

The University of Cape Town and the Flemming Rose Affair

Milton Shain discusses his university's controversial cancellation of a lecture by the journalist who commissioned the 'Danish cartoons'.

In the “Conor Cruise O’Brien Affair” of 1986, the University of Cape Town (UCT) confronted divisively the issue of free speech when O’Brien was silenced by students objecting to his contravention of the international anti-apartheid cultural boycott. In 2016, UCT again confronted the issue of free speech when Flemming Rose, former editor of the Danish newspaper Jyllands Posten, had his invitation to deliver the annual TB Davie Academic Freedom Lecture rescinded in a post-apartheid South Africa, where none of the ethical complexities surrounding the O’Brien affair (and there were many) operated and free speech was constitutionally entrenched.

The annual TB Davie Memorial Lecture on academic freedom was established to commemorate the legacy of the vice-chancellor of the university from 1948 to 1955. Organised by UCT’s Academic Freedom Committee (AFC), the lecture is delivered by distinguished speakers around a theme related to academic freedom or freedom more generally. Seemingly Rose fitted the bill. A fierce exponent of free speech and the author of *The Tyranny of Silence*, an important intervention on the subject of free speech, Rose attained prominence when as cultural editor of Jyllands Posten he solicited and published a series of drawings depicting inter alia the Prophet Muhammad that resulted in widespread violence, mainly, but not exclusively, within the Muslim world.

The withdrawal of Rose’s invitation came more than a year after it had been issued by the AFC. In the intervening period universities in South Africa, including UCT, had faced instability and a newfound turbulence. No doubt this factored into the decision of the vice chancellor, Dr Max Price, and his executive, to rescind the invitation. While affirming the right to academic freedom and freedom of expression, Price argued that his executive and the Council of the University feared that the lecture could, on the one hand, exceed the limits of protected speech, and, on the other, “spark conflict on campus, create security risks and retard rather than advance academic freedom at the university.” While acknowledging that it had been an agonising decision to withdraw the invitation

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and fully aware that the decision was “an acknowledgement of the limitations on freedom of expression in general and academic freedom on our campus”, Price nonetheless argued that the context and possible consequences had to be taken into account. Public order on many campuses throughout South Africa was in a fragile state and it could be anticipated that the controversial Rose would “divide and inflame the campus” since he was “regarded by many around the world as right wing, Islamophobic, someone whose statements have been provocative, insulting and possibly amount to hate speech, and an editor of a publication that many believe took a bigoted view of freedom of expression”. Price believed that an invitation to Rose at this time would not “protect and promote academic freedom on campus and beyond”, as anticipated in terms of the AFC brief. Efforts to find an alternative format for the visit had failed.

A member of the AFC, Professor of Philosophy, David Benatar, immediately raised two problems with the vice chancellor’s argument: firstly, no evidence had been provided of possible violence and secondly, “if a lecture results in violence it does not follow that the lecture itself exceeds the moral or legal limits of freedom of expression”. As Benatar concluded, if it did follow, “then those willing to respond violently will have a de facto veto on any ideas they dislike”. Benatar also took Price to task for impugning Rose.

Dr Michael Cardo, who had been appointed member of the UCT Council a short time before the controversy began, added his opposition. Cardo, a Democratic Alliance Member of Parliament representing the Premier of the Western Cape, noted that the fact UCT would be hosting Hamza Tzortzis, the controversial Islamic lecturer, was evidence of double standards being applied. In his view UCT had departed from its own principled commitment to “intellectual honesty, rigour in debate [and] openness to alternative ideas.” This avowed commitment had indeed been eroded for some time, argued Dr Elisa Galgut, another member of the AFC. “During the dark days of apartheid, the threats to academic freedom were largely external, emanating from an oppressive regime”, she concluded. “It is tragically ironic that the current threats to academic freedom are home grown and freely borne”.

For his part, Flemming Rose posted a comment condemning Price for blaming him rather than taking responsibility for his own decision. He too recognised the danger of unlimited free speech, but he adamantly opposed the “I am in favour of free speech, but” position. Price’s position, maintained Rose, “would make it possible to ban any speech”. More nuanced was Albie Sachs, retired Constitutional Court judge who contended that it was not “the threat of violence” that “obligated the UCT administration to clamp down on the invitation”, but a “threat to the dignity of all on the campus”.

With South Africa’s commitment to multiculturalism and the dignity of all enshrined in the constitution, it certainly is apparent that the relative weight of “dignity” and “freedom of expression” is fraught.

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