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To the Academic Freedom Committee

2016 TB Davie Memorial Lecture

My colleagues and I on the University executive have had to take a difficult decision in respect of this year's TB Davie lecture, which I would like to explain.

Let me start by affirming our commitment to the right to academic freedom and freedom of expression as enshrined in the South African Constitution. As an educational institution of higher learning we view these rights as fundamental and a cornerstone of our institutional culture. Like all fundamental rights, however, the right to academic freedom is not unlimited. Its exercise depends on a careful assessment of if and when such limits pertain, in line with the directives of our Constitution.

The Academic Freedom Committee (AFC) has, as its terms of reference, the responsibility to ensure the institution upholds, protects and promotes academic freedom and university autonomy in particular. The TB Davie lecture is an annual flagship lecture on campus, organized by the AFC, to promote academic freedom and freedom of speech. The AFC's mandate and work are of vital importance, particularly in the current era where the promotion of these rights is critical.

Against this backdrop, and following concerns raised by the Special Executive Task Team (SETT), the AFC and the UCT executive have debated whether to proceed with an event where Mr Flemming Rose was to deliver the TB Davie annual lecture in August this year. The matter was also extensively discussed by the UCT Council Exco and by Council. The circumstances of the case are as follows.

The Academic Freedom Committee issued an invitation in March 2015 to Mr Flemming Rose to deliver the annual TB Davie lecture in August 2016.

Mr Rose was the cultural editor of the Danish magazine, *Jyllands Posten*. In 2005, he solicited and published a series of cartoons depicting the Prophet Mohammed. The publication of the cartoons generated extensive debate and controversy globally, regarding freedom of speech, blasphemy, and Islamophobia, and was also accompanied by public protests, riots and even loss of life. Most print media around the world refused to re-publish them.¹

¹ Objections to the cartoons fell into three categories. First, some Muslims observe a general prohibition against depicting the Prophet Mohammed – thus regarding the cartoons as blasphemous. A second set of concerns related to content. In particular, many people, Muslims and non-Muslims, objected to the image of the Prophet Mohammed with a bomb in his turban, which was seen as suggesting either that Islam was a violent religion or that all Muslims were terrorists – in the context of a rapidly growing movement of Islamophobia in Europe and America. Third, the cartoons were seen as a demonstration of bigotry, of mocking what some hold sacred, and insulting a marginalized minority group and affronting their dignity. The accusation of bigotry was further argued on the basis that the *Jyllands Posten* had previously refused to publish cartoons that mocked Christ, on the grounds that this would offend its readers, and also said that it would not publish cartoons about the Holocaust.

When the Special Executive Task Team (SETT) became aware of the invitation to Mr Rose, it immediately raised concerns about the consequences of the invitation in our current context. As a result, the matter was extensively discussed within the UCT Council Executive and Council, and has been the subject of considered consultation more widely within the University, and within the Muslim community of Cape Town.

The UCT executive, with the concurrence of the Council Executive Committee, has now decided that it would be extremely unwise to proceed with the address by Mr Flemming Rose at this time.

It is a decision we have come to after careful analysis of the risks presented by going ahead with the lecture. We have agonised over withdrawing the invitation, and we do so with great reluctance and regret, since we recognise that a decision not to provide an official platform to Mr Rose is an acknowledgement of the limitations on freedom of expression in general and academic freedom on our campus.

No freedom, however, is unlimited. As with all rights, context and consequence are also critical. The right to academic freedom is fundamental, but cannot be exercised in a vacuum. We have a responsibility to exercise this right with due, thoughtful consideration of other equally important rights, and the possibility of other harmful consequences. Indeed, in terms of our Constitution (as in all modern democratic constitutions), every right is subject to limitation by law of general application which complies with a number of requirements, the most significant of which is that the limitation must be proportional to the context in which it operates, and to the impact which its exercise will have on those affected by its exercise.

Moreover, in the specific case of the right to freedom of expression, the framers of the Constitution were very wary of the harm that unlimited freedom of expression could cause to the social fabric of South Africa. Thus, unusually among all the rights in the Bill of Rights, the general grant of the right to free expression is immediately specifically qualified in section 16(2), as follows: “The right... does not extend to – (a) propaganda for war; (b) incitement of imminent violence; or (c) advocacy of hatred that is based on race, ethnicity, gender or religion, and that constitutes incitement to cause harm.” Many recent public controversies about the boundary between freedom of expression and racist hate speech have reiterated this fundamental point. So in measuring the justifiability of any action which seeks to further a right or freedom, the impact of its exercise on the immediate community will weigh heavily with the reviewing authority.

The executive would not have intended to – and hope never again to have to – interfere with an invitation to deliver a lecture on academic freedom. But the UCT context in 2016 is significantly different from that of 2014, and even that of March 2015, when the decision to invite Mr Rose was taken. Our decision reluctantly to withdraw the invitation on this occasion rests on the following considerations:

1. Provoking conflict on campus

Public order on many campuses is in a fragile state and in some cases volatile. It would be ill-advised to add a highly contentious speaker to the mix at this time. Our consultations have convinced us that bringing Mr Rose to UCT would generate widespread protest and disruption. Mr Rose is regarded by many around the world as right wing, Islamophobic, someone whose statements have been deliberately 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.² No doubt all these claims can be contested, and the precepts of academic freedom should require us to hear him out. But presenting a speaker such as Mr Rose as the chosen champion of the University of Cape Town to deliver its symbolic and prestigious TB Davie public lecture on academic freedom will, in our judgement, divide and inflame the campus.

2. The security risks of presenting the lecture

The rise of Islamophobia, the undeniable turmoil in the Middle East in general, the Palestinian question, the rise in extremist terrorist groups, and the violent consequences of these factors in the world (including West and East Africa) is the context in which one must consider the consequences of hosting Mr Rose.

In particular, the reality of the rise of extremism in almost every established religion, has made the selective defence of blasphemy particularly hazardous and provocative, probably even more so than when the cartoons were originally published.

We did consider the option of holding a debate with Mr Rose instead of a lecture. Our consultations suggest that many in the Muslim community would welcome this and a number of leaders indicated that in other circumstances, they would be willing to share the platform with Mr Rose and to subject his views to vigorous critique. However, Mr Rose is seen by many as a *persona non grata* and while most would protest peacefully against him, we believe there is a real danger that among those offended by the cartoons, an element may resort to violence.

We are convinced his presence at this time would lead to vehement and possibly violent protest against him and against UCT.

The risks are to the security and bodily integrity of Mr Rose himself; to those who will host him, and those who will attend the lecture; to the ability to hold a public lecture without total disruption; to the fragile but uneasy calm which currently exists on campus; and to the positive interfaith relations which currently mark public life in the Western Cape.

3. Bringing this speaker to deliver the TB Davie lecture in the current environment might retard rather than advance academic freedom on campus.

Everyone is deeply aware of the very testing circumstances that pertain to freedom of expression about controversial ideas in this country at present, particularly on university campuses. Our campuses have become charged spaces, in which ideological and social fault-lines have become intensely politicised, sometimes violently so. We are committed to weathering these storms in ways that acknowledge and protect the need for safe spaces to confront and debate such matters. We know that many within our universities don't feel safe to engage, which undermines the spirit of mutual tolerance and understanding.

This is a deeply worrying situation which all adherents of academic freedom should find disconcerting, and ultimately unacceptable. Academic freedom cannot survive, let alone flourish, in such an atmosphere. But will progress on this issue be advanced by inviting someone who represents a provocatively - potentially violently - divisive view to make the

² See for example:

John Sugg: Daniel Pipes and the Danish Editor. *Counterpunch* February 2006

<http://www.counterpunch.org/2006/02/14/daniel-pipes-and-the-danish-editor/>

Peter Hervik, Flemming Rose and the absence of empathy. *Institute of Race Relations Review*, February 2015.

<http://www.irr.org.uk/news/flemming-rose-and-the-absence-of-empathy/>

case for a considered version of academic freedom that is avowedly sensitive to the concurrent rights to dignity and freedom from harm?

If the brief of the AFC is to protect and promote academic freedom on campus and beyond, then we cannot see how the invitation to Mr Rose at this time will promote this goal. Indeed, it is far more likely to open up a broad new front of hostility between groups of students and staff, and to lead directly, both in the days before and after the lecture, to heightened tensions and possibly physical altercations, precisely at a time when many on campus are feeling bruised and misunderstood by the events of the past 16 months. This risks diminishing, rather than bolstering, the opportunities for proper and mutually respectful intellectual and institutional engagement.

In summary, in considering the predictable polarisation such an invitation will very likely bring to our campus and our wider community, the current climate on campus in which challenging conflicts have already left people feeling uneasy or silenced in regard to certain kinds of conversations, coupled most importantly with very serious security considerations, we have decided that we should not host the address by Mr Flemming Rose at the University of Cape Town at this time.

Dr Max Price
Vice-Chancellor