

JUST THE FACTS

In the context of the current campaign by the teachers of Delhi University to seek fair trial and media coverage for Syed Abdul Rehman Gilani, a teacher of Delhi University (see the website <http://www.mnet.fr/aiindex/new/indefenceofJilani092003.html>), a question that is often asked both by persons in the media covering the story, and the general public is, ‘why did the Indian law enforcing system target Syed Gilani in particular?’ In this note I will *not* attempt to answer this question. In fact, I will suggest that such questions, even if well-meaning, are not significant for determining issues of civil and human rights.

It is important to note that the very asking of this question signals a refreshing change of attitude towards the case. The question shows that doubts have already been sown in the mind of the questioner as to whether the judicial system has a factual case against Gilani. If the police/ judicial system had presented a convincing case for Gilani’s alleged crime, the question of the *motivation* of the system does not arise. The shift to the inquiry into the motivation thus suggests that, despite virulent campaign by the media to condemn Gilani before he is found guilty in a fair trial, the questioner remains unconvinced. However, given the understandable faith of the general public in the law-enforcing systems that govern them, the questioner is puzzled as to why the system then targetted Gilani. Isn’t the very fact of condemnation by the agencies of the state a pointer to Gilani’s possible guilt, notwithstanding the untenability of the facts presented to establish it?

This shift to ‘subjectivism,’ in the face of facts to the contrary, brings out a disturbing aspect of the functioning of democratic states. In an undemocratic state, the people know that they have no role in the functioning of the state; hence, the actions of the state are generally interpreted as ill-motivated even if people are unable to intervene. For example, most people in the Kashmir valley do not consider the Indian state to be democratic in so far as the will of the valley is concerned. Thus, every law-enforcing action of the Indian state is routinely interpreted as injurious to the will of the people. In contrast, in a democratic state, people entertain, other things being equal, some responsibility for the actions of the state they have helped establish by popular franchise. Thus, in matters of critical significance such as the Gilani case, where all the

agencies of the state appear to be singing in unison, citizens allow themselves to be trapped in a moral dilemma.

Agencies of the state often exploit this helpless dilemma to the hilt. To illustrate the point, consider a closely-related analogy currently playing out elsewhere in the world. Much of the Western world is by now convinced that the Bush-Blair pair had no credible evidence for attacking Iraq: no WMD, no links with al-Qaeda, no terror network. Yet, for a long time, poll after poll suggested that people believed that the states concerned must have had *something* in their hands for, otherwise, it is too incredible to conclude that their states decimated a population without any moral justification at all.

Sensing the mood, there is a discernible shift in the mainstream media from documenting the "crimes" of Iraq to the good intentions of the *political* leadership in US and UK. George Bush and Tony Blair, it is now argued, *sincerely believed* that the regime of Saddam Hussein was a danger to the rest of mankind. It is unfortunate that they formed this belief on the basis of 'incomplete' evidence supplied in haste by some overzealous, unelected individuals such as some unnamed officials of the CIA and the Pentagon. So, the hope is that some evidence will ultimately be found just because the leaders "sincerely believe" so. Once the shift is successfully made to the *minds* of the agents of elected oppressors, the notion of (objective) evidence becomes inscrutable, and faith takes over.

As noted, citizens adopt the faith in the helpless belief that their leaders and the agencies they command cannot be accused of deliberate crime since such criminality partly reflects on the citizens' own moral failure. It is important to emphasize that this is *faith*, not a fact: common people of the US, for example, have no control over the actions of the political leadership. Current democratic states, almost without exception, exploit this faith rather than obeying them, especially in critical matters of civil rights under discussion here. Atrocious crimes against humanity are thus committed for reasons of state, although in the name of people.

The stated dilemma gives rise to the subjective questions under discussion, and poses a difficult situation for civil rights campaigns. If you are not answering these questions, you do not have a sufficient justification for the campaign; if you do produce an answer, you would be charged with promoting "conspiracy theories." Civil and human rights groups thus face the arduous task of convincing the people not only about the patent falsehoods propagated by the state, but also that these falsehoods are enough justification for the campaign.

This is not to deny that there could be political/ institutional analysis of the motivations of the agents of the state. But such analysis ought to be based on verifiable facts of interest, association, pronouncements, secret decisions, profit-sharing, and the like; not an easy task. When done properly and with radical enthusiasm, such factual analysis often raise the facts to a higher level, thus enabling people to obtain a more comprehensive grasp of how the world around them works. For example, a whole range of such analysis is now available as to why the US attacked Iraq. However, such analyses do not include the sincerity of Bush's beliefs or the upbringing of Donald Rumsfeld. The point is, the force of the anti-war movement is not diminished even if such analysis could not be reached. Irrespective of the motivations of the military-industrial complex, the invasion of Iraq became illegitimate once the facts stated by the complex itself fell apart. It is quite another matter that the invasion would have been illegitimate even if the stated facts were established.

By parity of reason, the charge of unfair trial in the Gilani case remains valid once the factual arguments of the prosecution collapsed, even if we cannot decipher the motivations of the state.

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