

**'From a very young age in fact I used to collect books that were banned':
an interview with Salil Tripathi, June 27 & June 30, 2017**

Laetitia Zecchini interviews Salil Tripathi

LZ. *Thank you so much for agreeing to do this interview, Salil. You are a writer, an award-winning journalist for different British, American and Indian journals, and an advisor for the Institute for Human Rights and Business in London. You have also been a board member of English PEN, and are currently chair of PEN International's "Writers in Prison Committee". So for all these reasons we were extremely keen to talk to you. I thought we could begin by a general question on how your being a writer, a journalist and a freedom of speech advocate coexist and perhaps nurture each other. You've received several awards for Human Rights journalism, you recently published a book on the legacy of the 1971 Bangladesh war of Independence from Pakistan, where hundreds of thousands of civilians died, and a lot of the places you write about in your travelogue Detours: Songs of the Open Road (2015), are places that have been deeply affected by violence, conflict or human rights challenges...*

ST. Yes, I think there is a common thread, isn't it, because I like to read and if I want to read something, I don't want anyone to stop me from reading it! When I was growing up, I don't think that my parents ever told me not to read something. At the most they may have said to me, well you may want to read this a few years later. I mean I remember them saying that for a few Gujarati novels, but that was probably because the words would be very difficult for me, it was never about keeping sex or violence out of my reading experience. So I always felt that if people want to write, they should be able to write. It's also very simple and very self-evident that if you don't like something, don't read it, don't buy it, shut the book, or campaign against it, lobby against it, write a counterargument. All those options are available. From a very young age in fact I used to collect books that were banned. The British had banned a book called *Spycatcher* about British intelligence. Now I had no interest in the topic, but there was a pirated edition available in Bombay for about 20 rupees, and I got it. Because if Mrs Thatcher wanted a book to be banned, that also meant people had to buy it! And this was way before *Satanic Verses*. Whatever I wanted to read I didn't want anybody to stop me. And whatever I wanted to write I didn't want anyone to stop me either. So basically, human rights is something I got interested in because of the Indian Emergency...

LZ. *You were still in Bombay at the time?*

ST. Yes, I was in Bombay, in 1975. I was around 13 at that time, a school student, and I did a few small things. There was a magazine called *Bhumiputra*, published in Gujarati, which was banned, because its press was locked up on orders of the Indian government. But it used to come out in alternate form, like cyclostyling, and my parents subscribed to it, so I got it as well. And there was another small magazine called *Opinion*, which again started getting cyclostyled, sometimes at my school after hours, when past students brought copies and some teachers got more copies made, and I remember that some of us students were given copies to distribute them at people's apartments by leaving them at their doors. So

the Emergency was a moment of political awakening. We were all very thrilled when Indira Gandhi was defeated in the elections after the Emergency was lifted in 1977. That was really a pivotal moment for me. And there were also all these great Soviet and East European dissident writers I'd read in English translation, Havel, Kundera and Solzhenitsyn, in the late 70s and early 80s which became part of my intellectual makeup. So that explains the writing part and the journalism part. That way, to work with PEN just seemed self-evident. Any human right if it is denied to you, you need the freedom to ask for it, either if you want to file a case in court, or you want to write an article about it. Freedom of speech becomes the enabling right for almost all other rights. If your property rights are being violated, you still need freedom of speech to be able to say that your home has been razed, for example...

LZ. *Could you tell us how your involvement with PEN started?*

ST. It started in England actually. I wasn't part of PEN in India. But my father-in-law, Rameshchandra Sirkar, was part of PEN in Bombay. You've probably come across his name in correspondence with Nissim Ezekiel. I used to attend some of the events. I would go to the poetry reading sessions, but that's about it. And I was terribly disappointed when the *Satanic Verses* got banned and the PEN in Bombay actually issued a statement supporting the ban... Rushdie was born in Bombay! I think it was the only PEN chapter around the world which supported the ban, and the logic behind it was that, you know, it is offending Muslims, they are a minority, and the political climate in the country is so bad...

LZ. *Do you know if there were internal debates and dissensions about the position that the PEN All-India Centre took on the ban?*

ST. I don't think it was a Nissim decision entirely. I am guessing now, but I think Nissim didn't pay too much attention to the resolution and he must have just said yes when the issue came up... That's the story I've heard, at least, which says that a particular member, who was leftist, insisted upon a statement supporting the ban, and Nissim went along. The fatwa hadn't been declared then - the Indian government banned the import of the book I think in October '88 and the fatwa happened in February '89, and the statement was made in late '88. I'd like to think that Nissim and others would have viewed the situation differently after the fatwa. But I don't know what happened and this will need to be checked. In fact at the time of the Indian ban on the import of the book, I was the correspondent for *India Today*, and I wrote the editorial saying that the *Satanic Verses* shouldn't be banned.

Going back to the question of my involvement with PEN, I think it really began in 2007 or 2008 in London. Hanif Kureishi, the novelist, is a friend and he suggested that I do something for PEN because I wrote so much on free speech already, so perhaps PEN could do with someone like me. I got in touch with Lisa Appignanesi who was the President of English PEN at that time, and she said that we want to form a free speech committee and would you like to write a paper for us which argues why the defamation and libel laws in England are so bad. So I wrote a paper and at that time they were launching the libel campaign and then she said why don't you join the board. So I joined the board, and once I

joined the board, she and others asked if I'd consider chairing the Writers in Prison Committee? I did for two years, and then Kamila Shamsie also joined the board, and we did it together, and worked very closely, sometimes writing articles together. You know that small book I wrote on free speech and Hinduism (*Offense: The Hindu Case*, 2009), and Kamila also wrote one on free speech and Islam (*Offence: The Muslim Case*, 2009).

LZ. *Before discussing the PEN International Writers in Prison Committee, I just wanted to ask you what the difference was with the "Writers at Risk" committee. They seem to be one and the same thing, right?*

ST. You see 'Writers in Prison Committee' is the original name. The 'Writers at Risk Committee' is what English PEN decided to change the name to. Because they felt that we are not fighting only for writers in prison, right, we are fighting for bloggers who are being killed in Bangladesh, we are fighting for women who are not able to speak freely by trolls on the Internet... Of course, there are writers in prison, but we felt that the pressure that writers face comes from a variety of sources. So we decided to change the name, Scottish PEN decided to change it as well, and I think several other Centres, but we just had our annual meeting in Lillehammer, Norway.... where we in fact decided to keep the original name. Internationally we will continue to call it the "Writers in Prison Committee", but some Centres will call it the "Writers at Risk" committee. That's fine. Personally I would have liked to change the name to something that explains more clearly what the committee does, but I mean, it's not something I am going to lose time on, particularly since we do work on all kinds of cases...

LZ *Could you tell us a little bit how the Writers in Prison Committee works? How does it liaise with International PEN, and with the various national PEN Centres, but also with other NGOS like Amnesty International?*

ST. It is not as formal as it might seem or as you would want it to be. Most of the research is done at the Centre, at the Secretariat, but Centres also do research and publish it. So we have 4 or 5 people who actually follow the cases. They issue statements, concerns, as well as what are called RANS (Rapid Action Networks). Emma Wadsworth-Jones does the one for Asia and Latin America, we have Lianna Merner for Africa, on Europe, we have Aurelia Dondo, and also on Middle East we have Nael Georges ... And some of them have background in Human Rights Watch or Amnesty International, some are very good with law or are free speech advocates. It's a lot of responsibility for one individual actually. And they prepare the case list and so on. What the Centres do is sometimes they know that a lot more research needs to be done on one topic or situation and they work on their own reports... So English PEN produced some years ago a report on the situation in Cuba, for example. Canadian PEN issued two reports on India, there has been a report on Turkey by the Norwegian Centre, a report on Myanmar ... So if you have a Centre which feels strongly about a particular country, then they work very closely with the International Secretariat, in producing the report, and then the text will be written and edited and so on. Often the Secretariat turns to the Centre to ask whether it is safe or appropriate to issue a statement. I mean for example if there is a Bangladeshi blogger who is facing threat, the Secretariat wouldn't issue a statement without checking with affected parties: it would

mean first asking the blogger's lawyers or the individual concerned or the local PEN Centre. That's why we are very careful about consent before issuing a statement and don't want to increase the vulnerability of the individual or the local centres. Being in London, we can get away with it more easily.

LZ. *And for instance in the case of Bangladeshi bloggers some of whom have been literally hacked to death in the streets of Dhaka, how does it work concretely, I mean, is the Writers in Prison Committee responsible in some way for securing visas or "exfiltrating" writers or bloggers at risk out of the country?*

ST. It works in two ways. Now there is the ICORN (International Cities of Refuge Network) and they basically find a safe place for these writers. Suppose I am a blogger here in London, and I was under threat. I would write to ICORN and what ICORN would do is ask PEN International to verify the case. And then PEN International would research to find out if that person is really facing threat. Do we believe him? Oh yes, he's been working a lot on terrorism, and he's been facing threat from this group or that group, so the case is genuine. Then ICORN will do its due diligence and may accept the case, but once that is done, they will ask any of the 60 or 70 cities which host ICORN writers, if they can host this individual, and it will then depend on which city takes the lead. Some cities have their own rules or preferences – some want cartoonists, some want writers, some want artists, and so on. Actually you know the Bangladeshi bloggers in exile do live rather lonely lives. They live in small towns, even villages, in Norway and Sweden and are often the only people of colour in that place. People are nice to them, of course, but you know Oslo is 5 hours by road for them so it's a challenge – it is a lonely life. Some day some journalist should write about their new lives.

LZ. *I was thinking of Marian Botsford Fraser's words (the previous chair of PEN International's Writers in Prison Committee), which I read recently on the Internet. She writes "in order to make the voice of PEN International heard today, we have to do more than write letters to imprisoned writers... We have to speak with authority to authorities". So I was wondering how the Writers in Prison Committee does just that, I mean how do you speak to authorities, through what channels and media?*

ST. Well, there is lobbying at the UN. I mean, we do advocacy there, at the Human Rights Council in Geneva, and we often speak there. With governments we intercede by writing to government leaders, essentially telling them that these cases need to be taken seriously. I can't go too much into details of the cases because I don't know how much of it is public. We issue statements setting out our concerns in appropriate cases. When the Swedish authorities turned down an asylum request, both Jennifer Clement (PEN International President) and I issued a statement.¹ When we speak with authority, our arguments are not just moral, but we try to bring the law, our political understanding...

¹ <http://www.pen-international.org/newsitems/sweden-refuses-protection-to-bangladeshi-blogger-facing-death-threats/>

LZ. *Since we were just informed that Liu Xiaobo has been released from prison², for medical reasons because he has terminal cancer, I was wondering what you felt, and I imagine it must be a somewhat sour "victory" ...*

ST. Yes. He should never have been in prison in the first place. He should just never have been where he was. He was taken away for playing the leading role in drafting Charter 08, which is drawn from the Universal Declaration of Human Rights. Obviously there are very serious questions which only doctors can answer, whether once he had cancer, he was treated properly or whether they neglected his medical condition. They had his fate in their hands and they are responsible for it. And if he so wishes, he should be allowed to leave the country and get the best treatment he can. But it has to be his choice. It would be very easy for all of us to say that let him come out and be in Sweden or America for treatment, but it has to be his choice. Because if he leaves, his wife has to be with him, and his family.

LZ. *What to your mind is one of the most successful campaigns of the Writers in Prison Committee?*

ST. Well, it's hard to say, you know because it's very easy to say that somebody has been freed from jail because of our work. There are some writers who have been freed from prison and who have expressed their appreciation through letters. We have often received moving letters of thanks from writers once they are free again. Ngugi wa Thiong'o has recently told us how much our letters meant to him when he was in jail. Ma Thida who is a Burmese writer and has now set up PEN Myanmar, she has always said that she treasured the fact that writers around the world were concerned about her fate. So there is that important part of it. When a writer comes out of jail, it may be because of our effort, but also the efforts of other organisations which work on such cases, which include Amnesty, also Human Rights Watch, also Article 19, and of course changing geopolitical contexts in the country itself, a change of government, and so on. To isolate one intervention isn't fair to anyone. So it's very hard to say that our intervention alone led directly to x, but our intervention matters and it is critical. We have to be humble about it. But I do know that we can't say that 'Oh we don't know if our efforts make a difference or not, so we should just not do it'. No, we should still do it because our efforts do make a difference.

LZ. *I'd like to move now to the situation in Bangladesh, and to your book, The Colonel who would not Repent: the Bangladesh War and its Unquiet Legacy (2016). You write in the opening lines that Bangladesh has become a "crucible for religious fundamentalism and free speech, impunity and immunity, war crimes and the rules of the law, tribunal and international justice". You also open the book with the savage attacks on Bangladeshi writers and bloggers, especially with the murder of Avijit Roy, founder of the blog Mukto Mona (Free Mind), who was killed in February 2015 in Dhaka. And I was wondering if you could clarify in what ways these instances of censorship, in its most extreme form, of course, which is assassination, are a legacy of the Bangladesh War?*

ST. See, there are three ways of looking at it. There are three conflicts going on in Bangladesh. One is whether Bangladesh is a Muslim or a Bengali country. Two, whether

² The interview was conducted in June 2017, before Liu Xiabo's death.

Bangladesh is religious or secular. And the third one is what should be done about the legacy of 1971, when Bangladesh became independent after a brutal war and many war crimes were committed. The starting point of 1971 was really whether Bangladesh was a Muslim or a Bengali nation. And the answer was of course that it was both. Pakistan's founding idea was that we are Muslims first. (The country was made of two halves, West and East, separated by Indian territory). East Pakistan chose to leave the union which was founded on religion, because its language, which was Bengali, was not given equal constitutional importance. But they didn't want to become only Bengali because otherwise it would be mistaken for India, which Pakistan saw as a Hindu, or at least a non-religious, country - when Bangladesh wanted to be a Bengali and a Muslim country... So some of these bloggers who are being killed are those who are saying that Bangladesh's nationalism is Bengali and Muslim, and those who are attacking them want a Muslim essentialism. The second thread is that a lot of the bloggers are atheists, or they are lapsed Hindus or Muslims, and they want to make Bangladesh a secular country. Now today Bangladesh is a secular Republic with Islam as the main religion. How the two can coexist is a question. And I know a lot of folks in Bangladesh who would want their country to be only secular and take out the Muslim part. And it's not about Islam; it is just difficult to reconcile being a secular state with an official religion... Finally, the third element is that in 1971 when you had the war crimes' tribunal taking place, there was the question of whether you should be addressing those crimes or should you 'let sleeping dogs lie'. A lot of the bloggers wanted justice and fought against impunity, others on the other side said that no, this was a civil war, and in a civil war, bad things happen. We can't reopen the wound by having a war crime tribunal, they say. So all these three conflicts are getting intertwined: secular or religious, Bengali or Muslim, impunity or not. And the bloggers are on one side of the debate, and the fundamentalists on the other.

Finally, there is another liberal dilemma: on the one hand the rule of law argument is that justice should prevail, and on the other hand, the liberal imperative that justice in the eyes of Bangladeshi is the death penalty, and Bangladesh imposes the death penalty, and has carried it out, which makes the tribunals problematic from a liberal perspective...

LZ. So what is PEN's work in Bangladesh today? What kind of international or legal pressure can be put on the Bangladeshi government?

ST. Well, we've issued statements and raised our concerns while speaking at the Human Rights Council in Geneva. A major statement some time ago was signed if you remember by Salman Rushdie, Margaret Atwood, Sjon, Amitav Gosh, Tahmima Anam, Rohinton Mistry, Hari Kunzru, and others...³ And I think, Bangladeshi society being the way it is, they revere writers, so when all writers around the world criticize the country, the government was clearly not happy about that.

LZ. And the role of the PEN Centre in Bangladesh today?

³ <http://www.pen-international.org/wp-content/uploads/2015/05/Open-Letter-to-Bangladeshi-Authorities-26-May.pdf>

ST. The PEN Centre today in Bangladesh is concerned about the attacks and tries to speak out to the extent that they can. The Centre is in a transition period. They want to revive the Centre with new and younger writers. There are many languages in Bangladesh, and many of the existing Bangladeshi writers involved with PEN Bangladesh write in Bengali. But now there is an increasing number of Bangladeshi writers who write in English, and I think it would be good for them to be all together so you don't have parallel streams. Some of the Bangladeshi writers who write in English, are the ones who have set up the Dhaka Literature festival for example.

LZ. *You also make a comment in your book, which I'd like to talk to you about. You write that deaths in Bangladesh haven't attracted the same kind of instant universal condemnation and solidarity that followed Charlie Hebdo for instance: "Victims included people with whom western audiences could empathize, unlike in far-off Bangladesh, where brown people with unpronounceable names were getting killed by unfamiliar religious fundamentalists". And I am reminded of something Judith Butler says, which we all know but aren't always aware of, about the "differential attribution" of grievability, the fact that some lives seem "grievable" while others are not. And the role of PEN is also to raise awareness and visibility right on those less visible cases, less 'grievable' lives. Do you see that differential attribution, depending on who the victims are ...*

ST. We always relate to and react more closely to victims who look like us, right? Now it's not a blame game... But I am writing in English and most of my readers will be in the Western world, and so I think I also have to remind these readers that yes, of course, Charlie Hebdo was terrible, and I think PEN American Centre was right to give that award to Charlie Hebdo, I even have Charb's book, *Open Letter* in front of me actually. But don't forget that there are other places where these terrible things are also happening. Compassion and solidarity should be universal. On a broader level, well you know, now in England so many people say that we can't deal with refugees... But we have to be reminded of how many refugees England is accepting, and how many Turkey is for instance. And how many refugees from Rwanda has Uganda accepted? Afghans in Pakistan, Burmese in Thailand, Rohingyas in Bangladesh and Malaysia - the list is longer, and those numbers are far bigger than what Britain has accepted. And those countries are far poorer and they are being generous, not always willingly of course, and the conditions in which the refugees live are in no way great. But they are better off in those camps than the places they've left. It's a moral challenge to the Western world. It's very easy to say, why aren't the Syrians going in the neighbourhood, to Saudi Arabia. Now Saudi Arabia is not going to look after them. That's why. But does that mean we shouldn't either?

LZ. *But do you see that "differential attribution" in your campaigns, I mean are there campaigns, where PEN tries / tried to build awareness and visibility, and it just doesn't / didn't seem to work? Either because the victims are too far away, or it's been too long that such or such writer is in prison, or perhaps because you haven't been able to involve famous writers, because that's also what PEN tries to do, right, to build on the celebrity of certain of its members ...*

ST. To be honest, with famous writers, we always get them to help when we ask. I mean if you ask Salman, or Margret, or Sjon, or Amitav, they are always there, always ready to help. For many of us, the issue is that of familiarity: you see, when I was growing up, I

could easily name Soviet or European writers, dissident writers abroad. I knew of them and their work, Solzhenitsyn, Kundera, Holub, Havel, Brodsky, and all these names were familiar to me. And this is an honest question, I am just wondering whether someone of the same age today as I was then can with the same familiarity speak about Asli Erdogan or Liu Xiaobo, for example, and if not, why not. Because those are important writers, and they are also speaking about freedom and if people haven't heard of them, that means something is not working, either because the media is not doing its job, or does PEN need to think of new ways to highlight these stories...

At PEN, we have this idea of the empty chair: every time we have an event, we have an empty chair, and we talk about all these writers who are forgotten, as it were and who we must remember. The challenge is that we have to make sure that they remain in the limelight. Some newspapers like *The Guardian* will often pick up the story. Or *The Wall Street Journal*. See, today there was this fantastic editorial on Liu Xiaobo in *The Wall Street Journal*. Because *The Wall Street Journal* has historically challenged the Chinese dictatorship they will be very good on those issues. And they will be similarly disposed on let's say a Vietnamese monk who is a poet and has been in jail for decades. And I know that there is a certain amount of fatigue as to how many people can you outrage over, and how often. And that's how selective compassion comes in. You mentioned Judith Butler, but I always mention Rawls and his *Theory of Justice* and the veil of ignorance that we are supposed to have, and if we do have that veil of ignorance, then we will all pick up the 5 most deserving cases. But we do end up picking cases with which we can relate...

LZ. Actually someone who writes about these issues with great intelligence is Martha Nussbaum, when she talks about cosmopolitanism as an emotion that must be educated, and this education also has something to do with the expansion of our imagination. Learning to extend our compassion to people far away, to feel for people far away...

ST. I haven't read that passage but I've read her book on Gujarat which I've found very useful.

LZ. Perhaps we could move now the different Centres in South Asia, especially in India. I think that you've helped set up the PEN Centre in Myanmar, so could you tell us how that came about, and also what work does PEN do over there? I read your report in The Caravan on the persecution and genocide of the Rohingya Muslim minority in Myanmar <http://www.caravanmagazine.in/reportage/beyond-all-bounds>

ST. In Myanmar, the PEN Centre is challenging the laws which restrict free speech. They don't want to give the government, even if it has Auung San Suu Kyi, a free pass. They've issued several statements, and they are working on free speech on the Internet as well. They are also going out of the way really to try and include local languages and writers from different parts of the country, Shan, Kachin, and Karen. It's not an 'English' Centre at all, in fact all their correspondence is in Burmese. They organise workshops in public spaces. And they go out of the way to go to the countryside and have literature events. And I know they also go out of the way to have Muslim speakers... Not Rohingya alone, because in Myanmar there are other Muslims. And there is sometimes a backlash. But they

still insist on doing all that and rightly so. And I think they do it quite well. And with Ma Thida and Myo Myint involved in the PEN Centre there, they will continue to do brilliantly because they are really excellent.

LZ. *And delegates of the Centre also come to the International congresses?*

ST. Yes, absolutely.

LZ. *What about the Centres in India? It's sometimes a little difficult to know what PEN is doing there today on issues of free speech. So there is the Bombay Centre (the PEN-All India Centre), which is perhaps not as active as it used to be, and there are also new Centres springing up, in Delhi and in Bangalore...*

ST. Well I'd say the Bombay Centre is active in the way it had been, you know. You have regular poetry readings and other literary events. Both Ranjit (Hoskote) and Naresh (Fernandes) have been closely involved with it, and they are both incredibly busy people. PEN Delhi has a very good new board. Its president is Urvashi Butalia, and there are other very fine people involved with it. And Arshia Sattar and others are working towards setting up PEN in Bangalore for South India, and their idea is to have a PEN Centre that looks at not just English but Konkani, Urdu, Kannada, Malayalam, Tamil and Telugu...

LZ. *But the Bangalore Centre doesn't have an official existence, yet, or does it?*

ST. They are in the process of setting up. Within a year they should be ready. I attended their inaugural meeting and it is very exciting what they are planning, bringing several languages together...

LZ. *It seems great to have such a multilingual agenda, right, because the PEN All-India Centre in Bombay, though of course it did aim from the beginning - and did succeed, as well, at least to a certain extent - at representing the diversity of Indian literatures, remained however by and large a somewhat high-brow, English-speaking 'club' ...*

ST. Yes, if you mean that many of its activities were in English. You do have great Gujarati and Marathi poetry in Bombay of course, but during the time I lived in Bombay, they were rarely part of the Centre's activity. That was a long time ago. I used to go to Marathi *kavi sammelans*, and other Gujarati assemblies or festivals, but PEN was not involved with that at all - though many leading Gujarati and Marathi writers knew of the PEN Centre, and their relations were cordial. Some of them may even have been members.

LZ. *And we don't hear the Delhi Centre as much as we could, do we? I mean for instance the Indian Cultural Forum seems much more active on issues on free speech...*

ST. Well, the Delhi Centre is relatively new. It was set up in 2013. And the first board had decided that they would help set up the Centre, but they would not offer themselves as candidates in the first election, to avoid creating the impression that they were forming it only to dominate it. The first board had excellent people. It was appointed, not elected. The

group included Karuna Nandy who is a Supreme Court lawyer, she was the President, Irfan Habib who is a Professor, and Shovon Chaudhury, a writer. So there was an excellent group of people. They basically tried to get the Centre a legal structure, and one and a half years after they organised elections, they stepped aside, as planned. Urvashi Butalia is now the president and Chiki Sarkar, who is a publisher, as you know, is now the Treasurer. But once again they are all extraordinarily busy people, and maybe it is difficult to initiate things in voluntary organisations without staff positions. But they have been issuing statements – most recently in cases involving Arundhati Roy⁴ and Hansda Sowvendra Shekhar.⁵

LZ. *So if we could move now to the situation in India. We've just mentioned the savage killings of atheist bloggers in Bangladesh, and in India you have secularist writers, activists and scholars, like Dabholkar, Pansare or Kalburgi who've all been gunned down recently. Now, I think you often quote and love Mangesh Padgaonkar's devastating poem "Salaam", which is about the time of the Emergency. And you've often said that the political and cultural climate in India today is beginning to resemble the Emergency. And yet the big difference of course, is that during the Emergency, censorship was carried out by the state, right? Indira Gandhi's government was silencing the media, putting political dissidents in prison, etc. And today it's of course mobs, 'goondas', non-state actors who so often in South Asia take censorship in their hands. So what's the specificity of human rights activism in countries like India? What kind of resistance can you put up? I mean, how do you fight with legal means people who place themselves outside the law?*

ST. It's a very difficult struggle, yes. There is no real way you can take it on without the state supporting you, because the forces against writers aren't the state. Basically the State has to step up to the plate. Indian Prime Minister Narendra Modi must forcefully condemn all these attacks. By not condemning them, by letting others say that you have to understand the outrage, or to understand how religious people feel, you are giving a cause for justification. So the job is much harder. The only way out is to elect more liberal governments! And you know India, Pakistan, Bangladesh, Malaysia, Singapore, they all have those horrible British-era laws which allow the state to restrict free speech if it creates "law and order" problems... Wherever the British Empire was, really, you've got these laws. The starting point was the Indian penal code of 1860. And that code was written, if you look at history, three years after the Indian Mutiny of 1857. At that time the only thing the state wanted to do was to not let religious communities get together. That entire code was written reflecting Victorian morality, which is why you have laws against homosexuality, and to keep communities apart so that they don't fight. That mind-set, from which Britain has moved on of course, has stayed fossilized in the 'Commonwealth'. And nobody wants to change these laws really.

LZ. *You've mentioned PEN Canada's reports on the Indian situation. One of the report was on "The use of India's laws to suppress free speech". <http://www.pen-international.org/the-india-report-imposing-silence/> So do you think that changing the law would be part of the solution?*

⁴ <https://pendelhistatements.wordpress.com/2017/05/22/pen-delhi-statement-on-paresh-rawals-tweet-on-arundhati-roy/>

⁵ <http://www.pen-international.org/newsitems/india-harassment-of-writer-must-cease/>

ST. Yes, part of it, definitely, but only part of it. Because you would still need the state to protect writers for instance, and stop the ones who threaten. Right now those who threaten writers feel that they are right because they are entitled by the law, for instance under Section 295A⁶. Those who claim to be offended believe that their right to be offended is superior to the right of someone who wishes to express something that they find offensive.

LZ. *I'd like to go back for a minute to PEN's history in India. Why do you think PEN has never been at the forefront of free speech issues?*

ST. PEN has two roles - one is championing free speech, the other is promoting literature. If PEN has been quite silent in the past in India, it is probably partly because it saw its role differently, through promotion of literature and literary events, and so few had felt the need to turn to PEN for that leadership on free speech. If you are a journalist under threat, there is the Press Club, and there are lawyers who can fight suits on your behalf. You also have human rights groups like PUCL (People's Union for Civil Liberties) or other civil rights' organisations to fight on your behalf for these issues. PEN had given itself a profile of being a literary organization, and that was what it was. Being out of sight, PEN probably just went out of the mind for those concerned about free speech.

LZ. *Do you think that the creation of these two new Centres in Delhi and Bangalore will change PEN's profile in India?*

ST. In an ideal world, PEN should be issuing statements every week. Actually, it is not such an ideal world where PEN has to issue a statement each week, but you know what I mean! And that's not a criticism of PEN in India or elsewhere. Think of PEN in Turkey - the pressure is relentless. But the Indian reality is hardly pleasant today. Once PEN South India is in place, it will want to do much more, and their focus on Indian languages is exciting. PEN is a democratic and deliberative organisation - so very often when statements do appear, it's after a long email conversation internally where people say, well if we take up this case, why not that case? And this happens at Centres outside India too. There are several other places with complex histories and you have to think hard when you say something. The Israel/Palestine issue is one such, but not the only such example. In India, the questions would be: if we are only speaking about English-speaking writers, what about Hindi writers or Bengali writers? An interesting question would be, if a Centre can be truly "All-India". But then, should that be Delhi? Or should the Bombay Centre remain "All-India" because of historic reasons? Should the Delhi Centre only speak for Delhi, UP, Punjab? It's not easy to make such decisions, and I don't have an answer nor should I propose one. It is for PEN Centres in India to decide. But the emergence of more Centres is a good thing.

LZ. *Interesting. Because if you look at issues of The Indian PEN in the 30s, 40s and 50s, the complexity of the literary and linguistic field of India is always foregrounded. It's always an issue. How do you speak with one voice? And how do you bear witness to the diversity of India, of Indian*

⁶ Section 295A of the Indian Penal Code deals with the legal consequences faced by those with 'deliberate and malicious acts intended to outrage religious feelings'

literature, etc. while at the same time consolidate the unity that is sought at the time? I imagine that this complexity does not help.

ST. Yes, that's right. And non-English writers have faced so many instances of censorship, even violence. Actually when I was just out of college in 1981 or 1982, one of the first pieces I wrote was on the censorship of Vijay Tendulkar's Marathi play, *Ghashiram Kotwal*, which was invited in Germany for a festival, but the Shiv Sena filed a case against the play to prevent it from travelling to Germany, and the High Court ruled that it could be allowed to leave the country and perform, but the performance should begin with a statement basically saying that this is a work of fiction and does not portray historical events, or some such, which I'm sure Mohan Agashe read out with a deadpan face.

LZ. *I was also wondering what was the background story behind International PEN's "Statement of solidarity" <http://www.pen-international.org/newsitems/world-writers-stand-in-solidarity-with-indian-writers-and-artists/> in 2015 supporting Indian writers who returned their awards. And also, though you've just said very clearly how impossible it was to assess the 'efficacy' of PEN's campaigns, statements and petitions, what you thought were the repercussions of this statement in India?*

ST. I don't remember exactly what the trigger was to issue the statement when we were in Canada. But I can speak about the background. PEN Delhi had sent a delegate, Rishi Majumder, and PEN Canada had already published that report on the Indian situation. So we had PEN Delhi's support and we wrote up that statement very quickly, and it was signed by everybody at the Congress. Now on the repercussions, I think Scroll and The Wire published the statement, and the poet Keki Daruwalla, who was among those who returned his award, cited the statement in his article the *Indian Express*, and that was great. But there was no official response by the Indian government that I'm aware of. Of course we weren't alone, I mean so many organisations supported the writers... The Indian Cultural Forum, for example. But the Indian Cultural Forum also issues statements on other issues of importance, which PEN may not.

LZ. *I actually spoke to Githa Hariharan recently⁷ and she says very clearly that we cannot dissociate the fate of writers and the violence inflicted on writers, from the fate of other constituencies or minorities. And you seem to say that your specific role is to defend writers, and that you can't fight on all fronts...*

ST. Let me clarify what I mean. As I understand it, PEN will support free expression, defend the right to read and the right to write, and the right to publish, regardless of whether PEN agrees with what is being said or written about, as long as what's being said is consistent with the values of the PEN Charter. Now I don't know if the Indian Cultural Forum has a set of rules or a charter, or whether it sees itself as primarily an organisation to defend free speech, for instance. But see, there was an interesting case involving the publication of a translation of a Tamil novel recently. This issue actually came up with S. Anand, the publisher of Nayayana. The Tamil writer Joe D'Cruz, wrote a novel about a

⁷ <https://writersandfreeexpression.com/2017/07/14/we-are-talking-of-more-than-writers-rights-we-are-talking-of-letting-people-live-an-interview-with-githa-hariharan/>

fishing community in Tamil Nadu, and he is a Dalit. And it was translated by V. Geetha. But Joe D'Cruz also issued a statement in support of Narendra Modi. And once that happened, V. Geetha withdrew her translation, and told Anand not to publish the book. Now Geetha was well within her rights to do that. And initially Anand thought that he could not publish somebody who is pro-Modi, as many Indians who see themselves as progressive oppose Modi's policies. But you can't refuse to publish a writer just because you don't agree with his politics. If you think he deserves to be translated because of literary merit, then he has to be published. Remember the David Irving controversy here in Europe. PEN defended David Irving although we disagreed totally with his positions on the Holocaust. Anand later said he was willing to publish D'Cruz's novel, but the copyright rested with Geetha, the translator, and she had withdrawn permission, so he did not publish the novel in the end. It is an interesting thought experiment for PEN Centres in India to consider, as similar cases may occur again.

LZ. *The controversy you bring up also reminds me of another controversy at the Jaipur Literary Festival when Ashis Nandy made this public statement about the OBC's (what India describes as "Other Backward Classes") being the most corrupt... but to his mind corruption was a good thing because it worked as a sort of class equalizer. And S. Anand took a strong stance against Nandy actually, and Dalit groups were outraged...*

ST. Yes, exactly. But I defended Nandy's right. I have to send you my piece⁸...

LZ. *In your book on the legacy of the Bangladesh War, you write "human rights are universal, but human wounds are particular". Now, one of the questions that our project would like to address deals precisely with the question of the "universality" of these rights... To what extent is the language of "freedom of expression" coined in Western terms? And is that a relevant question? Can India evolve it's own language of human rights? I mean we talked about the specificity of human rights' activism in a country where a lot of the censorship is unofficial, carried out by non-state actors. And of course the so-called colonial-era 'hate speech laws' were premised on the need to preserve communal harmony, given "Indian's"- so-called of course - vulnerability to religious offense and that's often the justification which is given in India to justify censorship, ie preventing communal violence...*

ST. It is a totally relevant question. If we go back to the PEN charter, it was written soon after the First World War, so the whole idea of not preventing hatred between nations was also the big issue. But there is a conflict, of course. You know, upholding free speech on one side, and being against spreading racial tension, on the other. The test for me would be incitement of violence. There's one document which is really worth looking at on the subject, by an American academic called Susan Benesch⁹. She has done some work on the distinction between "hate speech" and "dangerous speech". And it tells you in what circumstances hate speech can truly become dangerous. If speech really becomes dangerous, as in inciting violence, then it must be restricted, like the ones that circulated on radio stations in Rwanda, for example, just before the genocide.

⁸ <http://www.livemint.com/Opinion/9ZA5N41xIWheDVDHMIMmbL/Scissors-and-scared-scholars.html>

⁹ <https://dangerousspeech.org/guidelines/>

LZ. Or like important figures in India today saying that 'beef-eaters' have to be killed, right?

ST. Yes. If a Hindu priest were to stand and say, 'all Muslims are anti-national', that's one thing. That's a stupid statement, by all means we condemn it, but he has the right to say it. But if the same priest says 'go out and kill Muslims', then it has to be stopped, and criminal laws that prevent incitement of violence, should apply.

LZ. Finally, if we come back to this question of the universality of human rights, and also to the Shahbag movement in Bangladesh... Wasn't there also a kind of tension or conflict which was exposed at the time, with on the one hand activists of the Shahbag movement who were asking for war crime criminals to be tried and convicted, but who were also asking for death penalty, right, and a certain Western discourse on human rights? Was that complicated to deal with?

ST. PEN doesn't have a view, as far as I know, on death penalty.* But I did work earlier with Amnesty and I know that Amnesty has taken a position against death penalty. And they are aware that it's one of the few areas where Amnesty is calling for or campaigning on something that is not rooted in international law, but on a value, the value of a human life. Because even the Universal Declaration says that everybody has a right to life, but the state can deprive you of your life only with due process or in accordance with the law. Now on Shahbag, I think the activists were right indeed to demand justice and to fight impunity. But on a moral plane I think they are wrong in defending the death penalty.

I do believe human rights are universal ; making cultural or regional exceptions defeats the basic idea that we are all equal, with equal dignity, and equal rights.

LZ. Thank you so much, Salil...

**This has now changed and PEN International passed a Resolution opposing the Death Penalty in late September 2017.*

*** **We ask that you do not reproduce all or any part of this interview without permission. If you wish to use this for academic purposes, please do cite to this PDF and our blog.