

## Why 'no-platforming' those who peddle hate speech does not pose a free speech issue

**Purushottam Vikas engages with criticisms directed at a controversial petition regarding an Oxford India Society speaking event.**



In March 2015, the Oxford India Society (OIS), a group of students belonging to the University of Oxford, advertised an event featuring Subramanian Swamy and Rajiv Malhotra to be hosted at Exeter College. Both men are infamous for their provocative views in support of the Hindu right in India. In particular, they are prominent for their criticism of Islam. The former was a teacher at Harvard University, whose courses were dropped after he wrote an essay proposing the disenfranchisement of Muslims if they failed to declare their Hindu legacy. In response to the OIS's announcement, some students drafted a petition urging the society to reconsider its invitation. The OIS eventually chose to rescind its invitation. This led many to criticise the petition, which they saw as having played a pivotal role in the debate among students at Oxford, and the final decision to disinvite the two speakers. This article engages with some criticisms that were directed at the petition, and demonstrates why these were off the mark.

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Many critics suggested that the petition violated the freedom of speech to which even people like Swamy and Malhotra were entitled. This criticism is mistaken since it fails to appreciate the distinction between a right to speak and the provision of a platform. While the petitioners stood by the former, there is no entitlement to the latter. In response, one might then urge that this distinction between free speech and provision of platform could lapse if every one were to deny people like Swamy a platform. This argument, however, does not work since it relies upon a counterfactual scenario far removed from the actual situation, where the individual in question commands a fair degree of power and resources.

Other critics of the petition urged that, while Swamy may have no right to an invitation, the OIS had a right to invite speakers of its choice. No matter how fundamental one's disagreement with such an invitation, one cannot lose sight of how such judgments are inconclusive, and therefore, ought not to be imposed. There is, such critics urged, the danger of a slippery slope, whereby the Hindu right may claim a similar right to oppose the presence of academics it perceives hostile to its agenda. Unfortunately, this argument suffers from a conceptual flaw that results in subsequent argumentation being avoided. Epistemic humility with respect to one's own position does require that one not insist on its being imposed through coercive means, such as criminal law or threats of violence. It does not require, however, that one repudiate or relinquish one's position altogether in a moral argument. One could stand by the student society's right to invite Swamy while disagreeing with their choice to do so. To urge a right-claim in response to such disagreement is to insist on what is uncontested by both sides.

Much of the debate has been along the above two dimensions. This is understandable since it demonstrates concerns about protection of freedom of speech by critics of the petition. I have argued that this issue is not one of free speech, but disagreement as to which views ought not to be provided with platforms. Since rights are not under question, critics of the petition must, therefore, engage in a first-order normative debate about this disagreement.

Firstly, why single out people who have engaged in hate speech? Here, opposition to the provision of a platform emanates not from ideological disagreement, but from the person's hate speech—"advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence" (Article 20.2, International Covenant on Civil and Political Rights (ICCPR)). Discrimination, hostility and violence against persons violate norms implicit in the very notion of free speech and dialogue. Debate on ideology, religion, or nations is possible only once norms establishing the integrity of persons, and their freedom from the above threats, are affirmed as above the board. The very same principle must be extended to persons of all ideological hues. Whether Swamy's statements constitute hate speech—I believe they clearly do—has not yet been debated, underscoring the suggestion that this debate has hitherto been mired in misdirected controversies on questions that critics and supporters of the petition agree upon.

Next, one might ask why persons who have engaged in hate speech should be denied a platform?

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Here, one must remember that the cumulative effect of being invited to speak at prestigious forums may add feathers in the cap of such persons. One might then ask why a platform should be denied to powerful persons, who have clearly engaged in hate speech, but might have something to say in domains other than those relevant to such speech. My initial intuition here says that a person who engages in hate speech ought, for instance, not be given a platform to speak on molecular biology. One can shed light on my greater discomfort with Swamy's invitation by noting that, unlike molecular biology, economic reform is not as easily disconnected from the social domain infected with his hate speech. Further, given the usually open-ended nature of such talks, there is every possibility of one bleeding into another. Finally, one could remain concerned that from an external perspective, presence at a prestigious forum lends legitimacy to Swamy as a public figure, regardless of which specific domain he has been invited to present his views on.

Some have urged that it is better to question Swamy on the day of his talk rather than oppose his presence altogether. It is unclear whether "better" suggests normative superiority, or practical efficacy. If it is the former, this has been adequately addressed above. Posing questions to Swamy on the day of the event must, therefore, be a more expedient way of opposing him. But even this suggestion suffers from several flaws. Firstly, it fails to address the concern that his presence at a university like Oxford—if not individually, at least, cumulatively—adds to his legitimacy even if he faces a series of tough questions. Secondly, it fails to account for the time and significance granted to a speaker vis-à-vis the audience. A panelist who could be relied upon to hold Swamy to account for his hate speech might have helped allay this concern.

Before concluding, I wish to point out another dimension of free speech issues that is relevant here. The petition immediately received attention from both Swamy and Malhotra and their large coterie of supporters on social media. In addition to trending on Twitter, inviting the outrage of these supporters, the petition became the subject of bizarre speculation. Take, for instance, the rumour that the invitation was revoked at the behest of Amartya Sen. Commentators have observed the concerted way in which supporters of the Hindu right virulently oppose those who criticize their leaders. Actress Shruti Seth and activist Kavita Krishnan were targets of abuse on Twitter in response to their criticism of prime minister Narendra Modi's policies. Such concerted effort aimed at silencing those who disagree with the current political dispensation is dangerous in the chilling effect it has upon dissenters. Having seen the incivility with which many online supporters of Swamy and Malhotra have conducted themselves on various occasions, I have felt compelled to write this article under a pseudonym. Once again, one could emphasize abusers' freedom of speech—or one could immediately concede this freedom, but discuss the impact of such abuse on civil discussion.

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