

Civil Liberties movement and Revolutionary Violence

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Before I begin addressing the topic assigned to me, I would like to raise two issues.

One pertains to the expression 'revolutionary violence'. What is revolutionary violence? What is probably meant is the violence resorted to by the CPI-ML parties. It is the CPI-ML parties and the nationality movements that are using a lot of violence in India. We had a discussion in the preceding session about nationality movements. So, what is meant by revolutionary violence here must be the violence of the CPI-ML. But the CPI-ML parties are not alone in describing themselves as 'revolutionary'. The dalit movement regards itself as revolutionary and so may the women's movement. Yet they were referred to as dalit movement and women's movement in yesterday's sessions and not as revolutionary movement of the dalits and revolutionary movement of women. Why cannot the present topic also be similarly described as violence of the CPI-ML rather than as revolutionary violence?

There is evidently an implied assumption that the politics of the CPI-ML is synonymous with the notion of revolution, whereas other politics whether of dalits or women is only sectional politics. That may or may not be true. But the question is how does the civil rights movement presume that it is true and that too, so obviously true that it needs no explanation? How does the civil rights movement arrive at this conclusion from its own premises, within the framework of its understanding?

This is not an isolated or incidental slip. This sort of sleight of hand by which Marxist or Marxist-Leninist assumptions are smuggled into the worldview of civil rights movement as if they are common sense notions of the democratic worldview is quite common. The point is not whether those assumptions are true or false. The point is that if they are felt to be basic to the civil rights worldview, that should be made explicit instead of keeping them hidden under the pretence that the civil rights worldview is not restricted to any one political philosophy but is a broad democratic view.

To my knowledge, no civil rights organisation in India has said that its worldview is guided by Marxist or Marxist Leninist theory. They have all drafted seemingly broadbased manifestos, or if they do not have written manifestos, they all claim that they are of a broadly democratic persuasion. This has perhaps been felt to be necessary in order not to seem sectarian and to avoid being branded by the State as pocket organisations of the Communists.

This should have been followed by a genuinely broad understanding and interpretation of issues and events. Instead, the actual interpretation has usually been based on Marxist or Marxist-Leninist views of society and social relations. But since this has not been made explicit, the civil rights movement has not faced the theoretical problems stemming from this attitude. If at least, the movement had made its assumptions explicit it would have been forced to handle the tension between Communist theory and democracy. Since it has not done so, the untested and unverified assumptions of Marxism-Leninism continue to determine many of the attitudes of the civil rights movement in India.

To take an example, in yesterday's presentation, Mr. Bhuyan of MASS said it is a task of the civil rights movement to take seriously any tendency of the people to develop illusions about parliamentary democracy. This is strange advice. It is certainly the task of the civil rights movement to criticise the limitations of parliamentary democracy and the distortions in its practice and to strive to make government more truly representative. But why should it be the duty of the civil rights movement to ensure that people do not develop illusions about parliamentary democracy as such? That task makes sense only within a Marxist Leninist perspective which sees parliamentary democracy as a rival to its project of class struggle and proletarian rule. Why should that be the concern of the civil rights movement? If civil rights activists feel that it is, they should openly declare that their worldview is Marxism or Marxism-Leninism and face the theoretical and practical consequences, instead of keeping it implicit and avoiding the difficult task of reconciling the Communist movement's worldview with democracy and civil rights. This also applies to the usual attitudes adopted by many in the civil rights movement towards Rule of Law, the legal system, social reform, welfare, press freedom, each of which is customarily seen by the Marxist-Leninist worldview as illusion, ideology, repression, fraud etc., and not as values and institutions that mark civilisational progress whose limitations and distortions must nevertheless be criticised by the civil liberties movement in order to help advance their progressive and democratic content.

The second question pertains to the inordinate importance given to the question of violence in the present seminar. The seminar is supposed to be about the relation between democratic movements and the civil liberties movement, but more than half the seminar is concerned with the question of violence. Is it that violence is such an important issue for democratic movements? Or does the reason lie elsewhere? It seems to me that the reason for this obsessive concern with violence lies in a basic faith in violent

solutions to social problems which must, it is felt, be justified in the name of democracy and human rights. Somehow or other the human rights discourse must be shaped in such a way that it can be adapted to a justification of violent methods of social transformation. It is this rather than any genuine concern about the problems that the civil liberties movement faces with the question of violence that seems to have motivated the decision to allot such a large amount of time to the question of violence - revolutionary violence of course. I think it is a misfortune of the human rights movement in India that too many of its activists have more faith in violence than in humane values norms and institutions. May be they are right and the others are living in a fool's paradise. But if that is so, the human rights movement had better close shop. If it is to exist, it can exist only as an exploration in democratic values and institutionalised norms. There can be no place for a civil rights movement that tailors its views and concerns to suit the needs of violent solutions to social problems.

Let me now go on to the topic allotted to me. I will not speak of revolutionary violence, but of political violence, for I do not think the civil rights movement can, within its terms, identify one politics to the exclusion of others as revolutionary. But, since 'political violence' as such will include also the violence of the politics of dominant social groups and classes which holds no problems for the civil rights movement, I will speak of political violence based upon the needs, hopes and aspirations of oppressed groups - whether it is class, caste, gender, or religion.

The Question Of Violence :

To a large extent, the question of violence is experienced by the civil rights movement as an irritant rather than as a central concern of its practice. I am not here talking of political violence alone but of violence as such. The civil rights movement gives central importance to the right to life. This is the most important of civil rights and the movement has spent much energy and effort extending its meaning and scope to include not merely the right to a physical existence but a full, honourable and dignified existence. But on the other hand, there is a whole sphere of violence and the taking of life and liberty in society about which the civil rights movement is silent. It is not easy to explain away this silence. Over a period, it has learnt to campaign against violence stemming from dominant positions in the social structure. For instance, upper caste violence upon dalits and violence on women by men. Yet, there remains a large area of

violence in society about which the civil rights movement is silent.

The very fact that one is talking about right to life as a human value (and not just the right of so-and-so to life) forces one to feel uncomfortable about this silence. One answer to this discomfort has been to say that 'there is a law and there is a legal system to take care of such acts of violence, and therefore we need not react to all such acts of violence'. (This is to concede legitimacy to the law and the legal system, which is however some times denied by the civil rights movement in a different context, about which later).

This is a purely legalistic argument which can be satisfactory only if the whole approach of the civil rights movement had been purely legalistic. That is to say, there is a law, and the administration must adhere to the law. If this had been the general stand of the civil rights movement then such exclusively legalistic arguments would be fully valid. But the general approach of the civil rights movement has been a mixture of legal, social, political and perhaps ethical arguments. This is at best. Otherwise, it is even argued that the legal is illusory, and one should only talk about social and political issues. (It is an interesting aside that those who dismiss the legal as illusory also, usually, deride the ethical as equally illusory). How can such a movement be satisfied with a purely legal argument when it comes to answering the question why it does not condemn all violence?

This is a discomfort that affects all those who work in the civil rights movement. When we condemn custodial deaths of crime suspects, the people generally question us about the crimes supposedly committed by that person. 'Where were you when this fellow was breaking into our house and stealing our savings?' they ask. The answer that there is a law to deal with such crimes, and the law can take its course is not always satisfactory. It is not my contention that the answer is not at all valid. Only that it is not a fully adequate answer in all contexts. As a general moral principle, it must be stated that when we defend the rights of a person or persons we are in some sense and to some extent answerable for their acts. The full burden cannot be put on the law and the legal system which are in any case derided in other contexts. For instance, if the person who has been killed in custody is a petty thief, we can say 'let the law take its course, we do not condemn the poor man's crime'. We can even say that the law must take a lenient view of his crime in view of his poverty. But if, say, the victim of custodial killing is a professional hired killer, civil rights activists have found it

necessary, in answering the people, to add that we do condemn the murders committed by the killer. The difference is in the moral conditions of the act, the justice or injustice of the act. Civil rights activists have found that it is impossible to adopt a purely legalistic argument about violence without reference to the justice or injustice of the act.

It would have been nice, of course, if violence consisted only of two types: crimes of powerful people upon the weak, and the crimes of the weak against the powerful. Then the moral dilemma would be less severe. In platform rhetoric civil rights activists frequently speak as if it is so. But in truth, it is not, and we must frequently make difficult judgments. Even in the case of theft, where it is the poor who steal, it is usually not from the very rich but from the middle and the lower middle classes that they steal. The rich are not easy to rob. They have security guards and dogs to protect them. That is why the rhetoric that theft is only a redistribution of social wealth is not always valid, though it is guaranteed to draw applause in public meetings.

The question of violence, whether political or otherwise, has no easy answer from a democratic or civil rights point of view. What is usually called violence is only physical violence. But there is also structural violence. Inequality, exploitation, lack of freedom, are all instances of violence. And physical violence is often linked to this structural violence. This applies to ordinary day to day acts of violence as well as the violence of political rebels. But this does not, unhappily, imply that all physical violence is therefore justified in the name of structural violence. If a hungry person beats up and robs someone, then it appears that the hunger justifies the violence. But if, as usually happens, the one who is robbed is not an exploiter, but himself or herself a hardworking person, the justification becomes more problematic. It is only in the rhetoric of radical civil rights ideologues that this problem does not exist. In that rhetoric, there are only two classes in society, the exploiters and the exploited, and all the violence of the exploited, whether individual or organised, is aimed only at the exploiters. In reality, society is more complex and so are acts of violence. It is neither possible to defend all violence nor necessary to condemn all of it. To defend is to imply that the particular act of violence is either an unavoidable consequence of the structural violence or a necessary act to overcome it. Usually, it is very difficult to establish either, though it is always possible and necessary to see its link with the structured violence of the social system.

All that is possible in this situation, is neither the defence of the violence of the exploited in toto nor its blanket condemnation but an attempt to understand it in the given social context. To understand it is not to imply that the violence is an inevitable consequence or a necessary act, but only to see its link with the social system in a realistic way. The operative meaning of this attempt to understand the social context is two-fold.

One is to turn the attention of society from an exclusive concentration on physical violence and force it to look at the violence built into social system, and the need to remedy that violence first. The second is to plead for a lenient view on the part of the law and the legal system towards acts of violence that have a proximate connection with social oppression. The law as it exists today, also allows a lenient view of certain crimes, mostly crimes committed in defence of life and property or on grave provocation. This can be extended to crimes linked to social oppression or deprivation. This is a delicate task which first of all requires that the civil rights movement distances itself from the violence so that it can persuade society to look at it democratically, that is to see the social context and background to the violence. This requires that we accept that there is a neutral or at least a third space between the perpetrators of violence and the state. A neutral or a third ground which can be addressed in terms of democratic values and principles. It is this space that the civil rights movement addresses. Of course, those who hold that there are only two classes in society, only two viewpoints on any matter, and only two positions to align with cannot and will not accept this. But in such a perspective, the civil rights movement has no place at all. It can only be abandoned.

When we speak of violence, we must necessarily speak of law and Rule of law. There is a point of view in the civil rights movement that the law is itself oppressive and that the people have a right to violate the law. I do not think that this is a tenable view. Rule of law is in fact more necessary for the poor and the weak than for the rich and the powerful. When we speak of the poor, we should not speak of them as if they are perpetually involved in a political struggle. Only then law and Rule of law appear as a hindrance. As a matter of fact, even for struggles, the law is an aid as much as it can be a hindrance. People involved in struggles, frequently appeal to the law for aid. It is only if the struggle is equated with violence that the law appears more as a hindrance than as a possible aid. But such an equation is illegitimate.

But as a matter of fact, to see the poor and the oppressed as if they are perpetually involved in a political struggle is itself an error. The overwhelming majority of the poor and the oppressed are mainly involved in day to day existence, and this existence requires a law-bound society. In a lawless society it is they who would suffer much more than the rich and the powerful. A civil rights movement that is not concerned with this day to existence of the poor but only with struggle is not doing its full job. In the next session, we have speakers speaking on Rule of law and class struggle. Apart from the question why we should be concerned only with class struggle and not with other political struggles of the oppressed social groups, I would like to point out that only if we also talk of Rule of law and day to day existence of the poor can we get a full appreciation of the role of law.

The fact is that the poor and the oppressed require law and law-bound society as much as, and perhaps more than, the rich and the powerful. But the paradox is that this law, apart from giving the stability and security of a norm-bound society, also by its very nature stabilises and reproduces unequal social relations. And hence, whether in their day to day existence or their struggles to overcome inequality, the oppressed also face the law as a repressive force. To live, they need law but to better their lives, they some times need to break the law. Of course, to the extent that the law is sensitive to the requirement of change, it may help the aspiration of change as much as it inhibits change in its more traditional role. This may be summarised by saying that the poor and the oppressed have no interest in an absolute right to violate law. Any such destructive attitude to the law can make life impossible for them. But they have a right to violate unjust laws or the unjust use of otherwise reasonable laws. There is nothing very radical about this. Even Mahatma Gandhi said so. What he would regard as just may not be the same as what the civil rights movement regards as just, but that principle is as far as the civil rights movement can or should go.

Law, therefore, is a legitimate thing and there is no need to delegitimise it. That would harm the people. But it is necessary to demystify the law. Law carries the mystification that whatever is lawful is just and whatever is unlawful is unjust. This, as we know, is not necessarily true. To fight for the demystification of the law without delegitimising it is a delicate and complex task that the civil rights movement must undertake. This rather than the rhetoric that the law, as such, is an ideological instrument of oppression, is the task of the civil rights movement.

The Question Of Political Violence :

In addition to the above considerations which apply to unorganised as well as organised violence, something extra needs to be said with reference to the political violence based upon the hopes, aspirations and grievances of oppressed groups.

Ignoring the violence for a moment, what exactly is the relation between the civil rights movement and political movements based on the hopes and desires of an oppressed group? Firstly, why should there be a relation at all? The civil rights movement is concerned with the progressive democratisation of social relations, norms, values and institutions. This may be achieved either by constructive reforms or the pressure exerted by organised political movements of the oppressed. That is why, there will be and should be a link between the civil rights movement and existing legal and political institutions as well as between the civil rights movement and political movements of the oppressed. The organisers of the political movements describe the former concern as reformist illusions and the State describes the latter as extremist connections. Whatever they say, the civil rights movement will necessarily have both concerns.

But what should be the latter relation i.e. the relation with political movements? Political movements based upon the oppressed have two aspects. One is the democratic aspiration arising from the life situation of the oppressed, and the other is the political programme, strategy and theoretical formulations of the organisation that leads the movement. The civil rights movement is primarily concerned with former. It is the democratic aspirations underlying the movement that the civil liberties movement picks up and integrates into the prevalent democratic world view. While political movements usually address their own social base, the civil rights movement addresses the rest of society and forces it to think about the democratic aspirations of the movement. This is a basic difference which cannot be comprehended by those who work with a binary model of the society in which there are only two classes, only two interests, only two viewpoints etc. Such people - and there are many in the civil rights movement - demand that the civil rights movement merge its voice with that of the rebel political movements, or else join the enemy. On the contrary, the role of the civil rights movement is predicated upon the assumption that between the movements of the oppressed and the State (or the oppressors) there is a third, fourth, fifth etc., space. This is not a territorial space in society but a space of values in social consciousness. The civil rights movement addresses this space and works to again acceptance in it for the democratic aspirations and values brought

forward by the movements of the oppressed. And where possible, it will attempt to institutionalise the values and aspirations. It can do this only if it speaks with its own voice and not the voice of the political movement in question. And only if it speaks in terms of values and ideas and not in terms of the political ideologies and strategies of the movement. Given its role and its aims, it is under no obligation to tailor its understanding to suit the ideological and strategical needs of the movement. That is a matter of no concern for it.

If this is true of the relation between the civil liberties movement and the political movements of the oppressed in general, it is much more true of the relation with political violence. As has been said earlier, the civil rights movement, which speaks in the name of right to life, must necessarily have a cautious attitude towards violence. It can at best be an attitude of calling attention to the social context and background of the violence and arguing for an approach that addresses the context instead of being obsessed with the violence.

More caution is called for in the matter of political violence. For political violence is aimed at the establishment or capture of power. And the civil rights movement must forever be suspicious of power. It is power - of the State over citizens, of the upper castes over dalits, of men over women, of the capitalists over workers, of the developed over the backward, of the majority over the minority etc., - that is the central programmatic concern of the civil liberties movement. It cannot therefore rub shoulders with violent movements that aspire for power. It recognises their popular base, and accepts and propagates the democratic and egalitarian aspirations underlying the movement. But it cannot merge its voice with that of the movement.

Organised movements that aspire for power have the characteristic habit of trying to subsume everything under their domination. They demand the consent of all for all they do. They demand acceptance of their claim that their organisation is identical with the people it represents. Its actions are theirs and its decisions are theirs. The movement, in its desire to establish its power over society, wants that the people should lose all faith in the existing social setup, that is to say lose all 'illusions' about existing society. Such movements therefore put pressure on all to work towards alienating the people from the present system.

The civil liberties movement is also subjected to this pressure. But if it succumbs to the pressure, that will be an abdication of its particular role which is to both work for reform within the

system and to argue for keeping space open for superseding the basic terms of the system.

The pressure on the civil rights movement is most severe in the case of the violence used by organised political movements. They demand that the civil rights movement should describe all the violence they indulge in as peoples violence. Since the people are suffering, and since they have chosen to hit back violently, the violence, whatever form it takes, is justified and democratic, is the argument of the organised movements. And the civil rights movement is supposed to help propagate this argument. It must refuse to fall into this trap. It need not and will not deny whatever popular support the organisation has. But it cannot equate the decisions and actions of the organisation with those of the people. They belong to the organisation and are usually part of the coldblooded decisions of strategy and tactics adopted by the organisation. The organisations have many and varied reasons for indulging in acts of violence, not all of which can be attributed to the just anger of the oppressed people, though it is in the name of this just anger that the organisations demand support for all their acts of violence.

From the experience that the civil rights movement has in observing the violence of organised armed struggles, it is possible to identify the following reasons for the violence they indulge in.

A. Acts of violence aimed at oppressive and cruel individuals whom the people really hate and wish to injure.

B. Acts of violence aimed at persons who are felt to be obstructing the course of the organisation leading the movement, whether or not they are hated by the people in general.

C. Acts of violence intended to strike terror in the enemy camp of the organisation, aimed at any person in the enemy camp, who may not otherwise be an obstruction to the organisation or an enemy of the people, but whose killing is useful to create terror.

D. Acts of violence intended to strike terror in the police, in which any policeman, whether he is known to be cruel or not, is killed or acts intended to strike terror in the ruling party, in which any member of the ruling party whether or not he is known to be bad person is killed.

E. Acts of violence aimed at persons who work against the

political interests and the diktats of the organisation, even if such persons do no harm to the people, and only exercise their own right of political freedom.

F. Acts of violence aimed at enforcing the writ of the organisation in arbitration of disputes, settlement of issues, or award of punishment. Such acts of violence frequently do not follow any reasonable norms.

G. Acts of violence such as burning or blowing up government property - buses, telephone exchanges, courts, banks, revenue offices. Such acts frequently cause a lot of inconvenience and even harm to the people.

This is a broad categorization of the acts indulged in by organisations leading violent struggles all the way from Telangana to Kashmir to Assam. As said above, all this violence is sought ~~to~~ be labeled 'people's violence' and justified in terms of the just anger of the people against oppression and deprivation. But it is in fact the violence of an organised political group, notwithstanding that it may have a substantial degree of general support among the people.

How does the civil rights movement react to this violence? I have already explained the general attitude that the civil rights movement should adopt towards violence: not to defend it but to link it with the social system and the structural violence inherent in it, and to plead for an understanding of the cause of the violence and a democratic approach towards it. This applies more directly to the political violence linked to social oppression and deprivation. There is no question of equating the people with the organisation that acts on their behalf, no question of justifying its violence in the name of the people, but it is necessary to point to the suffering and the hopes of the people, their aspiration for justice and equity, as the social context of the violence. The context, but only the context and nothing more. The civil rights movement, on the basis of this attitude, asks for a democratic and civilised approach on the part of the State and the society towards the organisations that lead the violent struggles, the violence they perpetrate, and the people who constitute the social base of the movement.

This does not exhaust the whole of the civil rights movement's approach to the question of political violence. There are some instances where the acts of the violent political movements must be condemned. Since there is a lot of deliberately created confusion in this matter, it must be clarified that what needs to be condemned is not violence as such but unjust violence. It is

the injustice that demands condemnation. Since the violence of the organisation is explained by the civil rights movement as a response to social injustice, and a reflection of the peoples aspirations for justice, it cannot keep quiet when the organisation itself behaves unjustly. Less so, when the injustice takes violent forms. Since the proponents of violent politics do not like such criticism they try to create the impression that the civil rights movement proposes to condemn the people resorting to violence to solve the problems that they have not been able to solve by legal means. This is a deliberate distortion. As has been explained more than once, the civil rights movement insists on understanding the context of such violence. While it will not justify any violence, it will ask for a democratic attitude towards such ineluctable acts of violence, which includes a lenient view on the part of the law. What the civil rights movement must however condemn is injustice done in the name of the fight for justice. Since the basic idiom of the civil rights movement is that of justice and injustice, and since it asks society to look at and respond to the aspirations for justice that lie behind organised political violence, it cannot keep quiet when that violence takes unjust forms.

Since the perpetrators of political violence do not like such criticism, they accuse the civil rights activists of either being scared or having sold out to the State. This criticism must be dismissed with the contempt it deserves. It is theoretically justified, or sought to be justified, with the argument that there are only two sides in society, that of the oppressor and that of the oppressed, and there cannot be any middle ground between the two. Those who are not with the oppressed are by definition with the oppressors. In this specious argument, there is again a deliberate equation of the oppressed people with the organised political movement which functions on their behalf. Criticism of that movement is equated with condemning the oppressed people, and therefore joining hands with the oppressors. This line of argument will not do. The civil rights movement is of course with the oppressed, not in the sense that it supports all that they or the parties based upon them do. But in the sense that it defends their aspirations for justice. And from the same point of view of justice, ~~not from any middle ground~~, it will criticise the acts of the organisations that lead the movement arising from the aspirations of the oppressed.

The civil rights movement, like everyone else, must learn from history. One of the lessons to be drawn from the failure of the socialist experiment of this century, is that political parties and organisations that begin as representatives of workers and peasants and stand for the values of democracy and socialism can

turn against them in the course of time. It is better that from the very beginning we learn to distinguish the people and the party or organisation and not allow the latter to claim identity with the people and to appropriate the aspirations of the people as justification of all of its politics, its strategies and its violence. It is as necessary to make this distinction as to acknowledge the actual extent of the popularity of the party or the organisation.

The civil rights movement cannot run behind any political movement. There is no single political movement that can guarantee the solution to all problems and gratification of all aspirations. Reality is multidimensional, and so is the effort to transform reality. In this multi pronged effort, the civil rights movement has a role of its own. The role is to protect and advance historically achieved democratic values and institutions, to keep the possibilities of further advance through political struggles open, to disseminate in the society the democratic content of political movements, to strive for a just and democratic attitude towards such movements, including their acts of violence, and to act as a check on the resort to arbitrary and unjust forms of behaviour by the parties and organisations that lead the struggles for justice. It can never be the handmaid of any political movement.
