This chapter proposes a model of journalism focused on justice, or nyaya, and explores how notions of nyaya, as known from and used in Hindu and Vedic philosophical treatises and thought, can be connected to journalistic and democratic practices on a global scale. I theorize that, first, by acknowledging the influences of two philosophic traditions—the ancient Hindu philosophy of nyaya as described in the sutras or discourses of Gautama, writing in the third century BCE, and the writings on justice by Amartya Sen—and second, by contextualizing Sen’s interpretive use of nyaya and ancient nyaya philosophies, a nyaya-focused journalism can be used to syncretically strengthen democratic journalism. I theorize, therefore, that nyaya can be an important ethical precept in global journalism practices.

**NYAYA IN ANCIENT HINDU PHILOSOPHY**

India’s great contributions to art, architecture, literature, morality and ethics, and the sciences are matched by its multifarious philosophical traditions. In contemporary discourses, Hindu philosophical history is often reduced to a discussion of meditation and yoga, and seen as dreamy and abstract. In reality, the 4,000-year evolution of various schools of Hindu philosophies is the nucleus around which Hindu life to this day continues to revolve. It is not solely for the sake of a right or true understanding of India that one should read Indian philosophy, nor should it be read only as a record of past thoughts of, in, and about India. Most of the problems still debated in modern philosophical treatises, in more or less divergent forms, were touched upon by Hindu philosophers.

All systems of Hindu philosophy are in agreement in asserting that the purpose of philosophy is the extinction of sorrow and suffering. Hindu philosophy agrees further that the preferred method of achieving said goal is through the acquisition of knowledge of the true nature of things, a way to free men and women from the bondage of ignorance, the root cause of human suffering (Bhaduri, 1947; Dasgupta, 1957). Hindu philosophy does not attempt to train scholars to discern metaphysical truths; rather, it offers a way of thinking and reasoning that enables one to understand reality in a rational manner and, in so doing, leads one to the realization of truth.
There are in all aspects of Hindu philosophy three stages by which a person can achieve truth: reasoning, understanding, and realization. The first stage is that of accepting the laws of nature as taught by the great minds of the past (sages, or rishis). In the succeeding stage, through the process of analysis, the philosopher arrives at a rational and logical conviction (Bhattacharyya, 1990). Reasoning and speculation about transcendental principles, however, can never lead to more than probability; that is, there can never be certainty in reason’s ability to serve as the means of discovering transcendental truth. Reasoning is merely a means of understanding the principles of nature, and it is the purpose of philosophy to guide and aid in that reasoning. The final stage, realization, enables the individual to become one with ultimate reality (brahman). Reasoning alone is never adequate for the realization of ultimate reality. Most schools of Hindu philosophy introduce yoga and the practice of yogic asanas (right posture), in which the mind and body are prepared for the knowledge of transcendental truth (Ingalls, 1951; Matilal, 1977).

Hindu philosophy recognizes the omnipresence of ultimate reality, but allows for multiple interpretations of that reality. The most significant of these are the six darsanas, or six insights. The word darsana comes from the root drs, which means “to see,” and darsana is a Sanskrit term referring to philosophy (Matilal, 1986, p. 11). The six darsanas are nyaya, vaisesika, samkhya, yoga, mimamsa, and vedanta. These philosophies have much in common. Each is derived from the Upanishads, the philosophical portion of the book of Vedas that is accepted as the supreme authority of Hindu thought (Bernard, 1968). The six darsanas are delivered in sutra style, or as aphorisms. Together they form graduated interpretations of the path to achieving brahman, with the same practical end knowledge of the absolute and goal of liberation of the soul. The purpose of darsan is well articulated by Bernard (1968):

Nothing can be taken for granted; the necessity of every assumption must be established. It [darshan] must be capable of explaining all things from the Great Absolute to a blade of grass; it must not contradict the facts of experience, conceptual or perceptual. Its hypothesis must satisfy all the demands of our nature; it must account for all types of experience: waking, dreaming, sleeping, and contemplating. It must be realistic as well as idealistic; it must not be a brutal materialism, worshipping facts and figures and ignoring values, idealizing science and denying spirituality. Nor must it be predominantly a philosophy of values which evades and ignores all connection with facts. Every fact of the universe, every aspect of life, every content of experience must immediately fall within the scope of its mold. It is not enough merely to interpret reality as perceived by the senses; it must explain both sides of reality, the change and the unchangeable, being and becoming, permanent and impermanent, animate and inanimate.

(p. 23)

Of the six well-known upanishadic darsanas, I focus in this work on nyaya. Nyaya is referred to as the science of logical proof, and represents a method of philosophical inquiry into the objects and subjects of human knowledge.

The founder of the nyaya darsana is said to be Gautama, who is frequently referred to in Vedic literature as aksapada (eye-footed), as he was customarily seen with his eyes directed toward his feet while walking—a natural way to carry the head when lost in contemplation in the course of a stroll (Bhattacharyya, 1936). The exact dates of aksapada Gautama’s writings on nyaya are unknown but historians have been able to place his period of greatest activity as a philosopher and author around ca. 550 BCE, making him a contemporary of Buddha. Aksapada Gautama’s nyaya darsan came to signify “going into the subject”—that is, an analytical investigation of a subject through the process of logical reason (Dasgupta, 1957, p. 83). The purpose of nyaya therefore is said to be to enable us to attain the highest goal of life—salvation, release,
freedom—by thoroughly realizing the four subjects established in the nyaya sutras: the thing to be avoided (pain), its cause (desire and ignorance), absolute avoidance, and the means of such avoidance (true knowledge).

Panini, the fourth-century grammarian, thought the term nyaya to be derived from the root “ni” and thus to have the same meaning as “gam,” which means “to go” (Dasgupta, 1957, p. 429). Hence, nyaya in the local sense of the word can be the same as nigaman or the conclusion of a syllogism. “Nyaya philosophy is atman-centric,” wrote Chatterjee (1950, p. 188), “Everything originates from the atman [soul] and is dissolved in it. It is the center of interest, the central principle of metaphysics, psychology, ethics, aesthetics, and religion.” While the liberation of atman from pain and pleasure is the ultimate goal for nyayayikas (nyaya philosophers), the question posed by Guatama in the beginning of his nyaya sutra was, “What is the nature of knowledge?” (Saha, 1987, p. 9). Nyaya philosophy, and its logical and dialectical technicalities in particular, diverges from the existence of the ideal by showing that the external world does not exist independent of thought, but that the world is intelligible; our reason could reach its reality and could know its nature. The process of nyaya for nyayayikas was a multilayered path that began with anubhava, or the presentation of facts, and ran through smriti, or memory. There existed a distinction between prama (valid knowledge) and aprama (invalid knowledge); the recognition of yatharthta (truth) or ayatharthta (falsehood) in speech; reaching buddhi (intelligence) was a process of samcaya (doubt), viparyyaya (error) and tarka (debate or argument), along with prayaksa (perception), anumana (inference), upamana (comparison), and sabda (testimony). These levels and practices in speech and thinking provided a clear path to reasoned knowledge. The manner in which knowledge originates is a favorite topic of discussion among nyayayikas. They argue that it is pramana, or pure knowledge, that we all seek. Pramana is created by the combination of perception (pratyaksa), inference (anumana), speech (sabda), and comparison (upamana).

A critical element of nyaya philosophy is the removal of false knowledge (a-nyaya). In examining dosa (defects) in humans, it is necessary to remove moha (ignorance), raga (attachment), and dvesa (antipathy). Ancient nyayayikas believed the world was full of sorrow, and that the small bits of pleasure one experienced served only to intensify the force of that sorrow. To a wise person, therefore, everything is sorrow (sarvam dukkham videkinah); the wise are never attached to the pleasures of life, which only lead us to further sorrow (Bijalwan, 1982). The bondage of the world is due to false knowledge (a-nyaya), which results from considering as myself that which is not myself—namely, body, senses, feelings, and knowledge. Attaining pramana, or valid knowledge, will free us to attain salvation, or mukti (Sinha, 1982). When any pleasure attracts us, we are thus to think that this is in reality but pain, and the right knowledge about it will dawn on us and it will never again attract us. With the destruction of a-nyaya our attachment or antipathy to things, and our ignorance of and about them, are also permanently destroyed. With the destruction of attachment, the fulfillment of desire ceases and, with it, sorrow ceases. Without a-nyaya, there is a form of emancipation in which the self is divested of all its sorrows and qualities (consciousness, feeling, and will). It is neither a state of pure knowledge nor of bliss, but rather one of perfect qualitylessness, in which the self remains in itself, in its own purity. Sometimes this state is spoken of as a state of absolute happiness (ananda), although mukti cannot and should not be associated with a feeling of happiness. It is a passive state of self, in its original and natural purity unassociated with pleasure, pain, knowledge, and will (Saha, 2003).

Since aksapada Gautama’s nyaya sutras were first disseminated, there has been an enormous amount of critical literature examining nyaya philosophy. Perhaps the most important of these has been the Vatsyayana-bhaysya (Words of Vatsyayana), written by the philosopher Vatsyayana in ca. 300 CE. Udoytakara, in ca. 635 CE, wrote an extensive response to and reflection
on the teachings of Gautama and Vatsyayana, titled Pramanasamuccaya (The existence of pramana). Other well-known ancient nyayayikas included Udayana, who, in ca. 984 CE, wrote a sub-commentary on nyaya sutra, titled Tatparyatika-parisuddhi (Manners of debates); Vardhamana (ca. 1225 CE) and Sankara Mistra (ca. 1425 CE) also wrote critical commentaries about both Gautama and Vatsyanyana’s nyaya sutras. A rich body of literature debating the Hindu and Buddhist interpretations of nyaya followed. Among these critics, the best known were Jayanta (ca. 880 CE), Rucidatta (ca. 1275 CE), and Madhava Deva (ca. 1311 CE).

The new school of nyaya philosophy, known as navya-nyaya, began with Gangesa Upadhyaya, ca. 1200 CE. Gangesa wrote about the four pramanas, and his discussions on anumana and tarka attracted a great deal of attention in Navadvipa, the modern-day Indian state of West Bengal. A large body of literature was written by the scholars of Bengal, which became for some centuries following the home of nyaya studies (Mohanty, 1966). Unlike ancient forms of nyaya philosophy, navya-nyaya philosophy and its practitioners narrowly focused on tarka (argument), and on debate as a means of achieving mukti. Their work, which is at times highly technical, is full of terms related to debating and reasoning techniques that are unknown from other systems of Indian philosophy. The navya nyayayikas, in their treatises, discussed the fallacies of an argument, intentional misrepresentation of an argument, and the drawing of contradictory arguments (Jha, 1994; Sastri, 1961). Gangesa argued that nyayayikas needed to know such techniques as a protective measure against arrogant disputants who would try to humiliate a teacher before his pupils. If the teacher could not silence such an opponent, the pupils’ faith in their teacher would be shaken and great disorder would follow. It was therefore deemed necessary that those who were moving toward mukti should acquire these reasoning devices for the protection of their own faith (Mukhopadhyay, 1984). Modern thinkers have argued that the use of nyaya to mean justice and a-nyaya to mean injustice in devnagari script is a direct result of the influence of the navya-nyaya way of thinking. For navya nyayayikas, reasoning, argumentation and debate were a path to truth and mukti.

AMARTYA SEN’S USE OF NYAYA

Amartya Sen’s writings on economic theory are well known inside and outside of India. Sen’s groundbreaking work on famine and poverty, which won him the 1998 Nobel Prize in Economics, is inextricably connected to his later scholarship on justice, best articulated in his 2009 book, *The Idea of Justice*. Famines, he argued, could occur without significant declines in food production (Sen, 1987). He found that famines have never occurred in democracies, however, no matter how poor or illiberal the democracy was. The explanation he gave was that democratic pressures on government led to the taking of measures designed to prevent famines. In contrast to the influential utilitarian tradition of ethics, which looked at utilitarian measures of well-being, Sen wrote that we should be concerned with the opportunities people have to pursue their objectives. This means that the concept of “functionings in a capability set”—that is, what a person can do or be—is central to analyses of poverty, deprivation and injustice (1999, p. 79).

Why, asks Sen, do most philosophers refuse to think about injustice as deeply or as subtly as they do about justice? They recognize, Sen observed, that the realization of justice is “not just a matter of judging institutions and rules, but of judging societies themselves” (2009, p. 20). Arguing in favor of a “realization focused perspective on justice,” Sen wished for a global citizenship that was not merely trying to achieve some perfectly just society but was “trying to prevent manifestly severe injustices” (2009, p. 21). He wrote, “When people across the world agitate to get more global justice … they are not clamoring for some kind of ‘minimal humanitarianism’. 
Nor are they agitating for a ‘perfectly just’ world, but for the elimination of some outrageously unjust arrangements” (2009, p. 26).

Sen took issue with certain of his predecessors, such as Rawls, who according to Sen emphasized, “an arrangement-focused view of justice” (2009, p. 77). Although Sen wrote that his own approach could be understood as a non-radical foundational departure from Rawls’s own program, he drew on navya-nyaya literature in outlining the distinction between niti and nyaya. Both of these terms can be translated as justice, but niti refers to correct procedures, formal rules, and institutions, whereas nyaya entails a broader, more inclusive focus on the world as it emerges from the institutions we create, and is central to creating a sustainable and just society. The key distinction, Sen observed, is that the realization of justice in the sense of nyaya is, “not just a matter of judging institutions and rules, but of judging the societies themselves” (2009, p. 20). Sen gave an example from early Indian jurisprudence, which is referred to as matsyanyaya, or “justice in the world of fish,” where a larger fish is free to devour a smaller fish. Nyayayikas warn us of avoiding matsyanyaya and of the need to ensure that such forms of justice not be allowed to flourish in the world of human beings (2009, p. 32). No matter how proper the established organizations might be, wrote Sen, if a bigger fish can devour a smaller fish at will, then that must be a patent violation of human justice as nyaya. “Justice,” wrote Sen (2009, p. 19), “is ultimately connected with the way people’s lives go, and not merely with the nature of institutions surrounding them.” Sen argued that justice is relative to a situation and that, instead of searching for ideal justice, a society should strive to identify, ameliorate, and eliminate structural but redressable injustices, such as the subjugation of women, poverty, and malnutrition. Sen held two opposing ideas in a form of dynamic stasis—first, the implication that it is possible to spend too much time reflecting on justice as a mere idea; and second, that justice as an idea could be reengineered to work better as a basis for practical reasoning, such that it might improve the world.

In agreeing with Rawls that, “democracy is an exercise in public reason” (2009, p. 323) and not solely a matter of elections and balloting, Sen wrote:

The crucial role of public reasoning in the practice of democracy makes the entire subject of democracy closely related to justice....If the demands of justice can be assessed only with the help of public reasoning, and if public reasoning is constitutively related to the idea of democracy, then there is an intimate connection between justice and democracy, with shared discursive features. (2009, p. 326)

Here, Sen critiqued niti-oriented political philosophy, which understands democracy in narrow, organizational terms, focused primarily on the procedures of balloting and elections. “The effectiveness of [the] ballot,” wrote Sen, “depends crucially on what goes along with balloting, such as free speech, access to information, and freedom of dissent” (2009, p. 341). In formulating his close connection between nyaya, reasoned deliberation, and democracy, Sen critiqued the claim that democracy, like reason, is a quintessentially European or Western idea. Sen offered the example of Emperor Ashoka, who attempted to codify rules for public discussion by organizing meetings of Buddhist scholars in third-century BCE India. Similarly, by giving examples from Akbarnama, the recorded words of the fifteenth-century CE Mughal emperor Akbar, Sen recounted that the path of reason or the rule of intellect was, for Akbar, the basis of good and just behavior, as well as an acceptable framework of legal duties and entitlements.

Sen took nyaya philosophy away from its focus on suffering and mukti and into the realms of the ethical-societal and of justice, but his interpretative and pragmatic use of nyaya as a path of reasoned deliberation closely resembled the historical formulations of Gautama as well as the navya-nyaya school of thought. Although recognized for having made outstanding points of
philosophical thought, especially against the more dogmatic and instrumental views of society in various traditions of Indian philosophy, nyayayikas have been criticized for not reaching the most important and essential characteristic of human knowledge—namely, transcendence. Critics of nyayayikas argue that, because the material and objective world is known through reason, it seems to treat knowledge as they would treat many physical phenomena. “Knowledge reveals for us the facts of the objective world and this is experienced by us,” wrote Chatterjee; “but that the objective world generates knowledge can hardly be demonstrated by mere experience. Knowledge is not like any other phenomena for it stands above them and interprets or illumines them all” (p. 55). Sen, in line with other great nyayayikas, argued against trying to identify an ideal of justice, and instead emphasized the need for a more tempered nyaya position, one that recognized and considered comparative and feasible alternatives, and the pragmatic need to choose from among them. Sen gave us a deceptively simple example of a pragmatic interpretation of nyaya when he wrote:

If we are trying to choose between a Picasso and a Dali, it is of no help to invoke a diagnosis that the ideal picture in the world is the Mona Lisa. That may be interesting to hear, but it is neither here nor there in the choice between Dali and Picasso. Indeed, it is not at all necessary to talk about what may be the greatest or most prefect picture in the world, to choose between two alternatives that we are facing. Nor is it sufficient, or indeed of any particular help, to know that the Mona Lisa is the most perfect picture in the world when the choice is actually between Dali and Picasso.

(2009, p. 122)

For Sen, as for other modern-day nyayayikas, reflective and objective cognition (anuvyavasaya) brings the self (manas) into direct contact with the knowledge of the object and leads to knowledge, justice, and ethics. The comparative analysis of Picasso and Dali provokes a choice between two alternatives, rather than invoking the presence of the Mona Lisa as the ideal. Public reasoning and the practice of nyaya envisions a just society based on the removal of a-nyaya, or that which is “against injustice” (Sen, 2009, p. 21), and illustrates how a keen focus on injustice can provide us with principles for just action.

NYAYA AND A-NYAYA IN DEMOCRATIC JOURNALISM

It is difficult to identify any single aspect of Sen’s work that media and journalism scholars can integrate into the development of universals as completely as his idea of justice. Justice as an ethical concept resonates with the substantive protonorms of truth, non-violence and human dignity, and carries with it implications for the procedural notions of media regulation and accountability (Christians & Nordenstreng, 2004). In this section, I focus on a case study based on an ongoing, India-based research project, as a way to articulate the use of nyaya in democratic journalism practices. While I present a case from an Indian context, the primary thesis of my argument is that Gautama’s and Sen’s nyaya philosophy, and their focus on the removal of a-nyaya, can serve as an important ethical precept in global journalism practices.

On the evening of December 16, 2012, a 23-year-old woman and her male companion boarded a private bus plying a route through Delhi, the bustling capital of India. The details of the events that followed have been extensively reported by both Indian and international media. The woman, a physiotherapy intern, was raped by a group of men aboard the moving bus. She was beaten and mutilated with an iron rod. Battered, naked, and bleeding profusely, she and her male
companion were left on the side of a highway in Delhi, where they were found by a passer-by. After undergoing emergency treatment, the woman died from her injuries thirteen days later. Six men were arrested and charged in connection with the assault. Police claim that the main accused party—Ram Singh, the driver of the bus—has since committed suicide in prison; the remaining accused were tried, convicted, and sentenced to death.

Beginning on the morning of December 17, students, activists, housewives, labor union members, and men and women from all walks of life began to gather at Jantar Mantar and India Gate, two architectural landmarks in Delhi, to protest against police inaction and to demand safety for women. Images and footage of the protestors received wall-to-wall coverage on India’s 300-or-so around-the-clock news channels. While the protests lasted about two weeks, the media coverage of the rape and its aftermath continued over the following months.

It was clear from the beginning that the media’s approach to this coverage was to focus on justice. It was also clear that the anti-rape movement was a movement dominated by urban and educated members of the Indian middle-class, who were seeking to assert a new political subjectivity. Historically marginalized and rarely political, the Indian middle-class in recent years has become media-savvy and technologically empowered, and has begun to demand increased accountability from political elites, the judiciary, and police (Rao, 2013a). The Hindi and English-language broadcast media reflected the “collective spirit of the movement by openly critiquing the government and by giving coverage to the movement’s actors” (Rao, 2013a).

Seen from a different perspective, however, the coverage of the rape first and foremost highlighted the concerns of the middle-class rather than of the poor, the class to which the victims of the crime belonged. While the rape victim was not a member of Delhi’s middle-class—she was a recent émigré to Delhi from a small town in northern India—she was portrayed as an aspiring member of the middle class. Recent research on Indian journalism has shown how the deeply embedded caste system and associated class biases continue to impact news content and the media practices. “Liberalization and privatization of television news,” wrote Rao (2013b, p. 249), “has created a cycle of un-interrupted reporting about violent crimes such as rape, molestation, murder, assault, incest, and child abuse, but less coverage of poor and lower-caste victims and the victims’ families than coverage of wealthy and upper-caste victims.”

For journalists, it is imperative that nayya take center stage in the coverage of such cases. Both the ancient use of nayya and Sen’s usage can be applied to analyze the ethical issues particular to this case. Sen’s theory of nayya would ask journalists to understand the very nature of female disadvantage in India, which can take many different forms and goes far beyond one particular instance of rape. If the lack of safety of and for women is an aspect, the phenomenon of “boy preference” in family decisions is another (Bagchi, Guha & Sengupta, 1997, p. 11). Boy preference is closely related to the deep-rooted problem of “missing women,” which refers to the shortfall of the actual number of women from the number we would expect to see given the size of the male population, and the male–female ratios that would be expected if gender equity existed in Indian society (Jawa, 2002, p. 202). Recent research has shown that the growth of a neoliberal economy has led to women facing marked differences in the demand for their labor, and that social attitudes concerning gender relations are beginning to change in response to changes in market conditions (Sharma, 2008). While it is too early to conclude that the large number of educated women that have entered the Indian workforce has had a dramatic impact on gender relations and filial arrangements, anti-rape protests and the ongoing media coverage have shown a growing awareness of issues relating to women’s rights and safety. At the same time, however, there remains strong evidence that the economic and social options open to women remain significantly fewer than those available to men; going beyond women’s well-being, journalists have yet to question either the limited role women play in Indian society or their circumscribed ability to
act independently, nor have they yet touched upon how media’s initiatives and actions influence the lives of men as well as women, and boys as well as girls (Sen, 2013). For Sen, nyaya would not mean a singular focus on the rape case and any judicial outcome thereof, but rather a focus on the nature of gender and economic relations within a society.

Ancient nyaya philosophy provides those in the media the tools for moral reasoning of the sort needed to effectively report on and analyze such crimes. The media must openly promote the various forms of reasoning that nyaya philosophy advocates. For instance, the processes of samcaya (doubt) and tarka (debate) must underlie global journalism practices. There ought to be a broadly shared understanding that meaning is constructed through upamana (comparison), and nyaya is achieved through reason. Interestingly, in Indian jurisprudence, the word nyaya has been used interchangeably with logic, justice, and equity (Kaul, 1993). In some parts of India, people look down upon marriage with a maternal uncle’s daughter or sister, whereas in other regions it is allowed. Which one of them is closer to nyaya? Nyayayikas suggest reasoning based on practice but also advocate for a constant evaluation of existing customs (Dasgupta, 1957). Customs can change over time, but only with elaborate explanations of and for said change. India’s problem lies not so much in a particularly high incidence of rape, but in its inefficient policing, poor security arrangements, slow-moving judicial system, and, ultimately, the callousness of Indian society at large. Nyayayikas would propose a change of customs based on moral reasoning, with such change to include improved advocacy for gender equity from an early age, including measures that ensure equal access to education, health care and security, as well as a general, society-wide commitment to the well-being of female children.

Another aspect of ancient nyaya philosophy, and one also vocally advocated by Sen, calls upon journalists to focus on the removal or negation of a-nyaya. One positive consequence of the agitation following the December 2012 rape has been the drawing of attention both to the prevalence of sexual brutality in Indian society and to the failure of the Indian media to report on it seriously, thereby limiting public discussion and the likelihood of social change. It is encouraging that Indian news media, smarting from the intense criticism of their negligence in covering past similar events, has sought to reinvent themselves as experts in rape reportage, and many newspapers, magazines, and news channels have devoted pages and hours every day to reports of rapes gathered from across India. This can be taken as a manifestation of the ethics of the removal of a-nyaya, or as one of the ways that the Indian media now cover the multiple publics in its practice of public-interest journalism. A focus on a-nyaya would not exclude the voices of the poor, dalit (untouchable) and women from minority religions. In the past, crime and sexual violence against dalit or Muslim women have failed to elicit wall-to-wall media coverage, street protests, or demands for changes in state policies, or to influence judicial outcomes (Rao, 2013a). Poor, dalit and Muslim men and women have not previously been able to mobilize and use tactics of pressure in domestic and international forums to embarrass and expose the State in the hopes of compelling it to reconsider faulty policies and securing justice for the very poor. Guru and Chakravarty (2005) argued that some dalit social movements have formed to fight for human rights issues, such as an end to sexual violence and rape, but such movements often fizzle out, as they rarely demand fundamental changes in the core social and economic structures that create poverty and foster a sense of exclusion. A model of journalism that focused on a-nyaya would critique the very nature of knowledge production in an effort to uncover how a-nyaya is perpetuated by the exclusion of the marginalized and poor.

The true nature of democratic journalism, for nyayayikas, would be said to have been realized only once nyaya is being seen to be done. Justice being seen to be done is where media can play a critical role. For Sen, it was important that justice not simply be about legal correctness but also about popular endorsement, a confounding of jurisprudence with democracy. If a judgment
inspires confidence and general endorsement, then very likely it can be more easily implemented. “There is clear connection,” wrote Sen, “between the objectivity of a judgment and its ability to withstand public scrutiny” (2009, p. 393). The media are responsible for ensuring the transparency of the reasoning process, as that is what binds together a society and fosters democratic recognition. In the December 2012 rape case, a fast-track justice court, which gave verdicts only nine months after the crime, hinted at the possibility of being-seen-to-be-done practices of and by the judiciary. For democratic journalists invested in nyaya and the removal of a-nyaya, being seen to be done would go far beyond the narrow reporting of the death sentence the judges handed down to the rapists. Journalists would be required to investigate the nature of the crime and the conditions of criminality, the economic and social conditions that lead to such crimes, civil rights and political liberties in democratic societies for both men and women, and the climate of apprehension and anxiety amid a changing social order.

Some have argued that India has been able to succeed as a modern political democracy, and has fostered conditions in which its rulers are held accountable for their actions in the public realm by citizens, by acting indirectly through competition with or the cooperation of their elected representatives (Chitalkar & Malone, 2011). Others argue that India has evolved as an “illiberal democracy” (Zakaria, 2004), with a corrupt political system, nonfunctional judiciary, and few rights for women, minorities, and the poor. If the media “sustains democracy” (Sen, 2009, p. 309), and vice versa, then the media coverage of the December rape revealed a paradox. On the one hand, there is deep commitment among both journalists and the public to democratic institutions, and a belief that the media speaks for citizens in questioning public policy and modes of governance. On the other hand, the media did not act representationally and excluded the voices of the marginalized, such as the poor, dalit and minority men and women, and therefore undermined the vigor and pluralism of a civil and democratic society. What we are faced with are two competing values. Again, on the one hand are the modern and democratic media advocating for the rights and liberties of women, and on the other is the older India, steeped in a deeply patriarchal caste system that, to them, remains unchallenged.

In a nyaya-based model of democratic journalism, journalists would be asked to investigate multiple Indias, publics, and democracies. Practicing a nyaya-based journalism would require the elucidation and questioning of customs that date back thousands of years and are an amalgamation of history and social living. Nyaya-focused journalists would also need to recoup from India’s past the pervasive demands for participatory living and to avoid coming to view democracy as a kind of specialized cultural product of the West. Nyaya is based on the deep attraction of and to participatory governance that has existed in India and elsewhere for far longer than the last few hundreds of years of institutional democracy across Europe and in America. Nyaya, and the removal or negation of a-nyaya, therefore could provide a globally reasoned method of journalistic practice rather than a media that blindly emulates the practices of Western democratic journalism.

CONCLUSION

The starting point for media scholars is the fact that media organizations, media infrastructures, and what individuals and groups do in relation to the media are all now part of the basic template of everyday life. These developments cannot help but raise ethical questions about our practice in and through the media, questions that could not be critically and universally posed before the advent of the modern media (Alia, 2004). Couldry (2012, p. 181) wrote, “Whether we look through the lens of ethics or justice, media are not trivial. Disputes over media ethics or media
justice are the edges where the operational and infrastructural pressures of media production cut into the texture of everyday life.” The 2012 rape case, and the ensuing reportage in India, give us a starting point—“the edge,” from which we can begin to discuss the continued relevance of classical ethical philosophy. In both Gautama’s ancient use and Sen’s modern version of nyaya, we see reasoning and debate identified as a way to articulate the nature of a flourishing life. Media coverage of the 2012 rape, however incomplete, has shown that investigation into a-nyaya can be ethically progressive and can lead to reasoned scrutiny of the persistence of the forms of inequity that characterize the modern world. An increased focus on nyaya can give us a more comprehensive view of the nature of society and human life, and can serve as a compelling ethical principle for media practitioners and owners.

I have argued that the removal of false knowledge (a-nyaya) can be the guiding principle on which global democratic journalism practice can hinge. Nyaya as a philosophical path is formatively different from other philosophical writings about justice. These other writings do not focus on what Couldry refers to as “media injustices” (2012, p. 199), in which the injustices of media—a lack of accountability and accuracy, the misrepresentation of facts and ideas, et cetera—are uncovered and revealed to the viewing and reading public. The focus instead is on the removal of injustice by the media. Nyayayikas would argue that media injustices will be eliminated if and when media practitioners and journalists agree to nyaya and a-nyaya the guiding ethical principles for their work.

In the introduction to the first edition of this Handbook, Wilkins and Christians wrote that the study of media ethics has only recently begun to shift its focus onto the professional practices of journalists as a way to contribute to that effort, in conjunction with academic insights into moral and political philosophy. Media ethicists, they rightly state, is starting to ask “big questions” about the neutrality of technology and about applying classical ethical philosophy to modern understandings of media practices. Asking such questions also leads to a plurality of philosophical approaches, and there is nothing particularly defeatist in that acknowledgement. To borrow a metaphor from another context, in such diverse and varied philosophical readings of media ethics we hear the sound of ground being cleared for what might be a new paradigm, but it is too early to tell what the shape of that paradigm will be and whether or not it will be coherent and unified. Such a conclusion should not dissuade us from pursuing the heterotopic space of media ethics, even if there do not appear to be any single, totalizing vantage points from which to speak.

REFERENCES


