

Democracy and the right to speak

DR STUART SAUNDERS

bodied in rules enforced by policemen, courts and other similar institutions';

Extra-legal censorship, 'a large number of practices not expressly authorised by the law used to affect censorship. These include such aspects as the system of bluff and bluster whereby pressure is exerted by the police and others in authority to discourage the dissemination of certain material by threatening to take legal action against the dissemination';

Voluntary censorship, whereby the individual 'without any legal authority to do so imposes upon others restrictions as to what ideas or information they may express without suffering disadvantage';

Finally, there is 'subterranean censorship', 'the situation where open intervention by Government or other public authority is avoided, but either a public authority or sometimes even a private person uses its powers to affect censorship instead.



Photo: Ken Gooch

Dr Stuart Saunders, Vice-Chancellor, University of Cape Town.

O'Higgins concludes: "Censorship thus operates in a context far broader than the mass banning of books. It is often unseen and subtle; for example, the education system, press and media have a fundamental bearing upon the moulding of beliefs and perceptions. The manipulation of these institutions is an insidious form of restricting and inhibiting the exchange of information and the acquisition of knowledge."

Our Government's attitude to censorship can be gleaned from ploughing through Hansard. For example, the Minister of the Interior in the House of Assembly debate in 1963, vol 5, column 400: "Let us realise that we are the guardians . . . of the people; we must give them . . . protection . . . particularly . . . (the) weak. You and I can judge for ourselves whether we should read this rubbish . . . and that is our affair, but we must protect the weak from themselves".

Or, the Minister of the Interior, House of Assembly Debate August 15, 1974, column 778: "One discovers very quickly who the people are whose works one should examine and who is not and what publications are acceptable and what not".

In 1983 André Brink writing on censorship and literature described censorship in South Africa as follows: "Censorship represents the protective mechanisms, and processes of the social organism in the state of excessive cancerous development. Hence in South Africa it is only one part of an overall strategy which also expresses itself in such forms as detention without trial, arbitrary bannings . . . the web of legislation controlling the press and all the awesome secret activities of the Security Police. State security which in the healthy society is a means to an end has become an absolute end in itself — and the vast fiction of a 'total onslaught' has been devised by the authorities to serve their own purpose, which is the totalitarian control of a heterogeneous multi-cultural society by a small power-drunk elite".

Denying the right to have access to Communist literature means that the dangers of Communism cannot be more clearly understood by South Africans. Denying free quotations from the members of the African National Congress results in most South Africans being in ignor-

DR Stuart Saunders, Principal and Vice-Chancellor of the University of Cape Town and a member of the IDASA Board of Trustees, gave a wide-ranging keynote address at the Right to Speak conference.

Addressing questions on the right to speak in South Africa, and referring to lessons learnt internationally and within the universities, he provided a description of the ways in which censorship operates within a society. An edited version of his speech follows.

Article 19 of the Universal Declaration of Human Rights reads: "Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference, to seek, receive and impart information and ideas through any media and regardless of frontiers." This right is more often observed in the breach than in its fulfilment, but it is an important statement because the right to speak and the freedom of expression are of vital importance for the well-being of mankind.

On January 6, 1941 during the dark days of the Second World War Franklin Delano Roosevelt gave pride of place to freedom of speech and expression when he said "In the future days which we seek to make secure we look forward to a world founded by four essential freedoms, the first is freedom of speech and expression everywhere in the world. The second is freedom of every person to worship God in his own way everywhere in the world. The third is freedom from want, the fourth is freedom from fear".

Censorship in its various forms is the most direct assault on the right to speak and on the right to know, and therefore erodes democracy. Professor O'Higgins of Trinity College, Dublin, has identified six forms of censorship:

Autonomous or self-censorship, 'the process whereby such factors as greed, fear, ambition, self-interest and other conscious or unconscious motives lead to an individual's refraining from expression of opinions or ideas';

Social censorship, 'ways by which groups or society as a whole discourage the expression of particular opinions and ideas';

Legal censorship, a special form of social censorship 'wherein the rules determining what may or may not be freely expressed are em-

ance of what the African National Congress says, except for those quotations which are permitted. Because the quotations are selective and not part of a flow of free information there is no certainty that the selectivity is producing an accurate reflection of the view of the ANC or whether it is not a very distorted impression that is being given. The average citizen has no way of knowing. A general uncertainty about information extends throughout the media in South Africa — Television, Radio and the Press — and the result, by virtue of the fact of information withheld, is ignorance, often fear, misinformation and rumour as I have said. Society pays a price for freedom, there is no doubt about that. The full freedom of expression does exact a price from society, but society pays a much greater price when freedom of expression is denied and ignorance, suspicion and fear reign.

Nothing except courage, decency, public-spiritedness and other similar qualities will prevent autonomous or self-censorship. In a constitutional democracy like the United States the constitution helps to protect society from the second variety, social censorship, as well as from the third or legal censorship. I must point out that even with that protection the freedom of expression is not secure from the second form of censorship.

It is in legal censorship that South Africa faces its greatest encroachment on the freedom of speech. The Publications Act of 1974 (and its predecessor) allows for the banning of publications, objects, films and public entertainments. It is recorded that the Publications Control Board had been responsible for the banning of over 26 000 works, many of which were books of accepted literary quality. The Board has been less vigorous in recent years but censorship continues to exist under the aegis of that Act.

Secondly, the Internal Security Act of 1982 contains sweeping provisions which directly or indirectly inhibit the freedom of expression in as much as it is an offence, and an offence which is subject to severe penalties, to produce or distribute publications prohibited under the Act, to present the objects of an unlawful organisation or communism in a positive light, to possess prohibited publications or publications

of an unlawful organisation, and to disseminate any speech, utterance or writing of a listed member of an unlawful organisation or a person who has been banned or silenced. Legislation such as the Protection of Information Act further limits the right of expression, as of course do the Public Safety Act and the Emergency Regulations.

The thousands of South Africans who are and who have been detained without trial are not only denied their personal freedom but inevitably the right to speak to whom they would wish when they would wish and in the way in which they would wish. Banning may result in an individual's being denied the right to speak to more than a limited number of people at a time, to address a public meeting, to enter certain properties where dialogue can take place or to publish.

It seems to me that nowadays citizens who would previously have been banned are restricted and that the restrictions can be as severe as a banning. Again this represents a serious encroachment on the right to communicate. The word restriction is a softer word if such a thing is possible and can indeed beguile the unwary into thinking that banning is a thing of the past. This is of course part of the tendency to abuse words in a society where freedom of expression is seriously curtailed.

When the freedom of speech is suppressed in society, truth and certainty go out the window. How indeed can one ensure that what one hears or reads is true if in fact the methods which have to be used to check those truths are not available? The only way in which one

can be sure that the truth emerges is by allowing freedom of communication. In the absence of such freedom rumour and speculation are rife.

Recent muzzling of the press has been one of the most flagrant encroachments on the right to communicate. It is an ominous and serious state of affairs when a Minister can ban the *Weekly Mail* with a statement that it had published material which in *his* opinion "has or is calculated to have the effect of causing a threat to the safety of the public or the maintenance of public order, or is causing a delay in the termination of the state of emergency."

Milton's *Areopagitica*, published in November 1644, is a masterpiece, an in-depth refutation of the notion that speech and communication between human beings should be curtailed in any way. Milton writes: "Give me the liberty to know, to utter, and to argue freely according to conscience, above all liberties".

If a society is denied free access to information and attitudes are moulded in a particular direction it is very difficult to change attitudes when it becomes clear to those manipulating the media that this is necessary. Beliefs may be irreversibly entrenched — a result much less likely to occur if the media are unfettered and credible.

It was J S Mills who said: "No great improvements in the lot of mankind are possible until a great change takes place in the fundamental constitution of their modes of thought". Without the freedom of speech there can be no democracy, no great improvements and no secure future for any of us.



Ronnie Govender, director of the Asoka Theatre, and Nise Malange, poet and trade unionist, who participated in a panel on culture and censorship.