

# Make space for the art of free speech



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**LITTLE MATTERS**

It is no coincidence that the word “articulate” begins with the word “art”. There is an art to the formation of clear and distinct sounds in speech. Speech, the expression of or the ability to express thoughts and feelings by articulate sounds, has articulation ingrained into its very definition. And all art necessitates the existence of open spaces to flourish. The art of speech is no different.

The United Nation’s Universal Declaration of Human Rights recognises freedom of expression as a human right under Article 19, which states that, “everyone shall have the right to hold opinions without interference” and “everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.” It is also recognised in international human rights law in the International Covenant on Civil and Political Rights (ICCPR).

There were later amendments of Article 19 in the ICCPR, though stating that the exercise of these rights carries “special duties and responsibilities” and may “therefore be subject to certain restrictions” when necessary “[f]or respect of the rights or reputation of others” or “[f]or the protection of national security or of public order (order public), or of public health or morals.” Freedom of speech and expression, therefore, may not be

recognised as being absolute. And what are some of the common limitations to freedom of speech? They relate to slander, obscenity, pornography, incitement, classified information, copyright violation, trade secrets, food labelling, non-disclosure agreements, the right to privacy and the likes. Basically, the limitations are set based on the harm principle, or the concept proposed by John Stuart Mill that “the only purpose for which power can be rightfully exercised over any member of a civilised community, against his will, is to prevent harm to others.”



When I started writing this article, the much-debated draft of the Digital Security Act had just been passed. Section 57 of the ICT Act, which was repealed in the light of this new act, was in action and thriving, used to file cases against everyone starting from journalists to the common citizen who posted “inciting” videos on social media.

However, my social media was rife with, first posts trolling Miss Bangladesh, and second with moral policing of trolls. And here I was laughing out loud, possibly for the lack

of more dignified, articulate response to sheer frustration.

Until I was put in place by my fellow Facebook vigilantes. Several people have expressed concern about whether or not the digital space, rife with trolls, is enabling cyberbullying. Noteworthy were reactions to the Miss Bangladesh debacle, questions about a video made viral by a member of the police being bullied by a woman claiming to be related to the ruling party, comments on the birth date of cricketer Taskin’s newborn. Some were unquestionably out of line and could easily be

classified as intended to cause harm and pain, while others were slightly more across blurred lines.

There is considerable debate, however, about what constitutes cyberbullying. *Psychology Today* defines “trolling” as the following: “Trolling is internet slang for a person who intentionally starts arguments or upsets others by posting inflammatory remarks.” Cyberbullying, on the other hand, is defined as follows: “Cyberbullying is deliberate and repeated harm inflicted through using the Internet, interactive and digital

technologies, or mobile phones.”

Often times, laughter is the only response in the face of adversity, crude and unsophisticated as it may be, often venturing across blurred lines into acts of cruelty. Laughing at oneself, laughing at another, laughing with each other, may, oftentimes, be the only way a person in duress restores their sanity. In this stifling era of moral policing where one can barely breathe, literally (thanks to the renewed threats of winter dust) as well as metaphorically, our ability to laugh at situations that normally warrant anger and heartbreak as an appropriate response may only be a method of survival. But in addition to political opinions and religious views and anger being policed, if social media vigilantes have taken on the moral responsibility of policing sense of humour as well, don’t we risk shrinking the digital space even further?

While I must acknowledge that I am hardly an expert at keeping up with ever-changing rules, vocabulary and the definitions of appropriate and inappropriate conduct in digital spaces, might I humbly point out that making things bigger than they are may have some unintended consequences. When we merge lines between “trolling” and cyberbullying, especially in this era, we may, in addition to implicating people who should not be implicated, be further limiting the already very limited space for freedom of expression.

To clarify further what I mean by “this era”, let’s have a closer look at the world. We currently live in a world where more than 300 activists were arrested in the US for protesting in favour of Ford in the Ford-versus-Kavanaugh case; and where Bulgarian journalist Victoria Marinova was raped and beaten to death after she

interviewed two investigative reporters who were recently arrested while looking into corruption involving the misuse of EU funds. Maybe, we should ask ourselves: what is more of a cause for concern? The fact that we laugh at people who ask stupid questions that are met with equally stupid responses on live telecasted television shows? Or the fact that people can barely express a view, any view, without fear of being implicated legally or socially?

In no way am I condoning misconduct, harmful comments and bullying on social media. In fact, parts of the Digital Security Act make sense. False and/or provocative electronic publications that incite violence and religious sentiment, for example, are undeniably condemnable. As are comments that qualify as sexual harassment, rape threats, and false information that instigate panic and threaten to destabilise the state. Concerns regarding such issues are legitimate.

However, many clicks, “likes” and “shares” as of now are innocent, albeit thoughtless. They do not consciously attempt to incite. Many trolls are humorous self-expressions, where the self is seen as a broader part of the national collective, where we are extensions of each other. As I make fun of you, I make fun of me too.

Yes, it is crude and unsophisticated. The art of thinking before sharing and posting is one that must be honed with practice. However, all art is mastered through practice. And practice of art necessitates open spaces to flourish. The art of articulation is no different. Even if these spaces are sacred, digital spaces.

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## America's moment of self-reckoning?



MILIA ALI

**SHIFTING IMAGES**

The past week has been tumultuous and agonising for most Americans. A week of speculation, media hype, and political and personal drama surrounding the confirmation process of Brett Kavanaugh to a lifetime seat on the United States Supreme Court. Bringing the Orwellian tragedy to a finale, the Senate confirmed Kavanaugh, much to the dismay and dissatisfaction of many experts as well as ordinary citizens who believe that his presence will undermine the court’s claim to legitimacy and neutrality. Typically, American Supreme

to rape her. Her compelling and moving narrative had such an impact that thousands contacted the media and Senate Representatives to show their support. In the aftermath of the testimony, numerous women came out and recounted their own painful experiences of sexual violence, iterating that they had at last found a voice.

To ward off allegations of any personal or political motive, Dr Ford asserted: “I am here because I believe it is my civic duty to tell you what happened to me while Brett Kavanaugh and I were in high school.” However, her emotional and riveting account was countered by a belligerent, partisan and hard-hitting tirade from Judge Kavanaugh. He and his supporters in the Senate screamed their outrage by turning the accusation into “a calculated and orchestrated political hit, fuelled with

tant to note that these crimes are ubiquitous and exist both in times of war and peace. More importantly, sexual crimes are not only confined to Congo, Sudan, Yemen or Saudi Arabia—or within the outlawed ISIS—but are also prevalent in the United States, the country that prescribes “norms” for moral behaviour and expresses outrage when these are violated in other parts of the world!

Kavanaugh’s confirmation happened in the backdrop of a president who has been (rightly or falsely) accused of sexual misdemeanours, has demeaned women openly and publicly mocked Dr Ford’s testimony. Sadly, the US Supreme Court is now tainted by two Justices accused of sexual misconduct—one for making lewd remarks to female colleagues and the other for attempted rape. These men will have a decisive say in interpreting the nation’s laws, and passing verdicts on important issues related to the Constitution, including women’s rights. Add to this the multiple incidents of sexual harassment and abuse in US corporations that women have exposed in the last few years through the media and #MeToo movement. The foregoing scenario gives us little comfort about the safety and future prospects of our daughters and granddaughters.

It is indeed shocking that despite affidavits from friends, therapist reports and a polygraph test, the Republican members of the Judicial Committee deprecated Dr Ford’s weighty accusation. After conducting a sham FBI investigation, they railroaded the confirmation of Donald Trump’s hand-picked, controversial nominee to the highest court of the country. Clearly, party politics triumphed over the protests of thousands of citizens demonstrating in front of the Capitol and the Supreme Court. This should be a cause for concern and anxiety. For when elected representatives fail to listen to the voice of the people, it is a signal that democracy is in grave danger.

The Senators who voted “Yea” for Kavanaugh might wish to reflect on what another Senator, Robert Kennedy, said five decades ago, as America faced the challenge of surmounting racial discrimination. He warned the privileged and powerful: “But history will judge you, and as the years pass, you will ultimately judge yourself, in the extent to which you have used your gifts and talents to lighten and enrich the lives of your fellow men.” This may be the defining moment when Americans need to go through a process of self-reckoning, and bow their heads in shame and guilt because they have failed women and...humanity.

#MeToo

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Protesters occupy the Senate Hart building during a rally against then Supreme Court nominee Brett Kavanaugh on Capitol Hill in Washington, DC on October 4, 2018.

PHOTO: ANDREW CABALLERO-REYNOLDS/AFP

Court appointments should not concern the world. However, this one should. Let me backtrack a little to explain why.

The Kavanaugh hearings have gripped the United States not only because of his conservative and radical views on abortion, presidential immunity and executive privileges—although for most Americans these issues have raised an alarm. But what has truly shaken the country and much of the world is the accusation made by psychology Professor Christine Blasey Ford that Kavanaugh sexually assaulted her when they were both teenagers. Dr Ford narrated her traumatic experience under oath in front of the Senate Judiciary Committee, with millions watching her on television—a poignant testimony of how a drunken 17-year-old Kavanaugh, along with a friend, locked her in a room and attempted

apparent pent-up anger about President Trump and the 2016 election.” The core message of sexual violence encapsulated in a brave woman’s painful story of attempted rape was lost in the quagmire of political infighting and white-male-rage. It was once again a sad reminder that misogyny is the primal and most enduring tyranny of human civilisation.

Ironically, this was also the week when the Nobel Peace Prize was awarded to Congolese gynaecologist, Denis Mukwege, who treated rape victims, and Nadia Murad, the Iraqi Yazidi activist, who was captured and sold into sex slavery by ISIS. The committee announced that the recipients “helped to give greater visibility to war-time sexual violence.” While the Nobel needs to be commended for recognising activists working against sexual violence, it is impor-



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