, mavericks like Da Vinci, Manto, and Faiz faced trials and reprimand for daring to express their thoughts that challenged the normative societal boundaries.

Ideological differences often fuel conflicts where one's freedom becomes the battleground for others' oppression. Nazi ideology stands as a harrowing testament to how the manipulation of words and expression led to catastrophic consequences, underscoring the perilous impact of unchecked rhetoric.

In contemporary times, individuals like Kangana Ranaut and Deepika Padukone illustrate how expressions, even those spoken with the intent to illuminate or provoke debate, become tinder for fierce online trolling and threats. Such instances highlight the gendered nature of online abuse, reflecting the broader societal issue of violence against women and the silencing of voices.

Furthermore, the landscape of news media, a supposed guardian of truth and democracy, has morphed into a realm dominated by sensationalism and polarized ideologies. The erosion of journalistic integrity and the rise of opinion-based news pose a threat to the very essence of freedom of expression, blurring the lines between information dissemination and propagation of agendas.

Amidst these complexities, it's imperative to tread the fine line between upholding free speech and curbing its excesses. While international law safeguards this freedom, it allows for restrictions in cases where speech infringes upon others' rights or incites violence and discrimination.

Balancing the rights of individuals with societal welfare necessitates a nuanced approach, ensuring that limitations on expression are precisely defined by law, aiming to protect public interests or individual rights without impinging on the essence of free speech.

In conclusion, the evolution of societies hinges on the diversity of opinions, expressions, and debates. Striking a harmonious chord between safeguarding free speech and mitigating its potential harm remains a cornerstone in fostering a world where ideas flow freely, nurturing progress, inclusivity, and mutual understanding.

References

1. Goldsmith , B. (2013, November 4). *Don't bury your feelings | psychology Today*.
<https://www.psychologytoday.com/us/fitness/201311/dont-bury-your-feelings> <https://www.psychologytoday.com/us/blog/emotional->
2. *We've been defending the right to freedom of expression since 1961*. Amnesty International. (2023, September 18). <https://www.amnesty.org/en/what-we-do/freedom-of-expression/>
3. Serrano, K. (2023, January 9). *Art appreciation*. Scribd.
<https://www.scribd.com/document/618780587/ART-APPRECIATION>
4. Makwana, K. (2014, April 21). *Leonardo da Vinci's top 3 most controversial paintings*. Latest News, Breaking News, LIVE News, Top News Headlines, Viral Video, Cricket LIVE, Sports, Entertainment, Business, Health, Lifestyle and Utility News | India.Com. <https://www.india.com/viral/leonardo-da-vincis-top-3-most-controversial-paintings-41991/>
5. Salim, M. (2018, July 8). *Online trolling of Indian women is only an extension of the everyday harassment they face*. The Wire. <https://thewire.in/women/online-trolling-of-indian-women-is-only-an-extension-of-the-everyday-harassment-they-face>