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## ABOUT THE AUTHOR

**Maya Mirchandani** is a Senior Fellow at the Observer Research Foundation and teaches Media Studies at Ashoka University. For nearly three decades, she was a practicing journalist with NDTV, reporting on Indian foreign policy, conflict, and national politics. Maya has recently been involved in research on 'Preventing and Countering Violent Extremism' (P/CVE) that looks for ways to build counter narratives to prevent radicalisation and extremist violence through dialogue and community intervention. The analysis of hate speech and the impact of counter-speech messaging on social media is also a core focus of her research. Maya has won the prestigious Ramnath Goenka Award for Excellence in Journalism twice, the Red Ink Award for reporting on human rights, as well as the Exchange for Media Broadcast Journalism Award for best international affairs reporting.

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## **ABSTRACT**

Social media's impact on mainstream media, and the way people communicate with one another and disseminate information, has become a subject of serious study for journalists, academics and policymakers alike. While it has been a significant equaliser as a vehicle by which the fundamental right to freedom of expression is guaranteed everyone irrespective of class, creed or geography, these very same platforms are also becoming spaces where—in the garb of free speech—misinformation and hate are able to flourish. In India, these spaces provide both tacit and overt sanction for rising incidents of majoritarian violence as identity-based, populist politics dominate the country's landscape. This paper analyses the intersections between free speech and hate speech and the impact of majoritarian hate speech in the Indian context. It asks whether government agencies and individuals working to counter terrorism and violent extremism in India can bring majoritarian violence of this nature under their umbrella.

## **INTRODUCTION**

The Observer Research Foundation in March 2018 released a study<sup>1</sup> based on a statistical mapping of hate speech and counter speech on

social media pages active in India. The study, a first of its kind, revealed that religion and ‘religio-cultural’ practices related to food and dress, were the most explicit basis for hate as expressed in Indian social media: they accounted for a rise from 19 to 30 percent of the incidents over the one-year timeframe of the study. The data was gathered from public pages in two separate month-long time periods spread over 12 months starting from July 2016. Most of the comments incited bodily harm or violence against people belonging to India’s Muslim community who comprise about 180 million of the country’s 1.2-billion-strong population. Subjects that evoked hate speech ranged from opposition to interfaith marriage between Hindus and Muslims, positions on universal human rights, and the contentious issues of cow protection and beef consumption. While social media’s role as a facilitator of positive interactions is regularly emphasised by social-media companies, ORF’s indicative study showed that a growing segment of users employ precisely these tools to provoke violence.

Indeed, in many parts of the world, democratic societies are becoming increasingly polarised in an “Us vs. Them” landscape that cuts across political and religious lines. The Islamic far right in countries such as Pakistan, Indonesia and the Maldives, the Christian far right in the US and Western Europe, the Buddhist far right in Myanmar, and the Hindu far right in India, are feeding on people’s sentiments of being “offended” based on their perception of how freely the religious and ethnic minorities can practice their faith and culture (George, 2016). This sense of “offendedness” can often be amplified by the ease of communication on social media.

As liberal democracies witness a steep rise in the incidence of ethnic or religious majorities rallying together on the basis of “identity”, Cherian George makes the case that political groups selectively mobilise genuine religious devotion to manufacture both *offense* and a sense of being offended- or *offendedness*. It is this “making” of offense that is

exacerbating communal tensions and dividing an already polarised polity along religious lines. George argues that the main objective of hate speech is met when the support base is widened, a divisive narrative is created, and people are mobilised around a political agenda. The media, meanwhile, are caught in reporting incidents when they happen, or else inadvertently serving as a vehicle for politicians who use hate speech as a tool for identity politics. In the process, the media often lose sight of the manufactured quality of hate spin, especially where the line between hate speech and free speech are blurred.

The 2014 electoral battle between India's two main national parties—the then incumbent Indian National Congress and the opposition Bharatiya Janata Party (BJP)—had distinctly ideological overtones that resonated on social-media platforms. While much of the rhetoric during the 2014 general elections had been centered around issues of corruption and development, battle-lines hardened as the 'liberal' Congress faced accusations of appeasing India's religious minorities for votes through an array of social and economic reservations, and the 'right-wing' BJP claimed such appeasement took place at the cost of progress of India's predominantly Hindu population. Campaign speeches highlighted a sense of majority persecution to unite Hindus politically—deepening ideological, religious and communal divides. It is tempting to place this within the paradigm of the Clash of Civilisations<sup>2</sup> that made a case for religious fault-lines, particularly between Christianity and Islam as the new frontier of post-Cold War conflict in the late 20<sup>th</sup> century (Huntington, 1996). Yet such a view tends to limit the impact of expedient electoral politics on India's Muslim communities—a population that have been increasingly socio-economically marginalised, even in urban centres across the country (Gayer & Jaffrelot, 2012). While there may be differences in scale and location, many Indian Muslims argue that this "Otherisation" is "not an overnight phenomenon but a slow process adopted by the Congress and

maximised by the BJP. It first distanced physically, then alienated mentally and is now demonising emotionally.”<sup>3</sup>

As a Secular Republic, India’s Constitution clearly outlines the right to be treated as equal citizens irrespective of religion, caste or gender. However, secular politics in India has been marked by the mainstream Indian National Congress and regional groupings targeting different categories of minorities for political gain. In fact, Hindu nationalism is often seen as a direct response to the fractiousness that has led to the consolidation of identity politics into the violent strain that is seen today. The BJP’s rise as a national party over four decades from 1980 has been marked by its commitment to religion-based ‘Hindu’ Nationalism that seeks to define Indian identity and culture purely in terms of ‘Hindu’ values and leave no room for any other. This process has, in turn, led to a sustained polarisation around religion and political ideology that takes offense at perceived historical injustices and on that basis, demonises present-day minorities (Appadurai, 2006). In fact, victims of right-wing hate are no longer just their political opponents or outspoken critics, but also more moderate voices from within their own ranks alarmed by the virulent abuse circulating today. Vitiating, ideologically polarised and aggressive politics is fast becoming a cauldron of victimhood and rage. While posts which may lead to violence are seemingly commonplace, there is a case to be made that the gravity of such eruptions on social media, often brushed aside as “spontaneous”, “simple” religious disputes that extend to the abuse of free speech – is in fact being underestimated (George, 2016).

This paper analyses the intersections between free speech and hate speech and the impact of majoritarian hate speech in the Indian context. It also asks whether government agencies and individuals working to counter terrorism and violent extremism in India can bring majoritarian violence of this nature under their umbrella. In the wake of

the arrest of three men in August 2018 by Maharashtra's Anti-Terrorism Squad (ATS)<sup>4</sup> and the recovery of explosives and bomb-making material from them, the need to do so has become imperative. One of the men arrested, Vaibhav Raut, is a member of the Hindu Govansh Raksha Samiti<sup>5</sup> with links to the right-wing group, Hindu Sanatan Sanstha.<sup>6</sup> The state police were chasing leads to suspects affiliated with the group and allegedly behind the murders of "rationalists"<sup>7</sup> Narendra Dhabolkar and Govind Pansare, as well as the killing of journalist Gauri Lankesh in Bangalore in 2017. As the police tried to understand the reason for the presence of explosives and bomb equipment, supporters of Vaibhav Raut took to the streets in Nallasopara town to demand his release.<sup>8</sup>

While majoritarian violence can, and often does lead to retaliatory hate speech and violence by minorities as well, this paper focuses on the impact of the majority, given its agency and power to influence governance, and policy- and decision-making. Hatred and violence are certainly not the domain only of the majority, but India's over 80-percent-strong Hindu population, with their sheer numbers, have the power to spread narratives that paint minorities as the "enemy".

This paper is theoretically grounded in political sociology and studies of the behaviour of majorities who perceive persecution (Appadurai, 2006) as well as media studies delving into propaganda and "hate spin" (George 2016). Although, widespread communal violence and rioting have taken place in the past, social media have the singular power to amplify the speed and force of messages that advocate or condone abuse against minorities and allow incendiary speech to spread like wildfire. Political leaders preying on a sense of persecution and offense, who exploit religion for electoral gain, and claim to speak on behalf of the majority, are able to mobilise their supporters online and offline with ease. Without a clear legal framework to address hate



speech and hate crimes in India, what is potentially today the largest, daily criminal activity in the country goes virtually unchallenged and unpunished. Violence perpetrated and condoned by the majority—i.e. majoritarian violence—fuelled by the spread of right-wing populism in the digital age has posed a complex challenge to India’s social fabric: one that is premised on the nation’s intrinsic, national values of tolerance and diversity. In the absence of clear answers—and the very real conflict between ensuring the right to free speech while tackling hate speech that either defends, or can lead to, violence—what can be done?

## THE NORMALISATION OF HATE

On 6 December 2017, Mohamed Afrazul, a Bengali Muslim migrant worker, was hacked to death with a meat cleaver in Rajsamand in Rajasthan; his body was then burnt at the scene. The man on trial for his murder, Shambhulal Regar, had the entire attack videotaped and uploaded on YouTube along with a sermon against what he called the “entrapment” of Hindu girls by Muslim men. The video instantly went viral,<sup>9</sup> and many expressed their horror at both the gruesome act of violence and the impunity with which the video was released. At the same time, Regar’s deed earned him a band of supporters, particularly from the Vishwa Hindu Parishad<sup>10</sup> who saw him as a hero who acted to stop “love jihad”—a divisive term denoting the marriage of a Muslim man with a Hindu woman, popularised on social media and picked up without critique by many in the mainstream. Crucially, while there were several incendiary tweets across India about so-called love jihad in the months before the attack, none were geotagged within a hundred kilometers of Rajsamand. This implied that the online material that radicalised Shambhulal was unlikely to have been created within his community. Rather, hateful narratives constructed elsewhere were being broadcast and subsequently followed far away.

The chargesheet against Regar said: “He gathered information related to videos of Hindu extremists, love jihad, Section 370, Islamic jihad, state of terrorism in Kashmir, increasing population of Muslims, Ram Mandir, Padmavati, PK (film), division of castes in Hindu religion, and reservation and other subjects. Before the murder, he prepared a total of five videos on his mobile phone on communal and religious subjects.”<sup>11</sup> The police called the crime a “merciless killing”. Nearly five months after the attack, even as Regar awaited trial in Jodhpur Jail, he was honoured with a tableau<sup>12</sup> during Ram Navami—a Hindu festival where devotees mark the birthday of Lord Rama, an avatar of one of Hinduism’s holy trinity, Lord Vishnu.

Six weeks after Afrazul’s brutal murder, Indian Administrative Service officer RV Singh, the District Magistrate for Bareilly in Uttar Pradesh asked on his Facebook page why “taking processions through Muslim localities and shouting anti-Pakistan slogans” had become a trend. “Why? Are they Pakistanis?” he asked. His post was triggered by an incident of violence in late January in Kasganj, Uttar Pradesh, where a group of young Hindu men from the Akhil Bharatiya Vidyarthi Parishad, the student wing of the Rashtriya Swayamsevak Sangh (RSS), rode through the predominantly Muslim town on a self-declared “Tiranga Yatra” (“journey with the Tricolor”), shouting slogans. The local Muslim villagers were in the midst of a flag hoisting ceremony to mark India’s Republic Day as the provocative procession rode through. Clashes ensued, in which a Hindu boy died, leading to a social-media outburst of hate against Kasganj’s Muslims. IAS officer Singh’s post, while catalysed by this violence, had also referred to an earlier incident from the summer of 2017 when a group of Kanwariyas—Hindu pilgrims who carry water from the Ganges to their local Lord Shiva shrines—took their rowdy convoy through another predominantly Muslim town of Khailam, in Bareilly district. Singh sought to point to what he saw was an emerging pattern of provocation and violence between Uttar Pradesh’s Hindus and Muslims.

The backlash to Singh’s Facebook post seeking tolerance between communities was swift and harsh. The bureaucrat—presumably upper caste as his name suggests, and privileged, and whose profession is defined by its sworn commitment to the Constitution—was trolled and abused online ruthlessly, until he was accused by the state’s Deputy Chief Minister for speaking on “behalf of a political party.” He would later delete the post.<sup>13</sup> Less than two weeks after the Republic Day incident, local police arrested two people for circulating “inflammatory and communal” messages against Muslims on social media in Kasganj. One of the two was the administrator of a WhatsApp group where the messages had been posted and so was held liable for the content that was posted on it.<sup>14</sup>

The two incidents occurred in two different states within short driving distance from the national capital. Both of these states are governed by the BJP, which also sits in power at the Centre and, as the political vehicle for the RSS’ Hindutva ideology, is accused by opposition politicians of being the benefactor towards such violence even before they came to power in 2014. As supporters of the BJP erupted on social media in a cacophony of offendedness and defensiveness, both incidents underscored an emerging domestic security challenge posed by the coalescing of real-world, hyper-nationalist, volatile identity politics with the spaces accorded by digital platforms for open expression. Where does populist, online hate against India’s minorities become the sanction for, or a reflection of the violence taking place against them offline, in the real world?

## **SOCIAL MEDIA: RESPONSE AND RESPONSIBILITY**

The divisions that bureaucrat RV Singh alluded to in his social media handle are not necessarily new. These faultlines, it may be said, lay dormant for long, only to erupt in recent years and finally crack open

years of constitutionally bound principles of political and religious freedoms, freedom of speech, and tolerance towards diversity.<sup>15</sup> In the extant ecosystem, rumours, fake news, propaganda and hate speech online coexist—and not necessarily in a linear fashion—with abuse, radicalisation and violent extremism. What then are the parameters for mapping social media behaviour that contributes to a climate in which violence (verbal and physical) is normalised as a response to religious, political or ideological differences? One post or tweet in defense of perpetrators of such acts, is enough to encourage trolls and bullies—until posts are removed, threats are made, or criminal cases are filed. In a digital universe where bigotry and hate abound, is there a window to roll back? Can India reclaim civility in public discourse? Or is the “offendedness” of the majority leading to another kind of radicalisation altogether?

To be sure, social-media platforms are also used to speak out against violations of the principles that are enshrined in India’s Constitution. Yet, in case after case of communal rioting and mob violence, local law enforcement agencies are dealing with a new reality—of factories of rumour-mongers spreading fake news, fanning tensions and bringing them to boiling point. In July 2017, for example, communal violence erupted in North 24 Parganas town Basirhat, after Muslim mobs went on a rampage, angered by a post by a Hindu boy about the return to Hinduism by local families who had converted to Islam. A 65-year-old man was killed in the melee.<sup>16</sup> A few months before the incident, also in West Bengal, the state Criminal Investigation Department arrested the local secretary of the BJP’s Information Technology (IT) Cell for posting a manipulated video on Facebook with an intention to create communal tension.<sup>17</sup>

For much of 2017, social media giants were forced to answer tough questions on the role they have played in fomenting hate and

radicalisation online. Twitter and Facebook, in particular, are being made to account for their blind eye towards polarising fake news reports and computer ‘bots’<sup>18</sup> programmed to widely disseminate such articles on their platforms. However, an equally significant challenge is posed by the algorithms used by these platforms, which distort realities and create alternate ones in echo chambers of like-minded users where beliefs are perpetuated, even those that are premised on hate and lies.<sup>19</sup> In January 2018, a United States Senate Committee summoned representatives from Facebook, Google and Twitter who have long argued that their role is simply that of platforms, not content providers. This narrative has helped these companies avoid both the threat of regulation, and legal liability. Recently going under fire for their ambiguous responses to questions of how their platforms are being used to spread hate, these companies have scrambled to evolve their community standards to expand definitions of, and check, hate speech.

In response to questions on tackling extremist content on their platforms (especially in the context of terrorist propaganda) these social media companies claim that they have gone beyond simply screening and removing extremist content and are creating more counter-messaging. The US, however, as well as European nations, are pushing them to target, counter and take down not only material for recruitment and propaganda posted by Islamist terror groups like ISIS, but also other extremist content. In fact, the German government has gone one step further and passed laws against hate speech, imposing heavy fines on internet companies if they fail to identify and take down either terrorist content or hate speech within 24 hours of it being posted.

As the Indian government continues to prioritise counter-terror strategies, it is clear that new frameworks are needed to counter violent extremism in the country. It is becoming increasingly important to examine the trajectory from hate speech to an act of violence and the

presence of social media “influencers” who are able to direct conversation and emotion with a single tweet or comment. A key narrative being employed is that Muslims in India are engaging in an “invasion of cultural spaces”; tweets to this effect are made by popular Twitter users. For example, Madhu Kishwar, a well-known right-wing commentator with over two million followers, in September last year wrote that a desire to accept Rohingya refugees was “nothing but a continuation of a well planned #DemographicInvasion”.<sup>20</sup> Indeed, the fears, for instance, around so-called “love jihad” weave into the same idea that Hindu culture is under attack by a coordinated enemy, with repeated exhortations that Muslims are inherently violent or destructive. Prashant Patel Umrao, who is verified by Twitter and has over 50,000 followers, played into this sentiment when he wrote, after describing a crime purportedly committed by a Muslim against a Hindu, that “Every Kafir girl is on target of peaceful!”<sup>21</sup> There are more examples—seen almost daily—from where these come.

## DEFINING ‘HATE’ AND ‘HATE SPEECH’

Categorising and defining “hate” is perhaps one of the most perplexing questions of our times, especially because the definition is uniquely tied to the impact of what has been said. In a socially networked world where comment is free and reactions are instant, lines between violent personal abuse and/or speech inciting violence against a community or group are becoming increasingly blurred. At times, even if intent and language are not explicitly hateful, the implications can be. The ORF study defined “hate” as “expressions that advocate incitement to harm (particularly, discrimination, hostility or violence) based upon the targets being identified with a certain social or demographic group. It may include, but is not limited to, speech that advocates, threatens, or encourages violent acts.” The report also indicates that hate speech may be prone to manipulation at critical times—during election campaigns,

for example, or used by those in power to curb legitimate dissent—where hate speech can take on the contours of what Cherian terms “hate spin”.

A UNESCO report published in 2015 defines “hate speech” as that which is situated at “the intersection of multiple tensions. It is the expression of conflicts between different groups within and across societies.” Increasingly, the internet is opening up spaces for ideas and information that transcend geographical and other barriers. Thus, the internet’s transformative potential is providing both opportunities and challenges as it tries to balance the fundamental right to freedom of expression, with the defence of human dignity and protection from violence and discrimination. Multilateral treaties such as the International Covenant on Civil and Political Rights (ICCPR) have sought to define the contours of hate speech. Multi-stakeholder processes like the Rabat Plan of Action have also been initiated to bring clarity and suggest mechanisms to identify hateful messages. The Office of the High Commissioner for Human Rights, for its part, has pointed out that “virulent and hate laden advocacy can trigger the worst of crimes.”<sup>22</sup>

Many European countries—which have taken the lead in tackling right-wing radicalisation by proscribing neo-Nazi groups,<sup>23</sup> for example—place value on the principles of civility and respect.<sup>24</sup> Most social media companies, however—each with their own set of standards—are headquartered in the US. Unlike India which imposes reasonable restrictions on free speech, the US protects the principle as an absolute, fundamental right even if it may sometimes mean guaranteeing the most offensive, xenophobic or discriminatory language. As a result, cases filed by victims of hate speech and cyber-violence or abuse can end up languishing in the criminal justice system. Magistrates record statements and accept First Information Reports, but unless the perpetrator is a known actor, any access to them is



blocked as social media companies delay acting on requests—citing either the danger of violating user privacy, or else, bouncing off the legal provisions of their host countries.

The TK Viswanathan Committee, constituted in 2017, recommended amendments to the Indian Penal Code, the Code of Criminal Procedure and the Information Technology Act that include stringent provisions for online hate speech. “The Supreme Court itself clearly states that hate speech must be viewed through the lens of the right to equality, and relates to speech not merely offensive or hurtful to specific individuals, but also inciting discrimination or violence on the basis of inclusion of individuals within certain groups. It is important to note that it is the consequence of speech that is the determinative factor in interpreting hate speech, more so than even perhaps the content of the speech. This is also broadly reflected in the Law Commission’s report that identifies the status of the author of the speech, the status of victims of the speech, the potential impact of the speech and whether it amounts to incitement as key identifying criteria of hate speech.”<sup>25</sup>

In India today, there is a narrative that seeks to widen the gulf between the country’s majority Hindus and the minorities. Such a narrative embraces a host of patterns, including: the rising incidence of lynchings and “public disorder” over cow slaughter,<sup>26</sup> the questioning of Muslims for their allegiance and patriotism towards India, the drumming up of support to rightly abolish Triple Talaq, while ignoring patriarchy and violence that similarly oppress Hindu women inside marriage, the backlash against inter-faith marriages, the anti-conversion attacks on Christians, the labelling of those speaking out for communal harmony as “terrorist sympathisers”, the overarching anti-Muslim rhetoric on Twitter and Facebook when India was confronted with the challenge of accepting Rohingya refugees fleeing Myanmar, and the complete rejection of any conversations around human rights violations



against civilian populations in the conflict-ridden Kashmir valley. India has been recognised globally for its negligible statistics on indoctrination and recruitment to pan-Islamist terror groups like ISIS and Al-Qaeda. Yet, armed conflicts within the country lend themselves to peculiar paradigms of hate and violence. Kashmir's complex political history and a legacy of broken political promises, have been reduced to the simplest binary: Hindu vs. Muslim, Nationalist vs. Traitor. The discourse lends no space for a dialogue on ways to end the violence. In neighbouring Myanmar, right-wing Buddhist extremists<sup>27</sup> have been held liable by the United Nations (UN) for fuelling anti-Muslim hate as hundreds of thousands of Rohingyas find themselves stateless. Meanwhile, a recent report by Amnesty International<sup>28</sup> holds the Arakan Rohingya Salvation Army (ARSA) responsible for the massacre of 99 Hindus. This has fuelled the steady justification<sup>29</sup> used by India's right-wing Hindus to demand that the government deny asylum to refugees. The UN has also censured Facebook<sup>30</sup> for not being prompt in taking down hate speech in the context of the Rohingyas' plight. While there is no question that terror groups like ISIS are attempting to infiltrate refugee camps and recruit from them, there are those who argue that the radicalised Rohingyas comprise a small fraction of the 500,000 of them living in camps in Bangladesh, and the majority are refugees. These voices, however, have come under a volley of now-familiar abuse. As majoritarian groups seek to define clear battle-lines, a large swathe of people caught in the crossfire are either ignored or written off as collateral damage.

In fact, at the time of this writing, two events highlighted both political patronage and police sanction that allow such hate crimes to take place with impunity. In one case, Jayant Sinha, the BJP's Minister of State for Civil Aviation garlanded those convicted by a trial court for lynching a cattle trader to death in his state of Jharkhand, arguing that their appeal at the state high court was pending and they had been released on bail.<sup>31</sup> In a second incident, the police in Alwar, Rajasthan

took over three hours to take Rakbar Khan, critically injured by a lynch mob while he was transporting cows, to the hospital. Instead, the police first moved the two cows he had with him to a ‘gaushala.’ By the time Rakbar was taken to the hospital, he was dead.<sup>32</sup> In case after case, right-wing social media warriors find ways to defend violence that should clearly be indefensible. The increasing reportage of cow vigilantes lynching cattle traders and dairy farmers—many of them Dalit or Muslim—recently forced the Supreme Court of India to observe that the onus of reining in these vigilantes rests squarely with the state. The Supreme Court urged Parliament to enact a new law to tackle mob lynching as a separate crime.<sup>33</sup>

## POPULISM AND ‘PREDATORY IDENTITIES’

Perhaps no other issue has become as much of a lightning rod for Hindutva groups as inter-faith marriages, especially those between a Muslim and a Hindu. The use of the term ‘*love-jihad*’ has become common, indicating a new normal in social discourse. In February 2018, Facebook had to pull down posts that enumerated over 100 inter-faith couples, named the women who “had become victims of *love-jihad*”,<sup>34</sup> and called for “Hindu lions” to hunt down those Muslim men.

Yet, incidents related to “love jihad” comprise only a portion of all incidents of communal violence that have erupted in recent years in different parts of India. The Indian government’s own data, collected by the National Crime Records Bureau indicates that the number of incidents of communal violence went up by 41 percent in a three-year-period<sup>35</sup> from 336 cases in 2014 to 475 cases in 2016. The BJP-ruled states of Uttar Pradesh, Maharashtra and Madhya Pradesh, recorded the most numbers.<sup>36</sup> Uttar Pradesh held assembly elections in February 2017 where the BJP is credited for consolidating the “Hindu” vote across caste lines to bring to power, one of its most hard-line leaders, Yogi Adityanath as Chief Minister.

It is against such backdrop of “hyper-nationalism” and the growth of right-wing populist politics premised on notions of what scholar Michael Ignatieff calls ethnic nationalism (Ignatieff, 1993) —a sense of inherited attachments to community by which nationhood is defined by race, religion or ethnicity—that social media, and not only in India—are flooded with voices that demand subservience to and assimilation with the majority. In a study of the rise of right-wing populism in Europe, ORF scholar, Britta Petersen uses Cas Mudde’s definition of the phenomenon that calls it fundamentally exclusive, “anti-pluralist” in nature.<sup>37</sup>

In 2006, five years after the 9/11 terror attacks in the US, social scientist Arjun Appadurai defined the concept of “predatory identities” in his seminal work, “The Fear of Small Numbers: An Essay on the Geography of Anger” (Appadurai, 2006). These identities, Appadurai argues, require the extinction of other, proximate social categories that emerge especially out of pairs that often have had long histories of contact, some mixing, and even stereotyping. Predatory identities are often majoritarian, based on claims made on behalf of a threatened majority; they could be religious, linguistic or racial. Appadurai argues that these predatory identities “emerge in tension between majority identities and national identities.” Here, it is important to distinguish between “the majority” and “majoritarian identity”. Appadurai defines “majoritarian” as the “objectively larger group in a national polity” striving to close the gap between the majority and “the purity of the national whole.” When does majoritarianism turn violent?

In the case of India, these identities have been hardened by the history and memory of the Partition in 1947 and the ensuing, permanent state of conflict between India and the newly formed Pakistan created as a nation state ostensibly to provide haven for the subcontinent’s Muslims. These predatory identities, therefore, do not

take kindly to those in India who advocate for dialogue with Pakistan, or urge the government to address human rights violations by the armed forces as they fight militants and terrorists, whether in the country's tribal heartland or in the disputed Jammu and Kashmir region. They are labeled 'Naxals' or seditious. Artists and writers, for example—especially those who are not Hindu, and who challenge a public consumed by dogma in the name of faith—are called “anti-Hindu” and therefore “anti-national”. Many have been at the receiving end of a backlash by a growing hyper-nationalist, ultra-religious right wing that has rioted, assaulted or vandalised in retaliation for this perceived persecution.<sup>38</sup> After Jawaharlal Nehru University student Umar Khalid was shot at outside the venue of a public event he was to attend on 13 August 2018, two young men claimed responsibility for it in a video that circulated on social media and claimed, “by attacking Khalid we wanted to give a gift to the people on the occasion of Independence Day.”<sup>39</sup> Even those who may not agree with Khalid's politics recognise that the relentless baiting and abuse of JNU students as “anti-national” has put a target on his back.<sup>40</sup>

## EXTREMISM AND RADICALISATION

In 1963, German American philosopher Hannah Arendt gave the world a new expression by which to attempt to understand mass violence against specific groups; in her case, the Nazis of Germany against the Jews. Arendt propounded on what she called the “banality of evil”: that the ghastliest of crimes are committed not necessarily by psychopaths or sadists, but by ordinary, normal, seemingly sane human beings acting, without question, on what they see as expected of them by those in power. A good part of extant analyses on social media behaviour today refers to Arendt's arguments. Even in cases of reprehensible brutality, the response is divided: one side arguing the exception not the

rule, the other making the case that even one act of communal violence is one too many.

As a nation consumed by guilt over its own extremist history, it is significant that Germany has led European nations in enacting legislation that holds social media companies accountable for the content on their platforms. German scholars have grappled with definitions of “extremism” and “radicalism”, both of which refer to “socio-political forces that exist at the edges of liberal democratic societies.” In her research attempting to arrive at an academic consensus on definitions of both terms, Berlin-based German scholar, Astrid Botticher, argues that “extremism” characterises an ideological position that understands politics as a struggle for supremacy, rather than a peaceful competition between political parties. It “seeks to conquer society by creating fear of enemies within and outside society, dividing fellow citizens into friends and foes, with no room for diversity, making it dogmatic and intolerant.”<sup>41</sup> At the societal level, she argues, extremist movements are authoritarian; when in power, extremist rulers tend to become totalitarian.

While “radicalism” per se might refer to political doctrines and ideological mindsets that represent hostility against the status quo, and advocate sweeping change, as a notion it need not always be violent. On the contrary, according to Botticher, radicalism can be “emancipatory” with its narratives that contain “utopian ideological elements.” In modern lexicon, however, often the boundaries between definitions of both terms are vague or blurred, posing a challenge to policymakers when it comes to tackling violent extremism. Radicalisation, on the other hand, is commonly described as a process by which extremist ideologies can turn violent. In the study of the process of radicalisation, “push factors” have often been attributed as contributors to an atmosphere of hate and retribution.

The Oxford Dictionary defines “radicalisation” as the action or process of causing someone to adopt radical positions on political or social issues. In today’s lexicon, however, the word is used primarily to define the process or path to violence in the context of Islamic terrorism. Global narratives on the alarming levels of violence and destruction committed by Al-Qaeda in the early 1990s—and subsequently ISIS since 9/11—have denied the term its neutral, analytical value and instead made it a powerful political label largely used against one religious community all over the world, “reducing it to a sense of difference that could either culminate in, or rationalise acts of violence.”<sup>42</sup> In this context, a focus on “radicalisation” per se, risks implying that radical beliefs are a proxy purely for Islamic terrorism, or at least a necessary precursor to it. Repeated research indicates that it is not *radicalism*—or the presence of radical ideas—but *radicalisation* that leads to violence and/or terrorism. A radicalised individual, including many a terrorist—who lay claim to a “cause”—may not be deeply ideological. Different pathways (push and pull drivers of violent extremism)<sup>43</sup> and mechanisms operate in different ways for different people at different points in time and perhaps in different contexts.<sup>44</sup> While those working on hard state counter-terrorism strategies need to delve further into these nuances and evolve intelligent approaches for effective de-radicalisation policies, in civil society counter speech, or indeed any preventive approach requires a different sensibility. One that will be able to identify the potential threat of violence caused by majoritarian hate speech and caution the perpetrator of hate against it, as District Magistrate RV Singh attempted to do. In the context of social media and their challenges, it is becoming increasingly imperative to tackle the spread of hate speech online—either its ensuing vilification of India’s religious minorities or glorification of acts of violence against them—while devising successful strategies both for counter-radicalisation and de-radicalisation. If, as Botticher argues, extremists “seek to conquer the centre by creating fear of enemies within and

outside society” and “glorify violence as a conflict resolution mechanism”—then India is at a crossroads. New counter-extremism strategies need to now include new realities. If radicalisation is assumed to be the willingness to commit violence based on ideology—be it religious, political or cultural—that leads to fanaticism and potential violence, it is hard to miss the signs. The climate of pervasive, vitriolic hate on social media that feeds on insecurity and persecution of the majority, that allows and encourages hateful language and behaviour, and condones violence against those who take positions contrary to theirs, must be seen as a pathway to radicalisation of the Right Wing Hindu. As it evolves strategies to Prevent and Counter Violent Extremism (P/CVE), the state must recognise this growing internal threat to India’s peace and stability.

## WHERE DOES INDIA GO FROM HERE?

In June 2018, the debate on trolling and hate speech in India took a curious turn over a passport controversy in the case of a Hindu woman (who was later described by right-wing commentator Madhu Kishwar as a “soldier of Islam” who was expected to “conquer the world”<sup>45</sup>) married to a Muslim man. External Affairs Minister Sushma Swaraj would subsequently order the suspension of the passport issuing officer, without the benefit of a hearing. Swaraj was trolled, including by people who until then would brook no criticism towards her. Suddenly, her decision was ascribed to having an “Islamic kidney” (she had a kidney transplant in 2017) . Swaraj may have made a hasty judgement, but it is certain that it had nothing to do with the religion of her kidney donor—a fact lost on those who abused her. Moreover, an inquiry by the Ministry of External Affairs subsequently proved that the passport application in question was in fact valid.<sup>46</sup> Many have argued that in the viciousness of the attacks, she is no different than any other victim of hate speech on social media, especially women in the public eye. Yet, the



difference is glaring in that it indicates that even those in power, and seemingly of the same faith-based ideology, must not show any signs of tolerance or moderation in the face of an ever militant Right Wing, even if the Constitution they swear by demands that they do.

The internet is clearly changing the way the public is viewing, and claiming, political power. In 1964, Canadian philosopher Marshall McLuhan coined the phrase, “the medium is the message.” His intention was to encourage an understanding of the human mind’s receptivity to information on mass media, on how messages are perceived. McLuhan proposed that a medium—in the context of this paper, social media—impact society not only through the content that it delivers, but also by its own specific characteristics, creating a dominant information-based social environment. In our times, a medium which emerged as a tool of communication and is celebrated for its role in mass mobilisation<sup>47</sup> during popular movements (the Arab Spring, for example), is in danger of becoming a propaganda tool in the hands not only of globally recognised terror groups like IS and Al-Qaeda who trawl timelines of unsuspecting users looking for potential recruits, but also in those of a large group of politically mobilised citizens who knowingly sanction violence and abuse.

This paper has already referred to contradictions when it comes to both laws and jurisdiction in determining legal liabilities with regard to hate speech. Different legal systems draw distinctions between speech that is protected by freedom of expression, and hate speech. Legal experts are divided on whether free speech should be absolute even if hateful,<sup>48</sup> making individual expression paramount; whether it should be punishable through sanctions or prosecution, especially when directed at people who belong to subordinate or minority groups; or whether there can be some middle ground between the two positions. In the United States, scholars are further divided on whether absolute free




speech in schools and workplaces contributes to tensions or whether suppressing it risks charges of censorship, with the same results. While social media companies may be governed by varied laws in different countries, India's Constitution is sacrosanct when it comes to prohibiting targeted discrimination or vilification of individuals based on religion, gender or caste. Those who drafted it did so for a nation premised on the idea of a polity governed by allegiance to Constitutional principles of tolerance and respect for India's diversity, the protection of all its minorities, and the fundamental right to life and liberty.

Several cases<sup>49</sup> that have gone to court since 2012 involve individuals whose posts on social media had been censored or taken down for being offensive to politicians, parliament, inciting violence, and hurting religious sentiments. Some users have been arrested or charged under Section 66A of the Information Technology Act that aimed to punish "offensive, false or threatening information" through computers and communication devices. Some of those arrests, especially in the context of political vendettas, were challenged on the principle that they violated the right to free speech. In fact, in *Shreya Singhal v. Union of India* (AIR 2015 SC 1523),<sup>50</sup> the Supreme Court declared that the section "arbitrarily, excessively and disproportionately invades the right of free speech and upsets the balance between such right and the reasonable restrictions that may be imposed on such right". Due to its ambiguous nature, the court ended up declaring 66A "unconstitutional". Yet, both this order, as well as the recommendations of the TK Viswanathan Committee underscore the challenges in evolving new P/CVE strategies that tackle the spectrum from hate speech to extremist violence.

There is no question that top-down, government regulations could be subjected to manipulation and misuse by ruling governments reacting to opposition voices, irrespective of who is in power, and

potentially lead India down a dangerous and completely undesirable path of censorship. There is equally no question that social media companies must shoulder responsibility when it comes to the use of their platforms as echo chambers of hate. Counter-strategies are premised on the use of soft power to create new narratives. Artists and creative voices, educators and community elders, celebrities who represent values of patriotism and not hyper-nationalism, need to find safe spaces that allow extreme views to interact with each other in the hope of fostering dialogue and peace. The pathways to those narratives are the same—infusing social media spaces with positive messaging that highlights India’s glorious composite culture and exposes bigotry and hatred. Companies have already spent millions of dollars, and vast amounts of intellectual capital, on investing in “counter narratives” and ramping up efforts to identify, review and take down hate speech as fast as it appears. But it is not enough.

Countering one form of violence and terror cannot take place at the cost of allowing another. Undoubtedly, fighting terrorism in all its forms is a national security priority for any government. The widely used definition of “terrorism” as “the unlawful use of violence and intimidation, especially against civilians, in the pursuit of political aims” requires an understanding that majoritarian violence needs to be included in the larger agenda of countering extremism. These need not be contradictory priorities. India needs to bell the proverbial cat, and accept the potential dangers of growing majoritarian violence in order to address it and preserve the country’s fundamental freedoms. 

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