



## **Freedom of Expression, Literature, Fact, and Fiction**

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On 5th of July, 2016, the Madras High Court delivered a significant judgment in a case relating to a petition filed by some persons and organisations against the Tamil author Perumal Murugan, demanding that Murugan's Tamil novel, *Madhorubagan*, should be banned as it hurt the sentiments of the people of a particular village and had 'portrayed the Kailasanathar temple in Tiruchencode and its women devotees "in bad light"'. Tiruchencode is a real village used as the setting for the novel which, among other things, depicts certain reproductive practices that were in effect among particular castes/communities some time ago. The presiding judges were the Hon'ble Mr. Sanjay Kishan Kaul, and the Honourable Mrs. Justice Pushpa Sathyanarayana. The judgment they delivered was remarkable in that it not only took a decisive and enlightened stand on the specific issue of banning the novel in question, refusing to ban creative works for supposedly hurting sentiments, but more importantly, it articulated the court's position with regard to the wider question of freedom of expression. Moreover, it did so at the level of general principles in a manner that provides a point of departure for meaningful debate.

The judgment, of course, received fulsome praise from all quarters for providing impeccable closure to the case itself, which it doubtless richly deserved. Also duly appreciated by all was the fact that the honourable judges did not try to provide final answers, but on the contrary articulated the pertinent questions with great vigour, providing the public sphere an opportunity not only to just reopen the debate about freedom of expression but to rescue it from the level of identity-victimhood and mob judgment. It would be fair to say that the trajectory of the judgment, if followed upon, would certainly succeed in restoring the debate to its proper space of rational, civilised discussion. In this sense, the judgment can be seen as an invitation to re-structure the debate on questions about the scope and limits of art and literature, the conflicts of ethics, the privileges and responsibilities of the artist, and a host of related issues. It is an invitation we must accept for not to do so would be to waste a valuable opportunity. If, in this spirit, we accept the invitation and decide to discuss the points made by the honourable judges, we shall find that there are several related issues that demand our attention. Obviously, not all the issues can be discussed in any one single effort. Here, I have selected two specific issues. These issues actually pertain to two central assumptions implicit in the judgment. First, the judges assume that art and literature should be treated as a category apart in the matter of freedom of expression, and secondly that the genre of 'historical fiction' is a legitimate mode

of expression and its claims about its relation to reality are valid. As enlightened as the judgment is, these two assumptions are problematic. It is not that they represent an idiosyncrasy of the judges. On the contrary, they are in complete consonance with current enlightened general opinion. But, the fact remains that these two assumptions need to be examined carefully since much depends on how acceptable we find them.

Let me restate the two issues in a slightly more elaborate way:

When it concerns a work of art or literature, we tend to be fierce advocates of unhindered freedom of expression. But in cases of ordinary or common speech, we are inclined to be somewhat ambivalent. This raises the uneasy question whether the artist or writer's right to expression is, in some sense, supposed to be privileged. Is it in a category different from the freedom of expression to be enjoyed by other, ordinary people? On precisely what grounds can such a differentiation be made?

As those familiar with the facts of the Perumal Murugan case would know, the petitioners' main ground for grievance was that the novel, while ostensibly being a work of fiction, makes references to real places, people and practices – in an embarrassing way. In other words, the problem is grounded in the hybrid nature of this category of quasi-fiction, variously referred to as historical fiction, fictional biography, novelised history and so on, where the author blends fact and fiction in various ways. The following questions arise here: what is the exact nature/status of this category of creative works? Can fact and fiction coexist in the same frame without implosion? Is the immunity and privileged status they claim, valid?

As can be readily seen, the first question concerns the equality of rights and freedoms under the more general principle of equality in the context of justice. In other words, assuming a certain quantum of permissible freedom of expression, the question is whether everybody has equal entitlement to it.

The second issue involves the permeability of the wall that separates fact from fiction and the predicated question whether historical claims can take refuge in the protected space of fictionality, or, more accurately, whether fiction can make reference to reality and yet enjoy the privileges—whatever they may be—of fiction.

Let us begin with the first issue. The essence of this issue lies in the implicit claim that while there must be restrictions on freedom of expression per se, literary (artistic/creative and so on) expression requires a special exemption, or, at any rate, a significant relaxation. From the point of view of equality before the law, which is the essential principle of justice, this is a serious claim with far-reaching implications. As must be obvious, its central, acculturated presupposition is that there is a qualitative distinction between art and common speech. However, for all its appearance of a self-evident truth, this is, in fact, a highly problematic presupposition. Not only is its validity doubtful, but more importantly, it is necessary to ask whether it is not an ill-advised assumption that may ultimately hurt the very cause of freedom of expression. For this reason alone it is worthwhile – going against our ingrained cultural inclinations – to examine this distinction between the arts and literature on the one hand and ordinary speech and commonplace expression on the other. The very fact that such an enlightened judgment as the Perumal Murugan judgment uncritically accepts these assumptions – the assumption of a qualitative distinction between literary and other kinds expression, and the more problematic

assumption that, somehow, the former must have different criteria for restriction in the context of freedom of expression—shows how deeply ingrained these assumptions are, and why it is necessary to put them under the scanner of conceptual interrogation.

The basic stand of all champions of freedom of expression is that the creative artist/writer should enjoy total freedom to express/write anything, and if any spectator/reader disapproves of the work, she is – as the judges say in the judgment– after all, free to not view/read it. That is to say, (for the sake of simplicity, confining ourselves to the creative writer) as long as he keeps clear of constitutional values etc., the writer is not accountable for his decision to write a particular thing and the reader has virtually no right to protest. But, the question is by virtue of what special qualities the writer/artist gets this extraordinary privilege. What gives someone called a ‘writer’ this indivisible ‘right to write’? This immediately takes us to the more basic question as to who, in any case, is a ‘writer’.

It is obvious from the context that everybody who writes something, say on some social media platform, is not considered as a writer. If you post something on Twitter or Facebook, you do not become a writer in the sense intended by those who feel culturally aggrieved when a novel is banned. The writer that they have in mind would seem to be someone who engages in a particular kind of writing, what you might call imaginative writing or writing of the kind the French structuralist thinker Roland Barthes called ‘intransitive writing’, where the object of appreciation is the language itself. Here, it may not be out of place to note that, though necessary for legal purposes, any talk about the writer is a misleading metonymy. Although it is the author whose accountability is at issue in the legal context, for the purpose of clarifying certain issues it makes better sense to bracket the writer, so to speak, and focus on what she has written, that is to say, the text. It is texts of a particular sort that are given the privilege to come into being and exist regardless of their effects or consequences, regardless of the discomfiture they may cause to some people. So, to repeat the key question more bluntly - what is so special about these texts that they should be given privileges and exemptions denied to others? What are art and literature – in this context? Let us be clear about the context: in broad terms, it is about the relevance of cultural distinctions in the context of principles of justice. There are certain distinctions and valorisations we make in the domain of culture, for instance, in relation to art, literature, music etc. The question is: should these be taken into consideration where the question of right and justice is involved?

The basis of the artist’s (in the wider sense, including the literary writer’s) claim to certain privileges and certain exemptions is the plea that his works are creative, and that creativity must have unhindered scope for expression. Since a great cultural value is attached to art and literature, there is a reluctance to openly question this claim of the artist for fear of inviting scorn as philistine boorishness. But, at some point, the question has to be asked: What exactly is the meaning of terms like ‘creativity’ and ‘creative imagination’? A little reflection would tell us that there is no such thing as an absolutely uncreative mind. In order to understand this point, let us look closely at the relation between imagination and creativity.

It is an indisputable and obvious fact that every human being is endowed with the faculty of imagination inasmuch as it is a necessary feature of human consciousness. To imagine is to place before our mind what is not present to our perception. Imagination represents our cognitive relation to what is absent, whereas perception represents our cognitive relation to what is present. If I may put it with patronizing simplicity, you perceive

what is there and you imagine what isn't. That's all there is to it. Now, what is absent can be of two kinds. Either it is something that exists, but is absent to our perception or it is something that does not exist. It is the former when I imagine an ordinary elephant in my drawing room and the latter when I imagine a pink elephant with blue wings genuflecting before me. Normally, we use the term 'imagination' to denote the former, and 'creativity' to refer to the latter. In the final analysis, there is little more than this to the difference between ordinary imagination and 'creative' imagination. Given this fact, it should be easy to see that, no matter how feeble his imagination may be, every individual is capable of 'creative' imagination to the extent that he can imagine something that does not exist. It is hardly worth clarifying that when we say 'something that does not exist', it is not necessary that it should be objectively nonexistent. The object – say, a flying snake – may actually exist somewhere, but if I have never heard of, let alone see, such a thing and still imagine it, it is an act of creative imagination. Therefore, the difference between ordinary people and 'creative' people, between the products of their respective 'creative imaginations' is only a matter of degree – and quite crucially, of publicity. You may imagine unknown people leading strange lives; if you keep it to yourself or share it orally with only a handful of friends, you are just an ordinary person although surely an amusing companion. On the other hand, if you write down what you imagined and publish it, you will be called a novelist and if a sufficiently large number of people buy your novel and read it, you will be called a famous novelist or, with some luck, a great novelist. Needless to say, this makes all the difference in the domain of culture and there is a good reason for it. The person who just imagines and does not widely share the product of his imagination does not contribute anything to society, whereas the person who expresses what she has imagined in a coherent way in such a manner that it reaches a large number of people contributes to the richness of our collective imagination, and consequently, we hold her in high regard and value her person and her work. So, it is not as if there is nothing remarkable about the artist and writer and that the value we accord them is misplaced. The point is that artists and writers are not fundamentally different from other, more 'ordinary' people. Ultimately, it is a matter of what you might call degrees of originality. The question therefore is: Is this (essentially quantitative) difference in capacity for creative imagination between an ordinary person and an artist relevant in the domain of rights and freedom, in the domain of justice? On what basis can we grant rights, privileges and protection to the latter that are denied to the former? In other words, can we conceive of a convincing argument in support of the claim that the extent of the right should be proportional to the degree of talent or originality? It may be argued, quite rightly, that it is especially important to preserve the right of those who are creatively original in the interest of collective good. But, surely it cannot imply, conversely, that the right of expression of those with little or no originality can be set aside, or should be proportionately negligible. The creative artist's case may provide a striking argument as to why it is important to preserve the right to free expression. But the argument must be, as such, for the right of all and not merely that of a few gifted individuals.

Let us now take up the question of art and literature in terms of their relation to other creative activities.

As for art, any cogent definition of it must centre on the fact that, essentially, art is nothing more than the deliberate creation of appealing effects. Any definition which deviates from this central fact will either include too much, according the status of art to any action whatsoever, or leave out too much, limiting the title of 'art' only to great artworks, the latter being the greater risk since, given the cultural value attached to art and artists, there

is always a temptation to keep the domain of art small and exclusive. If we accept this skeletal definition of art, then there is no sense in treating what we valorise as 'Art' as a separate domain. This latter notion is a culturally loaded concept without any coherent basis. The idea of popular culture has, to a certain extent, demystified 'high Art', but unfortunately, in that process, it has ended up valorising popular art in a structurally identical way. Instead of deconstructing the hierarchy, it has only inverted it. The simple fact is that the very binary of ordinary 'art' and great 'Art' is untenable. The binary must be replaced by a continuum comprising all art with different degrees of originality. In other words, the continuum represents art as defined above: an agential effort to create certain effects that the agent—and subsequently the audience—believe to be appealing. (It would save much bother if we said 'aesthetically appealing', but that would be either vacuous or circular.) Mona Lisa is art and so is a commercial hoarding, as is a drawing or a paper boat made by an ordinary, not especially gifted child. Once we grasp this point, it becomes easier to see that the distinction between art (either high or low) and non-art is itself, at best, fuzzy. This means that as far as the right to expression is concerned, it makes no sense to distinguish between artistic and non-artistic expression. Art has no privileged status in this matter.

The same, more or less, applies to what is called 'literature'. The simple, embarrassing fact is that nobody knows what precisely literature is, what makes a fragment of language literary, or how we can identify a work of literature. The more the question of literature is talked about, more profuse is the confusion. The fundamental error is to suppose that literature is characterised by some essence or certain attributes. It is impossible to discern any such essence or identify any attributes possessed by literary texts and only literary texts. Metaphoricity, beauty of language (whatever it may mean), evocative power, multiplicity of meanings, affective force—a number of things like these are offered as the basic attributes of literary texts. But, none of them are found in all literary texts, nor are they absent in all 'non-literary' texts. Metaphoricity is ubiquitous, beauty of language is arbitrarily subjective, so is evocative power, and multiplicity of meaning is a matter of hermeneutic ingenuity.

One preferred way out of this quandary is to take refuge in some variant of the canon theory of literature. This theory essentially suggests that there is no objective essence or set of attributes that characterise literature; that literature is nothing but a corpus of texts that have been accorded a special status by (mostly dominant) reading communities in different cultures in different periods. This makes literature a matter of subjective preference of dominant groups in societies. While it may make things easier in justifying the teaching or valorising of certain texts over others, particularly in academic establishments, it should be noticed that this theory effectively erases the distinction between the literary and the non-literary. The moral to be drawn from all this is that it is best to avoid talking about 'literature' except in literature departments of universities (where 'literature' is simply whatever they decide to teach.)<sup>1</sup> To sum up, there is no reliable way to identify literature or distinguish it from what is not literature. Given this fact, it is nothing short of dangerous

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<sup>1</sup> One could say that the entire problem with 'literature' begins with its identification with fiction and verse; we begin by equating these with 'literature', and then when we discover that all works of fiction and verse are not impressive enough to merit the grand name of 'literature', we engage in the totally dishonest game of inventing arbitrary criteria to distinguish fiction and verse that are good enough (profound, complex, significant, and all the rest of it) to be deemed literature from those which are merely entertaining and, therefore, not worthy of being designated as 'literature'. Then remains the uneasy task of deciding the fate of non-fiction prose, which is decided equally arbitrarily, invoking the vague notion of *belleslettres*.

to invoke the notion of literature in the important context of rights and restrictions for, if there is no way to distinguish between literature and non-literature, it follows that we must speak, not of the right of expression of the literary writer, but of any writer, any speaker whatsoever. Whatever rights the so-called creative writer is supposed to enjoy, are applicable to everybody; and equally—although this might not be palatable to some people— whatever restrictions apply to the rest of us apply to the literary artist as well. Whether it is slander or obscenity, the attempt to apply different criteria to art and literature on the one hand and other domains on the other is the product of a psychologically, as well morally muddled, perspective. What is scurrilous does not become decent just because it is said in fine language; and what is ‘obscene’ is still obscene no matter how aesthetically it is presented. It is plain cultural elitism to suggest that the artist must have unquestionable licence to express what is fundamentally unacceptable. What we need to do is not to take sanctuary in different sets of criteria but interrogate the criteria themselves: to ask, for instance, what makes something obscene, who is qualified to judge what is obscene, and who determines right of access to it, and so on.

In the Perumal Murugan judgment, the judges say, apparently quoting Salman Rushdie, “The choice to read is always with the reader. If you do not like a book, throw it away. There is no compulsion to read a book.” But, the same thing can be said in any context whatsoever and aver that there is no compulsion to look at Twitter or Facebook, or watch the TV or listen to malicious slander about you. Why should it be that only the ‘creative writer’ can have his say and the onus to read or ignore is on the reader? If it is a freedom, it must apply across the board. While acknowledging the diversity of literary tastes, the judgment insists that ‘the right to write is unhindered’. From the context it is clear that the reference is to the ‘writer’, the creative, gifted person who writes novels and plays (and perhaps prose of a certain elevated kind). It is not clear by precisely what logic the so-called creative writer has this unhindered right that is denied to others, simply by virtue of the fact that he has a more fertile imagination or a better command of language.

What, then, should be the axis on which to settle matters such as those in the case of the work of the writer Perumal Murugan? This question takes us to the second question mentioned at the beginning – the relation between reality and fantasy, fact and fiction, between a story and a report. The real issue in all such matters is not about art or literature. In fact, bringing in the idea of ‘literature’ into it only creates confusion. The issue has to do with the responsibilities that go with truth claims. Let us look at this matter closely. For the sake of simplicity, let us confine ourselves to writing.

There are, as we all know, two kinds of writing. There is the set that comprises journalism, history, biography and so on, that constitutes non-fiction, and there is the set consisting of novels, stories, plays and some forms of poetry that we call fiction.<sup>2</sup> The principles governing the composition and dissemination, as well as the consumption of the two sets, are quite different from each other. The rights and freedoms and the corresponding restrictions associated with non-fiction are, and should be, different from those associated with fiction. The set constituting fiction deals with what is not and never

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<sup>2</sup> There is no need to speak separately about theoretical writings, reflections, opinions, commentaries and so forth since they, too, are aligned with these two sets based on their subject matter. Also, reference to rare, anomalous, border-line cases is unnecessary since this is a clarificatory exercise. Borderline cases will necessarily have to be dealt with specifically, but even there, some modulated version of the general principles discussed here will be operative.

was real. To recall Aristotle's statement from *Poetics*, fiction deals with the 'possible' as opposed to the actual which is the object of history. On this fact rests the limitation, as well as the freedom and glory, of fiction. It is forbidden to deal with the real and must confine itself only to the imaginary, to what can be. Yet, it is valuable because it evocatively tells us how life (or the world) can be and provides an escape from what is, and also enriches our consciousness by showing us the infinite possibilities of human existence. That is why society values great fiction and honours those who produce it.

But, the basic fact pertinent to our discussion is that, by definition, fiction is an expression of what is imagined, which means that it does not represent the real. We perceive what is real and imagine what is not real. You cannot perceive the unreal, nor can you imagine what is actual. Therefore, fiction is the other of fact and they stand in a relationship of mutual exclusiveness. It follows that the resemblance of the fictional to the real, if any, must be avowedly coincidental (since, in principle, it is possible that someone imagined something and that something happened to be strikingly similar to something else that is real). This point needs to be stated with some emphasis since it is crucial to the entire issue.

Fiction, in the public domain, is a matter of avowal and trust. A great deal of nonsense is spoken on the supposed identity of fiction with falsehood. The simple fact is that falsehood is meant to deceive whereas fiction is not. A lie does not declare that it is a lie; if it does, it is no longer a lie. A story, on the other hand, must announce that it is a story; if not, it amounts to a lie. Fiction in writing is similar to disguise in performance which is not impersonation but a transparent, avowed concealment of the actual countenance. To reiterate, the writer of fiction must, as a matter of honour, declare that what he is presenting is fiction, which means that it is not identical with and is mutually exclusive with, reality past or present. This avowal is meant to invite trust from the reader, and any disingenuousness or dishonesty on part of the writer entitles the reader to feel a sense of betrayal of her trust. The false avowal is not only a breach of promise but a form of deception and deserves to be treated with the same scorn and stringency as any other kind of deception.

The set of non-fiction deals with reality, past or present: real people and real events. The obligation here is towards unerring perception and faithful description. Strictly speaking, imagination has no place in this since, as pointed out earlier, imagination is mutually exclusive with perception. If there is to be room for imagination at all, it is only on the strength of its promise to make the description more deeply faithful, and never as a substitute for perception. More importantly, any use of imagination in non-fiction that tends to blur the distinction between the actual and the merely possible is mischievous and deserves contempt.

So, while the writer of fiction is bound by his proclamation not to encroach on the domain of the actual, the writer of non-fiction is bound by his professed commitment to truthfulness: an untruthful historian and an untruthful biographer are both equally contemptible. Trouble arises when, with whatever motive or for whatever reason, the line between these two distinct universes of discourse is ambiguated. Unfortunately, in many cases, particularly in present times, such ambiguation is not stray, unintentional or innocent. There are entire genres and writing practices that rest on the putative legitimacy of a deliberate mingling of the real and the imagined, of a seamless fusion of what is and what has never been. This tendency may be harmless as long as it is confined to the ultimately

inconsequential pursuit of literary studies. But, when it spreads to the domain of the political, as has happened in recent times, the consequences can be very serious.<sup>3</sup> For this reason, if not for any other, it is important to question its legitimacy.

Take, for instance, the genres of 'historical fiction', 'fictional auto/biography' and so on. Evidently, they represent a fusion or mixture of fact and fiction. But, at what level is the fusion done? It cannot be at the level of the sentence. In a factual statement, the terms and the relations between them must refer to what is real and factual. On the other hand, in a fictional sentence, the terms and the relations posited between them refer to what is not real or factual. 'Barack Obama was the first Black President of the United States' is a factual sentence whereas 'Dragons feed on unicorns' is a fictional sentence. Now, the paradigm sentence of historical fiction or fictional biography must contain one term referring to a real entity and another referring to an unreal one, or it must posit an unreal relation between two real or one real and another unreal entity. For example, a paradigm sentence of historical fiction or novelised history must be something like 'Barack Obama hunted dragons in his childhood' or, more mischievously, 'Barack Obama ordered the assassination of Vladimir Putin'. What is the ontological status of these sentences? Are they factual or fictional? Or, is there supposed to be a third possibility? If the entities (in this case, persons) are meant to refer to reality, the relations between them are unreal, in which case the sentence is simply a falsehood. If the entities are unreal, any relation between them is necessarily unreal and, therefore, the sentence is pure fiction. In what conceivable sense, then, can we speak of historical fiction at the level of sentences?

Defenders of these genres recognize the force of this question. However, their response tends to consist of the problematic claim that this problem does not arise at the level of texts comprising several sentences. According to this stance, while it is true that unitary facts and unitary fictions are mutually exclusive, complex, heterogeneous structures such as literary texts can consist of constituents, some of which are fictitious while some others represent reality. In other words, although at the level of a sentence, all its constituents must refer unambiguously either to the real or the unreal, at the level of larger discursive units of which sentences are constituents, it is possible to have coherent texts in which some sentences represent fact and some represent fiction. In such cases, according to the defenders of historical fiction, as long as the author states at the outset that she has produced a hybrid text (such as 'fictional biography', 'life-writing', or 'novelised history' etc.) in which fact and fiction coexist, it should not present a problem. But, the truth is that the problem remains. The question of ontological status persists at that level too. A coherent text (consisting of more than one sentence) must have an unambiguous ontological status as much as a single clear sentence. A text in which some sentences are factual and some are fictional is not a cohesive entity and strictly speaking cannot be treated as a text. There are two reasons for this. First, what matters in the final analysis is the way the two kinds of sentences in such a hybrid text are related to each other, since the two kinds of sentences cannot just co-exist without altering each other's character. Second, the frame in which the sentences occur, the totality to which the sentences together contribute, also determines their individual status. Let us look at these two points closely.

Let us begin with the first point.

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<sup>3</sup> It is this state of affairs that is denoted by the recently coined term 'post-truth era'.

To keep things simple, let us take a text of so-called historical fiction consisting of just two sentences. Of the two sentences, one of them would be about a real object and the other about an imaginary object. If not, the text would be either pure fact or pure fiction. Now, the question is about the relation between the two sentences. If there is no textual relation between them (as opposed to mere positional proximity in the sense that they are uttered one after the other, or are found next to each other on a page), it is hard to see on what basis those two sentences together form a text.<sup>4</sup> For them to constitute a text, they must be related to each other in some particular way at the level of meaning and reference. What sort of relation at that level can we assume between them?

We can refer to things in two ways (excluding ostensive reference which is not relevant here): by using a proper noun (or a name), or alternatively through what you might call 'convergent descriptions'. We say 'Barack Obama' or we say, 'the first Black president of the United States'. Now suppose I create a character, an imaginary person, whom I decide to name 'Barack Obama'. I may proceed to make a number of statements about this imagined person. When I do so, I am obliged in principle to specify unambiguously for each statement whether I am referring to the actually existing individual or to the imaginary person. If I do not specify, and leave a (random or methodical) mix of some statements that are true about the real person and some that are not, I am guilty of mischief for I am deliberately creating ambiguity of reference through which I can make false statements about the real person and, when cornered, can escape censure by claiming that the statements are about the imaginary person. In effect, it is like introducing two characters, one based on a real person and the other totally imaginary, and making a number of statements using a pronoun so that it never clear who the pronoun stands for.

Matters become more complicated when I choose convergent descriptions instead of proper nouns. Continuing with our example, if I say that I am referring to a certain imaginary person who, in my narrative, happens to be the first Black president of the United States, who was born on fourth of August in Honolulu and who was awarded the Nobel peace prize, and then proceed to make certain damaging statements about that character, one would be justified in suspecting mala fide motives. Supposing I make a statement about my fictional character to the effect that he was secretly a Muslim, I am guilty of mischievous intent because what I am doing essentially is to fix the identity of a supposedly imaginary character by using descriptions that converge towards a real person and then making a false, but slyly suggestive, statement about him. If I attempt to take refuge in the specious claim that I am talking about my fictional character, no matter how elaborate a tale I weave around that character, I would be justly held guilty of disingenuousness or worse, the reason being that I made a large of number of descriptive statements about the supposedly fictional character, which are true about a real person and have thereby fixed the identity of the person. After doing that, any 'fictitious' statements I make about him would be simply false statements. This point will become even clearer when we discuss the second point.

The second point relates to the fact that fiction and fact are defined by their mutual non-relation. There can be no relation of any kind between fact and fiction—not even the symmetric relation of truth and falsehood since only a factual claim can be true or false; a statement professedly about the imaginary cannot be either true or false. It has no truth-

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<sup>4</sup> In this connection, let us avoid the rather pointless discussion about authorial intent. By using the term 'text' we are holding that the structure under consideration is a text so long as the reader (who may be the author herself or the contingent reader, interpreter, translator or whatever) is treating it as a single semiotic entity.

value. Therefore, no matter of fact can enter the frame of fiction and nothing fictitious can enter the frame of fact. Even if a fact enters the frame of fiction, by virtue of its relation to the structure of the latter, it becomes a fiction. Take the example of Malgudi. Even if there existed a village called Malgudi with the topography described by R.K. Narayan, the Malgudi of his stories would not be the real Malgudi. It is as fictional as the characters and their lives. The reason is that just as with a person, a place, too, is identified both by its name as well as historical descriptions that converge in such a way that they are together true only with reference to that place. Insofar as none of the events described in the stories occurred in the actual village of Malgudi, the Malgudi of the stories has no relation except that of a shared name. In other words, the history of a place is part of its identity and, if a place does not have that history, it is not that place even if the name and some other details match, and the resemblance is and must be explicitly acknowledged as a piece of coincidence. But, supposing that the fictional Malgudi uncannily resembles the real Malgudi in all respects. Aside from pitying the poverty of imagination of the author, one would be justified in holding the resemblance in suspicion, especially if the place is used as the scene of some unsavoury incident reflecting adversely on the inhabitants of the real Malgudi. Therefore, the greater the convergence of the real and the fictional, the stronger becomes the onus to assert the coincidental character of the resemblance. In other words, the author must explicitly exclude the real from his fiction, which is another way of saying that reality cannot exist as an ingredient of fiction. Any piece of reality must transmute into fiction once it is placed in a fictional frame.<sup>5</sup>

The same holds good, a fortiori, the other way round. Any fiction introduced into the frame of factuality cannot remain a fiction for there is no place for it in the frame of factuality. A 'fiction' floating in the pool of reality is nothing but a falsehood. In other words, the fiction acquires the status of a possible fact that has to be either true or false. It cannot remain a 'fiction' in the proper sense of the term since the two frames are incommensurable. To give an example, if I write a story in which Jawaharlal Nehru shook hands with Adolf Hitler, either both are fictional characters or I am stating a falsehood about the historical Nehru. My story must choose between being a totally fictional account in which everything is fictional or a historical account containing falsehoods. It cannot be both or some half-way-house between the two.

Now, by way of an example, let us look at the problem with the novel of Perumal Murugan. There was an issue only because Perumal Murugan was not unequivocal about the exact ontological status of his work. Either he was giving a factual account, in which case he was playing the role of a social historian. It is a perfectly unexceptionable task, but, in that case, he should have made that clear. He should have admitted that he was referring to real people and that he was knowingly and deliberately subjecting their descendants to acute embarrassment.<sup>6</sup> There are also other obligations incumbent on the historian such as exactitude of facts and accuracy of presentation and so on, which he should have observed. He should have taken responsibility for the actions he was attributing to the people he was writing about. That position would have taken him along the road of ownership for his

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<sup>5</sup> All this would not be so crucial if the places or people an author chooses to fictionalise are remote in time and do not have any emotional significance for the now existing people. To give an off-hand example, a fictionalised account of Attila the Hun may not matter much but a fictionalised account of Jesus or Mohammad may have consequences.

<sup>6</sup> Whether the cause of social reform justifies every means used for it, including invasion of privacy and violation of dignity, is an important question but outside the scope of this discussion.

claims and involved questions about his locus standi, as to by what right he thought himself entitled to bring into the glare of publicity the discreet acts of members of another community. Further, to concede that he was writing a factual account takes away the option of invoking his creative imagination, appealing to the value of literature and so forth. He must defend himself as any reporter would.

Or alternatively, what Perumal Murugan wrote was a work of fiction, in which case, in order to avoid accusations of sly, thinly veiled portrayal of real people, he should have avoided convergent descriptions that unerringly pointed to a certain place and a certain community. If his position is that the convergent descriptions are purely coincidental – which, in principle, a writer of fiction can claim – and that he was describing purely imaginary, possible characters, actions and events, then his reformist claim becomes untenable. For what social comment, criticism or reform can you offer by depicting a possible practice that never existed anywhere? What would be the point of such an exercise? How can you praise or condemn something that never happened, or draw a moral from it? That you can imagine it happening in a possible world is irrelevant since you are not even saying that it is likely to happen in the real world. It is supposedly the product purely of your imagination. In that status it can serve no purpose other than to entertain.

Let us face the simple fact that the trouble arose purely from the circumstance that Perumal Murugan projected his novel as some sort of semi-factual fiction – an impossible category as I have tried to argue – thereby inviting the suspicion that he was using the peculiar genre of ‘novelised history’ or ‘historical fiction’ as a smart move to occupy the no man’s land between history and fiction and have the best of both worlds. He claimed to have written about a real village and even suggested that he had made the place famous by writing about it.<sup>7</sup> But the present inhabitants of that village may not relish the prospect of that kind of fame. In such a case, for the author to claim that it is a matter of his ‘creative’ right is unjustified.

To return to the general principle, fact and fiction have different kinds of rights and obligations, different codes of representation which are sharply divergent from each other. Literature as a large category might include fact and fiction, novel and history under its rubric. However, each sub-category has its own set of rules. One may mix them in whatever way. But, one cannot enjoy the privileges of fiction and reject the responsibilities of fact.

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<sup>7</sup> Murugan says, “Tiruchengode is my hometown. I was born and raised there. I have a great fondness and respect for my hometown. I believe that using my town’s name in my fiction adds to its fame”.