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Editorial

FREEDOM OF EXPRESSION AND DISSENT IN DEMOCRATIC INDIA

There has been a conflict of words, ideas and assumptions when it comes to their expression. In such conflicts, apparently, freedom of expression versus sensitivity to others' sentiments becomes an issue – real or imagined. Individual autonomy and social acceptance are values that clash though appreciated and honoured in their own right. Recently, the debate has spilled over into various forums. The politicians, political parties and the politically 'disoriented' religious leaders (both designated and self-appointed) have tried to take the maximum advantage of such debates and conflicts.

There are some for whom the issues such as banning Salman Rushdie's

book *Satanic Verses*, M.F Hussein's paintings of goddesses, exhibition of class work of an M. S. University student or Taslima Nasreen's writings, have become life and death issues threatening the very survival of Hindu or Muslim communities in India. They assess development projects like the Sethusamudram project also with reference to existence/non-existence of ram, etc rather than its impact on the livelihood of people. One should not fail to realise that their hidden 'political' agenda of inciting people's emotions and disturbing communal harmony are camouflaged in their orchestrated 'concern and compassion'.

We are discussing religio-cultural and political censorship. Religion is part of

culture pertaining to belief and meaning systems of individuals and community. The etymology of the word 'culture' lies in its Latin root *cultura* stemming from *colere* that is 'to cultivate'. In Spanish, culture is *cultura*, which is cultivated and cultivable so to speak. The Harper Collins Dictionary of Sociology defines culture as "the way of life for an entire society." As such, it includes codes of manners, dress, language, religion, rituals, norms of behaviour and systems of belief. Others would include language, ideas, beliefs, customs, codes, institutions, tools, techniques, and works of art, rituals and ceremonies, among other things.

As much as culture is passed on through socialisation in society, socialisation is also influenced by cultural expression. Raymond William (1976) in *A Vocabulary of Culture and Society* suggests that culture is manifested in music, literature, painting and sculpture, theatre and film and other things. Culture in a way refers to patterns of human activity and the symbolic structures that give it significance and importance. Some people even identify culture in terms of consumption and consumer goods but to an anthropologist "culture" refers not only to consumption goods, but to the general processes which produce such goods and give them meaning, and to the social relationships and practices in which such objects and processes become embedded. For them, culture thus includes technology, art, science, as well as moral systems. In the world we live, culture defines society, highlights our similarities and differences. Some also use culture to cultivate hatred and not harmony in society.

This is why, words, actions and gestures perceived as defining a cultural representation invoke so much of reaction as well as responses. Symbols, words, actions and gestures when perceived as belittling or misrepresenting believed religious and mythological worldviews, stir emotion and different people react and respond to them differently. There are a few in every society who know to exploit human responses, take advantage of them and get away themselves after stirring strong emotions, triggering violence and divisive tendencies. Religious fanatics and power hungry politicians are masters of this art of exploitation.

There are also other forces within a society which facilitate as well as resist cultural change. Both these sets of forces are fostered and nurtured by groups in the society for greater good or for vested interests. Sometimes, contacts with other societies and cultures either induce change or create resistance. Environmental changes have been cited as a force for cultural change of a community and society.

One can yet discuss about dominant and subaltern cultures within a society and the socio-political implications of the same. Often the dominant culture of dominant community, the elite and the powerful submerge the subaltern cultures in various ways including forging hegemony, coercion and violent subjugation. Like cultural imperialism, the dominant culture within a country can take form of an active, formal or general attitude. Michel Foucault's concepts of discourse and power may

throw light on our understanding of freedom of expression, cultural hegemony and their political implications.

India's democracy is often viewed and perceived in a very limited sense, namely, free and fair elections. However, democracy as enshrined in the Constitution is much larger than this. It provides rights to the citizens of India to agree and disagree (dissent) on social, economic and political discourse, policies and their implementation. Indian democracy presupposes respect for individuals, communities and their culture; at the same time it demands respect without blocking constructive criticism. The recent events of dissent indicate undermining the principle of democracy in the way some people register their protest.

Freedom of expression is therefore a political right of an individual but like many other rights, it is relative. Consideration for others and public good is important in exercising this power. However, there are individuals and groups who twist and turn every event and happening in a society to their advantage and agenda. Someone has rightly said that politics is strife of interests masquerading as a concept of principles. It is the conduct of public affairs for private advantage. Socially discriminative ideologies and practices often get into these processes. The Bharatiya Janta Party in India along with Hindutva wedded Sangh Parivar, some of the Muslim, Christian and the Sikh fanatics are experts in mixing the issues of freedom of expression with

religio-cultural issues. Instead of helping the public to address the issue, they turn it into a battlefield in name of religion and culture. Sorry to say, the political parties and some of their leaders are the worst violators of the democratic and secular fabric of Indian polity.

It is not easy at times to treat the right to expression and sensitivity to religio-cultural aspects of a community as having nothing to do with each other. At this point of time, we need rationality and logic to debate the issue and to help people address various emerging issues. Drawing clear-cut norms is not easy; it is neither helpful as it may kill creativity, suppress individual freedom and undermine human capacity to grow in sensitivity to other human beings and communities.

For development of citizens and the country at large, democratic space of debate and discussion is very important. Socio-psycho formation of public and political awareness among masses (from early educational formation) have long lasting impact not only in avoiding violent conflicts which India has seen in the last couple of decades but will also help in creating and enlarging public spaces for freedom of expression as well as healthy protest and thus debate and learn from events and issues. It will also help the public to detect and adequately deal with the rogues and instigators hiding in the garb of custodians of politics and religion.

Jimmy Dabhi

FREEDOM OF EXPRESSION: HOW FREE IS IT?

Arani Sinha

On 21 September '07, violence broke out in Kolkata after hardliner Muslim groups took out protest rallies in the city demanding Taslima Nasreen's (the Bengali Bangladeshi ex-physician turned author, feminist) expulsion from the city for her allegedly derogatory comments on Islam.

Taslima's literary debut started with *Lajja* (a Bangla word for shame) where she, through graphic description of the rape of a Hindu girl by a Muslim man, purported to symbolise marginalisation of the Hindu community in Bangladesh.

The manner in which Taslima Nasreen

has had to be shunted from city to city in the last few months is a matter of shame. It reveals a clear unwillingness or incapacity on the part of the state to protect freedom of speech and expression.

The debate surrounding freedom of expression versus religious-cultural

and political censorship gained grounds among the civil society organisations, political parties, media etc., with Taslima's exit from Kolkata. Also it might be beyond one's imagination how in a secular democracy this can happen to a writer though the issue itself is not a new one in our society. Even in the past, there have been frequent cases of intolerance and vandalism in the name of religious sentiments. The concert of noted Pakistani ghazal singer Ghulam Ali was disrupted in Mumbai. The shooting of Deepa Mehta's film *Water* was sought to be prevented. Films like *Parzania* on the 2002 Gujarat carnage or *Fanaa* were attacked. In May 2007, the saffron brigade ransacked the prestigious M.S. University in Vadodara protesting against an in-house painting of a student for hurting their religious sentiments.

M F Husain, one of India's best known artists and known as the "Picasso of India" had to flee from the country after right wing fundamentalists filed criminal cases against him, attacked his house, destroyed his paintings and issued death threats against him.

On 14 Febuary 1989, Salman Rushdie, the Anglo-Indian novelist, was condemned to death by the former Iranian spiritual leader Ayatollah

Ruhollah Khomeini after the republication of Rushdie's book *Satanic Verses*. Hyderabad-based political scientist Javeed Alam says that the Muslim politics on Taslima Nasreen issue is no different from Praveen Togadia's politics. "Both strengthen fascism," says Alam, also a social activist. Alam points out that in her writings, Taslima has said that there is no scope of emancipation of Muslim women within the Shariat. "What the Muslims must understand is that there is a difference between criticism and insult," he says. The point however is that it is not only the Muslims but the society at large should understand the difference between criticism and insult.

Artists even in this liberal age continue to be vulnerable. And from what one can see, it is not an issue that actively engages the public mind. Why is this so? Could it be perhaps because the growing demand for self-interest, both at the individual and national level, has left us incapable of sustaining idealism in any field? The deterioration of work culture is visible in all sectors.

Given that the Constitution has granted us the freedom of expression, one needs to think, analyse as well as debate as to how this freedom can be used. Is there a need to draw a

prominent line between freedom of expression and religious-cultural matters and also can this line be drawn at all. Who decides what is freedom of expression, what this boundary is which one shouldn't cross while using this freedom. Moreover if popular understanding is that one is hurting the common sentiments while using his/her freedom of expression, then what should be the way to respond to the same. Should the response be of throwing the person out of the country, snatching away all her/his fundamental citizenship rights or should it be to create a democratic space of debate and discussion on the same? All the above incidents are nothing but dark spots on the liberal and democratic nature of the system. The fundamentalist, non-democratic and conservative forces acting in such draconian manner drags us back into the dark ages.

The society needs to think where we are heading to by indulging in such criminal and violent acts. Who has given us the power to seize others' freedom of expression and issue death warrants against them? If we fail to stop this vandalism, it will be a clear indication of our shallow value base. Saying something and doing something else.

CULTURAL AND MORAL POLICE RAJ: AN ATTACK ON FREEDOM OF EXPRESSION

Prakash Singh

Whether in ancient Rome or in the modern United States, censorship has existed in every society in every age. Indian society is not an exception. In the last decade we could observe censorship in a more passionate form with escalating frequencies in the country. Art that challenges the strongly held beliefs of any society – whether political, ideological, religious or otherwise – causes offence and creates pressure for censorship. At the same time, almost every society has found value in the existence of art. What limitations on censorship should be made for the sake of artistic value,

or more broadly freedom of expression? "Artistic merit" and "offensiveness" are nebulous concepts lacking in objectivity and shifting with the tastes of society at any given time.

Censorship is defined as the act or practice of removing obscene, vulgar and highly objectionable material from things we encounter every day. Whether it is on TV, in music, books or in art forms, it is an inescapable part of our lives. Censorship is closely related to the concepts of freedom of speech and freedom of expression. When misused, it is often associated with human rights abuse, dictatorship,

racism, sexism and repression.

Typically censorship is done in India by governments, religious and cultural nationalist groups and mainly revolves around religious and gender issues. It is justified by the government also as necessary to maintain communal harmony, peace and tranquility, better termed "in the national interest", given the history of communal tension in India. Though the Constitution of India guarantees freedom of speech and expression, it places "reasonable restrictions" in the interests of the sovereignty and integrity of India or public order or morality. The following

paragraphs throw light on a few cases of censorship.

Film

In 2003, the Indian Censor Board banned the film *Gulabi Aaina* (The Pink Mirror), a film on Indian transsexuals, produced and directed by Sridhar Rangayan. The censor board cited that the film was 'vulgar and offensive'. The film still remains banned in India, but has been screened at numerous festivals all over the world and has won several awards. In 2004, the documentary *Final Solution*, which looks at religious rioting between Hindus and Muslims, was banned. The censor board justified the ban, saying it was "highly provocative and may trigger off unrest and communal violence". In 2006, five states (Nagaland, Punjab, Goa, Tamil Nadu, Andhra Pradesh) banned the release or display of the Hollywood movie *The Da Vinci Code* (and also the book), although India's Central Board of Film Certification cleared the film for adult viewing throughout India.

Dramas and Books

Recently women's stage production *The Vagina Monologues* was refused screening by Madras police for reasons that certain portion of the script was objectionable and that it posed a threat to public order. In 1999, Maharashtra government banned the Marathi play *Me Nathuram Godse Boltoy*. In 1989, Salman Rushdie's *The Satanic Verses* was banned in India and in many countries, for its purported attacks on Islam. The book *Understanding Islam through Hadis* by Ram Swarup was also banned. In 1990 the Hindi translation of the book was banned, and in March 1991 the English original was banned as well. A book on the Maharashtrian prince, Shivaji, by Queens University Professor Jayant

Lele was also banned. This book asked the question of who the father of Shivaji was. Shortly thereafter, the central government of the time, which contained the Shiv Sena, banned *Shivaji: Hindu King in Islamic India*, penned by American scholar James Laine, and another book *The Epic of Shivaji*, which contained the objectionable phrase "Oedipal rebel", following an attack by Sambhaji Brigade activists on the Bhandarkar Oriental Research Institute in Pune. In 2006, Sangh Parivar activists attacked Emmanuel Mission International and Rajasthan Police arrested Bishop Samuel Thomas and his father M.A. Thomas in connection with inciting communal passions by publishing a controversial book titled *Hakikat*. The book, written by M.G. Mathew, was distributed through the mission's outlets. Hindu groups said it contained derogatory references to Hindu gods and some Hindu preachers and holy rivers.

Paintings and Fine Arts

M.F Hussain's nude paintings of Hindu gods and goddesses and Mother India invited protest and attacks from Hindu fundamentalists and cultural nationalists. He imposed self exile for fear of being attacked physically by the mob. And recently we witnessed attack on Chandramohan, an award winning fine-art student of MS University, Vadodara, Gujarat. Like Mr. Husain, his work includes nude Hindu deities as well as a painting depicting the crucifix. So the Hindu activists brought along a few Christians as well. They roughed him up, got him arrested by the local police, and the following day a judge sent him to the city's central jail. The Vice-Chancellor of the university even dismissed Prof. Pannikar for defending Chandramohan.

The above cited cases are examples of state terror and moral policing with the support of fascist mobs. The pattern of the attacks, the ideological affiliation of the mobs, and the high-decibel sound bites to television cameras suggest that the reason for creating the controversy has little to do with sentiment and a lot to do with politics. It is an irony that organisations that thrive on promoting enmity between communities routinely accuse others – artists, filmmakers, actors, writers – of doing exactly the same.

The destruction of Hussain's work at the *Amdavad ni Gufa* and the many death threats and attempts at seizing his property, along with the monetary rewards announced by the Hindu Law Board and the Shiv Sena independently for anyone who chops off the artist's hands; and also recent attacks on Bangladeshi writer and activist Taslima Nasreen at Hyderabad and consequently at Kolkata by Muslim fundamentalists are all known to the public. The attacks on filmmakers like Deepa Mehta and Anand Patwardhan, and the banning of many films that go even close to exposing the harsh truths of our society are just more examples of the moral policing that these self-appointed 'cultural guardians' practise. In a democratic India, the official government authorities in charge of censorship remain mere bystanders while groups such as the BJP Youth League and the VHP take the law into their own hands. It is a breach of duty when the government does not take appropriate action against those openly associated with these incidents. But it is horrifying that the state machinery joins hands with the hooligans by punishing individuals who are in fact victims of public violation of basic human rights.

BALANCING BETWEEN FREEDOM OF EXPRESSION AND MULTICULTURAL SPIRIT

Ayesha Pervez

The recent outburst of particular groups on the many incidents of the past relate to the intellectual ability and attitude of

such self-proclaimed groups of becoming vanguards of the issues they associate with. The many cases of outrage against

M F Hussein's painting depicting goddess Saraswati as 'nude' and sharp reaction of Muslim community around

the world to the caricatures of Prophet Mohammad, showing him as a terrorist, by a Danish cartoonist, drew my attention towards this whole discourse on 'freedom of expression' and 'artist's imagination being above all religious and cultural boundaries and expressing the same through art'. Similarly, the case of Taslima Nasreen, apologising for the parts of her book which offended Muslims or a school textbook on medieval Indian history which was changed, deleting references to plunders by Sikh Guru Tegh Bahadur following protests by enraged Sikhs in 2001 need to be looked at carefully. There have been similar other cases where we have bowed down to religious forces and have backed off. For example, In September 2007, the Government of India withdrew the "offending remarks" from the affidavit filed by the Archaeological Survey of India (ASI) explaining the Government's position on the Sethusamudram project, which stated there is no scientific or historical evidence to prove the existence of Lord Ram. Later, the GOI filed a supplementary affidavit. "Lord Ram is an integral part of Hindu faith," said Union Law Minister H R Bharadwaj, apologising and stating that Ram's existence can never be doubted.

Yes, all of us, who defend our fundamental right to freedom of speech and expression granted by the Constitution of India find some of these cases very unfortunate to our right to present facts and figures, exercise one's intellectual and artistic creativity and right to think the way we want to. However, before we completely submit to the idea of 'absolute freedom of speech and expressions', we need to understand the distinct nature of all these cases, having different intentions and varying implications. They should not be treated as same and be bundled into one category of 'infringement of fundamental rights to freedom of speech and expressions'. We also need to distinguish between the two kinds of discourses which we have been witnessing in this context. We can ask ourselves first, whether we, as a pluralist society, should draw a line between and balance our right to speech with our respect towards others' religious

sentiments? Second, what should be the right way of protesting or showing disapproval to such speech or expression which is considered as hurting any particular group/section?

Let me respond to these questions myself. I personally think that there are some areas, especially related to religious and cultural matters, where one needs to be cautious and sensitive to others' beliefs and sentiments which might get hurt in the process. Giving an example, Hussein's painting of Saraswati is considered by many, mostly from the art fraternity, as an artistic creation. Yes, the painting is worth applause but only till we overlook the subject whose depiction the painting has. If it was an unknown face, artist's own imagination of a woman, it would be another excellent creation amongst Hussein's incredible paintings. On the contrary, the painting depicts a goddess who is worshipped by millions of Hindus. The painting has hurt their sentiments, as for Hindus, Saraswati is divine and should be respected. Though Hussein's intentions might not have been to hurt or disrespect, he was not completely oblivious to the fact that his painting would affect many and would lead to an outrage. His earlier paintings of Hindu gods and goddesses had created similar controversies and he had apologised for the same. Living in a multicultural society, is it not our responsibility to be sensitive and respectful towards others' beliefs and customs?

At this point of discussion, I would like to point out towards the different nature of those cases where it would be detrimental to the society if we let religion overpower this freedom. When ASI apologised for its stand on Sethusamudram issue, the act was nothing but bowing down to religious sentiments and deviating from a scientific fact. Allowing religion to dictate the freedom of scientific thought would be damaging for the progress of the society. Similarly, denial of a historical fact just to appease a religious section would prevent the correct picture of history which is again a dangerous act. We also have the right to question our religious doctrines if they justify classification

and discrimination along the lines of caste, class and gender. I, being a Muslim, do not agree with some Islamic rules and laws. For instance, I stand against the differential treatment meted out to women in Islam. However, I also believe in the avoidance of any act or expression related to religious and cultural issues, not backed by any factual information, which have the probability of hurting the sentiments of the believers.

Let me now come to the second question of how people/group, as responsible human beings, should challenge, show disapproval and protest against someone whose speech or expression is hurting their sentiments. However much I disapprove of MF Hussein's painting, Taslima Nasreen's writings or caricatures of Mohammad, I condemn the violent attacks that followed, engineered by so called cultural watchdogs of India, and do not support the censorship or banning of the same. These people have only exercised their fundamental right to express their views and perspective on a public forum. Someone has rightly said **"I disapprove of what you say, but I will defend to the death your right to say it"**.

Just as these different forms of expressions cannot be brushed off as their personal thinking as they are being presented to a larger audience, we as audience have got the right to speak out our views, by either applauding their work or being indifferent or showing our disapproval. It is the third form of reaction which is under question. How can one justify vandalism, physical assault, or denial of citizenship rights to these artists and writers? Taslima Nasreen not only had to face physical assault; she also had to flee from West Bengal to avoid any further attack on her in the wake of protests by Muslim organisations. Similarly, MF Hussein fearing religious outfits like Shiv Sena and RSS has imposed a self exile on him. These disturbing trends are glaring examples of curbing and snatching away one's fundamental right to express. The irony is that the so called protectors of Indian Constitution take equal part in this vandalism, though they adopt a 'softer' mode. What else would you say about the comment of Pranab Mukherjee,

Indian foreign minister, when he said 'Nobody has a right to hurt religious sentiments'? Not to say about West Bengal's ruling party's spokesperson Biman Bose's statement 'Taslima is unwelcome in Kolkata'.

We have no right to tame someone's thinking or control his/her views. Everybody has the right to put forward

their perspective in a public forum without fear. However, to preserve the multicultural spirit and to balance between our right to express and respect for others' beliefs, it is important to ponder over how this freedom can be used. Is there a need to draw a line and if yes, who decides what this line would be? These questions, usually answered

through violent protests and banning, can very well be presented on a democratic forum. Using the space provided by the democratic nature of our Constitution, we should discuss and debate to reach a common ground where we can still exercise our fundamental right to speech and expression without hurting common sentiments.

RETHINKING ON FREE EXPRESSIONS: SOME THOUGHTS IN RIGHTS PERSPECTIVE

M.V. Bijulal

The unending conflict involving right to expression and acts of censorship invites a debate in the realm of protection of civil rights. Advocates of seamless right to expression tend to forget human rights violations of various orders; both accidental and articulated through such acts. The uncritical defenders of censorship endorse a position mostly of the ruling powers or dominant interests. State, religious and other such institutional powers often use censorship as a tool to suppress dissent and maintain the existing social order. Such aggressive intolerance submerges efforts that seek to foreground, explain and argue for the right to possess, defend and propagate differences. The dialectics between these positions is maintained by frequent debates which form the major part of the right to expression discourse of our times.

Let us look at a case where the violation of right to expression of an individual is not the core matter involved: the case involving two prominent cricket players Andrew Symonds and Harbhajan Singh in January 2008. This is rather a scenario where the angry utterances of Harbhajan Singh are interpreted as racist abuse by the affected Symonds. It is reported that there is nothing racial about Harbhajan's calling Symonds a monkey; citing that Hanuman (the epic character in Ramayana) is a monkey, but revered as god in India. It is important to connect it with Michel Holding's (a retired West Indies cricketer) comment that after all nothing seems serious in this

controversy since science claims that human beings share common ancestry with monkeys. But Symonds also argued that he has no objections when such potentially racist abuses come from people who are his friends but not otherwise. These three responses expose some grey areas we try to avoid while we engage with acts of damage control or peace building, especially after similar instances where sentiments of an individual or community are hurt, be it racist abuse, religious intolerance, gender abuse or caste abuse.

Harbhajan's decontextualisation, Holding's recourse to science, and Symonds' reference to friendship may help us explain to some extent the dynamics connecting violation of rights and freedom of expression (need not make those others who fail to see your point feel bad). The context is that while one feels abused, the other instead of respecting the feeling take resort to logic to escape responsibility. We can observe similar situations when some violations take refuge under tradition and religious status mostly when dalits and minorities are targeted. Most often the practitioners of caste abuse ridicule the legal and constitutional instruments which ensure protection from caste abuse as 'culturally' unsuitable. All such subversions lead to rejection of modern humane means of ensuring dignity and safety and meaningful life and endeavour to keep alive the roots of violent subjugation of the powerless. But it is worth analysing Symonds presentation of friendship as

well. Can friendships accommodate such pejorative expressions without difficulty? Then do we have a response to that as well. Symonds' definition (inadvertently of course!) of friendship suggests further discussion in this direction.

It is mostly controversies such as these thrown open by the mainstream media that re-launch the debate in the public realm, be it M.F. Hussain, Chandramohan, Taslima or Shilpa Shetty. Cases involving artists, novelists and political leaders do require special attention, because such events in the past have led to tragedies including loss of life, irreparable damage to livelihoods, peace and social relations.

In India, the right to self expression is denied to the majority of the population. Caste based oppressive hierarchies and their percolation to various officials, civil and cultural spaces have found various coercive and non-coercive ways to ensure their marginalisation. The same is true for women, children and other social groups like the disabled, sexual minorities, etc. Freedom of expression as a birth right is violated in families, other private and public spaces. Those who raise questions to defend their legitimate participation are branded as rebels, while those who use imagination and new sensitivities to challenge the negative agenda of hatred and doom are identified as sacrilegious. Opportunism of the Hindu and Muslim communal politics got revealed through their response to M.F. Hussain and Taslima. Such double

standards (of threatening Hussain for alleged infamous portrayals of Hindu gods and offering Taslima a shelter when she faced threats from Islamic orthodoxy for her 'blasphemous' writing) are repeated by many other agencies as well.

It will be interesting to revisit the last few frames of a Malayalam film- *Nirmalyam* which won the President's award for the best Indian film in 1973- where the disgusted temple oracle/priest spits on the idol in anger and

disgust before killing himself. Such presentation may invite vandalism and assault through censorship in today's highly politicised social context. However, censorship and art reveal other contexts as well. One is violent intolerance of the defender of any given culture which wants to impose its world view on to others. Such conditions indicate to a unilateral positioning of a group as legitimate custodians of a tradition, refusing to listen and arbitrating the terms of dialogue.

Another important aspect, a bit different the above is the menace of plotting of works of art so that the controversy surrounding it hypes market fortunes or personal fame. The question emerges when the anachronistic defence of oppressive religious and other traditions is faced with ill founded critics seeking immediate popularity. Informed and continuous resistance to traditions and powers that oppress people and suppress social progress needs to be collectively rebuilt in this context.