Yazan Khalili

Freedom of Speech, Freedom of Noise

Is freedom of speech universal? In what follows, I try to reflect on freedom of speech as a political structure, working through it in light of a key question: Who has the right to speech? The reflections, anecdotes, thoughts, and real-life experiences here show the power structure within which freedom of speech operates, and the paradox that confronts politically engaged artists who speak to power, or about it. Freedom of speech reveals itself as the structure that defines what is and isn't speech.

1.

The only good Palestinian is a dead Palestinian.

One day, a man told me that Abu Jihad – assassinated by Israeli forces in 1988 – was more loyal to the national cause than Arafat himself. I was just a kid at the time, so I probably didn't even know the difference between these two political figures. "Why is that?" I asked. "Because Abu Jihad was assassinated by the Israelis, but Arafat hasn't been," answered the man. Somehow, his statement made a lot of sense to me then. I mean, if Arafat wasn't a traitor, the Israelis would have assassinated him a long time ago. This, in some way, suggested that every living Palestinian is a potential traitor. Only the dead ones are good.

It must be strange to think this way: to propose that dying is the only proof of national purity. To become a pure Palestinian is thus only possible when you're killed, and only by the Israelis. With this in mind, one could say that only Israel can bestow the status of political purity on a Palestinian.

But how can this statement even be debated? The Palestinian is dead!

2.

One lesson my father kept repeating to me was: if someone (usually a taxi driver) publicly curses the president/leader/king/sovereign in front of you, don't say a word in response. "It's a trap," he'd say. "They're trying to trick you into confessing that you're with the opposition."

My father confessed that he'd learned this the hard way. In the early 1960s, he did his undergrad studies in Syria at a time of great political turbulence in the country. One day he took a taxi and the talkative driver began cursing the Syrian regime. My father, feeling a sense of camaraderie and relief, happily echoed the driver's opinions. Minutes later, the driver pulled into a parking lot that belonged to the Syrian secret service. My father spent the next few months in prison.

He always told me that only people who are backed by the regime can curse it. The silent ones are those who are truly against it. "Never trust the ones who speak," he always said.

"Neither the ones who speak *with* the regime, nor *against* it."

3.

In "Democratis," the third part of Ziad Rahbani's famous radio show bearing the strange title *Tabi'a La Shi Tabi'a Shi* (Belonging to something belonging to something), he tells of a playwright who writes a play about a playwright writing a play about censorship in his society. The playwright-within-the play takes his play to the censorship office for approval, and the play gets rejected. Now, the "real" playwright takes his play to the "real" censorship office for approval, and when it gets rejected, he asks, "But why?" The censor answers: "Look, there is nothing wrong with the play itself, except that you are lying about censorship. You see, we don't reject plays about censorship." Furious, the playwright responds: "But by rejecting it, you are proving that I'm right!" The censor: "This isn't true. We are only censoring it because you are lying and we can't let such lies spread around." This goes on and on, and the sound fades out and is replaced by funky jazz music.

Slavoj Žižek, in his lecture "The Need to Censor Our Dreams," talks about social codes and regulations in totalitarian regimes.[1] He explains that censorship always hides itself; it erases its traces because it has to be invisible, only showing a façade of freedom of speech. There are prohibitions that don't simply prohibit things, but which themselves are prohibited. One has to accept them, and also accept that they do not exist as prohibitions.

Žižek goes on to tell a Stalinist story. Imagine, he says, that it is 1937 and Stalin has just finished giving a big speech in Moscow. The crowd claps for a while, and then there is a debate. A man from the crowd stands up and argues with Stalin. Everyone is astonished. Secretly they all think, *how dare he! It is only a matter of time before he disappears!* Then another man from the crowd stands up and tells the first man, "Comrade, are you crazy?! Don't you know that we are not allowed to criticize Stalin? This is simply not acceptable." Strange as it may seem, only the second man disappears.

This reminds me of another story:

Mohammad was sitting in a mosque when a man came up to him.

"Oh Mohammad, I want to become a Muslim," the man announced. Mohammad smiled. As he was about to explain the process of becoming a good Muslim, the man interrupted: "But first, I have a question."

"Ask, my dear friend!" Mohammad responded.

"If God is all-powerful, can he create a rock so huge that he himself couldn't carry it?"

Astonished, Mohammad replied: "That question is *haram*, my friend. Even thinking about it could send you straight to hell. Also, I am not the right person to ask. If you wish, you should seek the angel Gabriel. If anyone knows the answer, he does."

The man arrived at the cave where Gabriel usually hung out. He asked Gabriel: "Dear angel, I want to believe in the one Almighty God, but first I have a question."

"Ask, my dear mud-creature," replied Gabriel.

"Is God able to create a rock so huge, so enormous, that he himself couldn't carry it?"

Astonished, Gabriel responded: "It's *haram* to think such thoughts. It can send you to hell. Also, I am not the right person to ask. If you insist, I would suggest that you ask God directly. He, if anyone, would know."

So Gabriel took the man to God. "God, I brought you this lost soul," Gabriel told God.

Then the man addressed the Almighty directly: "God, Mohammad tells me that you can do anything you want."

"Yes indeed, Mohammad is right," replied God.

"If so, can you create a rock so enormous that even you yourself couldn't carry it?"

God was astonished: "Well of course I can!"

In the blink of an eye God made a rock so huge, so vast, that it mesmerized the entire world.

But ... he could lift it!

Then God created a much bigger rock, but He could lift that one too! Then another, and another. He was able to lift them all.

The man, mildly impressed, returned to earth. When Mohammad saw him, he jumped out of his seat: "So? Did he do it?! Was God able to create a rock so huge that he himself couldn't carry it?!"

"Not yet," replied the man. "He's still busy trying!"

When a power structure has to face itself, when it is confronted with its own language, it enters into a dilemma that it cannot solve. The only way to escape the dilemma it to take away the possibility of posing the question in the first place.

4.

In 2014, Coco Fusco wrote about the detention of Cuban artist Tania Bruguera in her native country.[2] Fusco speculated that Bruguera's detention was linked to the renewal of diplomatic relations between Cuba and the US. Fusco mentioned that the director of the National Council of the Fine Arts in Cuba, Rubén Del Valle, insisted that it was the state's prerogative to oversee all cultural activity and to

keep politics out of Cuban art. Interestingly, Del Valle implies here that in a situation where the state monopolizes politics and political acts, art can be free of politics. Moreover, any artwork that tries to incorporate politics loses its status as art, and instead becomes a political act seeking to deprive the state of its rightful role.

5.

In the spring of 2013, I was crossing the Allenby Bridge, which spans the Jordan River and connects the West Bank to Jordan. I was going to the airport in Amman to catch a flight to Dubai. For Palestinians who have permission to live in the West Bank, the bridge is the only way to enter or exit. It's less a bridge than a rigorous series of security checkpoints controlled by the Palestinian, Israeli, and Jordanian police. (Needless to say, the Israeli forces have overall supervision of all checkpoints.) It is one of the toughest checkpoints to pass through in the region, with four separate security stations, and security measures that are incredibly tedious and invasive. By bus, it takes at least three hours to cross the bridge, and you have to change buses five times … Anyway, I don't want to attempt to explain the unexplainable.

When I had finally crossed the bridge, I reached the hall where you undergo a body search. I switched on the camera on my iPhone, intending to document the process. But at the last minute, a flash of intuition (fear?) made me change my mind. As I was putting the phone back into my pocket, an Israeli soldier grabbed me. He pulled me away from the crowd, snatched my phone, and shouted, "He was filming! He was filming!"

I quickly regained my composure and insisted that I was just checking the time. Nevertheless, they took me to an interrogation room. A captain came in and asked me to unlock my phone and show him my photos. Knowing that I hadn't taken any of the body searches, I summoned the courage to prolong the situation a bit, just to make them think I might be hiding something. I told them that they were paranoid, and that they had no right to see my private photos. The captain said that he was only interested in seeing the last few pictures I took. As I unlocked the phone, he immediately snatched it from my hand, Krav Maga style. He didn't find what he was searching for. Feeling victorious, I looked him in the eye and repeated what I'd already said – that they were paranoid. The captain looked at me and asked, "Why didn't you take any photos?" I was surprised. "Excuse me?" I said. He repeated, in a serious tone: "Why didn't you take any photos?" "Because I didn't want to take any," I answered. "Well," he said, "there's no sign saying, 'No photos allowed.'" I was dumbfounded. "So, are you saying I can take photos here?" He smiled at me and said, "I'm not saying anything. I'm just pointing out a fact. Now take your stuff and get out of here." And so I did.

6.

In my early years I was part of a youth movement active against the collaborationist policies of the Palestinian Authority. A group sympathetic to our struggle suggested that we graffiti messages on walls that ironically endorsed the PA's policies vis-à-vis the Israeli occupation – messages like "Long live the security collaboration with Israel!" and "Long live the political detention of activists!" When we began doing this, the police stopped us. We argued that we were writing messages in support of the police – statements that President Arafat himself had publicly made. They argued that we needed to get permission from the municipality to graffiti messages on walls. The municipality refused our application, saying that we could only draw abstract drawings on specific walls in the city expressly intended for this purpose. The Israeli-built Wall outside the city, on the way to Jerusalem, became the only space where it was possible to draw political graffiti. The Israelis allowed Palestinians to draw whatever they wanted on the wall, as long as it was on the Palestinian side – maybe to show how democratic and caring the occupation was. Drawing anything on the Israeli side, however, was strictly prohibited.

7.

In 2003, the Egyptian government awarded Son'Allah Ibrahim the country's most prestigious literary prize, which came with a cash reward worth $20,000. Ibrahim is famous for his anti-regime novels and for being a communist during the 1970s, when most Egyptian communists, including himself, were persecuted and jailed in Wahat prison ("Wahat" means "oasis"). On the day of the award ceremony, Ibrahim went on stage and rejected the prize, decrying the government for its corruption and for the high rates of poverty and illiteracy in Egypt.

In the wake of Ibrahim's refusal of the prize, there was public debate about whether he should have accepted the money and donated it to the needy poor people he mentioned. Some said he should have rejected the prize when the announcement was first made – two days before the ceremony – thus avoiding the public theatrics. Ibrahim himself argued that by refusing the prize publicly, he made a stand beyond the mere refusal of money. He was able to speak politics to the public. It was only through a public refusal of the prize, suggested Ibrahim, that politics could be heard. Otherwise, he would only be heard through the muted and

Yazan Khalili, *Rock over the Institution,* 2017, Mixed Media, 4x4x2.5m. Courtesy of the Artist

censored speech of his writings, which hardly speak as loudly.

Later, the government changed the procedures surrounding the prize that it awarded to Ibrahim. Now writers have to apply for it first, before they can be chosen to win it, just in case someone decides to follow in Ibrahim's footsteps.

8.

In 2011, a big conference of left-wing Palestinian parties (of which there are many) was supposed to happen in Ramallah. The main topic of the conference was to be the Palestinian political situation and the failures of the current regime – the Palestinian Authority, Fatah, and Hamas. The conference was scheduled to take place at the Protestant Hall in town, a centrally located venue known to everyone.

On the morning of the meeting, the hall was already full – much to the surprise of the attendees who were just arriving. Hundreds of men were inside the hall. They'd been there since the early morning, occupying all the seats and standing in the aisles. Not since the days of the Soviet Union could the Palestinian Left even dream of drawing a crowd that big. The only empty seats were the speakers' chairs on stage.

What was behind this unprecedented turnout? Everyone standing outside began to wonder ...

Slowly the truth dawned on everyone: it was the security services – that's who had occupied the hall. By law they couldn't forbid the conference, since it was taking place in a private space, so instead they sent officers to fill up the venue. Their plan was to annul the possibility of listening, but not the speech itself.

9.

Sana'a International Airport, 2009. A friend and I approach a police officer to ask how we can get a permission to film in the airport. The officer takes us to meet his superior, who seems like a nice guy. We tell him that we are two filmmakers from Palestine who are making a documentary about the activities of an NGO called Naseej. Our plane back to Jordan doesn't leave for another three hours, and in the meantime we want permission to film in the airport. Before we can finish explaining, the officer bangs his hand on the table in front of us and shouts: "Of course you can't – certainly not now that you have asked for a permission! You should've done it without asking."

They confiscate our camera, returning it only when our plane is about to leave the gate.

10.

At the 2014 March Meeting symposium in Sharjah, Rasha Salti and Kristine Khouri spoke about their research into the 1978 "International Art Exhibition for Palestine," a show that took place in Beirut and was initiated by the Bureau of Unified Information, the propaganda office of the Palestine Liberation Organization.

Their research is important because nearly everything about this exhibition disappeared a few weeks after it opened, due to the escalating civil war in Lebanon at the time, and to the subsequent bombardment of the city by Israeli forces prior to their 1982 invasion of the country.

In the lecture, Salti and Khouri said that the first scattered bits of information they found about the exhibition came mainly from artists who participated in or attended the show. Eventually they found the catalogue for the show, which listed 197 works by 194 artists from countries such as France, Italy, Poland, Japan, Spain, Morocco, and Iraq, among many others.

The exhibition was part of "The Museum without Walls," an initiative launched by Brazilian art critic Mário Pedrosa following the 1973 right-wing coup in Chile that toppled the socialist president Salvador Allende. Pedrosa asked artists to donate works for a traveling exhibition to be titled "The Museum of Resistance in Exile." The idea was to show solidarity with the people of Chile through art and cultural activities around the world (but mainly in Latin America). Committees were formed in six different countries, and the works continued touring until the end of the right-wing dictatorship in Chile, when they became part of the Salvador Allende Museum in Santiago.

In Pedrosa's call for donated artwork, there was no curatorial statement. It was an open call for artists to participate, and every artist who donated work was shown in the exhibition. More than two thousand works were donated and eventually become part of the collection of the Salvador Allende Museum.

I would like to juxtapose this initiative with another recent one.

In 2014, nearly a month after the beginning of a major assault on Gaza (which likely won't be the last), two Berlin-based artists circulated a call for artworks to be donated to an auction that would benefit the people of Gaza. There were two versions of the call. The version that was circulated first mentioned that Palestinians were being killed without mentioning who was killing them. The second mentioned that Israel had launched an attack on Gaza that "resulted in widespread destruction and a high number of civilian casualties."

From the second version:

> In an unprecedented show of support from the creative community, over 180

> international artists have donated works to Closer to Gaza, a benefit auction to raise money for urgently needed medical aid and supplies in Gaza.
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> On July 8, 2014 Israel launched a military operation called Protective Edge, into the Gaza strip. This offensive has resulted in widespread destruction and a high number of civilian casualties. According to the World Health Organization (August 28th): 2,130 Palestinians have been killed, including 577 children, 253 women and 102 elderly people. An estimated 11,066 Palestinians have been injured, including 3,374 children, 1,970 women and 410 elderly people. To date in Gaza at least 17 hospitals and 50 public health clinics (out of 97 total) have been bombed and damaged or closed, 16 ambulances were damaged, 38 health personnel were injured and 23 health personnel died after Israeli airstrikes hit sites their immediate vicinity. There are over 290,000 displaced persons.
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> In support of the people of Gaza and as a stance against the ongoing occupation of the Palestinian Territories, the auction will benefit Physicians for Human Rights – Israel, and the Palestinian Medical Relief Society, two NGOs working to promote and protect the right to health of Palestinians.[3]

This call misses many essential points and fails to provide crucial historical context. No action, no matter how well-intentioned, can be political if it fails to bring the relevant history to light. The call frames the Israeli attack on Gaza as an single case that has no clear precedent or beginning. It therefore encourages us to look at the attack as an isolated event, disconnected from any larger historical process.

In addition, by relying on the language of numbers and statistics, the call erases the political aspect of the conflict. It annuls the very language that could explain what's going on. The call turns war and oppression into a matter gains and losses – how many killed, how many injured, etc.

Above all, the call totally avoids the main issue: the "Nakba" (catastrophe) of 1948, when Zionist militias, supported by European countries and global superpowers like the US, drove the Palestinian people from their land. Ultimately, more than seven hundred thousand Palestinians were displaced and dispossessed. This has resulted in six million Palestinian refugees today, of which more than a million live in Gaza (comprising 70 percent of the population of the Gaza Strip). Meanwhile, the call states that 290,000 Palestinians in Gaza have been displaced – as if they are being displaced for the first time. As if this displacement has not happened repeatedly during decades of oppression against Palestinians in Gaza, and against Palestinians as a whole, in and outside Palestine (I don't say "Palestinian Territories").

In the case of "The Museum of Resistance in Exile," art practices and art exhibitions were regarded as vehicles for political action and solidarity. Artworks themselves spoke politics, and spoke even louder when shown together. The exhibition acknowledged that every political struggle must also be a cultural struggle – that resistance movements can be supported and advanced by artistic and cultural practices that treat art and culture as fields for political struggle themselves.

In contrast, the call for the Closer to Gaza auction speaks a different language – the language of the art market, of numbers and money, of "humanitarian crisis." It only sees political value in terms of market value. Artworks can be politically effective only by converting them into commodities. The call also reads the demands for justice on the part of the oppressed as merely a show of pain. It deprives the oppressed of the dignity of speech – not by censoring them, but by avoiding the whole political context through which the oppressed could speak.

Talking about the situation in Gaza (or any political struggle) through the language of capital, the language of money and numbers, can only be complicit with the injustice. In the case of the Gaza auction, any goods bought with the money raised would have to comply with strict Israeli regulations that forbid countless products from entering Gaza.

From the point of view of capital, Son'Allah Ibrahim should have accepted the prize money and given it to the poor. But by doing so, he would have treated politics as an economic problem, one that could be solved by throwing money at it (like humanitarian aid). Instead, we should view economic problems as political problems.

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Before speech can be determined to be free or not, it first must be recognized as speech. For speech to be recognized as such, it has to be uttered by political beings.

In a well-known passage, Aristotle says that "humans are political animals" because they possess the power of speech, which puts into common issues of justice and injustice. Animals, by contrast, can only express pleasure or pain. But how do we tell whether the person speaking is discussing matters of justice rather than just

expressing their private pain?

In *The Politics of Aesthetics*, Jacques Rancière argues in that there is a crucial question that precedes the problem of recognition. It is a properly political question: Who has the power to decide what counts as a voice, and what is mere noise? Rancière argues that politics is primarily the configuration of a space as political: "Politics first is the conflict about the very existence of that sphere of experience, the reality of those common objects and the capacity of those subjects."[4]

Plato argued that artisans, who were low on the social scale in his era, had no time for politics because they were to busy with their work. Obviously, this "lack of time" was not an empirical matter, but rather a naturalization of artisans' subordinate status. For Rancière, politics begins when those who have "no time" make themselves heard, when they prove that they can indeed utter proper speech instead of merely voicing pleasure or pain.

Hannah Arendt, for her part, wrote about the "rightless." She claimed that rather than being unequal before the law, for the rightless no law exists at all. It is not that they are oppressed, but rather that nobody wants to oppress them. They fall outside the regime of justice, and thus, outside the freedom of speech. They are guilty of not even being worthy of oppression.[5]

Nonpolitical beings can thus practice absolute freedom of speech because their utterances aren't recognized as speech in the first place – they're just noise, in the eyes of the ruling political structure. Therefore, discussions about whether the speech of nonpolitical beings is "free" or not are meaningless. Their expressions of pain or pleasure can't be suppressed, because freedom-of-speech ideology doesn't regard the silencing of nonpolitical beings as suppression at all. This ideology rests on a universal distinction between what is speech and what isn't – what is human and civilized, and what isn't.

Freedom of speech is the structure that either allows or censors speech – but this comes after that same structure recognizes what is speech and what isn't. Censorship, then, is a mechanism used by the freedom-of-speech structure to maintain its power to define what counts as speech. In this sense, political struggle isn't about overturning censorship, but rather about expanding the limits of freedom of speech to recognize what isn't currently regarded as speech.

An artist whose work was censored by the Israeli authorities once gleefully whispered to me: "Finally, they have taken my work seriously!" This is essential for understanding how censorship works. The dilemma of the speechless is that in order to have their speech recognized as speech, they have to accept the possibility of it being muted. Being censored becomes a sign that your utterances are recognized as speech, and therefore heard as political. The speechless kneel before the power structure, accepting its oppression in order to have their speech recognized as speech and then censored.

The power structure nowadays knows that by censoring an artwork, it doesn't stop it from spreading, but rather makes it better known to the public with the attention that the act of censorship produces. What censorship does is take away the multilayered connections between its aesthetics and its political agenda, and leaves it only to be read through the lens of censorship. Censorship tries to speak louder than the artwork, using the artwork as the medium for speech.

Censorship isn't only about prohibition. It also works to divert and reshape meaning. It operates not only by preventing, but also by permitting, by opening up the political structure to works that are fighting against it, in an attempt to corrupt the work by diluting and undermining its political agenda. This was the problem faced by the Russian art collective Chto Delat when they decided to withdraw from Manifesta 10 in 2014, hosted in St. Petersburg. In a statement they said: "Manifesta has shown that it can respond with little more than bureaucratic injunctions to respect law and order in a situation where any and all law has gone to the wind. For that reason, any participation in the Manifesta 10 exhibition loses its initial meaning."[6] Chto Delat's withdrawal sheds light on how freedom of speech, as a structure, creates situations in which participation corrupts speech by making it complicit with power, even if the work itself aims to expose the limits of speech.[7]

Boris Groys has written that art activists do not want to merely criticize the art system or the general political and social conditions under which this system functions. Rather, they aim to change these conditions by means of art, in spaces outside of art.[8]

In his time, Walter Benjamin urged "advanced" artists to intervene, like revolutionary workers, in the means of artistic production, to change the "techniques" of traditional media, to transform the "apparatus" of bourgeois culture.[9] The engaged artists of today can also find in art the means to subvert the ruling power structure, by interlacing a work's aesthetics, its political agenda, and its means of production. But the engaged artist also faces a double challenge: avoiding censorship and freedom of speech. This is the paradox that

political artists must deal with today when exposing the power structure of freedom of speech.

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1
See https://www.youtube.com/watch?v=YnzqY7qSzt0.

2
Coco Fusco, “The State of Detention: Performance, Politics, and the Cuban Public,” *e-flux journal*, no. 6 (December 2014) https://www.e-flux.com/journ al/60/61067/the-state-of-det ention-performance-politics- and-the-cuban-public/.

3
From the website closertogaza.org (which is no longer online).

4
Jacques Rancière, *The Politics of Aesthetics*, trans. Gabriel Rockhill (Bloomsbury, 2013).

5
Summarized in Jacques Rancière, “Who is the Subject of the Rights of Man?,” *South Atlantic Quarterly* 103, no. 2–3 (Spring–Summer 2004).

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Mostafa Heddaya, “Collective Withdraws from Manifesta,” *Hyperallergic*, March 17, 2014 https://hyperallergic.com/115016/collective-withdraws-from-manifesta-theater-directo r-denies-signature-of-suppor t-for-putin/.

7
Dave Beech, “To Boycott or not to Boycott?,” *Art Monthly*, no. 380 (October 2014).

8
Boris Groys, “On Art Activism,” *e-flux journal*, no. 56 (June 2014) https://www.e-flux.com/journal/56/60343/on-art-activism/ . As Eyal Weizman commented during a panel discussion at the e-flux space in New York: “At a time when there are so many images and so much testimonial footage coming out of war zones, the work of the image practitioners on our team – the filmmakers, photographers, and artists – is evidently essential.” For video of the event, see http://www.e-flux.com/video/164263/investigative-aesthetics-in-architecture-and-journalism-eyal-weizman-in-conversation-with-malachy-browne/ .

9
Walter Benjamin, “The Author as Producer,” trans. John Heckman, *New Left Review* 1, no 62 (July–August 1970).