

# Critical Reflections on Liberty and the Power of Speech-Acts to Empower and Disempower Citizens of Minority Backgrounds

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In today's reality of nation states, we often find ourselves living in societies, which contain a polychromatic citizenry or citizens of multi-faith/multi-ethnic backgrounds. In this global age, there are roughly two hundred independent states that contain 600 living language groups, and 5000 ethnic groups. Additionally, most of these citizens of the world also carry religious identities: 2.2 billion Christians followed by 1.6 billion Muslims, 1 billion Hindus and so on. Since, the diversity of human identities is much greater than the number of nation states; this can lead to both overlapping consensuses on certain values, practices and ways of living, as well as areas of perceived difference and consternation. In this regard, a reoccurring source of consternation is how best to deal with minority groups and co-cultures, which is in sync with the values or practices of the majority who hold political power.

In 2011, the poet Quinsy Gario wore a T-shirt which read "Black Pete is racist" to protest the traditional Dutch St. Nicholas parade, where a white male on a white horse is followed by a servant figure, known as *Zwarte Piet* in Dutch, or Black Pete, who has a black-painted face, curly hair wig and is said to be of Moorish<sup>1</sup> origin. This centuries old Dutch custom exhibits St Nicholas, who arrives from Spain by ship, and is accompanied by a team of his black-face-painted servants, who distribute presents and biscuits to children [1]. For his silent protest of this public performance, Quinsy Gario was thrown to the ground, handcuffed and dragged away by the Dutch police. Although, the United Nation's High Commission for Human Rights wrote to the Dutch government expressing concerns over this tradition and accused the authorities of failing to adequately respond to complaints of racial discrimination, the controversy continues [2]. Here one could position such an issue in terms of secularism or liberty or even of institutional racism; however, what is clear is that secular democracies often negotiate the interpretation of values, many times to the detriment of their minority citizens.

Firstly, it is important to recognize that the notion of liberty has historically developed to exhibit a variety of meanings. For one of the world's oldest democracies in ancient Athens, being a citizen was perceived both as a cultural status, as well as an identity indicating the possession of a set of rights which guaranteed the freedom from the interference of others. For instance, having the designation of Athenian citizenship meant that one was allowed to participate in the Athenian assembly, and that one possessed the right not to be tortured, something slaves and women were not privy to. Such a notion would develop over the millennia to include a number of dynamics, which sometimes meant the expansion of liberty, however also its decline. In the recent centuries, those such as John Locke and John Stuart Mill would expand the bounds of liberty by restricting the role of the church, as well as the state and how they related to the citizen. John Stuart Mill was insightful in arguing that, "the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others." [3]. Here Mill is chiefly concerned about the power of the majority to curtail the rights of the individual both through laws but also through social norms. Such a

<sup>1</sup>Term used by Europeans to describe Muslims who lived in present day Spain, Portugal, parts of France and North Africa from 711 CE to 1492 CE prior to *Inquisición española* ("Spanish Inquisition").

problem was to some extent articulated by Mill, where he describes the 'tyranny of the majority'. For Mill, even in a democracy, there is a risk that the majority will oppress the few, who have just as much right to live a life of happiness and [dignity]:

Society can and does execute its own mandates: and if it issues wrong mandates instead of right, or any mandates at all in things with which it ought not to meddle, it practises a social tyranny more formidable than many kinds of political oppression... Protection, therefore, against the tyranny of the magistrate is not enough; there needs protection also against the tyranny of the prevailing opinion and feeling; against the tendency of society to impose, by other means than civil penalties, its own ideas and practices as rules of conduct on those who dissent from them [3] Mill argues that the 'tyranny of the majority' is worse than the tyranny of government because even if one can be protected from a tyrannical ruler or government, having protection from majority public opinion is unresolved (though it should be pursued nonetheless). Here one could ask, what are some understandings we can bring to the forefront to begin to deal with the reality of polychromatic societies and justice for all citizens?

In this regard, I wish to contend that our views of the 'Other' are recurrently constructed and shaped by our everyday engagements (speech-acts) with the media, museums, galleries, and public performances and rituals. Speech-acts particularly when they move through public space<sup>2</sup>, construct reality by shaping majority public opinion, and ultimately feed our social practices and institutions. Here, I would like to suggest that a fundamental understanding to theorize this discourse is the recognition that speech-acts have tremendous power, not just the power to offend others, but to construct reality. John Stuart Mill was insightful in arguing the need for society to mitigate the 'tyranny of the majority'. That said, the Millian notion of power doesn't sufficiently account for the power of speech to construct reality, to be an instrument of oppression, of disenfranchisement or of mobilizing violence, in many cases towards minority groups and communities.

Speech in a wider sense can empower men and women to the greatest courses of action, of generosity and compassion and simultaneously, it also has the power to justify inequality and motivate violence. We need only to look to the past to find ample examples of this. Long before Germany would institute the ghettos and Auschwitz, there was a public

<sup>2</sup>Here is mean all forms of public speech, as well as public imagery.

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campaign for dehumanizing Jewish citizens, for instance, with the use of texts, photographic images, and caricatures articulated on magazines, billboards, posters and art exhibitions. Here, a number of campaigns expressed stereotype-forming themes depicting Jews with large noses and other exaggerated features, as well as casting assertions that they were “Volksfeind” (enemy of the people) and “Juden unerwünscht” (Jews not welcome!) [4,5]. Long before the acts of genocide in Rwanda, the radio which was a key source of information for shaping public knowledge, was gradually used to depict Tutsis as the ‘Other’: as “weeds”, as “outsiders”, as “foreigners”, and this shaping of reality, eventually mobilized the execution of approximately 800,000 people in public places like churches, schools, and hospitals [6]. Long before the 2009 Tamil massacre in Sri Lanka, the Sinhala-tva or the Buddhist Right in many ways sanctioned its views through the national constitution giving unequal levels of protections to minority religions, while placing Buddhism at the top of the rights and protections hierarchy. Over the last few decades, what began as a nationalist patriotic movement, transformed into the Buddhist right disenfranchising the Tamil population and casting it as the ‘Other’ [7,8]. Over the years the social climate of exclusivism grew and eventually culminated into a conflict in 2009 where tens of thousands of civilians were killed. The conditions deteriorated to such a degree that numerous civilians were tortured, robbed, raped and burned alive simply because of their Tamil ethnicity. What is certain about this development is that the ‘Othering’ of the Tamils was not an overnight phenomena, but one that occurred over decades. In Sri Lanka, the Buddhist right placed the Sinhalese who are Buddhist as legitimate indigenous owners of Sri Lanka. The exclusivist reading of the Mahavamsa<sup>3</sup>, a noble text in Theravada Buddhism was used to deploy pejorative images of the ‘Other’, notably the Tamils, and was repeated through public productions, which constructed a distinct insider/outsider duality within the citizenry, allowing the ‘Other’ to be initially discriminated against and eventually, in numerous cases, exterminated. Sinhala-tva implied that the conflict with the Tamils was a religious one, following the Mahavamsa’s symbolic presentation, where the Tamils were killed not because they were Tamils, but because they were “beasts” [9]. Furthermore, the public narratives denoted Tamils as “beasts” because they were not human, and not human, because they were not Buddhists (ibid). Yet, interestingly enough, scholars have pointed out that the Mahavamsa Buddhist text had been around for centuries; however, such a dogmatic interpretation of its history and symbols to support an exclusivist outlook, which bolstered the Sinhalese-Tamil conflict, is itself a twentieth century phenomena [10]. Ultimately, the consequences of adopting a de-humanizing imagery of certain groups of people and their identity in the public sphere for decades, had detrimental effects for thousands of civilians, many who were cast as the outsider, the majority of these victims were Tamil Hindu, but also included Tamil Christian and Tamil Muslim minorities in Sri Lanka. Thus, it is fundamental to recognize that speech has tremendous power of constructing reality, and like all power, it must be managed responsibly for the protection and empowerment of all citizens.

Here, it might be helpful to put forth another notion important to dissecting this problematic - ‘intersectionality’ [11]. The ‘Other’ which is being disenfranchised can be constructed due to a variety of variables: religion (of lack of), culture, gender, etc. Furthermore, often there can be an intersection of religion, culture, racial constructions, and gender, where the produced effects would mean degrees of discrimination for the victim(s) based on these combinations. Although, historically the discourse of ‘intersectionality’ focuses on variables of race and gender, I think it can be expanded to include religion and culture particularly to

address the recent surge of anti-Semitism and Islamophobia in Europe as well as elsewhere. In Sri Lanka, the ‘Other’ which is constructed has characteristics of being both non-Buddhist as well as Tamil. In the case of the “Black Pete” controversy, the ‘Other’ is both non-Christian (specifically a ‘Moor’, a medieval European term to refer to Muslims from the Iberian peninsula of Europe), as well as racially ‘Black’.

Many times the institutions/practices of disenfranchisement are legitimized using the trope of liberty. Here the implicit assumption is that liberty in a polychromic society has no bounds as long as the Millian postulate to no physical harm to citizens is committed. Here, Locke’s notion of ‘licence’ is important for the discussion. John Locke, in his *Two Treatises of Government* (1689), argues that liberty is crucially important for a healthy well-functioning society; however ‘liberty’ is not ‘license’ [12]. But though this be a statue of liberty, yet it is not a state of license...The state of nature has a law of nature to govern it which obliges every one; and reason, which is that law, teaches all mankind who will but consult it that, being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions

In other words, though a person may have the power to do what (s) he can to someone else, while he or she is living in a society, their freedoms are always qualified keeping in mind the rights of others. Within this discourse, Locke reminds us that when people live outside of society, they can do as they please (though even there they should follow ‘natural law’). However, such a place is not safe, and does not protect people against harm from others. Consequentially, the central reason why people enter into a society is that they can obtain protections from one another by limiting the powers of individual members to do harm to others, so that they can enjoy their life and properties ‘in peace and safety’. As Locke explained, a society is the solution “to limit the power and moderate the dominion of every part and member of the society; for since it can never be supposed to be the will of the society that the legislative should have a power to destroy that which everyone designs to secure by entering into society” [12]. Such an understanding runs in opposition to the tendency in the discourse of secularism to conflate liberty with licence, which makes it easier to legitimize any actions that actively seek to harm groups of citizens using the rhetoric of liberty.

Liberty minus knowledge is not liberty. Liberty for a polychromatic society requires certain active ingredients. The first and the foremost is knowledge. To overcome some of the key challenges of a polychromatic citizenry would mean, first of all, an active cultivation of a greater knowledge of the co-cultures of citizens, who may be minority in number but are part of the citizenry none the less. Second, an acknowledgement that the traditional conceptions of liberty require some reform, particularly those which ignore the power of public opinion to construct societal barriers, which can disenfranchise large groups of citizens because of their religion, cultural heritage or other identity features that are important to their life goals.

Isaiah Berlin<sup>4</sup> has rightly argued that liberty is not just negative freedom. In other words, liberty is not just freedom from something (the Millian notion), but also includes a positive dimension, where liberty means the empowerment to do something. And so the construction of public speech, (which includes the public imagery of certain groups of citizens) can be used to empower or to disempower them in exercising their liberty. It can be used ideologically to say we are all equal, but some people have a slightly lesser status than others, due to their ethnic or religious affiliation, etc. This can be achieved overtly through forms

<sup>3</sup>Mahavamsa is a key text in Theravada Buddhism that chronicles a history of Buddhism and its link to Sri Lanka.

<sup>4</sup>Berlin I, Hardy H, Harris I (2002) *Liberty: Incorporating four essays on liberty*. Oxford: Oxford University Press.

such as slavery and *Apartheid* or it can operate obscurely in the form of seemingly benign less overt institutionally racist practices. For instance, the founding fathers of the US colonies declared that all men are created equal; however, allowed slavery to continue till the end of the civil war. Thereafter, even though, *the Emancipation Proclamation* freed African American slaves, Jim Crows in the south continued for decades. The recent ban on minarets in Switzerland could be considered as an overt form of disenfranchisement of certain minority co-cultures, yet the latest restrictions on Jewish and Muslim kosher practices in Europe appear less overt, especially when presented under the rhetoric of animal rights. These examples seek to illustrate the disempowerment of certain minority citizens. However, speech-acts can also be used to empower minority groups.

In Post-Taliban Afghanistan, a legal quota requirement was introduced to protect women as a disenfranchised group and their participation in the national parliament. This means that about 25% of seats in the Wolesi Jirga (house of the people) are reserved for women [13]. However, according to UN and World Bank figures in 2013, women hold 28% of the seats, which is higher than the minimum quota. Compared to this, women account for 23% of the UK parliament, 18% in the US and 25% in Canada where there is no such minimum quota [14-30]. Although the implementation of minority rights in the form of a legal quota supports women to participate in the national parliament in Afghanistan, one could argue that it is the empowerment of this minority group, through various training and support programs through the state and civil society that enfranchise women to participate in even higher numbers, despite the resistance that they often face. This is all to highlight that understandings of liberty in polychromatic societies must include both negative, as well as positive liberty when shaping its institutions and practices.

Consequentially, I would contend that states, as well as civil society have the responsibility to support both aspects of liberty for the citizen, not just one. This does not mean one should refrain from criticizing public actions and practices that they deem to be detrimental to society's flourishing; however, it is important to recognize that the 'tyranny of the majority' can oppress and disenfranchise, not only deviating individuals (as contended by Mill) [31-35], but disenfranchise minority groups and communities as well. Secondly, historically speaking, there is a tacit tendency in the liberal tradition to promote human reason, but also to put reason on hold, when dealing with those who are perceived to be 'different' or the 'Other', in order to justify inequalities towards them. Such a pausing of reason when dealing with the 'Other', allowed the legitimization of practices and institutions that worked to disenfranchise Native Americans, and for notions of the 'barbarian' to legitimize the European colonial program on the so-called 'uncivilized' global south [36-49]. Thus, in my view, liberty for a polychromatic society must be on constant guard of which groups are being constructed as 'the stranger' or 'the other' in society; whether this takes the form of group-based 'Othering', in regards to women or atheists or LGBT groups or the use of religion/culture as the trope for discrimination, which has become a growing trend in the modern landscape. Here a key aspect of the solution would mean that the state and civil society engage in activities of empowerment or at the minimum, refrain from activities of disempowerment towards people of minority backgrounds. This is all to highlight that understandings of liberty in polychromatic societies must include both negative, as well as positive liberty when shaping its institutions and practices [50].

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