

TOPIC GUIDE: ARTISTIC FREEDOM (INDIA)

**"THERE SHOULD BE NO CURBS ON
ARTISTIC FREEDOM"****PUBLISHED: 01 OCT 2009****AUTHOR: TONY GILLAND**

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**INTRODUCTION**

The film **Wake Up Sid**, released on October 2 this year, created a stir on its very first day, but not in the way its makers hoped. Maharashtra Navnirman Sena (MNS) activists disrupted the screenings in parts of Mumbai and Pune, protesting the use of 'Bombay' in some dialogues. Only after the film's producer apologised to MNS leader Raj Thackeray and promised a disclaimer prefacing the film was it given the go-ahead. This recent incident will refresh memories about the UP and Punjab ban on the film *Aaja Nachle*, after lines used in its title song were seen to be offensive to the Dalit community; the suspended screening of Sanjay Kak's film on Kashmir, on the grounds that it could be 'inflammatory'; and the Varanasi unrest over Deepa Mehta's *Water*. Such controversies have dogged art in all its forms – we have only to remember the Vadodara controversy, where activists stormed an exhibition at Maharaja Sayajirao University to effect a student's arrest for his 'derogatory portrayal' of gods; the protests against MF Husain's depiction of Hindu deities in the nude; the Maharashtra government's ban on a book on Shivaji by an American author; and the West Bengal Government's ban on an autobiographical book by the controversial Bangladeshi author in exile, Taslima Nasreen, on the grounds that it could incite 'enmity between different groups on grounds of religion'. These cases have stirred a wider debate about cultural freedom in an avowedly secular country committed to protecting people's religious sentiments.

India is not unique in hosting controversies about censorship and artistic freedom. On the international stage, the flare-up over the publication of cartoons of the Prophet Muhammad in a Danish newspaper in 2006 prompted comparisons with the landmark controversy over Salman Rushdie's *The Satanic Verses*. The issue of free speech in the arts takes slightly different forms in different countries, but the principles of the debate remain the same. One side proclaims that free speech is an absolute right, which cannot be compromised without turning free speech into a privilege allowed in some cases and prohibited in others. The other argues that the damage caused by allowing certain types of speech outweighs the positive benefits of society's absolute commitment to free

speech. Those who say free speech is a value on which a democratic and open society must not compromise are met with the charge of free speech fundamentalism. Should artistic freedom include the freedom to offend? Should artists be able to express anything they like, or should there be some limits?

For further reading use the menu bar on the right hand side.

DEBATE IN CONTEXT

This section provides a summary of the key issues in the debate, set in the context of recent discussions and the competing positions that have been adopted.

Censorship: who decides?

History shows that artistic activity has always been fraught with dispute. The reasons for censure are as manifold as the controversies they generate – disapproval of new ideas, fear of rebellious voices challenging the system, offence caused to certain religious groups, and undesirable influences on society being the salient ones. In India, modern artists have been getting into trouble for over half a century, as shown by the controversies that have dogged the work of M F Husain. Artists have recently found themselves subject to bans and court cases on the grounds of obscenity. In this sense, the question is one of taste, or offence. A picture that seems obscene to one viewer is insightful art to another; words that offend one religious group are interpreted by other groups as clever humour or valid criticism. A recent controversy has erupted in the UK over the public display of a nude photograph of the actress Brooke Shields as a child, with some viewing the picture as child pornography and others seeing it as challenging art. In India, the film *Indian Summer*, portraying the relationship between Edwina Mountbatten and Jawaharlal Nehru, has been subject to government restrictions on filming certain love scenes. As public tastes, beliefs and opinions vary, censorship of art must rest in the hands of official bodies. Is it right that the authorities should decide what the public are permitted to view? How do they make decisions about what is challenging and what is offensive? If the authorities are endowed with the right to make such decisions, what is to stop them from stifling political criticism and producing propaganda?

The right to be offensive?

Critics of the idea of absolute free expression in the arts argue that this position privileges the rights of the artists over the rights of those whom the artist may offend. They argue that there are precedents to restricting free expression: for example, the Supreme Court ruled in 2007 that freedom of speech could not be used as an excuse to criticise other faiths. Given that this ruling accepts that freedom of expression should have limits, why should art be exempt? To create an exception for art would be hypocritical and create a legal loophole for content such as hate speech, which could then seek protection on the grounds that it was a form of art. It is further argued that art can be deliberately sensationalist, created specifically to stir controversy, which in turn leads to increased popularity as everyone wants to experience these works first-hand: amounting to a manipulation of the right to free expression. In a similar vein, there are concerns that refusing to place limits on artistic expression lends itself to relativism: the idea that ‘anything goes’ so long as it can be called art, and that artists are not accountable to moral or artistic judgements. In this sense, censorship can be viewed as an effective tool in sending social messages and moral social standards.

The aesthetics and the ethics of art

Both sides of this debate rest their case on the premise of individual liberty. Those in support of checks and balances on art emphasise that these ensure no offence is caused to a citizen’s identity, and that his person, property and/or values are not under attack through another’s opinion, expression or action. Others speaking on behalf of artistic autonomy argue that curbs on the creator also limit the choice of the viewer/reader/auditor. There is no compulsion to enter a gallery or a theatre, or to pick up a book. One might choose to disapprove of a certain work of art, and might even

contend that it has no artistic value, but one cannot deny it a right to exist. But is it right to view freedom of expression as a clash between individual rights and sensitivities, or are there broader social principles at stake? Can freedom of artistic expression be treated separately from freedom of political expression, or are the principles absolute?

ESSENTIAL READING

It is crucial for debaters to have read the articles in this section, which provide essential information and arguments for and against the debate motion. Students will be expected to have additional evidence and examples derived from independent research, but they can expect to be criticised if they lack a basic familiarity with the issues raised in the essential reading.

KEY TERMS

Definitions of key concepts that are crucial for understanding the topic. Students should be familiar with these terms and the different ways in which they are used and interpreted and should be prepared to explain their significance.

BACKGROUNDEERS

Useful websites and materials that provide a good starting point for research.

ORGANISATIONS

Links to organisations, campaign groups and official bodies who are referenced within the Topic Guide or which will be of use in providing additional research information.

IN THE NEWS

Relevant recent news stories from a variety of sources, which ensure students have an up to date awareness of the state of the debate.

AUDIO/VISUAL

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