**Lest we fall into a well while looking at the stars**

[**Taj M Khattak**](https://nation.com.pk/Columnist/taj-m-khattak)

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In the wake of recent public rallies by the Pakistan Democratic Movement (PDM), when the Human Rights Commission of Pakistan (HRCP) and sixteen renowned journalists petitioned Islamabad High Court (IHC) to lift Pakistan Electronic Media Regulatory Authority (PEMRA)’s prohibition order to all TV channels banning broadcasts of speeches, interviews and public addresses by proclaimed offenders and absconders, it presented an excellent opportunity for the judiciary to parse the issue thoroughly for creation of a much needed ecosystem, where freedom of speech can thrive within imperatives of national security and the spirit of our constitution.

The court however, didn’t grasp the nettle and declined relief to petitioners out of apprehensions that it would serve as a precedent for all proclaimed offenders and absconders. The subject, nevertheless, is an important one and unlikely to disappear from the national scene anytime soon. In the coming days, if Prime Minister Imran Khan walks the talk and takes legal action against those who went ‘too far’ in their spoken words during recent rallies, the judiciary’s skills to untie this Gordian Knot, will be put to a hard test.

[PML-N's Mushahid Ullah Khan passes away](https://nation.com.pk/18-Feb-2021/senator-mushahid-ullah-khan-passes-away)

The argument about limits on an individual’s right to freedom of speech, is never an easy one to settle. In emotionally volatile and largely illiterate societies like Pakistan, the debate frays the nerves even sooner. No gainsaying that the strength of a democracy depends on the strength of each of these four pillars: media, judiciary, legislature and executive. Ideally, each must act in its respective domain, synchronously with the others, much like the molecular structure model in basic chemistry, and not lose sight of the larger picture. Creation of disequilibrium, by any pillar, through ‘push or pull’ tactics for greater space, is fraught with danger.

The vitriolic tone and tenor of speeches under the pretext of freedom of speech during recent public allies, often loaded with content not supported by the majority population, has raised concerns everywhere. It defies logic and common sense when some political parties with insignificant parliamentary presence, threaten the territorial integrity of the country. It is difficult to say when this decline in standard of political discourse began, but it is disconcerting to note that it has now reached new levels and the downward slide continues unabated.

[Libya marks tenth anniversary of 2011 revolution](https://nation.com.pk/18-Feb-2021/libya-marks-tenth-anniversary-of-2011-revolution)

Could raison d’etre of this phenomenon only be the incumbent government’s pathological aversion to flexibility on corruption or are the reasons more complex? Are unsubstantiated allegations and targeted provocative speeches by different quarters, henceforth going to be the new normal? Or is our democracy a mere lifeless farce where men and women of great intellect have no voice of their own and give themselves into perpetual servitude of party leaders, perceived as inept and corrupt by the public at large? Questions abound but answers very few.

Looking back, isn’t it ironic that Sheikh Mujib-ur-Rahman was more tempered with his speech during his thundering oratory in Paltan Maidan Dhaka in March 1971, even though he had won a landslide victory in in an election considered the most transparent in the country’s history and was twice denied the opportunity to form a government when the National Assembly sessions were postponed? Mujib held his freedom of speech in check and acted responsibly when he stopped short of declaring independence of Bangladesh in front of a highly charged crowd which was clearly edging him on to do so with relentless chants of ‘Jay Bangla’.

[US to pay more than $200m to WHO by end of month](https://nation.com.pk/18-Feb-2021/us-to-pay-more-than-dollar-200m-to-who-by-end-of-month)

The thorny issue of freedom of speech is not peculiar to Pakistan and came to the fore in the US in 1949 in the Terminiello v Chicago case where, Father Arthur Terminiello, a suspended Catholic Priest, was found guilty of disorderly conduct in violation of a Chicago city ordinance. He had urged a mob of sympathisers at a public meeting to rise up against a surrounding gathering of his opponents, resulting in an ugly situation. During the appeal at the Supreme Court, the majority ruled that Terminiello’s speech, provocative or not, stood protected by the Constitution.

It was here that legendary Judge Robert H Jackson, the only American to hold all three high offices in US Justice system i.e. Associate Justice of Supreme Court, Solicitor General and Attorney General, who also distinguished himself as Chief Prosecutor at Nuremberg trials, famously dissented and urged ‘using law practically, with discretion and balance, to advance the security in which individuals can have and exercise freedoms’. He went on to say, ‘what we call individual freedoms, exist when people are under and loyal to an organised government, that is their own’.

[Saudi Arabia offers to mediate in Ethiopia dam dispute](https://nation.com.pk/18-Feb-2021/saudi-arabia-offers-to-mediate-in-ethiopia-dam-dispute)

Jackson faulted the court’s majority for considering liberty and order diametrically opposite to each other. Leaning on his experience at Nuremburg Trials, he argued that governments must have the power to control speech and activity of organised demonstrations or risk being overtaken by such factions which led Nazi Germany to WW-II in Europe.

Loyalty to an organised government and freedom of speech, are not enemies of each other, rather it is a two-way street. Pakistan’s constitution’s Article 19-A stipulates every citizen’s right to freedom of speech and expression, subject to any reasonable restrictions imposed by law for glory of Islam, or the integrity, security or defence of Pakistan, while Article 5 states that loyalty to the state is the basic duty and that obedience to constitution and law is inviolable obligation of every citizen, wherever he may be.

Freedom of speech is indeed a lofty goal for any society to pursue. The media has a large canvas available to it to discharge its onerous responsibility of creating awareness in the populace in pursuit of productive and harmonious national life. Freedom to say uninhibitedly but in a responsible manner, is integral to discharging its functions properly. But we must take heed lest we fall into a well while looking at the stars.