

THE ARTIST IN THE AMPHITHEATRE*

ELIZABETH TURNER†

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.¹

The persecution of the creative writer is an old and time-honored tradition. Homer's epic poem *The Odyssey* was too much in favor of freedom for the tastes of the first century Roman Emperor Caligula, who attempted to suppress the work. Shakespeare has been under attack since the seventeenth century for his political and moral standpoints. Shelley and Byron caused public outrage because of their "immorality." James Joyce and D.H. Lawrence were banned as obscene before they were hailed as literary giants. From 1933 to 1945 Germany enjoyed an orgy of anti-intellectualism with public burnings of books deemed to be "un-German"; these included works by Maxim Gorky, Upton Sinclair, Thomas Mann and Ernest Hemingway.

It would be comforting to believe that our enlightened age protects the creative writer from such outrages. The body of international human rights law, which originated partly as a response to the excesses of Nazi Germany, is clearly on the side of the writer. The Universal Declaration of Human Rights, adopted almost unanimously by the United Nations in 1948, guarantees unequivocally the right to freedom of expression quoted above.

The International Covenant on Civil and Political Rights, which entered into force March 23, 1976, reiterates this right almost verbatim:

Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.²

The International Covenant on Economic, Social and Cultural Rights expands

* From Albert Camus' lecture *Create Dangerously* (1960), reprinted in INDEX ON CENSORSHIP May/June 1978, at 50:

History's amphitheatre has always contained the martyr and the lion. The former relied on eternal consolation and the latter on raw historical meat. But until now, the artist was always on the sidelines. He used to sing purposely, for his own sake, or at best to encourage the martyr and make the lion forget his appetite. But now the artist in the amphitheatre.

† Former Coordinator of the Freedom-to-Write Committee, American P.E.N. Center.

1. The Universal Declaration of Human Rights, art. 19, 3 U.N. GAOR, Annex (Agenda Item 58) 539, U.N. Doc. A/777 (1948).

2. The International Covenant on Civil and Political Rights, art. 19, § 2, 16 U.N. GAOR, I Annexes (Agenda Item 35) 2, U.N. Doc. A/5000 (1961-62).

protection for writers, recognizing in Article 15, §1(c) the right of every person:

To benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.³

Article 15, §3 of the Covenant provides that:

The States Parties to the present Covenant undertake to respect the freedom indispensable for scientific research and creative activity.⁴

In addition to these Covenants, the American Convention on Human Rights,⁵ the European Convention on Human Rights,⁶ and the Helsinki Final Act of the Commission on Security and Cooperation in Europe⁷ guarantee freedom of expression for citizens of the participating states.

*. . . as good almost kill a man as kill a good Book;
who kills a man kills a reasonable creature, God's
image; but hee who destroyes a good Booke, kills
reason it selfe, kills the Image of God as it were
in the eye.⁸*

—John Milton

Despite the protection international human rights law seems to offer the creative writer, in reality she is protected no more than any other victim of human rights violations. In many countries censorship of poets, playwrights, or authors who are deemed subversive is the order of the day. The way the censorship operates varies, but the following examples indicate its scope and diversity.

In Poland, as in virtually all Eastern European countries, censorship is sanctioned officially and is under the control of the Central Office for Control of the Press, Publications, and Performances (COCPPP). The function of this office is to oversee the communications media (including publishing) to ensure that nothing is printed or broadcast that is considered adverse to Poland's interests. In addition, state publishing houses have supervisory boards appointed by the ruling Polish United Workers Party to oversee the work of the editors and editorial boards. In view of these restrictions, self-censorship is "undoubtedly a conspicuous phenomenon of Polish cultural life."⁹

3. The International Covenant on Economic, Social and Political Rights, art. 15, § 1(c), 12 U.N. GAOR, I Annexes (Agenda Item 33) 8, U.N. Doc. A/3764 (1957).

4. *Id.* art. 15, § 3.

5. American Convention on Human Rights, Jan. 7, 1970, O.A.S. Official Records, OEA/Ser. K/XVI/I.1, Doc. 65, *reprinted in* 9 INT. LEGAL MATERIALS 99 (1970).

6. Convention for the Protection of Human Rights and Fundamental Freedoms, Nov. 4, 1950, 213 U.N.T.S. 221.

7. Conference on Security and Co-operation in Europe: Final Act, Aug. 1, 1975, *reprinted in* 14 INT. LEGAL MATERIALS 1292 (1975).

8. J. MILTON, *AREOPAGITICA* (London 1644), *reprinted in* A. HAIGHT, *BANNED BOOKS* 123 (3d ed. 1970) [hereinafter cited as *BANNED BOOKS*].

9. Hirszowicz, *Poland's 'Black Book'*, *INDEX ON CENSORSHIP*, July/Aug. 1978, at 31.

There is no official censorship in Hungary. Manuscripts submitted to the state publishing house that are judged "unsuitable" are returned to the author(s) with a note expressing regret that the work does not conform to the house's "profile."¹⁰ This happens so often that the term "Profil" has been taken as the name of one of the major Hungarian *samizdat*¹¹ publications.

Iranian censorship under the Shah was carried out by a Department of the Ministry of Arts and Culture, called *Edare-ye-Negaresh* (Writing Bureau). Two copies of all books published had to be sent to the National Library, which is under the jurisdiction of the Ministry. From the Library they were sent to the Writing Bureau, which monitored their suitability for publication. The Bureau could recommend that undesirable sections be deleted or the entire book cancelled, if necessary.¹² It is widely believed in Iran that the head of the Writing Bureau was a SAVAK¹³ agent since it was not uncommon for a writer whose work had offended the Bureau to find himself in prison. In 1977 another regulation was imposed demanding booksellers to keep a record of the names and addresses of all their customers *and* the titles of the books they bought. This regulation was intended to facilitate the seizure of books subsequently blacklisted and the arrest of its purchasers. Iran had an extensive blacklist of writers and their works. Neither publishers nor booksellers would deal with these without the approval of SAVAK.¹⁴

In February 1979, the Shah left Iran and the following month the Iranian people voted overwhelmingly for the establishment of an Islamic Republic, headed by the Ayatollah Khomeini. Initially it was hoped that the repression of free speech that Iran had suffered under the Shah would disappear, but in May came the first suggestions from the government that "irresponsible" reporting or criticism of the Islamic regime could not be tolerated. The Ayatollah said that journalists should write "according to peoples' opinions" and when, shortly afterwards, he called the daily newspaper, *Ayandeghan*, "unacceptable to Moslems" it was forced to close.¹⁵ This action precipitated a march of 50,000 people in Teheran on May 19 to protest press censorship.¹⁶ In August, twenty-two opposition newspapers were ordered to stop pub-

10. B. Rab. *New Hungarian samizdat*, INDEX ON CENSORSHIP, July/Aug. 1978, at 37-38.

11. *Samizdat* is the underground press that arose in eastern Europe in response to official censorship. It is often typed or hand-printed and distribution is usually hand-to-hand. For many creative writers in eastern Europe it is the only hope of seeing their work in print. Some *samizdat* publications are distributed in the West in translation. See Fryer, *Soviet Human Rights: Law and Politics In Perspective*, 43:2 LAW & CONTEMP. PROB., Spring 1979, note 20, at 301.

12. P.E.N. AMERICAN CENTER, IRAN, P.E.N. COUNTRY REPORT No. 2, 15 (1978).

13. SAVAK is the acronym for *Sazeman-e Ettela' at va Amniyat-e Keshvar* (Information and Security Organization of the Country). SAVAK was responsible to the Shah and his family and its function was the maintenance of national security by whatever means necessary. It was reputedly responsible for the torture and harassment of those who opposed the Shah. See note 12 *supra*.

14. P.E.N. AMERICAN CENTER, *supra* note 12, at 16-17.

15. INDEX ON CENSORSHIP, Sept./Oct. 1979, at 67.

16. Washington Post, May 20, 1979, at A22, col. 4.

lishing, including the official organs of the National Democratic Front and the *Tudeh*, or Communist Party, as well as a Turkish language newspaper which had reportedly published a cartoon deemed to be insulting to Khomeini.¹⁷

Restrictions have also been placed on foreign correspondents operating in Iran. On July 2, Mr. Ali Behzadnia of the Ministry of National Guidance said that visas for foreign press agents must be renewed every two months instead of yearly, and that those already issued for longer periods would be cancelled. In addition, the press was told that they could use only government appointed guides and interpreters and that they must obtain permission to leave Teheran.¹⁸ On August 13, a fourteen point list of regulations affecting the foreign press was issued by the Ministry of National Guidance. Article 10 states:

The responsibility for false, distorted or tendentious news about Iran published in the foreign press, falls directly on the representative of the press organization concerned. Proceedings may be taken against them according to the regulations in force and those responsible may be prosecuted.¹⁹

The foreign press was further warned that if they published false or distorted news about Iran they would be given only one warning before being deported.²⁰ With the closure of the Associated Press office in Teheran and the expulsion of its four correspondents, the number of foreign press agents expelled from Iran since February 1979 totaled fourteen.²¹

South Africa censors its writers under the Publications Act of 1974, which prohibits the publishing, manufacturing, distributing, or selling of any publication or object found "undesirable" by the Publications Control Board.²² In addition, various security laws can be invoked to silence opposition to the Government's *apartheid* policy. The Terrorism Act of 1967 allows indefinite detention without charge of anyone suspected of terrorism, in this instance defined as anything which might "further or encourage the achievement of any political aim, or social or economic change."²³ The Internal Security Act of 1976 allows the suppression of any publication which, in any way, serves "as a means for expressing views or conveying information, the publication of which is calculated to endanger the security of the State or the maintenance of public order."²⁴ It is under this same act that South Africa's unique contribution to censorship practices can be found. Originating in the 1950s, before the Suppression of Communism Act became the Internal Security Act,

17. N.Y. Times, August 21, 1979, at A1, col. 5.

18. N.Y. Times, July 3, 1979, at A3, col. 4.

19. Christian Science Monitor, August 14, 1979, at 6.

20. *Id.*

21. N.Y. Times, September 5, 1979, at A4, col. 3.

22. Schneider, *Truth Victim of Press Laws*, MORE, Dec. 1977, at 16.

23. *Id.* at 17.

24. *Id.* at 18.

"banning orders" are used to silence opposition and render it ineffective. The subject of a "banning order" can be prohibited from entering or being in a certain place (e.g., place of work); from going outside a particular area or place (e.g., place of abode); from communicating with any other person; from receiving any visitors (except an attorney); from attending meetings; from engaging in any specific acts (e.g., teaching, writing, publishing). Since each order is custom-designed for its subject, effectiveness is virtually guaranteed.²⁵

The United States, which protects its writers and publishers with the First Amendment, nevertheless can invoke laws which prevent the distribution of material which is deemed unsuitable. Criminal Statute 18 U.S.C. 1461 prohibits the mailing of any "obscene or crime-inciting matter," which includes any information relating to "preventing conception or producing abortion, or for any indecent or immoral use." In this context the term "indecent" encompasses any material "tending to incite arson, murder or assassination."²⁶ Criminal Statute 18 U.S.C. 1462 prohibits the importation or transportation either "interstate or in foreign commerce" of all materials categorized in Criminal Statute 18 U.S.C. 1461.²⁷

The existence of these laws may pose no great threat at the moment; however, their broad definitions and their openness to interpretation and subjective judgment poses the possibility of their use as repressive legislation, should it be deemed necessary.

*It is not surprising . . . that art should be the enemy marked out by every form of oppression. . . . Tyrants know there is in the work of art an emancipatory force, which is mysterious only to those who do not revere it.*²⁸

—Albert Camus

Throughout the world censorship is often the least of many creative writers' problems. In pursuing their profession they may face harassment, persecution, imprisonment, torture, or even death. Writers in Eastern Europe who do not conform to the "party line" are expelled from the Writers Union and blacklisted. They may find themselves in prison or under psychiatric confinement.²⁹ Poets, authors and playwrights in Argentina, Chile and Uruguay disappear never to be seen again.³⁰ In Iran writers were detained in prison and often emerged brutally tortured.³¹ Indonesia is currently implementing a re-

25. See, Dep't. of Pol. and Security Council Affairs of the United Nations, Banning Orders Against Opponents of *Apartheid* in South Africa, in *Notes and Documents* No. 25/75 (July 1975).

26. 18 U.S.C. § 1461 (1966). See also BANNED BOOKS, *supra* note 8, at 161-62 (appendix 5, Selected U.S. Laws and Regulations).

27. 18 U.S.C. § 1462 (1966).

28. INDEX ON CENSORSHIP, May/June 1978, at 51.

29. See, P.E.N. American Center, GLOBAL REPORT (Oct. 28, 1977).

30. See INDEX ON CENSORSHIP, Jan./Feb. 1978, at 66-72; March/April 1978, at 57-62; May/June 1978, at 62-71; July/Aug. 1978, at 65-71.

31. *Id.*

lease program for its political prisoners, including many of the country's leading writers, who have been in detention for the past fifteen years.³² The list of instances involving whole countries or individual writers in which the freedom of expression is not only not respected, but positively repressed, seems never-ending.

The question arises as to why creative writers are among those chosen for repression when other professions are far more intimately involved with the political process. It is possible to extrapolate two possible reasons for this: one relates to the way society sees its artists, the other deals with the artist's perception of him/herself.

No matter to what degree a creative artist considers himself removed from the rest of humanity, it is unlikely that he will be afforded this privilege. Artists draw on the world around them for their inspiration, it is their constant point of reference. No matter how abstract or fanciful the concept, it refers to the real world. The major works of allegory and fantasy—the Anglo-Saxon epic poem *Beowulf*; the myths of ancient Egypt and Greece; Spenser's *Fairie Queene*; Swift's *Gulliver's Travels*; J.R.R. Tolkien's epic fantasy *The Lord of the Rings*—are populated by immediately recognizable human types. The themes—faith, politics, good against evil, art versus nature—are derived from the real world, not the world of fancy.

This is not to imply that all writers are intrinsically political, merely that they cannot divorce themselves or their work from the world around them. As a result, their work is always open to interpretation. The dilemma of this situation is eloquently expressed by the Iranian writer, Dr. Gholam Hoseyn Sa'edi, who was imprisoned and tortured for his writings. He says:

When I realised the main charge brought against me was based on the interpretation of a short novel of mine, I was terrified. . . .

. . . What horrified me was that whatever I wrote could be interpreted in thousands of ways. And with each interpretation a new charge could be brought against me. Thus the seeds of suspicion are implanted in the mind of the writer: a suspicion against the characters of his stories. Will not this event or that persona be arbitrarily interpreted?³³

*We can no more forget the world of politics than
the soldier-poets could forget the wounded and the dead.*³⁴

—Michael Roberts

Even more important than society's view of the creative writer is his perception of himself. Internationally there is a strong tradition of writers with political or social beliefs who express them through their work. Indeed, it could be argued that there is a symbiotic relationship between the writer and

32. See INDEX ON CENSORSHIP, May/June 1978, at 64.

33. N.Y. Times, July 21, 1978, § A, at 25, col 2.

34. Roberts, *Poetry and Propaganda*, XXXI LONDON MERCURY 231, Jan. 1935. See also, S. HYNES, *THE AUDEN GENERATION: LITERATURE AND POLITICS IN ENGLAND IN THE 1930s*, at 161 (1976) [hereinafter cited as HYNES].

the politician, with the corruptions of the latter acting as food for the former. The art of political satire reached its apotheosis in the eighteenth century when the excesses of European politics became the subjects of works by Swift, Defoe, Pope and Voltaire. Their biting attacks on the mores of the time, while being enormously popular with their readers, were greeted by governments as the devil's work and as attempts to undermine the social order. It is an irony that their works are now considered eminently suitable for the classroom.

It is arguable that the present century has politicized writers to an unprecedented degree. Whether this is true or not is impossible to determine, but it is true that many creative writers see themselves in the vanguard of protest or dissent.

The futility of World War I and the waste of lives that it entailed was obvious to Wilfred Owen. His poetry of the war years incorporates these themes and reaches its apogee in *Strange Meeting*, a dialogue between two soldiers of opposing sides:

'Strange friend,' I said, 'here is no cause to mourn.'
'None,' said the other, 'save the undone years,
The hopelessness. Whatever hope is yours,
Was my life also; . . .'³⁵

The next generation of English poets, of whom the leaders were W.H. Auden, Stephen Spender and Christopher Isherwood, perceived their interests as becoming increasingly political and felt it was their responsibility to reflect this in their art. Cecil Day Lewis said in his essay, *Controversy*, that: "It is already becoming more evident to serious writers that the prevailing 'consciousness' of the times is a political consciousness, and this is increasingly manifest in their work."³⁶ Stephen Spender elaborated on this theme in his essay, *Writers and Manifestos*:

'We can no longer permit life to be shaped by a personified ideal, we must serve with all our faculties some actual thing,' Mr. Yeats has written in a recent preface. This seems to me to be true. The "actual thing" is the true moral or widely political subject that must be realized by contemporary literature, if that literature is itself to be moral and serious.³⁷

This theme was reiterated at the International P.E.N.³⁸ Congress held in New York in 1968 entitled, "The Writer as Independent Spirit." Writers from all over the world met to discuss such topics as the role of the creative writer in contemporary society.

In the course of the debate, the American writer Daniel Bell asserted that ". . . what one calls a writer today is a new kind of person on the social

35. WILFRED OWEN: *WAR POEMS AND OTHERS* 102 (D. Hibberd ed. 1973).

36. HYNES, *supra* note 34, at 161.

37. *Id.*

38. Poets, Playwrights, Editors, Essayists and Novelists—an organization founded to promote understanding and cooperation among writers.

scene."³⁹ Playwright Arthur Miller defined "the writer as public figure" as meaning not one who is necessarily famous, but one "whose opinions on public matters might be of political importance."⁴⁰ He gave as an example the case of the poet Robert Lowell, whose statements on the Vietnam War were acknowledged by both the supporters and opponents of the war. Miller also believed that creative works, written as a result of the author's commitments, were of greater import to their audience than those which deal with the trivialities of life. He believed that there was an ". . . implacable pressure on literature to address itself to what is pertinent," and that ultimately the role of the writer was ". . . to be the eye that sees the reality of the moment."⁴¹

The Chilean poet Pablo Neruda took this argument to its logical conclusion when he said that he perceived the role of the artist to be more political than mere reportage of what was around him: The artist must be the voice of those who cannot speak for themselves. He reported that, throughout his travels in his native Chile, and the rest of South America, he had been implored to "[t]alk in the name of those who cannot write."⁴² Neruda had undertaken to do this "with humility and with pride. His poetry had been written with anguish, but in the hope that his own opposition to war and to injustice would contribute to change in Latin America."⁴³ His ultimate justification was: "If the poet did not make himself the spokesman of the human condition, what else was there for him to do?"⁴⁴

*It's been a long time since I was last beaten up for
writing with unruly pen . . . my mouth is eager to speak,
and my hands are dying to write.*⁴⁵

—Kim Chi-Ha

For those writers who feel the same commitment as Pablo Neruda, the penalties can be prison, pain and suffering. Today the wheel has come full circle. In the past, writers who were found guilty of sedition often suffered torture or mutilation as part of their punishment. Alexander Leighton's treatise, "An Appeal to the Parliament: or Sion's Plea Against the Prelacie," was published in London in 1628 and was a call to arms for political Presbyterianism. Star Chamber tried him for sedition and sentenced him to: (a) be whipped twice at the pillory, (b) have both ears cut off, (c) have his nose split, (d) be branded with "S.S." (sower of sedition), and (e) be imprisoned for

39. P.E.N. AMERICAN CENTER, THE WRITER AS INDEPENDENT SPIRIT 86 (Proceedings of the XXXIV International P.E.N. Congress, June 12-June 18, 1966).

40. *Id.* at 89.

41. *Id.* at 90.

42. *Id.* at 85.

43. *Id.* at 85-86.

44. *Id.* at 86.

45. Preface to *Five Bandits*, reprinted in KIM CHI-HA, CRY OF THE PEOPLE AND OTHER POEMS 39 (1974) [hereinafter cited as CRY OF THE PEOPLE].

life.⁴⁶ Such barbarism was not, however, the prerogative of the past. Today many writers detained throughout the world suffer torture or inhuman and degrading treatment. Such detention and torture defies the United Nations agreement on the Standard Minimum Rules for the Treatment of Prisoners. What happened to Alexander Leighton may have been barbaric, nonetheless it was the law of the land. What is happening today is a contravention of international law and, in most cases, a violation of domestic law.

The use of detention and brutality by governments against writers is a means of trying to suppress those who are exercising their rights, under international agreements, to peaceful dissent. Torture and murder are used not only to silence particular writers but to instill fear in others and thus prevent them from speaking out. Georgi Markov, a Bulgarian writer, worked in exile in London for the British Broadcasting Corporation. His death in the fall of 1978 was recently found by a London court to be murder, by a person or persons unknown.⁴⁷ It is widely believed by Bulgarians living abroad that Markov's death was an attempt to frighten them into silence about human rights and other violations by the government at home.

In many cases, government harassment or repression results in more ferocious denunciations by the writers concerned as they see not only their own rights but those of their countrymen being eroded. Two of South Korea's most popular poets are in jail for their writings. Yang Sung-U is serving a four year sentence for "defamation of the state" following the publication of his poem "Notes of a Slave" in the Japanese language magazine, *Sekia*. This poem examines the devastation of South Korea since industrialization, the corruption of the Park government and the perennial problem of reunification. It is an intensely patriotic work, reflecting his view of the role of the poet as a spokesman for the people:

Poets must use "real language" and raise their voices to tell urgent stories

I have collected and put in order the stories of people who have been trampled down and oppressed. I have written it from their point of view. We must stay on the side of the people, presenting their angry voices and grudges.

. . . Poets who escape from reality, refuse to see reality, or accept reality and then become power brokers, making the people lose hope—these poets are devils.

My poems are not my own. They belong to Korea.⁴⁸

Kim Chi-Ha, possibly South Korea's most eminent literary figure, is also in prison, serving a life sentence. (He was originally sentenced to death, but this was commuted after an international campaign was launched on his behalf.)

46. BANNED BOOKS, *supra* note 8, at 19.

47. N.Y. Times, Jan. 3, 1979, § A, at 5, col. 1.

48. Yang Song-u, *Notes of a Slave* (Korea Communique No. 23, Japan Emergency Christian Conference on Korean Problems, Aug. 20, 1978).

His poetry, like that of Yang Sung-U, is bitter about what has happened to his country and he particularly blames the present South Korean government. His poetry has become increasingly more scathing and less relenting during the 1970s. *Five Bandits*, published in 1970, is a brilliant Swiftian satire that takes as its hypothesis a competition between a business tycoon, a member of the National Assembly, a corrupt government official, an army commander, and a government minister to determine who has perfected the art of banditry. *Cry of the People* is a series of couplets, tight and harsh in their imagery and form, that deal with the political and moral corruption of the Park government and what this has meant to South Korea:

The *Yushin*⁴⁹ signboard advertisement
Is merely to deceive the people;
On democratic constitution's tomb
Dictatorship has been established;
Human rights went up in smoke;
Now sheer survival is at stake.⁵⁰

In Kenya, Ngugi wa Thiong'o, the country's foremost novelist and playwright and a leading intellectual, was detained for nearly a year without charge or trial. In a country that prides itself on its human rights record, his detention is a testimonial to the importance of the creative voice. Thiong'o was arrested on New Years' Eve 1977 and held under Regulation 6(1), Detained and Restricted Regulations of 1966,⁵¹ which allows for indefinite detention of anyone alleged to be a threat to public security. No official reason has ever been given for his detention, which ended on Kenyan Independence Day, December 12, 1978. It is a fair assumption, however, that his two latest literary works bear much of the blame.

His latest novel, *Petals of Blood*, examines the life of the rural Kenyan people since independence. It is a perceptive and devastating criticism of Kenyan politicians whose lack of concern for and manipulation of the poor and underdeveloped regions of the country rival the colonial British. *Petals of Blood* was acclaimed politically and critically in Kenya and throughout the world. In addition, it has had a profound effect on Kenya's youth, particularly the students, and all who share Thiong'o's disillusion with the leaders of independent Kenya, with their embrace of capitalism and concept of neo-colonial rule.

Thiong'o co-authored a play, *Ngahiika Ndenda* (I'll Marry When I Want), that was banned by the Kenyan authorities shortly before his arrest. Written in his native language, Kikuyu, the play deals with the *Kamatimu*—Kenyans

49. "The *Yushin* (Revitalization/Reform) Constitution was enacted by President Park on October 18, 1972. The Constitution curtails civil liberties and establishes one-man rule." *CRY OF THE PEOPLE*, *supra* note 45, at 108.

50. *Id.* at 90.

51. See Rajab, *Detained in Kenya*, INDEX ON CENSORSHIP, May/June 1978, at 7.

who collaborated with the British during the Mau Mau war of independence and who now occupy high positions in Kenyan government and political life. Using a poor farm laborer as a symbol of the people and integrating local music and dance, *Ngahiika Ndenda* is a history of a rural community since independence. It emphasizes the reasons for high unemployment, illiteracy and attendant criminal activity; at the same time it underscores the intolerable conditions of those who work in factories. In using the microcosm of a small village, Thiong'o examines the plight of many of his fellow-countrymen and other Africans through his own family and their experiences. He has said that, ". . . my writing is really an attempt to understand myself and my situation in society and history. As I write, I remember the nights of fighting in my father's house, my mother's struggle with the soil so that we might eat, have decent clothes, and get some schooling."⁵² The play was written for Thiong'o's home village of Limuru where it was a great success, so successful that it was necessary to silence the author.

The Yugoslav writer, Mihajlo Mihajlov was first imprisoned in 1965 after publishing *Moscow Summer 1964*, which alleged that the first concentration camps were instituted by Lenin and that genocide had been practiced by Stalin a decade before Hitler. He was sentenced to five months in prison for slandering the Soviet Union, but was released after thirty-two days. At the same time, he was fired from his job as teacher of Russian literature at Zadar University. He was re-arrested in 1967 and sentenced to four and a half years for spreading "hostile propaganda." He was released in 1970. In 1974 he had four articles published in the West European press that were critical of President Tito and the Yugoslav Government. Early in 1975 he was again convicted of spreading hostile propaganda and this time was sentenced to seven years in prison. Twice during his prison term he went on hunger strikes to establish the fact that he was a political prisoner and not a common criminal. He was released on November 26, 1977, in the general amnesty granted to all political prisoners on the anniversary of Yugoslav independence. Immediately after his release, he reaffirmed that he would continue to write what he believed to be the truth and that he was prepared to take the consequences: "I am a writer and a publicist, and just as an opera singer wants only to sing, so do I only want to say what I think."⁵³

These are but a few examples of writers who either have been or are currently being detained, who have been mistreated or even tortured (as is alleged in the case of Kim Chi-Ha) and who are still determined that they will not be silenced. There are untold numbers of creative writers throughout the

52. From press release of E.P. Dutton on the event of the publication of *PETALS OF BLOOD* (Sept. 25, 1978).

53. *INDEX ON CENSORSHIP*, Mar./Apr. 1978, at 56.

world who are suffering for what they have written. There are but few countries in the world where the freedom to create without limits is respected.

*Praise the Lord, my son is free now and is sending
his best regards and wishes to all people of good
will who helped him through all these terrible years.*⁵⁴

—Vera Mihajlov

For those involved in the human rights field, many of the rewards of their work are offset by the very fact of its necessity. The existence of human rights groups is a response to repression and harrassment; their growing number is a reminder of the enormity of the problem. The human rights groups, such as Amnesty International and the Interntional League for Human Rights, have always encompassed creative writers within their concerns, but now there are specific groups who deal only with writers and their suppression. *Index on Censorship* is a bi-monthly magazine solely concerned with freedom of expression. Not only does it act on behalf on individual writers and groups, but it publishes reports about freedom of expression in various countries. An additional and vitally important function of this group is to publish writers blacklisted in their own countries.

International P.E.N. has a Writers-in-Prison program, while the American P.E.N. Center has a Freedom-to-Write Committee and the Association of American Publishers has a Freedom-to-Publish Committee. These groups work on behalf of individual writers who have run afoul of the authorities and they have launched campaigns to raise the world consciousness about the problems facing writers in the modern world. Ngugi wa Thiong'o, Mihajlo Mihajlov, and Dr. Gholam Hoseyn Sa'edi have paid tribute to the work of such organizations and have mainly attributed their release to these organization's campaigns on their behalf. In addition, human rights organizations and committees have acted as sponsors for released writers who travel abroad and speak on the problems facing writers in their countries.

In addition to reflecting the large number of creative writers in prison, the ever-increasing corpus of organizations dealing with this specific issue would seem to indicate a growing sense of the artist as a positive force within society. Literature is an important part of the abiding record of a civilization. History books, photographs, tape recordings and artifacts may record the data of a society, but it is in its literature that the spiritual life of the people is recorded. Perhaps that is why it is so much to be feared and suppressed: it is that which will remain and by which posterity will judge us. Certainly the Polish poet, Stanislaw Baranczak, in his poem "We've Drawn the Proper

54. Letter to the editor from Vera Mihajlov, mother of Mihajlo Mihajlov, INDEX ON CENSORSHIP, May/June 1978, at 78.

Conclusions from the Events” has provided the lines which could act as the epitaph and consolation for writers throughout the ages who have been suppressed for their art:

our day is bright, the night
dark, our bread is
daily, our water
boiled, our papers
quotidian, and our ink,
oh our ink
is more permanent
than ever.⁵⁵

55. Baranczak, *We've Drawn the Proper Conclusions from the Events*, in INDEX ON CENSORSHIP, July/Aug. 1978, at 36.