

## Photo Finish

**Free speech:** saying what you like (unless you agree not to)

**"Free speech":** forcing other people to pay for you to say what they don't like (whether they agree to or not)

Except perhaps in times of national crisis (costly and unnecessary military adventures), everyone agrees that free speech is a good thing. That is certainly why the term has been usurped to serve ends that manifestly have nothing to do with it. The Maplethorpe saga in the United States provides a good example. The late Robert Maplethorpe was quite a good photographer who specialized in pictures of male backsides, with and without objects inserted in them. His enthusiasm for this subject matter was shared by some gallery-owners who put on exhibitions of the photographs, but not by all of their regular visitors, and certainly not by a fair number of prominent US politicians.

In a sane universe this would be a matter between the Maplethorpe estate, the gallery-owner and their paying customers. If Maplethorpe wanted to take the pictures that was his business. If the gallery-owners wanted to display them that was theirs. And if the art-lovers wanted to stay away that was their affair. If they wanted to go further and peaceably urge people to boycott the gallery, that would be their business too. If they wanted to go too far and get the exhibition banned, liberal-minded individuals could gather under the banner of free speech and reply that whatever we think of Maplethorpe's pictures, we think more of the right of a private gallery to show them.

In fact, we live in the Mad Hatter's world of the National Endowment for the Arts in the US, and the Arts Council in Britain. These are institutions which receive vast sums of money, extorted from the taxpayer by the state, and then hand them out to orchestras, theatre companies and art galleries, to pay for things that those taxpayers either have no interest in, or actively detest. And they do

this in the name of the 'national interest', which makes it everyone's business.

The result is that when cases like the Maplethorpe affair come along, two things get confused. People who object aesthetically and morally to homo-erotic pictures can claim that they have the right to get them banned, for they are paying for them. Worse, those who want to show the pictures reply that any attempt to get their state hand-out withdrawn is an attack on their freedom of self-expression, or free speech. The debate might go like this:

**Ghost of Maplethorpe.** You are withdrawing my state subsidy as an attempt to suppress what I have to say as an artist.

**The State:** Most people in this great nation of ours disapprove of this pornographic junk that masquerades as art. There is not a reason in the world why they should pay for it.

**Ghost of Maplethorpe:** And yet you continue to fund the Van Gogh exhibition down the road. You fund the national ballet. You say they have a right to state subsidy, but you deny me the same right. You make this distinction only because you disapprove of what I do. You, the state, have no right to indulge in this kind of censorship. This is an attack on freedom of self-expression.

It is of course an outrageous distortion to claim that withdrawing a handout is an attack on free speech. My right to say what I think (a right more imaginary than real in Britain today) has nothing to do with whether or not I get a state handout paying me to say it. But the Maplethorpe lobby can rightly claim that they are the victims of hypocrisy. Most American taxpayers are probably not interested in ballet, but have to pay for it. So it is hardly concern for what the taxpayer thinks that motivates the outraged politicians in their attack on the more controversial of the NEA's activities.

There has not yet been a Maplethorpe-type scandal in the UK, though all the conditions for it exist (the Tate gallery bricks were offensive as a waste of money, but no more morally repugnant than the average Victorian

terraced house). But there are some similarities in the controversy over the infamous 'clause 28' which, among other things, prevents school-teachers from 'promoting' homosexuality as a normal lifestyle to their pupils. The gay lobby describes this as the most ruthless oppression and, yes, an attack on free speech (or free expression). This is more distortion. It is quite normal for a contract of employment to limit what an employee can say in the course of his job. We do not consider it an infringement of free speech that our doctor is not supposed to discuss our medical condition with the next patient who steps into his clinic. But the gay lobby can quite rightly ask (though it does not) why there is not a clause 27 prohibiting the promotion of heterosexual lifestyles as normal, or a clause 29 preventing teachers from promoting racial equality as a right (the last of these would probably be at least as popular with the public at large as clause 28). Clearly the state is in the business of pushing its morals, and not all that worried about what the taxpayers think about where their money goes.

This kind of controversy is the result of the state taking on roles which should be entirely in the hands of consumers. Some consumers will want their childrens' education to embody a liberal attitude on sexual mores, while others will not. Some will want to go and see Maplethorpe's pictures, others will never again visit a gallery that has the bad taste to show them. No state policy can ever accommodate diverse views like these, except perhaps the policy of 'no policy'. Only private provision can do that. And certainly, the gay lobby in the UK, and arts lobby in the US, sabotage their own case when they claim on the one hand that it is right for the state to subsidize the arts, or education, and then complain when the state takes a role in deciding what does and does not deserve its support. If you extol the virtues of the game, you have no grounds to complain when you lose by the rules.

**Free Life**