

## 5. The political cartoonist's right to freedom of expression

### ABSTRACT

On 11 August 2003, after producing some 1600 cartoons, Malcolm Evans was controversially dismissed from his position as editorial cartoonist at *The New Zealand Herald* because he had refused to accept that the editor had the right to dictate the subjects he might address. This invited commentary for *Pacific Journalism Review* is published to further debate. Evans argues: 'While I have always respected the editor's right to reject a cartoon, he can never have the right to direct it – an understanding that was mutually agreed as a condition of my hire when I took the *Herald* job six years earlier. *Rejection* is an editor's prerogative – *direction* is censorship. Although I have moved on personally as a professional cartoonist, I am concerned that the precedent set has the potential to affect the work of others.'

*MALCOLM EVANS*

*Twice New Zealand cartoonist of the year*

**T**HE DAILY editorial cartoon is a comment on life's passing parade and whether readers agree or disagree with the views expressed, they are nevertheless able to place them within the context of both an understanding of the particular news reflected and a familiarity with the cartoonist's work over time.

Readers generally trust that the news items published in their daily paper represent a fair and unbiased account of happenings in their world, and



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similarly, they trust that comment on those news items is also unfettered. Particularly in situations where the news item being commented on concerns either the denial of democratic and human rights and/or the imposition of arbitrary and restrictive sanctions on others, readers expect their news media to reflect the highest ideals of a free society.

As with any current affairs commentator, the role of the cartoonist is a privileged one carrying with it a responsibility to above all ensure that the points made pass the test of fair comment and are based on an honestly held view. Confident that they and their community are part of a free world order that defends the right of the individual to live in freedom and to freely express himself, readers expect and trust their media to reflect that ethic. It's surely ironic that in a so-called free society, attempts to highlight the denial of human rights to one community should be curtailed by a denial of the cartoonist's right to speak out.

To manipulate the presentation of news or to arbitrarily restrict a columnist or commentator on world affairs is to commit a fraud on the reader. Editors decide daily what will and will not appear in their publications, but readers expect that such decisions are made on the basis of news priority, not as part of some plan to manipulate the news presented. While an editor may claim that rejecting a cartoon idea is the legitimate exercise of his mandate to edit, any claim of a right to dictate what may or *may not be offered* for publication is surely censorship.

The cartoonist has no claim to any greater knowledge or wisdom than the next person but when a situation exists that by any measure is clearly at the heart of nearly every global flashpoint currently destabilising the world, surely the cartoonist/commentator's work should be reflecting that situation.

The actions of the Israeli Government in ghettoising the Palestinians has been judged illegal and contrary to international law by the United Nations and several rulings that body has made. And, in addition, many decent Israeli citizens who also recognise the illegality of what is being done in their name, also protest. Prominent among them is the former speaker of the Knesset and Israeli army veteran Avraham Burg, who wrote in his essay (*Forward*, 23 August 2003):

### **A failed Israeli society collapses while its leaders remain silent**

The Zionist revolution has always rested on two pillars: a just path and an ethical leadership. Neither of these is operative any longer. The



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Malcolm Evans: *New Zealand Herald*, 18 January 2002.

Israeli nation today rests on a scaffolding of corruption, and on foundations of oppression and injustice. As such, the end of the Zionist enterprise is already on our doorstep.

There is a real chance that ours will be the last Zionist generation. There may yet be a Jewish state here, but it will be a different sort, strange and ugly. There is time to change course, but not much. What is needed is a new vision of a just society and the political will to implement it.

Nor is this merely an internal Israeli affair. Diaspora Jews for whom Israel is a central pillar of their identity must pay heed and speak out. If the pillar collapses, the upper floors will come crashing down. The opposition does not exist, and the coalition, with Arik Sharon at its head, claims the right to remain silent. In a nation of chatterboxes, everyone has suddenly fallen dumb, because there's nothing left to say.

We live in a thunderously failed reality. Yes, we have revived the Hebrew language, created a marvelous theater and a strong national currency. Our Jewish minds are as sharp as ever. We are traded on the Nasdaq. But is this why we created a state? The Jewish people did not survive for two millennia in order to pioneer new weaponry, computer security programs or anti-missile missiles.



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We were supposed to be a light unto the nations. In this we have failed. It turns out that the 2000-year struggle for Jewish survival comes down to a state of settlements, run by an amoral clique of corrupt lawbreakers who are deaf both to their citizens and to their enemies. A state lacking justice cannot survive.

It's hard to comprehend the humiliating experience of the despised Arab who must creep for hours along the pocked, blockaded roads assigned to him.

One road for the occupier, one road for the occupied. This cannot work. Even if the Arabs lower their heads and swallow their shame and anger forever, it won't work.

A structure built on human callousness will inevitably collapse in on itself. Note this moment well: Zionism's superstructure is already collapsing like a cheap Jerusalem wedding hall. Only madmen continue dancing on the top floor while the pillars below are collapsing.

Israel, having ceased to care about the children of the Palestinians, should not be surprised when they come washed in hatred and blow themselves up in the centers of Israeli escapism. They consign themselves to Allah in our places of recreation, because their own lives are torture. They spill their own blood in our restaurants in order to ruin our appetites, because they have children and parents at home who are hungry and humiliated. We could kill a thousand ringleaders and engineers a day and nothing will be solved, because the leaders come up from below from the wells of hatred and anger, from the "infrastructures" of injustice and moral corruption.

If all this were inevitable, divinely ordained and immutable, I would be silent. But things could be different, and so crying out is a moral imperative. Here is what the prime minister should say to the people: The time for illusions is over. The time for decisions has arrived. We love the entire land of our forefathers and in some other time we would have wanted to live here alone. But that will not happen. The Arabs, too, have dreams and needs. Between the Jordan and the Mediterranean there is no longer a clear Jewish majority. And so, fellow citizens, it is not possible to keep the whole thing without paying a price.

We cannot keep a Palestinian majority under an Israeli boot and at the same time think ourselves the only democracy in the Middle East. There cannot be democracy without equal rights for all who live here, Arab as well as Jew. We cannot keep the territories and preserve a Jewish majority in the world's only Jewish state-not by means that are humane and moral and Jewish.



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Do you want the greater Land of Israel? No problem. Abandon democracy. Let's institute an efficient system of racial separation here, with prison camps and detention villages. Qalqilya Ghetto and Gulag Jenin. Do you want a Jewish majority? No problem. Either put the Arabs on railway cars, buses, camels and donkeys and expel them en masse—separate ourselves from them absolutely, without tricks and gimmicks. There is no middle path. We must remove all the settlements—all of them—and draw an internationally recognized border between the Jewish national home and the Palestinian national home. The Jewish Law of Return will apply only within our national home, and their right of return will apply only within the borders of the Palestinian state.

Do you want democracy? No problem. Either abandon the greater Land of Israel, to the last settlement and outpost, or give full citizenship and voting rights to everyone, including Arabs.

The result, of course, will be that those who did not want a Palestinian state alongside us will have one in our midst, via the ballot box. That's what the prime minister should say to the people. He should present the choices forthrightly: Jewish racialism or democracy. Settlements or hope for both peoples. False visions of barbed wire, roadblocks and suicide bombers, or a recognised international border between two states and a shared capital in Jerusalem.

This is the time for clear alternatives. Anyone who declines to present a clear-cut position—black or white in effect is collaborating in the decline. It is not a matter of Labour versus Likud or right versus left, but of right versus wrong, acceptable versus unacceptable. The law-abiding versus the lawbreakers.

What's needed is not a political replacement for the Sharon government but a vision of hope, an alternative to the destruction of Zionism and its values by the deaf, dumb and callous. Israel's friends abroad—Jewish and non-Jewish alike, presidents and prime ministers, rabbis and lay people—should choose as well. They must reach out and help Israel to navigate the road map toward our national destiny as a light unto the nations and a society of peace, justice and equality.

Although I produced, and the *Herald* published, a series of anti-Zionist cartoons in the year prior to my dismissal, it is important to stress that each was first seen and passed 'fit for *Herald* reader consumption' prior to publication. It was only when pro-Zionist organisations expressed concern at the tenor of my cartoon comments on the subject that the newspaper blinked. Later, as my



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Malcolm Evans: *New Zealand Herald*, 13 June 2003.

anti-Zionist cartoons attracted what appeared to be an orchestrated raft of letters from NZ Zionists, the *Herald* ultimately demanded that I stop drawing them and when I refused, I was dismissed.

The issue came to a head on 12 June 2003 over a cartoon rough for the following day's paper, which featured the star of David substituted as the second 'A' in the word APARTHEID scrawled on the wall in a derelict Palestinian village. It was rejected.

A replacement cartoon for the rejected (but published by mistake) ap\*rtheid cartoon featured a harassed Uncle Sam talking to his psychiatrist and when this was emailed to the *Herald*, a smaller copy also went to my website in the United States ([www.cagle.slate.msn.com](http://www.cagle.slate.msn.com)). This replacement cartoon also attracted criticism from the NZ Zionist lobby when it was later published on August 5, but it was a different objection to it that ultimately led to my sacking.

As the cartoon had been earlier posted on a US Professional Cartoonists website, the editor-in-chief, Gavin Ellis, claimed it was therefore not original



Malcolm Evans: *New Zealand Herald*, 5 August 2003.

when it finally appeared in the *Herald*. Three days later I received one month's notice of dismissal. People protested outside the *Herald* office and hundreds of letters of protest flowed into the paper – not one was published! A complaint to the New Zealand Press Council (November, 2003) by the Palestine Human Rights Campaign against the *Herald's* dismissal decision and failure to publish protest letters was dismissed. The council claimed it had no reason to disbelieve the *Herald's* claim that my dismissal was anything other than an employment issue and that under those circumstances the paper was within its rights not to publish letters of concern from readers.

Following on from my dismissal, an Auckland-based Zionist organisation and some Zionist individuals collectively laid a complaint against me with the New Zealand Human Rights Commission. They alleged that my cartoons encouraged and promoted anti-Jewish racist antipathy and as such broke New Zealand law and the case was heard before an arbitrator in the commission's offices in May 2004. The *Herald* was not taken to the Human Rights



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Malcolm Evans: *Pacific Journalism Review*, September 2004.

Commission for *publishing* cartoons which the Zionists alleged broke the law – just me for *drawing* them!

Copies of my cartoons were presented to the commission with particular aspects highlighted to illustrate how – in the Zionists' view – they broke New Zealand law. After four hours, the meeting ended in stalemate with no real purpose being served other than providing a forum, short of a courtroom, in which Zionism could express itself.

For my part, I was able to show that, far from being a novelty, my work was reflective of the great body of cartoons being drawn by members of my fraternity all around the world. And further, if any were racist, according to the Zionists definition, they were mirrored by cartoons similarly disparaging of Arabs in Zionist newspapers, which I presented.





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The leader of the Zionist group said he had a QC's opinion that my work broke New Zealand law and I invited him to take me to court – he hasn't!

My dismissal also attracted the attention of news organisations in other parts of the world including Israel where the respected national daily *Ha'aretz* (29 August 2003), published details of the affair. Sadly, despite interviewing me at length in phone calls stretching over three days, the reporter still managed to insinuate a racist bias. I protested to the editor (6 September 2003), who accepted I had been misrepresented and printed a full account of my concerns:

Dear Mr Evans,

Thank you for writing *Ha'aretz*. It is my pleasure to inform you that I will publish your comments in our next 'Letters to the editor' section. My colleague Ehud Asheri, editor of the *Ha'aretz* magazine Hebrew edition, who commissioned the piece, will do the same. I was moved by your sincerity and I thank you again for writing us.

Tali Niv

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Notwithstanding, although I refused to distance myself from any of the cartoon work I had done, and despite events in the Middle East since my dismissal illustrating even more clearly the brutal nature of the suffering being inflicted on the Palestinians, no cartoons condemning the Israelis' actions have appeared in the *Herald* since my dismissal – clearly the Zionists have won.

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*Malcolm Evans was twice cartoonist for The New Zealand Herald, totalling 15 years (1970-78 and 1996-2003). He also twice won the Qantas New Zealand Cartoonist of the Year award, both times while cartooning for the Herald, and was twice a finalist. During his second term with the Herald, as an independent contractor, three books were published with collections of his cartoons. Evans was also inaugural president of the New Zealand Cartoonists and Illustrators Association of New Zealand.*  
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#### Postscript

Since Malcolm Evans wrote this article for *Pacific Journalism Review*, Dr Haydon Manning and Dr Robert Phiddian, of Flinders University, delivered a paper about this issue, entitled 'Censorship and the Political Cartoonist', at the Australasian Political Studies Association Conference, on 29 September-1 October 2004. Their paper also addressed the issues of Australian cartoonist Michael Leunig and American cartoonist Tony Auth who also faced pressure from the Zionist lobby over their work. Manning and Phiddian concluded:

Cartoonists are licensed sceptics who provide one important medium where the spin that is endemic in public life can be countered, one forum where the shameless can be shamed and open secrets spoken ... It may be possible to have freedom of expression and a free press without much freedom of political cartoonists, but we cannot think of any instances where this has been so. Their presence is always a healthy sign ...