

Freedom of Speech and Civil Peace: Times and Places when Humour Turns Deadly

Former President of CODESRIA and Herbert Lehman Professor of Government at the University of Columbia, Mahmood Mamdani won two Honorary Doctoral Awards this year, from both the University of Johannesburg (UJ) on 25 May 2010 and Addis Ababa University (AAU) on the 24 July 2010. The AAU award has been covered by the last issue of the CODESRIA Bulletin. In this issue, we present Mamdani's remarks after the UJ Award:

It warms my heart to see these flowing gowns. I congratulate you on work accomplished! For over a millennium, these gowns have been a symbol of high learning, from the Indian Ocean to the Atlantic. Should anyone ask you where they came from, tell them that the early universities of Europe – Oxford, Cambridge, la Sorbonne – borrowed them from the Islamic madressa of the Middle East. If they should seem incredulous, tell them that the gown did not come by itself: Because medieval European scholars borrowed from the madressa much of the curriculum, from Greek philosophy to Iranian astronomy, to Arab medicine and Indian mathematics, they had little difficulty in accepting this flowing gown, modelled after the dress of the desert nomad, as the symbol of high learning. Should they

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still express surprise, ask them to take a second look at the gowns of the ayatollahs in Iran and Iraq and elsewhere and they will see the resemblance. Education has no boundaries. Neither does it have an end. As the Waswahili in East Africa, where I come from, say: *Elimu haina muisho*.

Today, I want to talk to you about the core value of the liberal university; critical thought, not just any thought, but thought which dares to stand up to the dictates of power and to the embrace of wealth, even to the seduction of popular prejudice.

Yesterday, when I was in Cape Town, a friend gave me the week's edition of *Mail* and *Guardian*. I went straight for my favourite section, the cartoon by Zapiro. To my surprise, Zapiro featured a cartoon of Prophet Mohamed, agonising: 'OTHER Prophets have followers with a sense of humour! ...' I want to take this opportunity to reflect on times and places when humour turned deadly. Such a reflection

should allow us to think through the relationship between two great liberal objectives, freedom of speech and civil peace. Since Zapiro seems to present his series of cartoons as a second edition of the Danish cartoons, I shall begin with a reflection on the original.

When the Danish cartoon debate broke out, I was in Nigeria. If you stroll the streets of Kano, a Muslim-majority city in northern Nigeria, you will have no problem finding material caricaturing Christianity sold by street vendors. And if you go to the east of Nigeria, to Enugu for example, you will find a similar supply of materials caricaturing Islam. None of this is blasphemy; most of it is bigotry. It is well known that the Danish paper that published the offending cartoons was earlier offered cartoons of Jesus Christ. But the paper declined to print these on grounds that it would offend its Christian readers. Had the Danish paper published cartoons of Jesus Christ, that would have been blasphemy; the cartoons it did publish were evidence of bigotry, not blasphemy. Both blasphemy and bigotry belong to the larger tradition of free speech, but after a century of ethnic cleansing and genocide, we surely need to distinguish between the two strands of the same tradition. The language of

contemporary politics makes that distinction by referring to bigotry as hate speech.

Just a few weeks after the Danish cartoons were published, the German writer Gunter Grass was interviewed in a Portuguese weekly news magazine, *Visão*. In that interview, Gunter Grass said the Danish cartoons reminded him of anti-Semitic cartoons in a German magazine, *Der Stürmer*. The story was carried in a *New York Times* piece, which added that the publisher of *Der Stürmer* was tried at Nuremberg and executed. I am interested less in how close was the similarity between the Danish and the German cartoons, than in why a magazine publisher would be executed for publishing cartoons. One of the subjects I work on is the Rwanda genocide. Many of you would know that the International Tribunal in Arusha has pinned criminal responsibility for the genocide; not just on those who executed it but also on those who imagined it, including intellectuals, artists and journalists as in RTMC (Radio-Télévision Libre des Mille Collines). The Rwandan trials are the latest to bring out the dark side of free speech, its underbelly: How power can instrumentalise free speech to frame a minority and present it for target practice.

To understand why courts committed to defending freedom of speech can hold cartoonists responsible for crimes against humanity, we need to distinguish between bigotry and blasphemy. Blasphemy is the practice of questioning a tradition from within. In contrast, bigotry is an assault on that tradition from the outside. If blasphemy is an attempt to speak truth to power, bigotry is the reverse: An attempt by power to instrumentalise truth. A defining feature of the cartoon debate is that bigotry is being mistaken for blasphemy. The history of blasphemy as a liberating force is particularly European, not even American. To understand the political role of blasphemy in Europe, we need to appreciate the organisation of the Church as an institutional power. Institutionalised religion in medieval Europe was organised as a form of hierarchical power, with an authority from the floor to the ceiling. Institutional Roman Catholicism mimicked the institutional organisation of the Roman empire, just as the institutional organisation of Protestant churches in Europe borrowed a leaf from the organisation of power in the nation states of Europe.

The European example was not emulated in the United States of America. Though blasphemy marked the moment of birth of the New World, the New World was not particularly receptive to blasphemy. The big change was political: Puritans and other Protestant denominations were organised more as congregations and sects, more like voluntary associations, than as hierarchical churches. There was also a change in religious practice: the puritans shifted the locus of individual morality from external constraint to internal discipline, displacing both the Pope and the Scriptures with inner conscience. Pioneered by the Quakers, the Christ of scriptures became the 'Christ within'. Unlike in Europe, religion in the rapidly developing settler democracy in the United States was very much a part of the language of the American Revolution and of the public sphere. The European experience has to be seen more as the exception than the rule.

And yet, the European experience is not without a lesson for the rest of us. It is precisely because of a history of opposition between organised religion and political society, and the consequent history of religious civil wars, that compromises have been worked out in Europe, both to protect the practice of free speech and to circumscribe it through laws that criminalise blasphemy. When internalised as civility, rather than when imposed by public power, these compromises have been key to keeping social peace in European societies. Let me give two examples to illustrate the point.

My first example dates from 1967 when Britain's leading publishing house, Penguin, published an English edition of a book of cartoons by France's most acclaimed cartoonist, Siné. The Penguin edition was introduced by Malcolm Muggeridge. Siné's *Massacre* contained a number of anticlerical and blasphemous cartoons, some of them with a sexual theme. Many booksellers, who found the content offensive, conveyed their feelings to Allan Lane, who had by that time almost retired from Penguin. Though he was not a practising Christian, Allen Lane took seriously the offence that this book seemed to cause to a number of his practising Christian friends. Here is Richard Webster's account of what followed:

One night, soon after the book had been published, he [Allen Lane] went

into Penguin's Harmondsworth warehouse with four accomplices, filled a trailer with all the remaining copies of the book, drove away and burnt them. The next day, the Penguin trade department reported the book "out of print".

Now Britain has laws against blasphemy, but neither Allan Lane nor Penguin was taken to court. Britain's laws on blasphemy were not called into action. I want to point your attention to one issue in particular. Allan Lane was not a practising Christian but he had internalised legal restraint as civility, as conduct necessary to upholding peaceful coexistence in a society with a history of religious conflict. To put it differently, the existence of political society requires the forging of a political pact, a compromise.

My second example is from the United States. It concerns a radio show called *Amos 'n' Andy* that began on WMAQ in Chicago on 19 March 1928, and eventually became the longest running radio programme in broadcast history. Conceived by two white actors who mimicked the so-called Negro dialect to portray two black characters, Amos Jones and Andy Brown, Amos 'n' Andy was a white show for black people. Amos 'n' Andy was also the first major all-black show in mainstream US entertainment. The longest running show in the history of radio broadcast in the US, Amos 'n' Andy gradually moved from radio to TV. Graduating to prime time network television in 1951, it became a syndicated show after 1953.

Every year, the National Association for the Advancement of Colored People (NAACP) protested against the racist character of the portrayal that was the show. Giving seven reasons 'why the Amos 'n' Andy show should be taken off the air,' the NAACP said the show reinforced the prejudice that 'Negroes are inferior, lazy, dumb and dishonest,' that every character in the all-Black show 'is either a clown or a crook'. 'Negro doctors are shown as quacks and thieves', Negro lawyers 'as slippery cowards, ignorant of their profession and without ethics,' and Negro women 'as cackling, screaming shrews ... just short of vulgarity'. In sum, 'all Negroes are shown as dodging work of any kind'.

But CBS disagreed. You can still read the CBS point of view on the official Amos 'n' Andy website which still hopes that black people will learn to laugh at themselves: 'Perhaps we will collectively learn to lighten up, not get so bent out of shape, and learn to laugh at ourselves a little more'. I was reminded of it when I read the Zapiro cartoon in *Mail and Guardian* yesterday.

The TV show ran for nearly 15 years, from 1951 to 1965. Every year the NAACP protested, but every year the show continued. Then, without explanation, CBS withdrew the show, in 1965. What happened? In 1965 the Watts riots happened, and sparked the onset of a long, hot summer. The Watts riots were triggered by a petty incident, an encounter between a racist cop and a black motorist. That everyday incident triggered a riot that left 34 persons dead. Many asked: What is wrong with these people? How can the response be so disproportionate to the injury? After the riots, the Johnson administration appointed a commission, called the Kerner Commission, to answer this and other questions. The Kerner Commission Report made a distinction between what it called the trigger and the fuel: the trigger was an incident of petty racism, but the fuel was provided by centuries of racism. The lesson was clear: the country needed to address the consequences of a history of racism, not just its latest manifestation. Bob Gibson, the St Louis Cardinals pitcher, wrote about the Watts riots in his book *From Ghetto to Glory*. He compared the riots to a 'brushback pitch' – a pitch thrown over the batter's head to keep him from crowding the plate, a way of sending a message that the pitcher needs more space. CBS withdrew Amos 'n' Andy after the long hot summer of 1965. The compelling argument that the NAACP and other civil rights groups could not make, was made by the inarticulate rioters of Watts.

Why is this bit of history significant for us? CBS did not withdraw Amos 'n' Andy because the law had changed, for no such change happened. The reason for the change was political, not legal. For sure, there was a change of consciousness, but that change was triggered by political developments. CBS had learnt civility; more likely, it was taught civility. CBS had learnt that there was a difference between

black people laughing at themselves, and white people laughing at black people! It was like the difference between blasphemy and bigotry. That learning was part of a larger shift in American society, one that began with the Civil War and continued with the civil rights movement that followed the Second World War. This larger shift was the inclusion of African-Americans in a re-structured civil and political society. The saga of Amos 'n' Andy turned out to be a milestone, not just in the history of free speech, but in a larger history, that of black people's struggle to defend their human rights and their rights of citizenship in the US.

Can we deal with hate speech by legal restriction? I am not very optimistic. The law can be a corrective on individual discrimination, but it has seldom been an effective restraint on hate movements that target vulnerable minorities. If the episode of the Danish cartoons demonstrated one thing, it was that Islamophobia is a growing presence in Europe. One is struck by the ideological diversity of this phenomenon. Just as there was a left wing anti-Semitism in Europe before fascism, contemporary Islamophobia too is articulated in not only the familiar language of the right, but also the less familiar language of the left. The latter language is secular. The Danish cartoons and their enthusiastic re-publication throughout Europe, in both right and left-wing papers, was our first public glimpse of left and right Islamophobia marching in step formation. Its political effect has been to explode the middle ground. Is Zapiro asking us to evacuate the middle ground as testimony that we too possess a sense of humour?

If so, Zapiro has misread the real challenge that we face today. That challenge is both intellectual and political. The intellectual challenge lies in distinguishing between two strands in the history of free speech – blasphemy and bigotry. The political challenge lies in building a local and global coalition against all forms of bigotry. The growth of bigotry in Europe seems to me an unthinking response to two developments: locally, the dramatic growth of Muslim minorities in Europe and their struggle for human and citizenship rights; globally, we are going through an equally dramatic turning point in world history.

The history of the past five centuries has been one of Western domination. Beginning 1491, Western colonialism understood and presented itself to the world at large as a civilising and a rescue mission, a mission to rescue minorities and to civilise majorities. The colonising discourse historically focused on barbarities among the colonised – sati, child marriage and polygamy in India, female genital mutilation and slavery in Africa – and presented colonialism as a rescue mission for women, children and minorities, at the same time claiming to be a larger project to civilise majorities. Meanwhile, Western minorities lived in the colonies with privilege and impunity. Put together, it has been five centuries of a growing inability to live with difference in the world, while at the same time politicising difference. The irony is that a growing number of mainstream European politicians, perhaps nostalgic about empire, are experimenting with importing these same time-tested rhetorical techniques into domestic politics: The idea is to compile a list of barbaric cultural practices among immigrant minorities as a way to isolate, stigmatise and frame them.

But the world is changing. New powers are on the horizon: most obviously, China and India. Neither has a Muslim majority, but both have significant Muslim minorities. The Danish case teaches us by negative example. To the hitherto dominant Western minority, it presents a lesson in how not to respond to a changing world with fear and anxiety, masked with arrogance, but rather to try a little humility so as to understand the ways in which the world is indeed changing.

There is also a lesson here for Muslim peoples. The Middle East and Islam are part of the middle ground in this contest. Rather than be tempted to think that the struggle against Islamophobia is the main struggle – for it is not – let us put it in this larger context. Only that larger context can help us identify allies and highlight the importance of building alliances. Perhaps then we – and hopefully Zapiro – will be strong enough to confront organised hate campaigns, whether as calls to action or as cartoons, with a sense of humour.