

**CONTEXTUALISING THE *SAX APPEAL* AND THE DANISH CARTOON
FURORES FOR SOUTH AFRICA**

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ABSTRACT

This article discusses what a free and responsible press means in pluralistic democracies, focussing specifically on whether that includes the freedom to offend. It argues that there is a distinction between hate speech and offensive speech, as the latter has no malicious intent, but rather occurs in interpretation. The article argues that pluralistic societies such as South Africa need a relatively wide area reserved for controversial speech, so long as it is not hate speech, as toleration of controversial or offensive speech is a difficult but fundamental feature of an open society. This raises the notion of the use of satire in a developing country; where the Sax Appeal cartoons are concerned, the article discusses the wider ramifications of the University of Cape Town pledging to “censor” future student publications, as well as considering the argument put forward by David Benatar, who argues that to pander to “sensitivities” only encourages more indignation and gradually shuts down the range of matters about which we can joke. The article ultimately argues for the necessity of keeping channels of uncomfortable communication open in order to build mutual understanding in a divided society who are ignorant of others’ cultural norms.

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INTRODUCTION

“What is freedom of expression? Without the freedom to offend, it ceases to exist.”
Salman Rushdie

When discussing the role of the media during the transition to a democracy in the new South Africa, one of the most contentious issues is that of hateful or offensive speech: should people be allowed complete freedom of speech, or should their words be censored in some way, with all language and graphics that groups and/or individuals find offensive, being outlawed?

This issue is of global concern, as was illustrated in August 2009 when Yale University Press in the United States refused to republish a book, *The cartoons that shook the world*, if it included the 12 controversial cartoons depicting the prophet Mohammed which were initially published by a Danish newspaper in 2005, and when reprinted by other European publications, sparked a wave of violent protests. When the book was mooted, Yale University and Yale University Press consulted two dozen authorities, including diplomats and experts on Islam and counterterrorism, and the recommendation was unanimous – do not include the caricatures. What’s more, they suggested that the Yale press also refrain from publishing any other illustrations of the prophet that were to be included, specifically a drawing for a children’s book, an Ottoman print, and a sketch by nineteenth century artist Gustave Doré of Mohammed being tormented in Hell, an episode from Dante’s *Inferno* that has been depicted by Botticelli, Blake, Rodin and Dali (Cohen 2009).

The book’s author, professor of politics at Brandeis University Jytte Klausen, was unhappy with the decision, saying that “Muslim friends, leaders and activists thought that the incident was misunderstood, so the cartoons needed to be reprinted so we could have a discussion about it” (Cohen 2009). When one considers that this is an academic book for an academic audience and printed by an academic press, there is not much chance of it having a wide global audience, let alone causing a global outcry. Even more disturbing was that Klausen was told by Yale University Press that she could read a 14-page summary of the consultants’ recommendations only if she signed a confidentiality agreement that forbade her from talking about it (Cohen 2009), tantamount, in other words, to a gag order.

It isn’t, however, only cartoons which are offensive to Muslims which provoke a public outcry. The year 2009 saw the publication of two sets of cartoons lampooning Jesus and aspects of Christianity in the University of Cape Town’s satirical magazine, *Sax Appeal*, which caused an enormous public furore in South Africa. The contribution in *Sax Appeal* that caused the most offence was a two-page spread containing black and white photographs, over which were superimposed speech bubbles or captions containing religious slogans and proposed retorts. Although the contribution was headed “Top ten atheist retorts to fundamentalist Christians” (Sagan 2009: 84), only two referred specifically to Christianity. In one, a person says, “Jesus died to save us from our sins”, to which the reply is, “I bet he feels like a tool now”. The second is a photograph of a

lone suitcase on a baggage-retrieval conveyor belt at an airport. One of the people standing adjacent to it says, "Praise the Lord, it's a miracle...", to which another responds, "No, you stupid C.U.N.T. (Christian who Understands No Theorems), statistically they happen every 35 days" (Sagan 2009: 84).

There was also a complaint about Zapiro's full page cartoon (Shapiro 2009: 11) in which he recycles a famous satire of the argument that homosexuality is immoral because there is a biblical injunction against it. Here a questioner asks a religious authority for guidance on how best to follow other biblical laws, including ones that impose the death penalty for violating the Sabbath, animal sacrifice and slavery.

Every year about 35 000 copies of *Sax Appeal* are sold in Pick 'n Pay supermarkets and on the streets to raise money for charity, making it the largest student-run publication in the world. The 2009 issue contained articles deemed highly blasphemous, not only by many Christians but also by other religious communities in South Africa. At least two Christian groups lodged formal complaints, and UCT's response was to offer multiple unreserved apologies, while Pick 'n Pay distanced itself from the offending content and pulled remaining copies of the magazine from its shelves.

In a similar vein, simply the promise to publish the Danish cartoons in 2006 caused an uproar among the South African Muslim community. Originally published in September 2005 by the Danish newspaper *Jyllands-Posten*, the cartoons were commissioned by editor Flemming Rose, who invited 25 newspaper cartoonists to draw the prophet "as they saw him", and then printed the submissions of the 12 cartoonists who responded in the 30 September 2005 edition of the paper (Cannon 2006). Rose commissioned the drawings after several occurrences in 2005 led him to believe that there was a trend of self-censorship emerging in Europe, specifically regarding material that might be offensive to Muslims.

The actual cartoons were varied. One poked fun at the *Jyllands-Posten* and another satirised an anti-immigration Danish political figure. The most controversial cartoons included one showing Mohammed turning away suicide bombers from Heaven, saying "we've run out of virgins!" and another that depicted him with a bomb in his turban, a reference to the story of Aladdin and how an orange falling into his turban led him to great fortune. These cartoons are widely available online (http://www.zombietime.com/mohammed_image_archive/jyllands_posten_cartoons/).

The cartoons sparked controversy, but not immediate violence. However, by the beginning of 2006, protestors were burning Danish flags in Denmark, and violence and protests snowballed across the world, with protests cropping up nearly everywhere Muslim populations are present. The story consequently made international headlines, and publications and broadcasters across the globe were faced with an ethical dilemma: whether to re-publish the cartoons, or not.

In South Africa, on 3 February 2006 the *Mail & Guardian* newspaper ran a single, restrained reproduction next to an analytical description of the furore. "There is merit in the argument that readers needed to see what all the fuss was about... M&G readers are generally a

tolerant and sophisticated lot,” writes Kruger (2006). However, a Muslim pressure group, the Jamiat-ul Ulama of Transvaal, sought and won an interdict against Johncom Media and Independent Newspapers, among others, that Friday night, effectively ensuring that no more South African newspapers were able to publish reproductions of the cartoons.

However, in both these cases the question remains as to how the South African media should deal with both hate and controversial or offensive speech. In both events, was the outrage warranted? Was the content blasphemous? Where *Sax Appeal* is concerned, should either the students responsible or the university as a whole have apologised? In both cases, how does one deal with satirical content which some people may find offensive, in a media context?

Retief (2002: 213) maintains that the media have a significant influence on both perceptions and behaviour, but the nature of that influence, and what, if anything, the media should do about it, remain unanswered questions. This article sets out to examine firstly, what the role of a cartoon is, and secondly, what is meant by the term “hate speech”, as opposed to “hateful” or “offensive” speech. It attempts to answer the question whether any media should be allowed to publish hateful or offensive speech in a democratic society sensitive to the rights of free speech. This discussion necessitates some exploration of the concept of freedom of speech and expression in a South African context. The article concludes by offering some thoughts on whether the South African media should have published the Danish cartoons, and whether *Sax Appeal* was justified in publishing the alleged anti-Christian cartoons.

THE FUNCTION OF CARTOONS

A political cartoon may be defined as “a form of visual news discourse that frames and communicates social inequities, ideological positions and political beliefs” (Calogero & Mullen 2008). It should also be emphasised that political cartoons provide a unique form of historical record, “capturing and reflecting the prevailing sentiments and opinions of their audiences” (*ibid*). Researchers tend to have different ideas of the role of a cartoon, but there appears to be two broad schools of thought: either that cartoons play a negative role by scorning and ridiculing their subjects, or that they play a positive role by encouraging critical thinking and contributing towards raising important issues for public discussion.

In his 2001 study of political cartoons, Fetsko (2001) argues that the roles a cartoon could play include promoting critical thinking, drawing attention to an idea, event, organisation or person, and encouraging a course of action or stimulating a debate on an issue or event: “Political cartoons... have provided a visual means by which individuals could express their opinions. They have been used throughout history to engage viewers in a discussion about an event, issue or an individual” (Fetsko 2001: 3).

The positive roles also associated with political cartoons include that it:

... can be a particularly valuable resource for development education. They, at their best, encapsulate some very complex issues, different viewpoints and some

of the contradictions which are a real part of many situations. Political cartoons do not simply take sides; they offer a challenge to us all. They make links between issues which sometimes turn them inside out. They don't spare our sensitivities – this is their essential strength (Regan, Sinclair & Turner 1988: 10).

However, Hogan (2001: 27) takes an opposite approach, arguing that “the impact of political cartoons is not at all benign, the unrelieved diet of negative images may contribute to the level of cynicism for politics and politicians characteristic of many citizens in modern democracies”.

Whether their role is positive or negative, it is widely agreed that cartoons use satire and caricature to get their messages across. In his study of satire, Ronald Paulson (1967: 479) maintains “there is only one kind of laughter that cannot per se become satiric – that is the laughter of sympathy”. As satire, a cartoon will, by definition, offend at some level, and this diminishment, directed at powerful persons and institutions, functions to reduce the status of those who have initially been elevated, so that “the hierarchy is challenged in a corrective sense of order and consistency” (Edwards 1997: 27). The targets of cartoon satire are almost invariably those who lay claim to some authority.

Parody, an element associated with the form of caricature, is often used as a visual tool by political cartoonists. Edwards (1997) argues that besides traditional and official authority figures such as elected officials, another targeted group might be called advocates, who may be known as individuals or part of a group affiliation. These subjects are public advocates for a particular issue or ideology, such as televangelists or feminists. “Cartoonists portray advocates with varying degrees of denigration, depending largely on where the cartoonists' sympathies lie and the pomposity level displayed by the subject” (Edwards 1997: 27). It is also interesting to note that satire and parody may be inherently scornful and ridiculing, but an extra dimension is added when the subjects of this scorn are persons or ideals commonly held in societal esteem.

According to Edwards (1997), the fact that cartoons have some kind of audience effect is demonstrated by direct audience feedback, and by legal actions against them. “Cartoons are strategic in their purpose and instrumentally orientated towards the expression of a viewpoint. Cartoonists are in the business of creating persuasive definitions of events and people for audience consumption, reflection, rejections and endorsement” (Edwards 1997: 27).

Nel (2005: 28) states that cartoonists have long had a prime place on newspapers' editorial pages. Indeed, a newspaper's policy may well be reflected in cartoons as well as editorials. “A cartoon makes no pretence of being unbiased, as a general rule,” write Harriss, Leiter and Johnson (1985: 213). Consequently, cartoons are generally accepted across the world as a form of political satire; a means of using humour to criticise current events.

Did the *Sax Appeal* cartoons and the Danish cartoons constitute hate speech, offensive speech or blasphemy?

Kenneth Meshoe, president of the African Christian Democratic Party, described the *Sax Appeal* cartoons as follows:

The material is a repugnant and blasphemous attack on the Lord Jesus Christ Himself and on Christians using words most decent people have never uttered because of their vulgar and coarse (sic) nature. This is hate-speech at its worst which cannot go unchallenged... the attack is clearly meant to be hate-speech and succeeds in being deeply offensive and hurtful to Christians who love God (Meshoe 2009).

Nel (2000: 64) defines hate speech as inflammatory speech that reflects and encourages hatred and contempt for members of a specific racial, religious, ethnic or other group. Such speech is often used for political motives or to incite hate crimes. In some countries, hate speech is illegal, although notoriously difficult to define and therefore prosecute.

In terms of section 16 of the South African Constitution:

- (1) Everyone has a right to freedom of expression, which includes –
 - (a) freedom of the press and other media
 - (b) freedom to receive and impart information or ideas
 - (c) freedom of artistic creativity; and
 - (d) academic freedom and freedom of scientific research.
- (2) The right in subsection (1) does not extend to –
 - (a) propaganda for war
 - (b) incitement for imminent violence, or
 - (c) advocacy of hatred that is based on race, ethnicity, gender or religion and that constitutes incitement to cause harm.

It is clear that the Bill of Rights in the South African Constitution follows the trend in international human rights documents, which restricts the right to freedom of expression by prohibiting the incitement of discrimination, hatred or hostility based on race, ethnicity, gender or religion. According to the South African Human Rights Commission, freedom of expression constitutes one of the essential foundations of any democratic society. However, section 16 (2) of the South African Constitution modifies that right. Because this is an exception to the general and accepted rule that everyone has the right to freedom of speech, words such as “incitement” and “hate” need to be interpreted before any ruling on a phrase or graphic can be made. Added to this, two elements must be present before an expression can be determined to be hate speech. Firstly, there must be an advocacy of hatred on one of the listed grounds, and secondly there must be incitement to cause harm. Put differently, the enquiry is:

- does the statement advocate hatred? If so,
- is such advocacy of hatred based on one of the grounds listed in the section, and
- does such advocacy constitute incitement to cause harm?

There is no doubt that both sets of cartoons concern religion. The *Sax Appeal* cartoons target Christianity, Jesus and God, with the Zapiro cartoons quoting from the book of Leviticus in the Bible. However, it is equally clear that they in no way constitute hate speech – there is no advocacy of hatred, and no incitement to cause harm. But there is no doubt that many people, Christian or not, found them extremely offensive – there was a raging debate on many blogs on the Internet (for example, <http://synapses.co.za/another-victory-for-religious-hypersensitivity/>), and Western Cape newspapers as well as Pick 'n Pay were flooded with letters to the editor and the managing director respectively. Church groupings called for the dismissal of all *Sax Appeal* editorial staff, and threatened to boycott Pick 'n Pay if they did not remove the magazine from their shelves. Christian Democratic Alliance spokesman Colin Fibiger said they considered the cartoons to be “a deliberate and planned discriminatory attack on Christianity and will seek full restitutional measures”, including “the immediate removal of the Executive Director of Student Affairs, as well as the Project Manager and all editorial staff” (Quintal 2009). Thus, many Christians viewed the cartoons as a direct mockery of their religion.

However, it would appear that the original publication of the cartoons was not intended to cause harm. Offensive speech has no malicious intent, but rather occurs in the interpretation. Student cartoonist Richard Sagan (2009a: online) told *Carte Blanche* that he was extremely surprised at all the controversy and debate, especially in the context of a satirical and nonsensical magazine. He also believes that some of his content was misunderstood; for example, the caption in which he pokes fun at Jesus was “meant to be seen as satirical commentary. Jesus died for mankind and yet look at the state of the world” (*ibid.*)

Where award-winning cartoonist Zapiro’s cartoon mocking the Leviticus injunction against homosexuality is concerned, cartoonist Jonathan Shapiro said religions of all kinds were given far too much respect in society, adding that he believed “religious groups spend their lives waiting to be offended. It gives them reason for being. That’s what they want. This is their stock in trade, it makes them feel holier than thou, and they all join together in this holier than thou-ness” (Shapiro, in Quintal 2009).

Where the Danish cartoons are concerned, they too deal with religion, depicting aspects of Islam and the Prophet Mohammed. Sachedina (in Salih 2006) argues that many in the Islamic world view the cartoons as a direct mockery of Mohammed. He points out that depicting the prophet was not the problem, but under Islamic law one is prohibited from showing his face, as “Islamic laws specifies that if you have not seen a person, you cannot portray him”. Sachedina believes there are two reasons for the volatile reaction from many Muslims in response to these cartoons. Firstly, he argues it is important to contextualise these issues within Europe’s post-9/11 dealings with the Middle East and with the world’s Muslims. “What we are looking at is the predominance of the politics which treat all matters that are sacred in a secular fashion...[This is a]secularisation of the sacred images, of the sacred space, where nothing remains sacred any more” (*ibid.*). This would help explain the widespread

criticism which argues that the cartoons were adding to a stereotypical Western representation of Muslims as violent and uncivilised.

This leads to the current state of hate language in words and images in both European and Islamic law, as Sachedina argues that more and more constitutions are considering this an important issue, including Islamic countries. He points out, however, that in many Arab constitutions hate language is not restricted and can be used against Jews and Christians in various images and newspapers because these particular groups are underrepresented both socially and politically. However, according to Islamic law, this is wrong, and what is clear is that for many Muslims, the belief was held that Mohammed was deliberately depicted in a particular way with the intention of causing insult, and therefore should amount to advocacy of hatred.

Interestingly, blasphemy is not considered hate speech in terms of South African law. Retief (2002) points out that the mere fact that even a majority of people would probably think that blasphemy is immoral, is not sufficient grounds for making it illegal. In terms of the law, “taking the Lord’s name in vain is not in itself regarded as blasphemous or offensive, but merely annoying” (Retief 2002: 228). Benatar (2009) takes this further by pointing out that while many religions prohibit blasphemy, there is disagreement about what constitutes blasphemy. “Even where there is agreement, showing that there is a biblical prohibition against it does not suffice to show that it is immoral” (Benatar 2009). He argues that many biblical prohibitions are non-moral in nature, concerning ritual matters rather than how we should treat one another. And where atheists are concerned, God doesn’t exist, and therefore it is impossible for them to believe He could have prohibited blasphemy. “This leaves those offering the blasphemy objection in a bind. However much they may believe they are right, they have to realise that others hold different beliefs with equal conviction” (Benatar 2009).

AT WHAT COST SHOULD FREE EXPRESSION BE DEFENDED?

The question which needs to be answered is this: when may a government override the right to freedom of speech or expression? And when is it permissible to offend, gratuitously or otherwise? Although freedom of expression is of the utmost importance to any democracy, Shearmur (2006) argues that free speech is not a licence to disregard the sensibilities of others. And Retief (2002: 220) argues that it is not an absolute right that should never be restricted at all. For example, very few people in this world would tolerate hardcore pornography in a television programme for small children. Article 10 of the European Convention on Human Rights explains that freedom of expression carries with it duties and responsibilities. Freedom of expression may therefore:

...be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

Christians, Ferre and Fackler (1995: 313) call this the great paradox of democratic theory: “Liberty can never be absolute, censorship can never be absent.” But there is a huge difference between the seriousness of child pornography, which has the potential to ruin lives and cause incalculable harm, and the cartoons under scrutiny. In South Africa, opinions on the issue of the right to freedom of expression are divided into two main camps. On the one side stands the Human Rights Commission, the Ministry of Justice, and organisations such as the Black Lawyers’ Association and the National Association of Black Accountants, who wish to prohibit every kind of racist and sexist speech, as well as all other forms of discriminatory or hateful speech. On the other side of the divide one finds most major media institutions and the Freedom of Expression Institute, who feel that a limitation of freedom of expression is unconstitutional. Although the latter tends to be a somewhat controversial view, there is no doubt that there is a significant school of thought that is wary of any form of legislated censorship.

Vanderhaeghen (2006) argues that toleration of controversial or offensive speech is a difficult but fundamental feature of an open society; that the hallmark of an open society is that the odds should not be stacked against anyone or any group, and there should be no special protection for any specific group on any grounds, partly because in an open society this would not be necessary, and partly because to do so tilts the balance of privilege and influence in favour of that group:

The problem arises in how one deals with dynamics in an unequal society, where the power balance is already weighing against, for example, Jews or Muslims. In this case, offensive or hate speech could be construed as an exercise of power, of domination which further serves to marginalise the weak and disempowered. But it’s a Catch-22 situation: full and open expression of ideas and opinions is an integral part of paving the way towards an Open Society, and goes hand in hand with democratisation and equitable distribution of resources (Vanderhaeghen 2006).

There is no doubt that the ruling hegemony tends to define the acceptable discourse of the day – in other words, what constitutes hate speech is often defined by the ruling party. One only has to look at the consequences of media discourse under apartheid, where the ruling National Party outlawed all forms of vehement criticism, simultaneously introducing an entire new discourse of “total onslaught”. The head of the Policy Unit at the Freedom of Expression Institute, Console Tleane (2003: online), argues that there are serious implications for opening the floodgates for the banning of hate speech, and is against all forms of censorship. She says international experience has shown how hate speech is defined by whoever is in power, and that “hate speech” legislation is used to ban the politically powerless, who overwhelmingly are workers, women and black people.

For example, in 1994, at a political seminar in Gauteng, a debate about two slogans – the PAC’s “One settler, one bullet” and the ANC’s “Kill the Boer, kill the farmer” – took place. It was agreed that the two slogans carried the same meaning – both advocated hatred against white people in South Africa (Tleane 2003: online). However, while it

was agreed that the former was hate speech, and subsequently condemned, the latter was endorsed, as delegates argued the song should be understood in the context of strategic and tactical efforts to break the deadlock at Kempton Park. As the spokesperson for the Department of Education responded: “That’s not hate speech, that’s poetry!” This is a tenuous distinction, and I would argue that it illustrates perfectly the dilemma of hate speech: one person’s hate can be another person’s poetry. Where the *Sax Appeal* cartoons are concerned, some people saw them either as plain funny, or as an integral part of a debate on the rise of conservative Christian fundamentalism, not just in South Africa but also in a global context, while fundamentalist Christians in particular perceived the cartoons as deeply offensive. And where the Danish cartoons are concerned, Fleming saw their publication as an integral part of a debate on European self-censorship on all issues dealing with Islam, while Muslims perceived the cartoons as deeply offensive.

In spite of the fact that certain groups took offence to both sets of images, I would argue that hateful speech should be reported, as failing to report hateful slogans and disturbing images can lead to distorted public awareness with detrimental consequences. Suppressed hatred is, this article argues, more dangerous than expressed hatred. And suppressing open public debate leads to the creation of silences, a practice that should be especially abhorred in South Africa.

With specific regard to the media, I would argue that press freedom – as part of freedom of expression – is vital in sustaining any democracy. Press freedom is understood here and defined as an environment that enables the press to function essentially unhindered in obtaining and providing a substantially complete, timely account of the events and issues in a society. All societies place some limits on the media, from libel law through to matters of national security some form of intervention is inevitable. However, ultimately I believe press freedom is indispensable in building and sustaining a democratic society. The media plays a vital role in influencing events and shaping values (Jackson 1993: 75), and it is in this context, I believe, that the importance of being able to report offensive speech should be seen.

AN ETHICAL WAY FORWARD

Having said that, how should an ethical journalist go about reporting hateful or offensive speech and/or images without further inflaming a situation? Tleane (2003: online) believes that resorting to restrictive legislation in an attempt to deal with hate speech “will take us back to the apartheid years”. She argues that controversial speech should be dealt with politically and intellectually, adding that it is contradictory to advocate for restrictions to be placed on freedom of expression when South Africa prides itself internationally “to have found a political/dialogical solution to a mammoth problem called apartheid. ...South Africans need to honestly challenge themselves, and each other, about entrenched stereotypes that we hold about each other. The eradication of these challenges is crucial, as it will assist us to develop a better understanding of what actually constitutes the real problems that afflict relations” (Tleane 2003: online). From a legal perspective, as both sets of cartoons constituted hateful or offensive, rather

than hate speech per se, editors had the right to publish and republish the images. I strongly believe that any liberal democratic society needs a relatively wide area reserved for controversial and offensive speech, so long as it is not hate speech. “Toleration of offensive speech is a difficult but fundamental feature of an open society” (Ward 2006). Where the Danish cartoons are concerned, I would argue that it is ethically permissible to republish the cartoons as long as it was done in a contextualised manner, and not in a contemptuous way. This would require explanation as to why some Muslims opposed the depictions, by examining the social and political causes of the protests, and beginning to explore how democratic societies could fairly deal with such issues. The *Mail & Guardian*, for example, republished one image in a contextualised manner. Responsible re-publication could also perhaps have included removing the facial features from the cartoons depicting Mohammed, as this would perhaps have made them slightly less offensive. Vanderhaeghen (2006) argues that “where a newspaper knows that offence will inevitably be caused, the editor should engage openly and fully with readers immediately and pre-empt criticism. This asserts responsibility and is likely to dilute the offensiveness of the publication.”

Ward (2006) believes another reason to publish the Danish images in particular is that a publication might feel that members of the mainstream media should stand behind the principle of free expression against clear threats of intimidation. And Bob Steele (2006) argues that this is one of those cases “where there can be multiple, justifiable ethical answers. In the post 9/11 era, these matters take on a whole different level of urgency. The ethical decisions editors and broadcast executives face are tougher than ever.” However, Vanderhaeghen (2006) argues that genuine ethical considerations, particularly in the South African context, were in many cases overpowered by a fear that is stoked by the very stereotype that Muslim lobby groups are concerned about: “The outcome – not publishing – therefore, was not a considered opinion on what is good or bad in OUR society (as opposed to Denmark or Louisiana), but a craven, guilty-conscience response to aggressive lobbying. This contradicts one of the basic tenets of journalism, which is to act independently.” When it comes to treading on religious sensitivities, he believes the hard-line answer is that newspapers operate in the realm of reason, an argument that could extend to the *Sax Appeal* cartoons as well. “They [newspapers] are a rationalist forum. Religion is by definition in the realm of belief. While one should not offend gratuitously, a rational agenda to inform people about things cannot be determined by irrational criteria. Excessive concern about the sensitivities and dignity of others leads to paralysis, silence, and ultimately intellectual and social rot” (*ibid.*). Kruger (2006) maintains that while it is right to be sensitive to fundamental religious beliefs, “this cannot be allowed to chill public discussion of so important a part of the modern world as Islam, particularly its political forms... there can be no bar on satirizing the professed religious motivation of Al Qaeda, for instance, even if there are attempts to close down criticism on the grounds of religious sensitivities.”

The greater problem here, of course, was the widespread furore and violence involving the Danish cartoons that in many cases was putting innocent people at risk; such a situation has to be factored into decision-making, both journalistically and ethically. According to Steele (2006), “we have an obligation to consider both our duty – informing the public – and the consequences of our actions. We must seriously balance the value of continual reproduction of a visual image in the name of informing the public against the value of defusing (or at least not potentially inflaming) a very dangerous situation.”

However, in the South African context, another consideration is the continuous pressure for the media of working forward, moving away from an historical context that reminds the media continuously of the burden of press restrictions and censorship. The court ruling that pre-emptively blocked South African newspapers from making their own decisions about whether to publish the Danish cartoons or not, was consequently very disturbing, as well the veiled threat from UCT’s management with regard to censoring future student publications before they go to the printers. Both amount to pre-publication censorship – which significantly undermines media freedom.

Benatar (2009) argues that the students responsible for the *Sax Appeal* cartoons had no reason to apologise, as pandering to religious (and other) sensitivities encourages more indignation and gradually shuts down the range of matters about which we can joke. He points out that much humour is offensive, and, given the great range of sensitivities, there is almost no view that does not offend someone:

While I agree that gratuitous offence is presumptively wrong, it is unclear whether the offending humour falls into this category. Many of the ‘jokes’ are attempts at humorously portraying serious critiques of religious claims. For example, many religious people take some relatively rare but favourable event, such as a recovery from cancer, as miraculous. Critics of such claims note that statistically, a certain number of those treated will recover, thereby denying that the attribution of a miracle is appropriate (Benatar 2009).

Benatar states that while these serious points offend some people, they are not gratuitous because they are part of the open exchange of ideas that is necessary for the pursuit of truth.

Two issues are important here. Firstly, the *Sax Appeal* cartoons appeared in the context of a satirical student magazine, and one would expect some aggressive questioning. If someone chose to continue reading such a publication, then they could hardly claim to be surprised to find this kind of lampooning. Shearmur (2006: 23) develops this view, arguing that there is a case for allowing minority groups to do what they wish, provided that it is clearly indicated what they are doing, so that it takes on a less than fully public status: “It would be akin to activities that take place addressed only to members of a private club, or to a website the access to which contains strong warnings or is only open to members.” Frankly, because of the history of religion in South Africa, I would agree that religious people can expect to encounter a degree of public criticism that is

robust and mildly sacrilegious. “Given that religious people have, historically, tended to try to impose their social views on others and have, thus, intruded forcefully into the public realm, they can well expect that their views may sometimes be treated disrespectfully” (*ibid.*).

CONCLUSION

Where freedom of speech is concerned, I would argue very strongly that even seemingly blasphemous or offensive speech may nonetheless contain views or information that we ban at our peril. Surely we benefit from hearing what some individuals in our society believe, or question? It is often the radical or potentially offensive viewpoints that act as important catalysts for public discussion of and debate about difficult and often avoided subjects. Abrams (1996: 162) argues that “the risks inherent in suppressing speech – even racist speech – tend to outweigh whatever gains may be thought to flow from the suppression of those views”. The temptation to ban speech we don’t like, or that we think is “bad”, can be overwhelming at times, and there is no doubt that offensive speech can – and often has – done harm. But our constitution leads us to risk the harm that such offensive speech may inflict, to avoid the much greater harm that the suppression of speech has so often caused.

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