Campus of Storms: Freedom of Expression versus post-colonial cringe at UCT

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Student protest movements have risen up across South African campuses focussing on issues of transformation, as well as issues of funding, in the higher education sector. One of the more controversial moments in the movement's history was the burning of paintings during a protest at UCT in early 2016. Graeme Dominy looks at the challenges this poses to freedom of expression and the South African art world against the backdrop of rising nationalist sentiments.

Introduction

Let us begin in Gauteng. On Wednesday, 26 July 2017, former Finance Minister Pravin Gordhan and his former deputy, Mcebesi Jonas, were heckled vociferously during a debate on state capture and radical economic transformation held at the University of Johannesburg. Strangely enough, students dressed in EFF regalia (backed by students in ANC colours), led the heckling and even chanted, "Gordhan tell us what Zuma has done" (As if their Commander-in-Chief, Julius Malema, would not be able to enlighten them). Putting aside a nasty suspicion that the hecklers may have been part of a rent-a-crowd, dressed up for nefarious purposes, this type of engagement between prominent public figures and citizens is the very essence of democracy and the students were exercising their rights of Freedom of Expression. Media accounts indicate that Pravin Gordhan gave as good as he got. What a difference between the University of Johannesburg this week and the University of Cape Town last year.

Since the burning of works of art by students in 2016, controversy over Freedom of Expression issues at UCT has bubbled on. The university has been shaken by student protests since 2015. Beginning with the *#RhodesMustFall* movement; which had the removal of the excrement-daubed statue of Cecil John Rhodes from its prominent pedestal on the Jameson Steps at UCT, being the most immediate symbolic objective. The movement later evolved to focus on higher education costs as the *#FeesMustFall* movement spread across the country from Gauteng and was, in its initial stages, widely supported by academics and the public. However the battle-lines are drawn, not only around Rhodes and the legacy of colonialism, but at what the UCT vice chancellor, Professor Max Price, has termed the "elusive, but extremely powerful creature of institutional racism".

In an article published by *News24* on 16 July 2017, entitled "A subtle kind of racism", Price writes of the multiplicity of institutional practices that are seen to perpetuate racial stereotypes of inferiority and superiority. Price claims that UCT has "entrenched and normalised" the values and culture of English-speaking white

South Africans and this underpins the institutional racism of the institution. If this is the "new normal" at UCT, where does, what was regarded as a fundamental "value", namely the concept of "academic freedom", fit now? Is it just a relative value, a South African "English" cultural value, as important, perhaps, as another revered English institutional value, teatime? Price is silent on the issue, although university spokespeople still stress the importance of academic freedom.

One of the areas in which institutional racism is allegedly prevalent, relates to the university's art collections. In February 2017, a university Arts Works Task Team, set up in the wake of the burning of works of art on the campus, demanded that seventy-five works of art removed from display in 2016, apparently because of the offence they gave to certain students, should be kept from display indefinitely.

However, artists and academics associated with UCT are challenging the university and are strongly alleging that the management is censoring works of art in violation of the principles of academic freedom and the constitutionally enshrined right to Freedom of Expression. The Bill of Rights in the Constitution of the Republic of South Africa, specifies that the right to Freedom of Expression includes freedom of artistic activity and freedom of scientific research. The art collections of UCT have now become a site of contest over conflicting constitutional rights, particularly the right to freedom of expression versus the right to human dignity. What is the background?

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During the 2016 protests at UCT works of art perceived by some students as being colonial or demeaning to black people were burned or otherwise vandalised. That the students were over-emotional and ill-informed in their selection is obvious. Works by progressive artists and photographers, several of them black South Africans, depicting the inhumanities of apartheid, as well as staid portraits of the great and the good in UCT's history and sculptures depicting nudity or human sexual organs have all been targeted. An angry student leader condemned the art as denigrating blacks and glorifying whites. The context of the times when the works were created seems to have escaped the protesters.

Earlier this year the University of Cape Town acknowledged that photographic artist David Goldblatt is withdrawing his unique and historical photographic collection from UCT and transferring it to Yale University in the USA. The official UCT statement reads: "We regret that Mr Goldblatt could not be persuaded out of his view that freedom of expression, artistic freedom and rights of artists were no longer protected at UCT. We respect and understand his decision". The rest of the statement is a bromide reaffirming UCT's belief in academic freedom, intellectual honesty, the creation of spaces for the contestation of ideas and its intention to continue developing artistic collections.

David Goldblatt is one of the foremost photographers of the apartheid era. His collection represents a unique artistic and historical record for a period of over sixty years. It has been used for study and exhibition purposes at UCT and will now presumably be used for similar purposes at Yale for the benefit of American students and those international scholars privileged enough to study at, or visit, this world-renowned institution, the *alma mater* of President George W. Bush and of his father President George H.W. Bush. The departure of the collection means

that UCT students are deprived of a key resource for imagining and understanding the human and historical context of apartheid oppression and aspiring artists are deprived of a source of inspiration for their work. There are also rumours that other concerned artists are considering withdrawing their collections from UCT.

The relocation of this collection also raises a number of questions: cultural, personal, legal and political. Culturally, Denis Goldblatt created a unique set of images that not only reflect South Africa's history, but now form part of its heritage. Personally, the images are the representation of Goldblatt's particular vision and understanding of our society. Legally, the collection is Goldblatt's own intellectual property, but politically the move to Yale represents a collective failure of South African patriotism, willpower and foresight.

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There is a long history of American universities pouncing on collections of South African cultural heritage and an equally long history of a weak and uncoordinated government response (to be fair, South Africa is not the only country targeted in this way). Many of the previous cases occurred when a personal collection came up for sale and bidders, often British or American, were about to take it out of the country. Anything to do with Nelson Mandela might as well have had a big fat target painted on it, but state financial processes are too cumbersome for the Department of Arts and Culture to react swiftly to threats of the expatriation and sale of heritage collections.

The Chief Director of Communication and Marketing at the National Department of Arts and Culture, Mrs Zimasa Velaphi, has commented:

> The Department of Arts and Culture notes and appreciates the benefits and positive impact in making South African collections popular worldwide. However, The Department does not support the permanent removal of Heritage objects from the country, as it denudes the National Estate. In the event that the Heritage is held in private hands, which in the case below it appears to be, while Government cannot stop the movement of the Heritage objects it can and does apply the requirement that a SAHRA permit for removal must be obtained. SAHRA would then apply its own guidelines in the permitting process to allow the legal removal of Heritage objects across borders.
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> The Government, as a signatory to the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, can also intervene if persons wanting to move these artworks and/or heritage objects out of the country were involved in the illicit trafficking of the same. In this case it would be expected that, in the execution of his decision to move his collection from the University of Cape Town to Yale University in the United States, Mr David Goldblatt will respect the legislative process.

SAHRA, the South African Heritage Resources Agency (the re-glossed version of the old National Monuments Council), is empowered to authorise or refuse the export of cultural material forming part of the National Estate, but whether

the Goldblatt collection has been so formally categorised is another matter. The critical fact is that this collection is David Goldblatt's own work, so it will be difficult for SAHRA to refuse a permit.

However, the Goldblatt Collection case stands out from other instances of cultural fire-fighting. One would have assumed that because his collection was already in the custody of a university that its fate would have been settled. The UCT statement claims that the collection has been 'housed' at UCT since 2009. There is no mention of the conditions in terms of which it was placed at the university, but these may have been enthusiastically rather than legally drafted. Mr Goldblatt's circumstances may have changed since 2009 and his financial needs may now be greater, so perhaps Yale has now made him an offer that he felt he could not refuse.

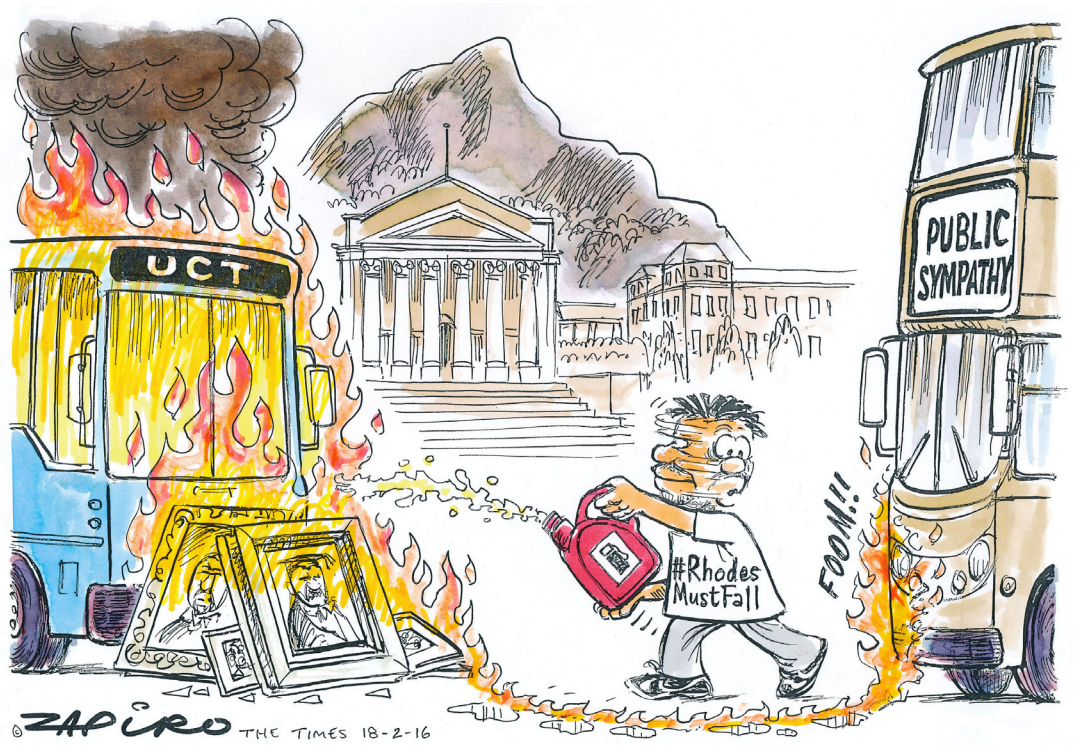
However, it seems that there were other factors at play as well. David Goldblatt has unequivocally told UCT that he believes that it no longer respects the rights of freedom of expression, artistic expression and the rights of artists. The university has categorically denied this, although events at UCT over the past two years certainly demonstrate that it is a campus in crisis and management is struggling to contain the situation through shaping compromises, some of them rather questionable.

While Professor Price correctly stated that the right to Freedom of Expression is not an absolute right in the constitution, not allowing the annual academic freedom lecture to proceed was a humiliation for the university. There is a clear link between this decision and David Goldblatt's decision to remove his collection from UCT.

One of the questionable decisions was the cancellation of the 2016 TB Davie Academic Freedom Lecture which was to have been presented by the controversial Danish journalist Flemming Rose. The justification of the UCT authorities for these actions was that the university was in a crisis situation and a lecture by the person who published the caricatures of the Prophet Mohammed would inflame the situation even further. One of the apparent errors made by the UCT authorities was that the local Muslim community was only belatedly consulted. Many South African Muslims expressed their ardent desire to engage Mr Rose in debate. UCT's pusillanimous actions deprived South Africans of hearing such an exchange. While Professor Price correctly stated that the right to Freedom of Expression is not an absolute right in the constitution, not allowing the annual academic freedom lecture to proceed was a humiliation for the university. There is a clear link between this decision and David Goldblatt's decision to remove his collection from UCT.

The recent decision not allow the display of some seventy previously displayed works of art is adding fuel to the debate over Freedom of Expression. The University is within its rights to decide which of its works of art should be displayed at any given time, every art gallery and museum routinely takes such decisions. It is also within its rights to align its public displays to its main public policy thrusts, such as transformation. While a hall full of portraits of pale male vice chancellors has historical value serving as a valuable reminder of how far the country has come, it can only be appropriate to keep them *in situ* if they are contextualised and lead into a space where there is a vision of the university's future direction.

Many South African institutions have faced similar dilemmas. The grand Victorian red-brick city hall in Pietermaritzburg was full of colonial art and pompous portraits of various mayors (largely male and up to the 1990s, all white).



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During the transition years, The last Town Clerk of the city, noted that certain mayoral portraits had been defaced and he consulted with the museums and art galleries in the city and found homes for the old art works and various relics. These included the British Union Jack that used to flutter defiantly over the City Hall on ceremonial occasions after Hendrik Verwoerd had proclaimed a republic in 1961. You cannot get more colonial than that.

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I have a degree of sympathy for university administrators and vice chancellors; in 2015 and 2016 universities were clearly surrogate targets for students angry with government incompetence and broken promises. Radical rhetoric and student anger go together as closely as toast and butter. Also, students are an important constituency for the EFF and student mobilisation is critical for Julius Malema's anti-Zuma government agenda. Higher Education Minister, Dr Blade Nzimande's giggling reference to "#Students Must Fall" was not a helpful intervention.

The UCT Vice Chancellor, Professor Max Price, is obviously well aware of these factors in the student body politic, plus, there is the localised issue of a significant Muslim student constituency and a smaller Jewish constituency on his campus. But keeping mortar boards below the parapet does not do much more than keep discontent just off the boil. Nevertheless, if the university is backing off the constitutionally guaranteed right of freedom of expression then it is failing in its duty.

Putting the technicalities around the export of cultural property, highlighted by the Department of Arts and Culture, aside, the real question to be asked is as follows: Is UCT's inability to channel student anger into vigorous discussion and constructive debate, a localised and specific problem, or is it a symptom of a growing national malaise? Are South Africans losing their hard won human and constitutional rights? Is the debate an abstraction? If a student is forced to stay in a shack and survive on perhaps one meal per day, then that student is not going to be an engaged participant in debates on the reinterpretation of colonial art. However, following the hash-tags of whatever must fall can lead us down a road to future Marikanas where a failure on the part of business, political and police leadership to engage in any meaningful discussions with the striking miners led to the worst human tragedy and failure of government since 1994. This was a failure of leadership infinitely greater and more tragic than whatever failures of leadership there may be at UCT.

However, the concerns raised by David Goldblatt are not abstractions, they raise fundamental issues and recent American experiences show that constitutional rights still have to be fought for if they are to retain their meaning, even in a "mature" democracy. Who knows, the Goldblatt collection may yet become a site of struggle on the leafy Yale campus?

However, even if this is partly true it does not explain South Africa's willingness to name and shame Israel for human rights abuses. So what this implies is that South Africa has a consistent policy of non-interference with human rights abusers, but there can be exceptions.

Certainly, the events at UCT had national ramifications, both in the sense that disturbances spread across many campuses, but, more importantly, in the sense that the right of Freedom of Expression has been threatened in a place where it was upheld during all the dark years of apartheid. The challenge is not just that students were raucous and violent, student riots have a long history. In Paris, at the Sorbonne and other universities, in May 1968, university buildings were occupied and there were violent clashes with the police. I was told, by a distinguished German colleague in the museum world, who was a participant at that time in the French *mêlée*, that sex was one of the grievances: students were furious that male students could not stay over in female accommodation and *vice versa*. History has rather underplayed this aspect of the revolutionary story.

Another question to be asked: was there a hidden hand behind the disturbances? During the 2016 protests around university acomodation, students brought in a prefabricated squatter shack, the makings of which are sold commercially in Khayelitsha. This had to be transported to the campus in a large truck, which had to be hired, as was a Portaloo (presumably required as a source of ammunition). This required planning and logistical preparation and, above all, the expenditure of many thousands of rands for materials, transport and equipment. How could a student collective that was dependant on food handouts from sympathisers during sit-ins the previous year, suddenly find the funds to undertake a logistical exercise of such magnitude? Rumours swirl that Black Land First (BLF) organised this with the support of Gupta funding. If these are true then it is just another indication of the depth of state capture. Nefarious forces in the shadows manipulating events to distract attention from the cancer eating away in the state.

If I can prescribe some required reading and viewing for student radicals and university administrators alike, I would recommend Sir Kenneth Clark's

magisterial series "Civilisation" and the Marxist and pro-feminist riposte by John Berger, "Ways of Seeing" (Both commissioned and produced by the BBC in the late 1960s and early 1970s). Clark's lush evocation of the glories of Western Civilisation was magnificent, indeed opulent. Berger counter-attacked with an incisive "deconstruction" of Western art including the famous line, "The relation between what we see and what we know is never settled". For John Berger, *looking* was a political act and examining the art and statuary on the UCT campus should be a profoundly enriching, unsettling series of political acts that should not need to take place within a bland "policy framework", or by resorting to art-burning. But, as I said earlier, campus authorities are convenient surrogate targets for radical students betrayed by empty and ill-thought out government promises and "policy frameworks" decreeing the "massification" of the higher education sector. Whereas troops and riot police can defend ministers in Parliament, pictures and statues on campuses cannot defend themselves.

In conclusion: Max Price's actions can be contrasted with those of Alfred O'Rahilly, President of University College Cork. UCC was established in 1846 as one of the three Queen's Colleges in Ireland. When, after the establishment of the Irish Free State in the 1920s, militant Republican students defaced the crest above the entrance to the quad, O'Rahilly wrote to the *Cork Examiner* apologising to the citizens of the city for the obvious deficiencies in classical teaching on the campus: the students should have known that VR did not stand for *Victoria Regina*, but for *Vivat Respublica*! Would that the situation at UCT simmers down to the extent that Professor Price can defuse the tensions with a similar gentle and humorous public chiding.

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