INDEX
ON CENSORSHIP

beyond belief

theatre, freedom of expression and public order – a case study

Foreword by Jude Kelly

Index on Censorship leads the debate about free expression and global advocacy for free expression and continues to fill a unique space in the world of human rights NGOs and the international media. We approach our 40th year better placed than ever to make the case for free expression rights with the most incisive analysis, agenda-changing advocacy and timely reporting.

This case study has been generously supported by:

Esmée Fairbairn FOUNDATION

THE JRSST Charitable Trust

Index on Censorship is supported by:
Arts Council England, Fritt Ord, Open Society Foundation, Sigrid Rausing Trust, Eranda Foundation, Google

Index on Censorship magazine is published by Sage Publications Ltd

www.indexoncensorship.org

Design by Brett Biedscheid / www.statetostate.co.uk

INDEX
ON CENSORSHIP

beyond belief

theatre, freedom of expression and public order – a case study

Edited by Julia Farrington
and Natasha Lehrer

contents

1 **Foreword** Jude Kelly

2 **Introduction** Julia Farrington

3 **Arts for whose sake?** Kenan Malik – key note essay

behud case study

8 **The play's the thing** Jo Glanville, *Index on Censorship*'s editor, reviews *Behud*

10 **Theatre under siege** Natasha Lehrer looks back at *Behzti*

12 **Anatomy of a drama** Natasha Lehrer/Julia Farrington tell the story of producing *'Behud'*

23 **Marketing, marketing, marketing** Nicola Young, head of communications, Belgrade Theatre

25 **Walking the thin blue line** interview with Superintendent Ron Winch, Coventry Police

29 **Discussing Dishonour** interview with Hardeep Singh, Network of Sikh Organisations

35 **Taking control** interview with Lisa Goldman, director, *Behud*

38 **The road to *Behud*** Gurpreet Kaur Bhatti

could behzti be staged today?

42 **When the local became global** Jatinder Verma, artistic director, Tara Arts

45 **Literary citizens** Jonathan Heawood, director, English PEN

47 **View from abroad** Virginie Jortay, director, *Behzti* in France

48 **Saying it loud and clear** Chukwudum Ikeazon, police constable, Metropolitan Police

50 **Enough is enough** Matthew Parris, journalist and *Times* columnist

51 **Apprehensive times** Michael Billington, *Guardian* theatre critic

52 **The heckler's veto** David Edgar, playwright

54 **Controversy is good** Eleonora Belfiore, professor at Warwick University

beyond behud

56 **Question of responsibility** Mark O'Neil, director of policy, research & development, Culture and Sport Glasgow

60 **Policing freedom of expression** Tamsin Allen, partner, Bindmans LLP

recommendations **inside back cover**

Foreword Jude Kelly

A few years ago I went for a week's workshop with 10 others, all of us writing screen plays. I met Gurpreet Kaur Bhatti, whose film was about a group of young, male, illegal immigrants that came to the UK and ended up being virtual slaves to the Asian owner of a small supermarket chain, who had organised their smuggled presence and then taken away their passports.

It gave me a glimpse into a world of detail and complexity within the Asian community that I had never known about. I had always seen plays and films that spoke of the racial harassment and discrimination suffered as a result of white prejudice. But this was the UK Asian community, warts and all: normal life, the good and the bad and the muddled. It was terrific and an immediate leveller.

Gurpreet Kaur Bhatti told me that the play that she was writing for Birmingham Repertory Theatre was about a sexually corrupt community leader. Again, there was no special pleading or whitewashing, just the usual story of people in power being tempted to abuse that power as they do the world over since the start of human time.

When I heard the demands to prevent its staging, I assumed these extreme voices could not prevail. But when I realised the violence of intent and tenacity of purpose behind those voices, I understood how the play came to be cancelled and Gurpreet to be in hiding – from the media, the protesters and, indeed, from some impassioned supporters who took up her case for the purpose of furthering many of their own agendas. That simple act of offering a window on the world, an artistic gesture – a play – was no longer possible and her voice was silenced. But not just her voice, the voices of her characters – those imagined people that we ask to stand in for real ones so we can scrutinise and understand our motives and circumstances, however perplexing, inconsistent and sometimes horrific. These imagined characters are often the only way to legitimise and hear from the real victims and perpetrators of crime.

The silencing of artists will silence all of us when we really need to be heard. We all have a duty to protect the artist's voice.

Jude Kelly is artistic director of the Southbank Centre

Introduction Julia Farrington

The policing of freedom of expression is the story within the story within the story in this case study. In 2004, Gurpreet Kaur Bhatti's play *Behzti* (Dishonour) was cancelled after demonstrations against it turned violent and its staging was considered a threat to public order. Her subsequent play *Behud* (Beyond Belief) is a response to these events, exploring the tensions between public order and freedom of expression. And the dialogue between the theatre and the police in the lead up to the premiere of *Behud* in 2010 is a principle feature of this case study.

Staging *Behud* at the Belgrade Theatre, Coventry (the play was co-produced with Soho Theatre) was, according to Hamish Glen, Belgrade's artistic director, an opportunity to put right the wrong that he felt had taken place at the Birmingham Repertory Theatre, where *Behzti* had been scheduled to run. It was also an opportunity to learn from Birmingham's mistakes and when, after careful preparation, *Behud* was staged without incident, he and the Belgrade's executive director, Joanna Reid, welcomed the idea that Index on Censorship should put together a case study so that the experience of their planning could be shared as widely as possible.

Should we manage artistic freedom of expression in the same way that we manage political freedom of expression?

Behud trailed a complex history in its wake; the fact that it was being put on at all was controversial and there was always the risk that, like *Behzti*, it would cause offence to some people. This study focuses on how the theatre managed the potential controversy and looks at the lessons learnt. It also addresses questions about our cultural landscape and how we manage the space that opens up between people with different ideological positions. Who defines it and who controls it?

If, as the experience in Coventry suggests, that space is ultimately patrolled by the police, then that raises important issues. Should we manage artistic freedom of expression in the same way that we manage political freedom of expression? Should a play be regarded from a policing point of view in the same way as a political rally: a group of people exercising their right to express their opinion within a community that is known to be hostile to that opinion? What are the alternatives? How effectively do the police handle freedom of expression in the arts? Is potentially offensive art necessarily a public order issue? And perhaps the single most important question: are these tensions creating a climate of self-censorship in contemporary culture? We hope this case study will stimulate discussion around these questions and raise others.

We open with a keynote essay by Kenan Malik, writer, lecturer and broadcaster, who investigates the conditions that gave rise to the events of 2004, when the opening run of *Behzti* was cancelled. Jo Glanville, editor at Index on Censorship, writes about *Behud* in detail, describing it as 'a play that resonates as a metaphor for the constraints on artistic freedom'. The case study also includes articles by and interviews with key players in the story. And to test the present cultural climate, we have commissioned a series of opinion pieces that discuss whether *Behzti* could be produced today. A detailed description of another recent controversy, at Glasgow's Gallery of Modern Art, is a further exploration of freedom of expression in the arts in the light of the 2010 Equality Act. Finally, a piece by solicitor Tamsin Allen argues the case for greater clarity in the policing of these issues, which leads on to our recommendations.

Julia Farrington is head of arts at Index on Censorship

Arts for whose sake?

As the audience has ever more influence over what is produced in our theatres, Kenan Malik explains how it is that the most censorious voices hold the greatest sway.

To understand the issues around the production of *Behud* in the light of the *Behzti* controversy, we need to understand how two recent trends have combined to transform not only the way in which the role of theatre has changed in recent years, but the very character of censorship in the arts. The first trend is a shift in the social meaning of theatre – and in the arts more generally – and in the perception of the role of the audience. The second is a change in our understanding of diversity and of how it should be managed. The consequence has been the remaking of censorship which, as Svetlana Mintcheva and Robert Atkins observe in the introduction to their book *Censoring Culture: Contemporary Threats to Free Expression* (The New Press, 2006), has become 'invisible', operating increasingly as a moral imperative, or as the inevitable result of the impartial logic of the market, rather than as a legal imposition.

Over the past 20 years there has been a growing tendency to view the arts in terms of its social impact. There is nothing new, of course, in the idea that the arts should have a social function. What has changed, however, has been the development of an increasingly instrumental view of culture and the enthroning of the audience as the gauge of artistic value. These ideas have become embodied in two seemingly very different political philosophies: the Thatcherite free market ideology of the 1980s and the idea of social inclusion promoted by New Labour at the end of the following decade.

In the 1980s, the Conservative administration rowed back on state subsidies and opened up the arts to the market. This process of marketisation undermined 'elite' forms of art and encouraged more populist programming. It also led to a new emphasis on the audience as the arbiter of artistic (and social) worth. 'We are coming to value the consumer's judgment as highly as that of the official or the expert,' wrote the Arts Council England (ACE) chairman William Rees-Mogg in his 1988 annual report. 'The voice of the public must… be given due weight.' 'The way in which the public discriminates,' he added, 'is through its willingness to pay for its pleasures.' The meaning of 'the public' had subtly changed here, referring not so much to the body politic of democracy as to the collective weight of individual consumers.

When New Labour came to power in 1997, these trends became intensified. At the heart of the new administration's cultural policy was a belief that the arts had a crucial role in promoting economic growth, urban regeneration and, in particular, 'social inclusion'. Cultural organisations had to think about how their work could support government targets for health, social inclusion, crime, education and community cohesion. In the words of one Department for Culture, Media and Sport (DCMS) study, 'Culture on Demand' (2007), the wider social benefits of cultural involvement included 'the reduction of social exclusion, community development, improvements in individual self-esteem, educational attainment or health status'. The Arts Council insisted that only works that sought 'to provide positive benefits for communities, such as bringing different groups of people together, reaching people who experience particular disadvantage or deprivation' would receive funding.

'Consultation' became a centrepiece of arts policy. 'Cultural planning,' as Graeme Evans and Jo Foord explained in *Cultural Mapping and Sustainable Communities: planning for the arts revisited* (2008), 'is a process of inclusive community consultation and decision-making that helps local government identify cultural resources and think strategically about how these resources can help a community

to achieve its civic goals'. It needed to be 'a consultative and participatory process involving all interested groups within the local and artistic community'. It was not enough to expect the audience to come to the theatre or visit a gallery or museum. The cultural institutions themselves had to develop their audiences by meeting the needs of diverse groups. All 'ages, religions, cultures, sexualities, disabilities and socio-economic backgrounds… should be given the chance… to find their voice and to contribute to the culture, diversity and creativity of this country,' as Sir Brian McMaster, in his landmark report for the government on excellence in the arts, put it (Department for Culture, Media and Sport, January 2008).

And this leads us to the second important change over the past 20 years: the remaking of our understanding of diversity and of how it should be managed. In 2000, the Commission on the Future of Multi-Ethnic Britain, set up by the Runnymede Trust under the chairmanship of political philosopher Bhikhu Parekh, published its report. Britain, the Parekh report concluded, was 'both a community of citizens and a community of communities, both a liberal and a multicultural society'. Since citizens had 'differing needs', equal treatment required 'full account to be taken of their differences'. Equality, the report insisted, 'must be defined in a culturally sensitive way and applied in a discriminating but not discriminatory manner'.

The two arguments at the heart of the Parekh report – that Britain is a 'community of communities' and that equality must be defined 'in a culturally sensitive way' – have come to be seen as defining the essence of multiculturalism. These ideas first emerged in the 1980s as both local and national authorities attempted to respond to the anger of minority communities at the entrenched racism that they faced, an anger that exploded into the inner-city riots of the late 1970s and early 1980s.

The riots led to the recognition that minority communities had to be given a stake in the system, a recognition out of which developed the policies of multiculturalism. The Greater London Council in particular pioneered a strategy of organising consultation with minority communities, drawing up equal opportunities policies, establishing race relations units and providing funding for minority organisations. At the heart of the strategy was a redefinition of racism. Racism now meant not simply the denial of equal rights but the denial of the right to be different. Different peoples should have the right to express their specific identities, explore their own histories, formulate their own values, pursue their own lifestyles. In this process, the very meaning of equality was transformed: from possessing the same rights as everyone else to possessing different rights, appropriate to different communities.

At the same time, as an instrumental view of culture encouraged arts institutions to view their work primarily through the lens of social inclusion and the commodification of culture placed a premium on audience development, the emergence of multicultural policies helped define both social inclusion and audience development in terms of the empowerment of communities. Central to empowering the community was ensuring that its culture and beliefs were not traduced.

For diverse societies to function and to be fair, so the argument ran, public discourse had to be policed both to minimise friction between antagonistic cultures and beliefs and to protect the dignity of the individuals embedded in those cultures.

For diverse societies to function and to be fair, so the argument ran, public discourse had to be policed both to minimise friction between antagonistic cultures and beliefs and to protect the dignity of the individuals embedded in those cultures. 'If people are to occupy the same political space without conflict,' as the sociologist Tariq Modood has put it, 'they mutually have to limit the extent to which they subject each others' fundamental beliefs to criticism'.

It was in the wake of the campaign against Salman Rushdie's *The Satanic Verses* (1988) that this argument began to influence mainstream cultural policy. The philosopher Shabbir Akhtar became the spokesman for the Bradford Council of Mosques at the height of the Rushdie affair. 'Self-censorship,' he insisted, 'is a meaningful demand in a world of varied and passionately held convictions. What Rushdie publishes about Islam is not just his business. It is everyone's – not least every Muslim's – business.' In other words, in a plural society each community should have the right to decide what can be written or said about any matter that it regards as being of crucial cultural or religious importance.

Rushdie's critics lost the battle – they failed to prevent the publication of *The Satanic Verses*. But they won the war. Policy makers and arts administrators have come broadly to accept the argument that it is morally unacceptable to cause offence to other cultures, and that every community possesses a right to be consulted over how it may be depicted. It was an argument that brought together a moral claim, a social aspiration and a commercial imperative. Communities had a moral right not to be traduced. Social inclusion required arts institutions to give communities a voice and allow them to depict themselves. And the market established the audience as a key arbiter of both the artistic value and the moral worth of a work. All three of these strands were woven into the *Behzti* controversy.

How do we define a community? That question has been all too rarely asked in the debate about cultural diversity and community empowerment. In fact, much cultural policy as it has developed over the past two decades has come to embody a highly peculiar view of both diversity and community. There has been an unstated assumption that while Britain is a diverse society, that diversity ends at the edges of minority communities. The claim that *The Satanic Verses* is offensive to Muslims, or *Behzti* to Sikhs, or indeed that *Jerry Springer: The Opera* is offensive to Christians, suggests that there is a Muslim community, or a Sikh community or a Christian community, *all* of whose members are offended by the work in question and whose ostensible leaders are the most suitable judges of what is and is not suitable for that community.

How do we define a community? That question has been all too rarely asked in the debate about cultural diversity and community empowerment.

All such supposed communities are viewed as uniform, conflict-free and defined primarily by ethnicity, culture and faith. As a Birmingham Council report acknowledged about the council's own multicultural policies, 'the perceived notion of homogeneity of minority ethnic communities has informed a great deal of race equality work to date. The effect of this, amongst others, has been to place an over-reliance on individuals who are seen to represent the needs or views of the whole community and resulted in simplistic approaches toward tackling community needs.'

The city's policies, in other words, did not simply respond to the needs of communities, but also to a large degree *created* those communities by imposing identities on people and by ignoring internal conflicts and differences. They empowered not individuals within minority communities, but so-called

'community leaders' who owed their position and influence largely to the relationship they possessed with the state.

Shabbir Akhtar no more spoke for Muslims than Salman Rushdie did. Both represented different strands of opinion. So did Gurpreet Kaur Bhatti and the outraged protesters outside the Birmingham Rep. In both cases, the conflict was not between a community and the wider society, but was one within that community itself. In fact, in almost every case, what is often called 'offence to a community' is actually a dialogue or debate within that community. That is why so many of the flashpoints over offensiveness have been over works produced by minority artists – not just Salman Rushdie and Gurpreet Kaur Bhatti but also Hanif Kureishi, Monica Ali, Sooreh Hera, Taslima Nasrin and countless others.

Thanks, however, to the perverse notion of diversity that has become entrenched, Shabbir Akhtar has come to be seen as an authentic Muslim, and the anti-*Behzti* protesters as proper Sikhs, while Salman Rushdie and Gurpreet Kaur Bhatti are regarded as too Westernised, secular or progressive to be truly of their community. To be a proper Muslim, in other words, is to be offended by *The Satanic Verses*, to be a proper Sikh is to be offended by *Behzti*. The argument that offensive talk should be restrained is, then, both rooted in a stereotype of what it is to be an authentic Muslim or a Sikh and simultaneously helps reinforce that stereotype. And it ensures that only one side of the conversation gets heard.

Kenan Malik is a writer, lecturer, broadcaster and Senior Visiting Fellow at the Department of Political, International and Policy Studies at the University of Surrey. With research by Bogdan Dragos.

behud

the case study

The play's the thing

Jo Glanville reviews *Behud*, which, like the events it parodies, struggles to be heard above the political and religious cacophony surrounding its performance

Behud is a satire about censorship. To my knowledge, it is the only contemporary drama or work of fiction to tackle the politics of freedom of speech when it clashes with the sensibilities of a minority group: a scenario that has played itself out in multiple variations over the past 20 years since Ayatollah Khomeini delivered his Valentine's Day fatwa to Salman Rushdie.

Gurpreet Kaur Bhatti's play is not only a remorseless anatomy of the chain of events that make censorship possible – from the self-interest of local politicians to the personal motivations of the religious activists – it is also an acute portrait of the artistic process. The struggle for any artist or writer is the ownership of their own creation – from the creative act itself to the performance or publication of their work. Censorship is perhaps the most extreme experience any writer will face in the battle for control. Gurpreet Kaur Bhatti's achievement is to write a play that will have a resonance as a metaphor for the constraints on artistic freedom.

The comic revulsion for the playwright is clearly a metaphor for the response to the offensive nature of her work.

Behud is a fictionalised version of the events that followed the staging of Gurpreet Kaur Bhatti's play *Behzti*. It is a play about a play within a play – and the sophistication of the multiple narratives in *Behud* drives the drama and is the source of much playful comedy. Tarlochan is a playwright, writing a play about the censorship of her play *Gund*. She is unattractive, smelly and given to poor table manners. Her unappealing appearance is commented upon by all the characters in *Behud* – indeed the comic revulsion for the playwright is clearly a metaphor for the response to the offensive nature of her work.

When the play opens, two policemen discuss the play and the playwright: they've been assigned to protect her and are somewhat excited at the prospect of dealing with their first 'faith hate' operation. This is a work in progress – Tarlochan comments on the police officers' dialogue as they speak, dissatisfied with the play that she is in the midst of writing. She has total control over the action. As the play progresses, the characters stop doing her bidding. Tarlochan realises that not only does she no longer have control, she has actually become part of the play. She has a breakdown and alienates all sympathy from her supporters. When *Behud* itself was briefly threatened with censorship at its premiere last year, Gurpreet Kaur Bhatti's satire of the playwright imprisoned within her own play for a moment gained a nightmarish reality – for the second time in her career. 'At some point during rehearsals the writer always becomes surplus to requirements,' the director Andrew tells Tarlochan, a barbed throwaway line with bitter truth for any artist.

Everyone in *Behud* is operating from a position of self-interest: the politician who seeks re-election, the artistic director of the theatre who wants to promote his career ('A real riot outside the stage door! You don't get much more fucking cutting edge than that'), the protesters who want to dictate the contents of the play to the playwright and the playwright herself who refuses to compromise. It is a case study in expediency. The Home Secretary is on a local visit ('licking brown bottoms at the usual ethnic churches…followed by a top secret trip to a poledancing club where CCTV will be temporarily suspended')

which further complicates the policing of Tarlochan's play and raises the political stakes. While the censorship of art is the subject of the play, Gurpreet Kaur Bhatti relentlessly mocks the pretensions of the theatre world. DCI Vincent Harris describes the theatre where Tarlochan's play is staged as 'a venue famous for championing the dissenting voice in society'. When his colleague asks what that means, he replies: 'It puts on plays nobody wants to see.'

She is equally merciless with the self-regard of the Sikh community who want to keep control of how their society is portrayed to the mainstream and fear the impact on their individual identities: 'No one knows how to place me any more,' complains the glamorous Sikh journalist Satinder. 'It's as if I don't belong because she's made our community look like intolerant fools.' The representation of a community's truth (which is so often at the heart of any censorship row – think of the furore over the filming of Monica Ali's *Brick Lane*) is bitterly fought over by the Sikh characters in the play. Satinder believes that her newspaper's stories portray a palatable truth, while Tarlochan brings shame on the community. When the theatre director Andrew tells the protester Amrik: 'This play is a piece of fiction. It's not real, do you at least accept that?' Amrik replies: 'Our taxes pay for your fiction.' The representation of reality is a recurrent theme in the play – possibly the most important issue of the drama. Everyone manipulates the truth for their own purposes – including the playwright – and all are ultimately defeated by events. The writer's grip on reality – not knowing by the end who is real or who is a figment of her imagination – is also a moving depiction of a psychological breakdown: 'Is what's in my head stronger than what's real?' Tarlochan asks when she has literally lost the plot.

How far will any politician go in support of a writer who challenges the status quo? The message of *Behud* and the lesson of *Behzti* is not very far. 'No writer has the right to frighten a community,' the politician Joanne tells Tarlochan. Joanne has an entirely cynical view of the playwright's work, thinking her deliberately offensive and lacking in talent. Furthermore, the Sikh protesters think that Tarlochan is being used by the fashionable middle-class theatre establishment: 'You won't ever, can't ever, be anything more than the exotic ethnic who makes them feel multicultural,' Amrik tells her.

How far will any politician go in support of a writer who challenges the status quo? The message of Behud and the lesson of Behzti is not very far.

Throughout the action, we gain glimpses of the play *Gund* (the play within the play that is to be performed and is ultimately censored) in a disturbing series of scenes that culminate in a girl's murder. By the end of *Behud* we realise that not only is the playwright's relationship with the community of protesters more intimate and complex than first appears, but that the shocking content of the play *Gund* is autobiographical. The drama of the playwright Tarlochan's personal life – and the suppression of that drama on stage and within the community – is the heart of darkness in a skilfully constructed satire. Censorship is not just about the play that is cancelled or the book that is banned, it is about the wrongdoings that are buried in a society and which can destroy the lives of individuals.

It is the failure to acknowledge and expose those secrets which is at the heart of both *Behzti* and *Behud*. The great irony, of course, is that neither the theatre staff, the politicians or the activists in *Behud* are able to appreciate or recognise what the true story really is – the fixation on religious offence and political expediency obscure the deeper message of the playwright's work. And that, sadly, is to some extent what happened to Gurpreet Kaur Bhatti's work. Until *Behzti* receives a proper staging in the UK, it will only be remembered as the play that was censored and not as the brilliant black comedy that exposes the consequences of repression.

Jo Glanville is editor of Index on Censorship magazine

Theatre under siege

Natasha Lehrer charts the events surrounding the axing of *Behzti* and the ensuing scandal

The cancellation of Sikh playwright Gurpreet Kaur Bhatti's play *Behzti (Dishonour)* at the Birmingham Repertory Theatre in December 2004 became a byword for the threat to artistic free expression in Britain and was described by the *Guardian*'s theatre critic Michael Billington as 'the most shaming' theatrical event of the decade.

Criticism was directed at the Home Office minister at the time, Fiona Mactaggart, for her refusal to offer support for either the theatre or the author.

The action of *Behzti* revolves around a visit to a gurdwara, or temple, by its principal characters, a widowed mother and her daughter, during which we learn that the mother's late husband killed himself in the wake of a homosexual affair with a leader of the community. That same leader, it is revealed, had abused a series of women in the gurdwara. Almost as shocking as the rape that takes place is the revelation of the failure of the women in the community both to prevent and to expose past abuse of young women, revealing what is, in effect, the older women's complicity in the abuse. The play ends with the girl's mother fatally stabbing the man who has abused her daughter.

In the interest of openness and dialogue, the theatre proposed a 'consultation' with several local Sikh leaders, whom they invited to a reading of the play in the presence of the writer and director, among others. The Sikh leaders requested that the action be moved from a gurdwara to a more neutral community centre setting. Both the director and the playwright refused to comply with this request.

Two weeks later, during previews, around four hundred Sikhs gathered at the theatre to demonstrate against *Behzti*. Demonstrations continued, growing in size and intensity outside the theatre for the first ten performances, but the measures put in place jointly by The Rep and the police were successful in enabling audiences to attend the theatre, until violence erupted on Saturday 18th December. A minority of the protesters, fuelled by alcohol, stormed the theatre and serious concerns for the safety of staff and the public led to the cancellation of the rest of the run.

The cancellation of the production provoked a scandal at the heart of the British cultural establishment. Seven hundred playwrights, directors and actors signed a petition in defence of artistic freedom of expression. Criticism was directed at the Home Office minister at the time, Fiona Mactaggart, for her refusal to offer support for either the theatre or the author. During an interview on BBC Radio 4's *Today* programme, she asserted that the protest was a 'sign of free speech that is so much a part of the British tradition' and refused to make a stand against the challenge to artistic freedom that was clearly the consequence of the enforced closure of the play. Bhatti received death threats and was forced into hiding with 24-hour police protection. Salman Rushdie blasted the New Labour government for its failure to come out in support of Bhatti's right to freedom of expression: 'It's been horrifying to see the response,' he said. 'It is pretty terrible to hear government ministers expressing approval of the ban and failing to condemn the violence when they should be supporting freedom of expression.'

Theatre under siege

As Sunny Hundal has written: *'Behzti* was about a woman who finds herself silenced by the community because she's accused of bringing shame upon it. The poster showed a woman holding up dirty laundry. Bhatti became a victim of the problems she was trying to highlight.'

An unusual bond developed between Gurpreet Kaur Bhatti and the two policemen who were allocated to protect her following a series of death threats in the tense lead up to the cancellation of *Behzti* in 2004. There were darkly humorous moments amidst the anger and sadness that accompanied the closing of the play. When the *Guardian* printed her statement, one of her police bodyguards told her, 'Gurpreet, you've made me do something I've never done before – I've bought the *Guardian*!'

Bhatti's most powerful emotion in the aftermath of *Behzti*, more so even than the fear of attack, was one of loss, the loss of a play she believed in and was proud of and which, eventually, did not get out into the world. With a playwright's ability to see multiple viewpoints, she was sympathetic to almost every perspective, reserving anger only for the politicians, in particular Mactaggart, who privileged the protesters' rights to express their views over her rights as an artist.

Natasha Lehrer is a freelance writer, editor and translator

Anatomy of a drama

Julia Farrington and Natasha Lehrer on how the staging of *Behud* has much to teach arts organisations about negotiating a way through security, policing and censorship issues

Behud (Beyond Belief), commissioned by the Soho Theatre, directed by Lisa Goldman and co-produced with the Belgrade Theatre, Coventry, was Gurpreet Kaur Bhatti's imaginative response to the traumatic events surrounding the production of *Behzti* – a play that ignited extreme passions in many people, though very few actually saw it.

> **'A banner from the original *Behzti* protest, reading "Shame On Sikh Playwright For Her Corrupt Imagination" was reproduced and hung above the *Behud* set. The play is about that "corrupt" imagination. Do you censor what's in your head, sanitise it?'**
> *Gurpreet Kaur Bhatti interviewed by Dominic Cavendish, the* Telegraph*, 12.3.2010*

In *Behud,* a fictional playwright attempts to make sense of the events surrounding her previous play, *Gund* (Filth)*.* Tarlochan, the playwright, excavates her imagination and her memories of the previous production as she works on her characters – members of the theatre establishment, politicians, protesters, the police. Notebook in hand, she is continuously refining the script as her characters take over and start to debate with the playwright herself.

Behud opened at the Belgrade in March 2010 and played there for a three-week run, before moving to London's Soho Theatre for a further three weeks. The original plan was to open in London and move to Coventry but, to accommodate the schedule of Chetna Pandya, who played the lead character, Tarlochan, the play opened in Coventry first. This twist in the schedule meant that the Belgrade theatre had to manage the risk of potential violence around the production, in a city with a large Sikh community, only half an hour's drive from Birmingham where *Behzti* had been pulled five years earlier. No one knew what to expect.

> **'Is it like walking back into the fire? Yes, but I think I have to do that. There's no way round it. I don't want to be foolhardy but my play was pulled. I've got a right to look at that, talk about that.'**
> *Gurpreet Kaur Bhatti interviewed by Dominic Cavendish, the* Telegraph*, 12.3.2010*

Hamish Glen, artistic director of the Belgrade, was utterly committed to *Behud* and had the full support of the theatre's board. Since the theatre had reopened after an £11m refurbishment in September 2007 under Glen's artistic directorship, it had positioned itself with a progressive programme, to include seven in-house productions of innovative and challenging work a year. While fully supportive of the production, the theatre's board stipulated that the Belgrade administration had to be prepared, with effective and detailed contingency plans in place in order to avoid a repetition of the controversy that had engulfed *Behzti*. It was assumed that because of the notoriety of *Behzti*, *Behud* would attract a high media profile and bring in audiences, a key consideration in the decision to stage the play.

Anatomy of a drama

A key component in the both the marketing and production strategy of Behud was to avoid Birmingham Rep's perceived errors relating to the consultation with representatives of the Sikh Community about *Behzti*. As Trina Jones, general manager of the Rep recalled in a panel discussion, 'We were clear that there were elements of the play that may upset folk... The purpose of that dialogue was really to share our concerns, not really to enter into consultations about the play itself; our intention was never to offer the play up for any development or change.' Sikh leaders, however, believed they *were* being consulted about the play itself, and their views would be taken into account. As Kenan Malik has said, 'Out of that difference of expectations, one could argue, emerged the *Bezhti* controversy'. The producers of 'Behud' learnt from this experience and constructed their approach accordingly.

> **'As executive director my job was to prepare the theatre for whatever might happen off stage. One of the first things I did was draw up a risk assessment which identified everything we had to consider – it was a surprisingly long and wide-ranging list, not just detailing the obvious issues of how to manage the media, but also considering under what circumstances we would consider cancelling a performance or even the entire run, whether we would allow staff to refuse to work on the show and how we would ensure that the front of house staff felt supported rather than feeling that management had knowingly programmed a troublesome piece of work and then simply sauntered off for their Easter holidays.'**
>
> *Joanna Reid, executive director, Belgrade Theatre*

As per procedural requirements, the theatre informed the Event Safety Committee (ESC) at Coventry City Council of the forthcoming production of *Behud*. The ESC, chaired by Clive Townend, exists to bring together all players in the City's cultural life and all emergency services in order to plan cultural events effectively.

Hamish Glen, artistic director of the Belgrade recalls: 'When we decided to put this show on we let the police know, and they undertook to keep an eye on the world to see if anything was rumbling and what, if anything, might kick off. Having done that, they came back to let me know that the cost of the policing that they felt was appropriate to the risk of violence was £10,000 a day. This is an interesting idea for a registered charity and theatre – to have a three-and-a-half week bill of £10,000 a day. The thought of me going to my board, and suggesting that we might have to foot a bill of £10,000 a day, well I'm pretty certain that any board, just to carry out their own fiscal duties, would be obliged to inform me that the play would not be going ahead. I took it upon myself to write to the Chief Constable of the West Midlands to tell them that we were a registered charity, while they were arguing that we were a commercial organisation and that the play would have to be pulled. Because it's discretionary, they came back with £5,000 a day. I said, even at £5,000 a day, we can't afford this. This is on top of advice from the police about levels of security that we should be employing within the theatre ourselves, which I think amounted to some £14,000 over the run. Which is hefty enough in its own right, but you're trapped in the context of making sure your staff are safe. That's a lot of pressure militating against us doing the show.'

> **'The public outcry that followed the closing down of the Birmingham production expressed disgust at this attack on the country's hard-won freedoms by a group of violent protesters. The Belgrade, indeed the entire theatre industry, argues that the same attack on these freedoms cannot be allowed again and the writer who subsequently was forced to go into hiding in the face of death threats must be allowed to practise her craft in freedom and her work to meet a public free of violence or intimidation. The public must be allowed to exercise their own freedom of choice to attend the play or not.'**
>
> *From a letter from the Belgrade management to Mr C Sims, chief constable, West Midlands Police Constabulary, 24 February 2010*

As it turned out, the police agreed to provide the proposed level of policing free of charge.

> **'My police constable in charge of planning our operations work in other areas – for example, football matches – took the view that if we were being asked to police a private event there might be costs. I think that is legitimate. Some in the community might say whilst I have got police officers enabling, or being seen to enable, a controversial play, that means that officers are not dealing with other matters. However, as things moved on, as the risks changed because of the dialogue and the meetings with the safety advisory group, I took the decision that we wouldn't charge for policing. But what it categorically wasn't about was the police being seen to incur costs on an organisation or theatre to prevent them putting on a play.'**
> *Superintendent Ron Winch, in charge of local policing, Coventry*

As Hamish Glen emphasises: 'In the end, and to be absolutely fair to the police, they were sophisticated and articulate, they did waive all costs and did provide a sizeable presence.' Nonetheless, the dialogue between the police and the theatre clearly highlighted the fact that there is a need for greater clarity in policing an event that takes place in a not-for-profit venue. The police's original assessment about the cost to the theatre of a nightly police presence was based on how a football stadium would be charged for policing – in other words a subsidised non-profit organisation with charitable status was being equated with a football stadium, which is run as a commercial enterprise. This issue was taken up by Julia Farrington in an interview with Superintendant Ron Winch after the production (see page 25). An excerpt follows:

If you have a political protest that is planned for Saturday afternoon going through the centre of town could you charge that political party for policing? JF

RW No, that would be very different. It is entirely fair that a profit-making private enterprise that needs to use public resources to enable their business interests – for example in the case of a football match – be charged for the privilege. On the other hand, in the case of a political party that is not making any profit, then it is entirely appropriate that the resources of the state enable it. There is a distinction.

But many theatres are not-for-profit charities and are perhaps more comparable to a political party. They promote and facilitate artistic expression, just as political parties promote and facilitate political expression. Both have to raise funds. Is there a category within your assessment for charitable not-for-profit arts organisations? JF

RW Ultimately it comes down to professional judgement, based on threat and risk around events. And the risk initially with this play was high, though the threat really did recede as we did the work.

It could have gone the other way – *Behud* could have been pulled. Whereas you wouldn't exercise that same discretionary judgment about a political party. JF

RW You could if the political party wanted to march; there is legislation around that because there are public safety considerations. If a political party wants to make a static protest there is very little you can do to prevent it from going ahead in terms of the law.

But a static protest of political expression isn't that different from a static protest of artistic expression – in other words, a play. There seems to be more structure, more acceptance and more clarity around political expression than around artistic expression, which leaves theatre vulnerable to professional discretion preventing it from going ahead. JF

The Belgrade was advised on additional health and safety issues by the ESC, but clear lines of responsibility were drawn. The Council was clear that all communications with the Sikh Community were to be conducted by the police.

> **'The police, Coventry City Council and the city's Event committee have specifically said that they support the theatre's right to put on the play...The issues of artistic integrity, freedom of speech and the theatre's independence have all been accepted and are being supported by these organisations. A press release is being prepared to this effect by the city's Events committee, which will only be issued should the need arise.'**
> *From Belgrade Theatre briefing to board of directors, 10 February 2010*

Discussions that took place between members of Coventry Council were reported through the ESC, which revealed that there was some dissent among councillors as to whether the play should be staged at all, as well as concern about community relations. 'There was word coming from the local authority that I would have to face the music if there was any trouble with the show,' said Glen. 'Clearly, the council is our major grant-giving organisation. Half our entire revenue grant comes from the city council. So that's a significant amount of pressure. It's an interesting picture of a situation in community relations whereby the starting position is to try to squash anything that might kick off a dispute.' There was some insinuation that the theatre was being deliberately provocative in choosing to stage *Behud*. To allay concerns, letters were sent from the Belgrade Theatre to all local councillors, MPs, and MEPs, informing them of their decision to stage the play and their reasons for doing so. The theatre did not receive a single response.

> **'Given the history of Gurpreet's previous play, we thought it prudent to prepare for possible high profile adverse reaction to her new play. For the same reason, we thought we should alert you to this potential so that you will have had some background information should you need it.**
>
> **We have been in discussion with the police and the Coventry City Council Events team to plan for the possibility that some members of the Sikh community – and others – may find some elements of the play offensive, and protest. Our expectation is that any protest will be peaceful but the risk is that something non-peaceful may happen, in which case it is likely that there will be media coverage that may match the coverage of the protests around *Behzti* caught.'**
> *Extract from letter sent by Belgrade's senior management team to local MPs and MEPs*

In line with a request from the ESC, the theatre produced a 100-page health and safety manual and hired additional security staff at a cost of around £14,000, paid for by the Belgrade. The theatre's senior management team was scrupulous in its communication with the entire staff of the theatre, with first weekly and then daily meetings in the run up to the production. Senior management took it in turns to work front of house shifts alongside regular staff.

> **'Theatre should be a place where people gather to talk about their lives. The Belgrade lives by this and is committed to presenting work that talks about issues that are relevant to contemporary British life. *Behzti* went on to be performed in Europe to sell-out audiences and no disruption. *Behud* is a new play by a promising playwright that felt urgent, relevant and important and needed to be seen in the West Midlands, because that is where *Behzti* happened and that is where *Behud* is set.'**
> *From the Belgrade Theatre's briefing notes for Behud.*

Joanna Reid, executive director of the Belgrade, described the period leading up to the opening as 'like preparing for a siege'. It was, for all those involved, in both Coventry and London, stressful and uncertain, and it threw into sharp perspective the financial and practical implications of any theatre or arts organisation taking on a controversial project.

> **'From January until April the operational planning took at least 50 per cent of the commercial director's time and 25 per cent of mine, as well as additional meetings between the Health & Safety Committee and key staff. Eventually we were holding weekly meetings of the event advisory group that included representatives from the city, police, fire brigade and others. Staff time input increased once the acting company moved from London to Coventry. For the three-week run itself, everyone at the theatre was on the qui vive until towards the end of the run when it was clear that the production was not going to elicit the kind of responses for which we had drawn up contingency plans.**
> *Joanna Reid, executive director, Belgrade Theatre*

The financial demands in particular highlight the risk that smaller theatres might in the future shy away from: the overwhelming financial burden of taking on controversial work.

Shortly after the first meeting of Coventry City Council's ESC, representatives from Coventry City Council made a request to see a copy of the script of *Behud*. The theatre management team refused. At the after-show discussion in Coventry, artistic director Hamish Glen defended that decision:

> **'When the play was announced we did have specific requests for copies of the script from Sikh organisations so that they could review the content; I resisted on each occasion. I was happy to discuss the territory; I was happy to discuss the fact that this was a new piece from a writer that we rated and it was an urgent play that needed to be put on, that it was a play that somehow we hoped would even put to rest that disturbance. But I was not prepared to go into any detailed discussion about what was going to be allowed and wasn't going to be allowed within the piece, and neither were Lisa and Gurpreet as director and writer. We were basically saying: we are going about our legal business, this is what we want to say, and that's not really up for discussion.'**

There were to be three further majorly revised versions of the play before the script was ready. The reason for the theatre management's unwillingness to show the script to those not involved with the production was partly based on their belief that the impact of the script when it is read on the page is necessarily quite different compared with seeing it performed on stage. There was also concern that, without any guarantee of how widely it would be circulated, the script might be leaked. Eventually, at the beginning of March, shortly before the play was to open, the theatre agreed to release a final version of the script, believing that was an acceptable compromise that would be a demonstration of good faith towards the various organisations with whom they were working. The theatre nonetheless insisted on limiting who would see the script – the deputy chief executive of the council and, from the police force, the civil contingencies officer, as well as the community liaison officer responsible for the relationship with the Sikh community, who was himself a Sikh.

Since it is not common practice at the Belgrade to consult with the local community prior to producing a new play, the decision not to be in contact with community representatives before *Behud* opened for previews was, it could be claimed with justification, simply standard practice. The production team was responding to an issue which was of grave concern to everyone involved in *Behud* – the possibility that the production might precipitate or provoke a disproportionate reaction that was more to do with *Behzti* than with *Behud*.

> **'Whilst the Belgrade had been presenting a growing strand of work aimed at attracting South Asian audiences, it was very clear that *Behud* had the potential to not only alienate those hard-won audiences but also to provoke some of them into actively protesting against the event.'**
> *Nicola Young, head of communication, Belgrade Theatre*

There were also serious concerns about Gurpreet Kaur Bhatti's own safety, with the death threats that she had received in 2004 at the forefront of everyone's minds. Harmander Singh, director of public policy for Sikhs in England, and a member of the Metropolitan Police Independent Advisory Group (IAG) at the time of the *Behzti* play, was invited to contribute to the discussions in the Gold Group. This was set up to manage the potential risk to Bhatti's safety from information made available to the police, which included advising on the credibility of the threats to her, the sources of the threats, the precautions that could realistically mitigate the known threats and the strength of feeling of the community that supported or opposed any threats. He summarised the feelings of those opposed to the production in the following way:

> **Many in the Sikh community viewed the (performing) arts industry as a moral-less group that was of little or no worth to society and questioned why public money was used to subsidise the industry when it was prone to creating disharmony within society by its predetermined actions. Some also felt that the costs of policing peaceful demonstrations by any group against the arts world in such cases should be met by the arts industry.'**

He added:

> **'When the launch of *Behud* was announced in November 2009, many in the Sikh community (including myself) expressed disappointment that the Sikh new year was chosen for the first performance [at the Soho Theatre]. It was felt that this was deliberately provocative and would do little to build bridges between the Sikhs and the arts world – lending credence to the perception that the arts world was anti-Sikh, if not anti-faith.'**

Event Safety Committee Chair Clive Townend stressed that dialogue with the Sikh community was a police matter and Superintendent Ron Winch of Coventry Police was in dialogue with them throughout the run up to the production:

> **'The police are there to maintain order, maintain the law, prevent crime and disorder; but also there is a wider democratic responsibility to facilitate freedom of expression and at the same time to understand that it may cause others to feel offence. It is a clear route down the middle. The community will be looking to the police to prevent the play from going ahead because it's offensive, it could be blasphemous. And the theatre is saying to the police you should be allowing it to take place, the playwright has a right to express her views. The fact that *Behud* wasn't such a controversial play as *Behzti* was probably due to the work that we did in relation to going out to communities and reassuring people about what our work was. It was successful from our perspective; there were no public safety concerns and the play went ahead. That doesn't mean to say that we supported either side unequivocally, that wasn't the case.'**
> *Supt Ron Winch talking to Julia Farrington*

The Network of Sikh Organisations (NSO) wrote to both the Belgrade and the Soho theatres expressing concerns about the production:

> **'Further to press reports, we are of the understanding that your theatre along with the Belgrade in Coventry are showing Gurpreet Kaur Bhatti's play *Behud* (Beyond Belief),**

which from our understanding is a biased depiction of the events surrounding the furore of her original play *Behzti* (Dishonour).

As Britain's largest representative umbrella body of Sikh Organisations we wanted to express community concerns over what seems a deliberate ploy to reignite Sikh emotions, further to a direct insult to the faith in *Behzti,* with scenes of sexual depravity being played out in a gurdwara (Sikh temple).

Please can you acknowledge our correspondence and recommend how matters should proceed in light of these concerns.'

In response, the theatre management reiterated its statement supporting the right of the playwright to self-expression and invited Hardeep Singh, press secretary of the NSO, to participate in a panel discussion organised by Index on Censorship after the play opened. Singh declined the invitation, but later agreed to an interview (see page 29).

In response to the exchange of letters between the theatres and the NSO, Index on Censorship and English PEN put together a briefing document for politicians to reassert the right of freedom of expression in the case of ideological clashes. The key points were:

The forthcoming performance of *Behud* has caused consternation among Sikh groups, and may become the subject of protests. Should this occur, it is essential that political leaders make a strong and early stand in favour of free speech. They must guarantee the safety of the actors and audience, and argue that the causing of 'offence' is not a legitimate reason to censor.

Parliament has already formed a clear policy on the right to free expression in religious issues. The Racial and Religious Hatred Act 2006 contains a specific clause ('The PEN Amendment'), which protects free speech when criticising religions and religious institutions. Additionally, the UK's arcane blasphemy laws were abolished in 2008.

Just before the previews opened, members of the Birmingham Sikh community went to the local police warning that they had heard rumours of violent protests being planned to coincide with the play's opening in Coventry. The Birmingham police force communicated this warning to the Coventry police, who contacted the theatre the day before the first preview, asking it to cancel the play. The theatre stated firmly that it had no intention of cancelling the play, inviting those concerned to a preview of the play, a message that the police passed to members of the Sikh community. A deputation of ten Sikh elders from Coventry attended the second preview and subsequently talked to the police, concluding that there was nothing in the play that would offend.

'On the night of the second preview, on the same night as the Sikh deputation attended, we travelled to the Belgrade to see the show. Arriving a little early, we sat in the bar having a drink. Men and women of all ages in ripped fishnet tights, puce pink feather boas, stilettos and brightly coloured basques came in, filling up the bar, until within about 30 minutes the whole foyer was thronging with what turned out to be *Rocky Horror Show* fans rolling up for a special sing-along screening of their favourite film. For all the meticulous planning, the theatre had failed to spot this clash in programming. If the Sikh elders who were attending *Behud* in the studio theatre that night believe that the theatre is a den of mindless iniquity, the audience for the main house that night would have confirmed this suspicion!'

Julia Farrington, Index on Censorship

The issue of who speaks for the Sikh community was openly discussed in interviews carried out by Julia Farrington with Harmander Singh and Hardeep Singh for this case study, and raised in the panel discussion hosted by Index on Censorship at the Belgrade. Hardeep's observation that 'sometimes all that you need to do to be regarded as a community leader is to sport a turban and a beard' is described by Harmander as the 'LGB' (long grey beard) syndrome. In the pre-show panel discussion organised by Index on Censorship at the Belgrade, there was much talk about the failure to get past the 'representatives' of the community in order to communicate directly with Sikhs, and, in particular, to the women in the community. It was felt that this was what led to many of the problems in Birmingham.

> **'There are tons of people… who have not spoken to these community leaders – who are usually faith leaders, political leaders. It's about getting beyond these people and building a relationship. That takes time and resources.'**
> *Hardish Virk, art marketing consultant*

A Sikh woman who attended the panel discussion raised this from a different point of view:

> **'We are from Birmingham, and we were really very put off when the play was banned [sic]. Had this sort of play taken place in the 1980s perhaps there would have been much more resistance, counter-resistance shown to the resistance that did take place. And in fact I remember that we didn't find out as a group that the play was on until quite late. And when we did there were sort of murmurings of putting up a counter demonstration. We didn't manage it because we weren't organised enough. But I think it was a real loss because the play brought out so many of the real issues that people would really actually quite like to discuss, and even see on the television and film. It would be a real useful gift to the community I think.'**

In a similar vein, in an interview with Julia Farrington, *Behud*'s director Lisa Goldman expressed disappointment that the marketing team at the Belgrade made the decision, endorsed by the Soho Theatre, not to market the play specifically to the local Asian community. Even after the show opened without incident in Coventry, the Soho Theatre continued this strategy. Low pre-opening ticket sales at the Soho Theatre and no targeted marketing to Asian communities in both London and the West Midlands contributed to the disappointingly small audiences in both theatres.

> **'Communicating and marketing *Behud* was an incredibly complex process that was as much about managing a highly sensitive news issue about race, religion and politics as it was about marketing a new piece of theatre.**
>
> **It rapidly became a huge challenge to successfully manage the messages. By this time we were having regular meetings with the local council and West Midlands Police, who were understandably concerned. They felt that directly targeting local South Asian audiences could be seen as provocative and they were suggesting that it would be best if police officers went and talked to their connections in Coventry's South Asian communities about the play.'**
> *Nicola Young, communications director, Belgrade Theatre*

Bhatti was, like Goldman, disappointed that the marketing strategy – which focused on bringing in an audience described by Soho's associate director Nina Steiger as a 'theatre-going public' and which avoided specifically targeting the Asian press – meant that the wider Sikh community was simply unaware that the play was on and that Sikhs were not given the opportunity to make up their own minds about whether they wanted to see the play or not. While she appreciated the complexity of the situation, she said, rather sadly, if people don't come to see it, 'it kind of defeats the object of putting on the play'.

In general, media interest in *Behud* was also disappointing, perhaps partly to do with the fact that although *Behzti* was mentioned in marketing materials it was not used as a specific selling point in terms of interesting the media in the story of the play. Gurpreet Kaur Bhatti was prepared to do a limited number of interviews and expressed interest in writing something for the national press but she was not commissioned.

Under instructions from Soho, Coventry and Bhatti herself and also fearing any attack against Bhatti, now heavily pregnant with her second child Goldman chose to accept the low-profile press strategy for the play when doing an interview the day before the first performance. Although Bhatti did not receive any threats during this period, the writer was advised that it was unwise to publicise anything about her whereabouts; Bhatti's presence on the post-performance panel discussion in Coventry was not mentioned in advertising.

As rehearsals for *Behud* began, Bhatti prepared herself, planning what she would do to protect herself and her family if she once again came under attack. She was fully aware of the possibility that events could once again force her into hiding. Along with everyone else involved in the production, she had no idea how things would proceed. The atmosphere in the Belgrade on the first two previews, with the renewed threat of violent protest, was extremely tense.

On the second night of the previews, with a deputation of Sikh elders in the audience, there to judge if this new play could be considered offensive, Bhatti and her colleagues found it impossible to relax and watch the play. Like the Sikh elders, Bhatti and the production team were watching the play in a particular way, scrutinising it for offence. They had no idea how deep the desire to find offence lay. In the event, the elders deemed the play not to be offensive and *Behud* went off without incident in both Coventry and London.

Following *Behud*'s three-week run at Soho, the theatre put on rehearsed reading of *Behzti*. According to Steiger:

> **'This was managed and marketed carefully. We felt it was important to offer audiences the opportunity to see the play, as it offers an important context for *Behud*. The reading was well-attended and the feedback was overwhelmingly positive – audiences were moved and one had the sense not only of witnessing an extraordinary theatrical event, but that the experience of seeing these two plays in tandem represented a significant moment in the fight for freedom of expression.'**

However, Robert Sharp, campaigns manager English PEN, writing on the *Guardian*'s Comment is Free website, was rather more equivocal in his response to the reading.

> **'Let us be clear: this was no great stride for freedom, more an anxious shuffle. The performance was a rehearsed reading, not a full production, and received no publicity whatsoever. It was completely absent from the theatre's website, and was only advertised to those who had been to see *Behud*, Bhatti's most recent play. Buying a ticket felt a little like purchasing bootleg liquor from under the counter, and the atmosphere in the auditorium was, I imagine, how dissidents must have felt in the 1640s, when religious puritans closed the theatres and drama was performed illegally. Proper free speech has to be more open than this.'**

Overall, critical responses to the play seemed to suggest that *Behud* could be best understood as a companion piece to *Behzti*, rather than a play that stands alone on its own merits. In an interview with

Natasha Lehrer, Nina Steiger agreed:

> **'Although we mentioned *Behzti* in the marketing, we were quite strongly advised by the police not to use *Behzti* to try to sell this play. No one saw *Behzti*, so it was very difficult to say it's a follow on for *Behzti* if people didn't see it. But we really thought that this play has to be able to stand on its own as a play and it has to draw an audience based on itself as well. People who see it aren't going to have *Behzti* as a reference, even though the ghost of *Behzti* was in the room the whole time. Audiences told us that throughout, and it was challenging. Because when people really knew *Behzti*, *Behud* took on a different order of magnitude in terms of bravery, scale, a kind of courage and creativity, and the humour of it was much, much richer. And that was difficult…I think maybe we overestimated in some ways how much *Behzti* would be a reference point for audiences.'**
> *Nina Steiger, December 2010*

Critical responses to *Behud* were very mixed, and it is likely that this was a significant contributory reason that audience numbers were disappointing in both Coventry and London. The play was widely reviewed in the national press, and Bhatti's ambition was admired, but critics largely shared Michael Billington's assessment that the 'tricksy' structure meant that 'Bhatti gets too involved in Pirandellian games about art and reality and too little in genuine debate.' Kate Kellaway in the *Observer* worried about the 'potential inauthenticity' of Bhatti's 'ventriloquy'. The *Telegraph*'s Dominic Cavendish wondered if it was possible to really understand the play without being familiar with *Behzti* and confessed to being 'baffled' by the play's denouement.

In essence, the precautions urged by the police, agreed to by everyone involved in the production and in its marketing, meant that the context of *Behud* – the cancellation of *Behzti* – was critically underemphasised. In effect, fear underpinned the promotion of *Behud*; the figure in the carpet was only visible to those who knew it was there. In spite of the welcome response of the police and other organisations to ensure that the the 2010 production of *Behud* could go ahead in the face of the threat of potential violence, far from offering reassurance that mechanisms are in place to protect the artist's right to freedom of expression, the episode demonstrates the extent to which that right remains constrained and compromised and at risk.

That both theatres bowed to police pressure not to market the play in the way necessary to bring in audiences demonstrates beyond any doubt that the ripple effect of *Behzti* – the fear of causing offence – is still palpable. The paradox of *Behud* is that it was the successful negotiation with the police and the theatre that led to the production going ahead satisfactorily, yet at the same time, it was pressure from the police that inhibited the marketing strategy and in turn led to its restricted – some might even say censored – communications strategy and limited artistic success.

The overall conclusion to be drawn from the experience of staging *Behud* is complex. The fact that the production went off without incident clearly indicates the successful co-ordination between the police, the local council and the theatres and is a vindication of a 'common sense' strategy on the part of all the parties concerned.

Yet the ultimate success of the policing and security around *Behud* in Coventry should not lead to complacency; it is a cautionary reminder that in practice theatres are still required to negotiate their own protection on a case by case basis. There is a need for training for arts professionals and the police to ensure that all theatres – and by extension arts organisations in general – can be sure of receiving emergency protection in the event that they are threatened by violence. In the case of *Behud,* the outcome of this negotiation was successful. The challenge is to ensure that the outcome is similarly successful for all theatres in the future.

Julia Farrington is head of arts at Index on Censorship
Natasha Lehrer is a freelance writer, editor and translator

Marketing, marketing, marketing

Nicola Young and Ray Clenshaw of the Belgrade Theatre, Coventry, describe the complexities of publicising *Behud*

Communicating and marketing *Behud* was an incredibly complex process that was as much about managing a highly sensitive news issue about race, religion and politics as it was about marketing a new piece of theatre.

We were very proud and excited to be working on *Behud* – which we saw as a vital, funny, creative and entertaining production. After what happened to *Behzti* at our neighbour theatre in Birmingham, our overriding concern was that the play actually made it to the stage and people had the opportunity to see it performed.

We understood that *Behud* was very likely to offend certain members of the Sikh and other South Asian communities. The huge amount of media coverage of the *Behzti* riots also meant that many other local theatregoers were extremely wary of coming to see the show in case they found themselves in the middle of a violent demonstration.

While the Belgrade had been presenting a growing strand of work aimed at attracting South Asian audiences, it was very clear that *Behud* had the potential to not only alienate those hard-won audiences but also to provoke some of them into actively protesting against the event.

It rapidly became a huge challenge to successfully manage the messages. By this time we were having regular meetings with the local council and West Midlands Police, who were understandably concerned. They felt that directly targeting local South Asian audiences could be seen as provocative and they were suggesting that it would be best if police officers went and talked to their connections in Coventry's South Asian communities about the play.

We consulted a specialist in audience development work with South Asian communities, with whom we had worked on previous projects. Their advice started with constructive ideas but as the discussion progressed and the potential for *Behud* to cause offence became more and more clear, recommendations changed from audience development to damage limitation, alongside comments like 'very challenging' and 'too sensitive'. They advised us that allowing the police to contact Coventry's Sikh elders to discuss the play would be the worst course of action.

There were many opportunities to reach a broad audience focusing on women's rights, freedom of speech, new writing, minority ethnic communities and the theatre community, but also many potential threats that would prevent people from coming.

Our activities attempted to avoid emphasising the spectacle of the original event, nor make the show sound overly worthy or disrespectful to anyone, but we were only too aware that many of the protesters who rioted five years ago were part of our immediate community.

It was essential to balance our messages carefully to provoke nothing more than curiosity, support and of course a ticket purchase! Our campaign was carefully targeted and did include a wide range of potential South Asian audiences through a range of routes. The media was key to the campaign; initial national and local press coverage showed photos of the original event with rioting masses and controversial headlines that did nothing to help us alleviate potential audience concerns about safety.

A turning point was when a group of Coventry's Sikh elders came to see the production and judge for themselves. The verdict from the elders was that there was nothing in the play to cause offence. However, this was not a green light to relax our messages to the South Asian community since we had already been informed that a number of people involved in the riots five years ago were independent, local and looking for a cause to ignite.

The show had opened by this point and the public and press were making their own judgments on it. Audiences were small, but we were pleased to see a significant representation from the South Asian communities we had targeted. We had succeeded in managing a complex range of messages, gaining a high media profile and attracting a wide range of audiences without any problems – a good foundation to build on for London.

It was essential to balance our messages carefully to provoke nothing more than curiosity, support and of course a ticket purchase.

Nicola Young is head of communications at the Belgrade Theatre, Coventry
Ray Clenshaw is communications manager at the Belgrade Theatre, Coventry

Walking the thin blue line

Superintendent Ron Winch, the officer in charge of policing the production of *Behud*, talks to Julia Farrington about working with the local community and the city council to ensure that *Behud* went ahead without incident

RW The role of the police is to maintain law and order, to prevent crime and disorder. But the police have a wider democratic responsibility both to facilitate freedom of expression and at the same time to understand that it may cause offence to others. The community is looking to the police to prevent the play from going ahead because they believe it's offensive. It could be blasphemous. And the theatre is saying to the police that the playwright has a right to express her views. The fact that *Behud* wasn't as controversial a play as *Behzti* was probably due to the work that we did going into the community and reassuring people. It was successful from our perspective; there were no public safety concerns and the play went ahead.

So you were weighing up the right of freedom of expression against other potentially conflicting calls on your time and your resources? JF

RW For me it was about understanding what policing is in a liberal democracy. We police by consent. That is not about police preventing freedom of expression, as long as it is lawful. If I didn't believe in freedom of speech I wouldn't be in this profession. And yet I am acutely aware of how sensitive some sections of the community are, especially when they see their faith being questioned, highlighted and, in their view, blasphemed.

Do you think that freedom of expression in this country is endangered if it requires this degree of negotiation and investment of time and resources on everybody's part? JF

RW My professional view and my personal view are different. My personal view is that individuals have the power to press the off button. There are all sorts of things, especially in the media, with 24-hour news and the internet, that people would prefer not to see and it is hard for the state to control. And you have to ask whether censorship is something that the state should be concerned with. The state is always trying to legislate against things that it sees as harmful, either to the political establishment or the economic or social well-being of the community at large. But with diverse communities, all of whom have different views of what is acceptable, it is going to be very difficult for the state to create laws that they then expect the police to enforce.

You could say that it is not the role of the state to legislate for people's sensibilities – the idea that people believe that they have a right not to be offended. In a way that is what you were balancing in the case of *Behud*. JF

RW It might be surprising to you coming from Index on Censorship – you wouldn't expect a police officer to be making these kind of decisions around a play.

I would have expected them to be taken by someone in the council. But when I spoke to Clive Townend of the [Coventry City Council] Events Safety Committee he emphasised that this was a policing issue. JF

RW As I said earlier, my decision was very clear. I faced a situation where if I didn't do the consultation I might have had to react in an emergency – which is so much harder and more challenging than when you have had time to prepare.

So you had police officers round the back of the theatre? JF

RW We had a sufficient number of police officers on duty to manage the risk as we perceived it. But those officers were in a very low profile kind of mode.

Do you think that freedom of expression in this country is endangered if it requires this degree of negotiation and investment of time and resources on everybody's part?

In the last few days before the production opened there was a communication between your colleagues in Birmingham and yourselves suggesting the threat of violence. JF

RW The threat was always there. If a group of people wanted to disrupt an event, especially a controversial event, then if they have the support they could probably do that, whether or not it was justified.

I'd like to talk about the question of fees to cover the cost of guaranteeing the safety of the theatre. As I understand it, the bill was £10,000 a night for the cost of policing. JF

RW It wasn't that much. In fact the theatre was not charged for the policing.

But initially you assessed that it would cost £10,000 a night in policing and you wanted to pass that cost onto the theatre. The theatre argued that, as a not-for-profit rather than a commercial organisation, such a charge would make it impossible for the play to go ahead. The fee was reduced to £5,000 and eventually, as I understand it, the fee was waived altogether. JF

RW My police constable in charge of planning our operations work in other areas – for example, football matches – took the view that if we were being asked to police a private event there might be costs. I think that is legitimate. Some in the community might say whilst I have got police officers enabling, or being seen to enable, a controversial play, that means that officers are not dealing with other matters. However, as things moved on, as the risks changed because of the dialogue and the meetings with the safety advisory group, I took the decision that we wouldn't charge for policing. But what it categorically wasn't about was the police being seen to incur costs on an organisation or theatre to prevent them putting on a play.

If you have a political protest that is planned for Saturday afternoon going through the centre of town, could you charge that political party for policing? JF

I took the decision that we wouldn't charge for policing. But what it categorically wasn't about was the police being seen to incur costs on an organisation or theatre to prevent them putting on a play.

RW No, that would be very different. It is entirely fair that a profit-making private enterprise that needs to use public resources to enable their business interests to go ahead – for example in the case of a football match – be charged for the privilege. On the other hand, in the case of a political party that is not making any profit, then it is entirely appropriate that the resources of the state enable it. There is a distinction.

JF But many theatres are not-for-profit charities and are perhaps more comparable to a political party. They promote and facilitate artistic expression, just as political parties promote and facilitate political expression. Both have to raise funds. Is there a category within your assessment for charitable not-for-profit arts organisations?

RW Ultimately it comes down to professional judgment, based on threat and risk around events. And the risk initially with this play was high, though the threat really did recede as we did the work.

JF But it was a discretionary judgment.

RW But then so much of policing is.

JF It could have gone the other way – *Behud* could have been pulled. Whereas in the case of a political party, even if the politics are horrible and you don't agree with them, you don't interfere. There seems to be an imbalance.

RW I don't know about imbalance. But how would you define what type of event should be supported by the public purse? We have had enough difficulty trying to define when football clubs, multimillion pound enterprises, should pay for policing. If we open it out to all walks of public life it is just going to be too complicated. This is where we rely on discretionary judgment of professionals; society expects them to make those rational informed judgments, as I did in this situation.

JF But you wouldn't exercise that same discretionary judgment about a political party.

RW You could if the political party wanted to march; there is legislation around that because there are public safety considerations. If a political party wants to make a static protest there is very little you can do to prevent it from going ahead in terms of the law.

JF But a static protest of political expression isn't that different from a static protest of artistic expression – in other words, a play. There seems to be more structure, more acceptance and more clarity around political expression than around artistic expression, which leaves theatre vulnerable to professional discretion preventing it from going ahead.

RW I wouldn't welcome legislation defining when and where we should be involved in artistic expression. I don't think that is the right area for the state to be looking at.

But what if it is about protecting the right to artistic expression? JF

RW But it is about the evolution of what is considered inappropriate, and that changes. I think freedom of expression is protected – it has a natural element of protection around it and a natural censorship as well.

And that is your consensual policing. You police by consent. You have to have antennae and connections tuned in. JF

RW Absolutely. My accountability in the *Behud* case was to the community in the widest possible sense. I had very little accountability in terms of legislation. It would just be too difficult in today's society.

After the G20 riots there was a big shift, wasn't there, in terms of how the right to protest was more thoroughly supported? JF

RW You have to look at what the law says about when and where you need to intervene. The G20 was a different set of circumstances to what we were facing locally. We live in a changing world and we have to respond to those changes.

Nowadays we are more aware of hurt to people's feelings and sensibilities and that's where it becomes complicated. JF

RW It's a very difficult area for professionals to negotiate.

Nonetheless this play wasn't like a football match and charging for policing would certainly have stopped the play from going ahead. The question for me is what happens when there are more constraints on resources? The decision might not go that way and the play might not go on. JF

RW I can only really speak about this specific case, because if an event like this doesn't go well then potentially I would have to put more police officers onto the streets to maintain the security of the theatre. I think what happened with *Behud* was a wake up call for the theatre to recognise that actually the police are not the enemy, out to prevent freedom of speech, but very much helping to facilitate it – from a very balanced perspective. I think the wider question is: what do we want our police to do in a liberal democracy? I think policing needs to reflect the changing norms in society. Things that wouldn't have been acceptable 20 years ago, especially around questions of morality, are now acceptable.

Discussing Dishonour

Julia Farrington talks to Hardeep Singh of the Network of Sikh Organisations about his response to Gurpreet Kaur Bhatti's work

Did you see or read *Behzti*? JF

HS I was fully aware of *Behzti.* I saw all the coverage in the press. One of the newspapers actually published a transcript of some of the material that was deemed controversial. Having read the material that was published in the press I was concerned – where do you draw the line between theatrical expression and the freedom not to offend? The flyer advertising the play was a picture of a pair of panties with the background of a Sikh gurdwara, a place of worship, a place of reverence. I don't think the community had any issue over the idea that a Sikh could play the character of a rapist. The issue was the gurdwara as a backdrop. I think the discussion got to the point where the community leaders in Birmingham agreed if this was set in a nightclub it was fine, or any other place, but it shouldn't be set in a gurdwara.

Did you go up to Birmingham? JF

HS I didn't go up to Birmingham, but I do know people who attended the protest and I heard stories and anecdotes about what happened that evening where things got from bad to worse. But that was after a number of days of peaceful protest and I think that too needs to be put into context. I saw an interview on BBC's *Newsnight* with Jeremy Paxman and an individual from the community and I felt the issues that I put forward today were not highlighted enough in terms of looking at Sikhism and the abject failure in fact of taking the opportunity to demonstrate how Sikhism as a faith actually stands up for freedom of expression. The ninth guru of Sikhs was executed in Delhi for standing up for the freedom of religious expression of the Hindu faith. That is something that the Sikh community needs to take ownership of and to educate people about. If you ask people about Islam, everyone will have heard of the Prophet Mohammed, but no one knows about the holy gurus of Sikhs, or what the holy book of the Sikhs is. It doesn't exactly slip off the tongue.

What was the role of the Network of Sikh Organisations (NSO) in the protest? JF

HS The direct involvement of the NSO – and this is speaking before I was involved in the organisation, so I won't have a completely accurate picture – but from conversations with the director I know that he was involved in conversations at very many levels including, I think, with the Equality and Human Rights Commission. I am sure he did some interviews on BBC radio about the issue of freedom of religious expression, and where do you draw the line and why Sikhs were offended, and what the theatrical or artistic community felt about it, and the position of the community on this controversial issue.

So the NSO wasn't involved in bussing in people to the protest or helping to mobilise the protesters? JF

HS No, that wasn't their role whatsoever in the debacle. The people I have spoken to who attended were based in the West Midlands.

Was the NSO critical of what happened? JF

HS The NSO was critical of the flyer for *Behzti* with the panties. Imagine having a flyer that advertises a theatrical performance in a mosque with someone holding up a pair of panties! It would cause offence to every faith group. I think there was criticism of the sensitivities and the issues. I think equally – and I say this from my position, I wouldn't want to speak for anyone else – I think there has to be criticism of a minority of protesters, people who had allegedly come out of bars after a few beers who purported to be part of the protest and then caused what was described by the press as a riot, with windows being smashed. I think that was quite tragic, to be honest, that this is where things led. But it is a fine line. One thing is freedom of expression, the other thing is freedom to be careful not to offend. On the one hand you have a religious community, a minority, which since 9/11 has faced a backlash of Islamophobia and been caught up in the whole fear of Islam. The first person after 9/11 who was killed in retribution for the attack on the Twin Towers was a Sikh man, the owner of a petrol station, who was shot and murdered because a 'patriot' thought he was an Arab. And in the UK, the first place to be attacked after 7/7 was a Sikh gurdwara. which was fire-bombed. After 9/11 things changed and the sensitivities around religion changed. Quite frankly, the Sikh community and other groups that have physical manifestations of their faith through their garb are more frequent victims of Islamophobia. And in the context of that, look at *Behzti* – when a playwright is focusing on her own community. It is a sensitive issue, it is kind of, give us a break! That is pretty much my attitude. We don't want to censor everything. It is important to have debate and we in the NSO challenge people in our community, we challenge people who claim divinity, challenge issues that we feel are not going well. But at the same time, it hit the news because there was conflict over artistic expression and a religion and it was a good story.

In the UK, the first place to be attacked after 7/7 was a Sikh gurdwara

I think we have to draw a distinction between someone who is writing to offend and someone whose writing is found to be offensive. Gurpreet is making a very passionate comment on her perception of her community and how it has adapted to British life. In the process there are ways in which the community has been degraded by this adaptation. The depth of her feelings is expressed by setting the violation in the temple. JF

HS It is interesting to look at the question of adaptation and degradation that you mention – Sikhs who originate in the Punjab and come over to the UK in particular. But some of the facts go amiss. The Sikh community has the highest level of home ownership of any other faith community in the country; that is an indicator of a highly successful community. We are not talking about a poor community, with people living on benefits, we are talking about a very affluent, highly educated and extremely successful community that has given many lives to this country. Some 82,000 Sikhs gave their lives in the First and Second World Wars. These are things that need to be celebrated and if people like Gurpreet Bhatti could bring this out in her plays that would be fantastic. The issue of women is key and I think she is right to bring these issues forward. But I don't agree with the depiction of the scene of violation in a gurdwara, which I think is somewhat excessive.

Playwrights need to engage early on, to provide a transcript, to think about things that might be slightly sensitive.

HS Clearly there are issues. I would be a complete fool if I were to say there are no issues. And sadly something I have discovered is that alcoholism is an issue as well within the community. We can't ignore the fact that these issues are legitimate issues but how do we go about bringing them to the forefront or into the public eye?

JF This brings us to *Behud*, Gurpreet's creative response to the *Behzti* situation. How did you hear about *Behud*?

HS I have got friends in the press and I got a tip off. A week later it was reported in the broadsheets and we realised that it might be an issue, based on what happened with *Behzti*, so I got approval from the NSO executive to start having dialogue with the theatres and to see if we could get hold of a copy of the script, prior to the play opening.

The first thing was to get a bit more of a flavour of what was going on. We were concerned, considering what had happened in 2004. Certainly we didn't want public disorder. The final stage was when we were given an invitation to go up to Coventry to the debate with panellists that included Sunny Hundal, somebody I know reasonably well. But sadly no one could make it up to Coventry. Certainly, I walked away from that feeling that it was a positive kind of engagement with the theatres.

JF On the first Monday of the previews, a deputation of local Sikh leaders came to see the show. Were you connected with that at all? They came in to assess the play and pass comment on whether or not they felt it was offensive.

HS I say this somewhat tongue in cheek, but sometimes all that you need to do to be a community leader is 'to sport a turban and a beard'. But on a serious note, we were linked to a group, the representatives of the Coventry gurdwara, so we did have that insight into what was going on, with the correspondence that went back and forth.

JF There was a decision taken by the theatre not to talk to the Sikh community. The theatre decided it was not going to make a special effort to single out the Sikh community in its marketing. But the Sikh community in Birmingham contacted the police there to say there was a possibility of violence, and the Birmingham police contacted their colleagues in Coventry and they contacted the theatre.

HS There were some enquiries to the NSO, but nothing that suggested that people were as upset as they were about *Behzti.* The feeling wasn't as strong, but there was concern. *Behzti* was on the extreme end of the spectrum and I think *Behud* would be halfway towards that point.

JF Did you see the play?

HS I didn't have the opportunity.

What was your reaction to it being there, being out there and in a sense the next chapter of the story having been written? JF

HS It is all about freedom of expression. It is all about playwrights being able to do what they do and the fact that it didn't cause offence and it was almost like a reflection on the events that had transpired a few years ago, it was important that the play went ahead. We live in a democracy, and the pillars of democracy are that freedom of religious expression and freedom of expression are central and I think that is good.

Do you know Sikhs who did see the play? JF

HS Yes I do – I spoke to people who went to see the play and they said it was fine and were glad to have seen it and they quite enjoyed it.

Did you have any briefing ready at the NSO if there had been a repeat of what happened in Birmingham; were you prepared for something? JF

HS Yes, my responsibility if events had gone sour would have been to send out a press release and talk about the issue in the context of our dialogue with Hamish and Lisa. There were contingencies if there was any backlash in response to the play.

I walked away from that feeling that it was a positive kind of engagement with the theatres.

What could Coventry have done differently in terms of talking to the Sikh community? The biggest perceived mistake in the handling of *Behzti* was that the people who read it before it went into production thought that they were being invited to discuss the script, when in fact it was more about marketing and outreach. This time Coventry was determined not to give that impression, so there was no consultation with the Sikh community. There has been an accusation that the Birmingham Rep did things differently precisely because they had a new play by a playwright from an ethnic minority. If it had been a new play by a white author no one would have suggested communicating anything about the script. Do you think that Coventry should have contacted the NSO to say they were doing a play about Gurpreet's response to the situation, or do you think that they did the right thing to let it lie? JF

HS It is an interesting question. There is merit on both sides. I think it would have been helpful if it hadn't been such a cloak-and-dagger approach. *Behzti* is the Punjabi word for 'dishonour' or 'disrespect', so when somebody says you have brought behzti to my family, it is quite an emotive word. Behzti means that something has been completely ridiculed, dishonoured and you should be exiled from your family or community because you have brought dishonour. That is really emotive. In terms of dialogue – you need to know who to talk to and that is one of the primary issues. Once that has been established then it is important to be able to have dialogue with the representatives in the community, those who deal with government. Playwrights need to engage early on, to provide a transcript, to think about things that might be slightly sensitive. We might add theologically about what Sikhism stands for. When a play is about our faith it is slightly controversial to talk about women and violation and sexual activity and dirty old men in the sanctity of the gurdwara. I think that is the challenge and it is a very fine line.

Now that *Behud* has opened up the path to dialogue again, have things changed enough so that it is possible to envisage another production of *Behzti*, or do you think it would still be intolerable? JF

HS I would argue that another production of *Behzti* would probably raise alarm bells, but I guess the suggestion of the NSO would be to deal with it through the appropriate channels – through legal channels, government lobbying – and get Sikh redress in that fashion.

To have it banned? JF

HS Well, Sikhs have long memories. I'd say many communities have long memories, the whole *Satanic Verses* situation as well, that is probably still quite deeply engrained in the memory of the Muslim community. I know that *Behzti* was compared in the press to the Salman Rushdie affair, and I understand that Gurpreet also received death threats. I think all faith communities feel somewhat marginalised. And when we do get some coverage I guess people think that it should be positive.

I suppose the question is, if the play were to be put on again, how do you get to the point where it could be performed without the protest?

In an ideal situation the play gets to be performed but your voice and your passion and your position are out there too. JF

HS I am going to be hypothetical here too but you could have the situation where you put on a play by another playwright which is depicted from the Sikh point of view – the expression of how the community feels. That could offset or be shown in parallel to the original offensive play. That would be one way of going about it. Dialogue is critical. That is what I would have thought that they would have learnt from *Behud*, not to be so hush hush. In the case of *Behud*, ideally there would have been at least two months of consultation and it shouldn't have been kept quiet because ultimately people were going to find out. It seems a kind of naive approach. There should have been an ongoing dialogue. Trust could have been created between organisations that would have been an important piece of market research for the theatres. We have done a questionnaire, and here you are, this is what we got, a few pie charts, this is the general kind of feeling. Logic tells me that would have been sensible.

I would argue that another production of Behzti would probably raise alarm bells, but I guess the suggestion of the NSO would be to deal with it through the appropriate channels – through legal channels, government lobbying – and get Sikh redress in that fashion.

JF I think people were concerned about Gurpreet's physical safety right up until the last minute. We were not allowed to let anyone know where she was and we were not allowed to advertise the fact that she was part of the after-show discussion on the last day of the run. Because of the violence in Birmingham they were very protective.

HS I understand that completely.

JF In this issue I think it was a case of self-censorship. There is not much self-censorship in this picture, except where there was fear of provocation. That's why the theatres didn't enter into any form of dialogue.

HS I think the NSO shared that fear and it came out in the correspondence with the theatre. We didn't want violence flaring up, and we got wind of what was going on by reading about it in the press – there could have been something that could have helped mitigate that, and that is really the point. Clearly if this woman's life was in danger it is also an issue and I have a lot of sympathy because that must be a horrible place to be.

Hardeep Singh is press secretary for the Network of Sikh Organisations

Taking control

Lisa Goldman, the director of *Behud*, in conversation with Index on Censorship editor Jo Glanville

LG *Behud* is about a writer called Tarlochan, who is trying to write about a previous play of hers that was closed down. What we see is her attempt to construct the various characters involved and their relationships with one another, but also their relationships with her as the writer. At first she's the invisible hand, driving their intentions and motivations, but sometimes they do things she doesn't want them to do, they become much more wilful than she'd ever intended or expected. The situation becomes reversed, so that the characters come to control her and her play is threatened with closure.

Can you tell me about the genesis of the play? JG

LG Originally, Gurpreet Bhatti brought me a very rough first draft. It's quite normal in theatre for a writer to bring you something they're particularly passionate about, to see if you like it or not. At this early stage, the piece was very much a linear satire about a fictional event where a playwright's work is censored. It had the same characters as the final piece. It's moved from a linear satire, where the writer is just one of 10 or 11 characters, to the writer becoming part of the process of constructing the play. She's giving a platform to all of these characters, but at the same time you're seeing it from the dark, subjective perspective of the writer trapped within the situation. I find that very interesting as an artist. Not just in terms of the political-social situation, but in terms of creating a piece of artistic work. The self-censorship, the control you exert on yourself or not, working on all those levels just seems so much more interesting.

This is very much a play about control, or the illusion of control – whether it's in the theatre or outside the theatre. JG

LG That's one of the reasons I wanted to do it, because I was disgusted by what happened, by the theatre industry, which I'm part of. I thought when she brought me that first draft, 'You deserve your right to reply to what happened, because the theatre industry silenced you, didn't support you.' Why weren't we up there in coachloads? Why did it take everyone by surprise? Why have we become so lazy in our engagement in activism around that issue?

Looking back, what do you think should have happened differently? JG

I think they should have kept the play running. I think they should have protected the staff.

LG I think they should have kept the play running. I think they should have protected the staff. I think if they needed to close down the pantomime in order to keep the play running, then they should have done that. I thought it was appalling personally. It's a very slippery slope to say: 'This is a bit difficult, let's not worry about freedom of speech on this issue because it's a volatile situation.' Where does that take you?

In Gurpreet Bhatti's new play, the character of the author, Tarlochan, tries to make the protesters understand that this is not a real Sikh temple being defiled. She's trying to make it clear to them it's theatre, but at the same time, she's having to learn a very horrible lesson about the impact on reality of something she thinks is contained within fiction. JG

LG This is always a very interesting question. It's a very easy get out to say this is a work of fiction, a work of the imagination. But it is more complicated than that, because works of the imagination sometimes contain a deeper truth than works of reality, so they do represent reality. If it did have no bearing on reality, why would it create such friction in the first place? These works go into that side of our minds that we would rather not look at, and theatre does that in a particularly public way. People can take offence at all sorts of things in theatre, from language used to acts of violence, to the extent where they think they've seen something on stage when in fact they haven't, they've only seen it in their mind. I've witnessed that many times on a number of shows, and it's always really fascinating. I remember producing a play called *Stitching* by Anthony Neilson and a journalist writing about it afterwards maintained there was a scene where a character was masturbating over pictures of the Holocaust, which was absolutely not in there. That's the picture talked about on stage and in their imagination they really believed they had seen it. It's just a very powerful medium in that way.

If you're writing something contemporary about a minority group that has issues about its own identity in a culture, then there can be a perception within that group that they somehow own the work of art. We saw this with *Behzti* and with Monica Ali's *Brick Lane*. JG

As a writer and a director that boundary between being responsible to a cultural reality and at the same time being completely free to invent – that is the kind of line you are treading.

LG I think it comes back to this sort of notion of responsibility – what responsibility you have as an artist in terms of representing your own or another community. It's really difficult because it depends on the kind of play you're doing. I always make an effort to authenticate work when I direct it to avoid what the director does in *Behud* and have Arab writing on the tins when it's completely inappropriate. I think that's a very interesting moment. I think the flipside of that is that people should be free to write what they want and not feel a responsibility. I think it's the difference between the authentication culturally and a representation of a particular notion of that culture that is deemed by self-appointed guardians to be most acceptable.

Drama is always about the experiences that don't normally happen, that are on the edge of common experience. I think I'm stating the obvious really, but as a writer and a director that boundary between being responsible to a cultural reality and at the same time being completely free to invent – that is the kind of line you are treading. That generally doesn't feel problematic, it's clear where that line is. I think the problem which comes with that interface is with members of a community who are unhappy about what you've written, and that's clearly what happened with *Behzti.*

Do you think that the arts face a continuing crisis in terms of religion and censorship? JG

LG I think it's really hard to second guess what's going to happen in the future, but all you can say is that unless you keep pushing the boundaries of what is seen to be acceptable, those boundaries will get pushed back. So you have to constantly be vigilant about the kind of programming you're doing. I think we can see from the atmosphere of fundamentalism and the desire to be offended, actually, that it's prevalent at the moment.

The desire to be offended? JG

LG Yes, the desire to be offended. That feels to me that that's a part of the atmosphere of the moment.

You've been working on this for two years with Gurpreet Bhatti. What would you say about the journey that the play's made in that time? JG

LG I think it's become more deeply personal, raw, and has started to celebrate the subjective, as well as being even-handed and viewing events from a distance. And in many ways, that's about being less controlling as a writer: allowing your own vulnerabilities as a writer to be there, not simply looking at a writer-character who's been the victim of a situation, but almost taking a character who is struggling with all her own demons – as all writers do. It's very difficult to write for a public space. Writing a novel is one thing. You write it and then it goes off to your editor and then the next person picks it up. It's a less mediated relationship. But when it comes to theatre, it is mediated by a director, by the actors and, as we saw with *Behzti*, by a whole institution and a whole other series of layers of political-social machinations. You've got to be very, very strong in all that to keep it together. I think Gurpreet is absolutely extraordinary as a person to have completely kept it together with dignity and total strength and clarity and then to have made the decision to write this play, and go the nth degree with it. She's an incredibly inspiring woman.

The desire to be offended. That feels to me that that's a part of the atmosphere of the moment.

The road to *Behud*

The playwright Gurpreet Kaur Bhatti found herself in the eye of a storm that had profound effects on her personally and on theatre as a whole

When I started writing my third play *Behzti* in 2003 I could never have imagined the furore which was going to erupt. There was an atmosphere of great tension in the lead up to its production in December 2004 and it was indeed an extraordinary time. Mass demonstrations culminated in a riot outside the theatre. I woke up one day to find journalists from five national newspapers on my doorstep. The West Midlands police informed me there had been threats to my life and I left my home to go into hiding. I was assigned two police officers and came home weeks later to find CCTV installed outside my flat and security railings over my windows. Famous people inundated me with messages of sympathy and support, I was offered money for my 'story'. You literally could not have made it up.

Nationally there ensued a complex debate about freedom of speech, censorship and multiculturalism. Meanwhile, on a 'micro' level there was both back-biting and solidarity from fellow artists, the now normal daily interaction with the police and the actual processing of what had happened to me – with my friends and family and also in my own head.

I knew immediately I had to write about what was going on. Even though looking back now I realise that I was in shock and my mental state was fragile, part of me was soaking up all the arguments, the issues, the various players and agendas. And I knew it had to be a piece of theatre. Any other form would be too simple and straightforward, it was as if nothing else could do justice to the juxtaposing darkness and light of this strange series of events.

Behud was always going to be personal though never autobiographical. *Behzti* for example is a play about hypocrisy and the pressures of being part of a community, a tale about what's underneath the British Asian dream. It started out with me wanting to write about my own life as a carer. My experiences around *Behzti* were complicated, sometimes hilarious and occasionally very painful. My instincts as a writer are dark and comic, I'm attracted to what's under the surface and I see nothing wrong in being provocative. And the play that came out of all this had to be true to all of these elements.

My instincts as a writer are dark and comic, I'm attracted to what's under the surface and I see nothing wrong in being provocative.

So *Behud* had to be written, otherwise it would have been the elephant in my head. In the immediate aftermath of *Behzti* being pulled, I pretty much shunned the media and notoriety. I wanted to get on with my life and reclaim my normality as a jobbing writer. I wrote another two plays commissioned by other companies, worked on my own series for the BBC and also developed a number of screenplays. I found myself being constantly questioned about my feelings about *Behzti*. People were fascinated, excited, pitying, scornful...It was hard to express how I honestly felt and also to connect with anyone who had gone through anything similar. Again, it was by writing a play that I could pour everything into a fictional text.

The road to *Behud*

Behud had a chequered history from its inception. More than anything I have ever written it divided literary managers, theatres and directors. It seemed as though everyone had their own ideas about what I ought to be saying about the *Behzti* affair. What I came to realise was that the events of December 2004 had affected the industry deeply, damaged it even. Individuals had their own passionate opinions about that time and so I think it was difficult for people to view it as just another play and it took a long time to get into production.

Everything I feel about that time is in *Behud* – from my own self-doubt and self-loathing to institutional racism and the friction between artist and state – and ultimately the triumph of the imagination. I wanted the play to be able to stand alone, without the spectre of *Behzti* behind it. By the time *Behud* was about to be produced, the rawness of my initial feelings had given way to a degree of acceptance and compassion which I hope are reflected in the piece. I still remain interested in the notion of provocation, the space where an audience opens up and/or closes down – the opportunity to have words heard, to challenge and shake things up, which I expect will always remain a feature of my work.

By the time *Behud* was about to be produced, the rawness of my initial feelings had given way to a degree of acceptance and compassion which I hope are reflected in the piece.

The fact that the play was going on at all felt like a victory in itself, though not an exorcism or catharsis (that occurred when *Behzti* was produced in Europe). When the actual production was happening I was of course aware of the various behind-the-scenes conversations and strategising. I too had to get real. In 2004 I had been childless, whereas now I was pregnant with my second child so I had new responsibilities. My partner and I discussed worst case scenarios and made plans accordingly. I knew inside I had to be strong and bold and confront whatever came to pass.

Both Soho and Coventry went to great lengths to make sure I was okay about every aspect of the production. I was well supported and for once I allowed myself to be supported. When any new piece of work is put on, there is always some anxiety about its reception. With *Behud* this was heightened to the extreme. As the opening night drew closer, the theatres started to receive letters and protestations from various groups and individuals. A few rogue stories appeared in the press – some Sikhs apparently were outraged that *Behud* would be opening in London on the night of Baisakhi, the Sikh new year. After the first dress rehearsal, Hamish Glen told Lisa Goldman, the director, and me that he had been asked by the police to pull the play. My heart sank and it felt like real life was horribly, weirdly mirroring art. I just kept telling myself to keep going, to keep going. To his enormous credit, Hamish stood firm but the implicit threat and police presence created an incredibly difficult atmosphere for the artistic team and actors to work within.

As for the question of the marketing of *Behud*, was the image the right one to sell the play? With hindsight I think it probably wasn't, as it didn't truly reflect the play's tone and content. And I was of course disappointed that audiences were lower than expected (both my previously produced plays had had sell-out runs). There were comments from people saying that the Asian community didn't even know *Behud* was on. I do find it sad that the theatres felt they weren't able to reach out to an Asian audience. I was thrilled when Soho staged a reading of *Behzti* during the run. This was a great achievement by the theatre, but it was just a shame that the event wasn't advertised in any form. There is only so much that an artist can do, it is also up to the institutions he/she works alongside to meet impending risk with courage.

I was heartened by some incredible feedback on the play from different people who saw it. And it was great to hear the muffled laughter of one of the Sikh men who came as part of the deposition in Coventry. Whether he was laughing with or at the play, it at least elicited some kind of reaction.

The important thing for me is that *Behud* was produced and now the published text is out there for anyone who's interested. The play, production and surrounding strategies were by no means perfect but they were heartfelt. The fact that they happened at all is a step in the right direction.

At the end of *Behud*, Tarlochan, the writer, picks up her pen and continues writing. That's what I feel my role is, to keep on creating drama I believe in, to maintain my true voice, write from the heart and hopefully make work that is both challenging and entertaining.

And as for *Behzti*, its life too goes on. As well as winning the 2005 Susan Smith Blackburn prize, the play has had readings in Canada and London, been translated into French, published across Europe and toured France and Belgium. It has also become a set text in university drama departments across the UK.

Finally, would it be possible to do *Behzti* again in the UK? I certainly hope so as I'd love to work on it some more. Doubtless it would be a tough challenge. I hope one day someone will want to take that challenge with me.

could behzti be staged today?

When the local became global

Jatinder Verma, founder and artistic director of Tara Arts, writes about the cultural and religious climate that made the response to *Behzti* inevitable

'*Behzti falan waaley Suley.*' Translated from my mother's Punjabi, this means, 'Muslims spreading dishonour.' I first heard this expression as a child growing up in Kenya, after a fight broke out between some neighbourhood lads in our locality in Nairobi. My mother used that occasion to recount stories from the trauma of the Partition that created independent India and Pakistan. An event that had happened less than 20 years earlier, some 3,000 miles away and which neither of my parents had witnessed first hand.

This memory comes to mind as I reflect on *Behzti* and wonder: was this a local event fed by global forces?

One of the uncomfortable consequences of 9/11 has been what might be called the 'bragging rights' the events have offered Asian youths in cities throughout Britain. Muslims today are perceived by many young people to be the hardest of hard core. Perversely perhaps, they are the new Kings of Kool. This goes some way towards explaining the events of 20 December 2004, which saw the cancellation of the inaugural run of *Behzti* at Birmingham Repertory Theatre.

I first heard about *Behzti* via a text message from a friend: 'Check this play out – right insult to the community.' Talking to some of the actors whom I knew in the show, it was obvious many were very concerned. Inevitably, for them the issue was the relatively simple one of whether the show would go on or not: the possibility of spending Christmas and New Year out of work was not one that amused any of the performers.

In the 1980s, many of the young Sikhs I then knew had, on the backs of the separatist Khalistani movement in India – and the manner in which it was brutally suppressed by the Indian authorities – acquired considerable bragging rights. They were what I would term the new 'diasporic victims'. Family and faith ties, allied with increasing globalisation and a culture in Britain that valorised victimhood, served to ensure that events in far-off India would have almost immediate response in Britain. So it was that when Indira Gandhi was assassinated in Delhi in revenge for her decision to allow the Indian army to storm the Sikh holy temple in Amritsar, which had become a refuge for separatist terrorists, many Sikhs celebrated her death in the streets of London and Birmingham.

By the 1990s, following the fatwa against Salman Rushdie after the publication of *The Satanic Verses*, faith had replaced race, class, ethnicity and culture as the new fault line of social relations. As New Labour promoted religion in public life – a process accelerated after 9/11 – faith became the primary means of self-identification for young Asians in Britain. This conflation of faith with culture, race and ethnicity created some of the conditions in which it was possible to see in this new play *Behzti* an attack on religion. Crucially, in the run up to the controversy surrounding the play, the government proposed new legislation to make incitement to religious hatred a crime. Sensitivity to the charge of 'Faith-crime' was rapidly becoming the litmus test for multiculturalism.

These were some of the reasons why the Birmingham Rep offered to show Gurpreet Bhatti's play text to local community leaders before the play opened. Since it explored contemporary Sikh relationships, the producers undertook to establish a relationship with a new set of local audiences. This well-meant effort was in all probability seen as a useful marketing exercise to garner Sikh audiences for what was perceived

I cannot think of many other instances of new plays being offered to non-theatre readers for comment. How did anyone expect non-theatregoing Sikh elders to react to reading the play?

as a play about 'them'. The very thought of such an effort reduced the play from a work of art to social commentary. I cannot think of many other instances of new plays being offered to non-theatre readers for comment. How did anyone expect non-theatregoing Sikh elders to react to reading the play? Inevitably, they read it as something written on a page. They reacted to the rough contemporary language of the text. And most of all, to the fact that it was set in a gurdwara, a Sikh temple.

Such an approach to Bhatti's play in itself betrays a kind of censorship. In failing to ascribe to Bhatti's work the same level of consideration as any other new, edgy contemporary play, and in failing to appreciate that Asian audiences are no different to non-Asian ones – heterogeneous, predominantly lovers of popular feel-good entertainment rather than 'art' – the producers betrayed a blindness to the Others in their midst. Are all Asians religious? All members of one single homogenous 'community'? All equally patronising 'art' instead of entertainment?

Asian audiences, in my experience, are as fragmentary as non-Asian ones. Some Asians will be interested in musicals, some in comedy, some in new plays, some in experimental work, and so on. By not making an assessment of which types of Asian audiences they wished to attract, the producers found themselves at the mercy of those who saw in *Behzti* a ready cause célèbre.

By late 2004, the general feeling among Muslims in Britain was that they, and especially their young, were being targeted by the state in much the same way as young Blacks had been targeted in the 1970s and Eighties under the notorious 'Sus' laws. This sense of victimisation was paradoxically occurring at the same time as the state was increasingly seen to be responsive to Muslim public opinion and, indeed, seeking to court it. In the narrow world of local ethnic politics, it was apparent to many non-Muslim Asians that they were losing ground in getting their own particular concerns aired.

It was in this context that *Behzti* proved so explosive. As I discovered much later, one of the first taunts doing the rounds on Birmingham streets centred around the poster advertising the production. The poster depicted a woman half hidden behind a pair of large knickers which she was holding. Such knickers – boxers, in effect – are one of the five key symbols of male Sikhs. Taunts were aimed at young Sikhs, jeeringly claiming that they were too effeminate to do anything about the shameful manner in which their faith was being paraded on the streets. Given all that has been said before, it is not too difficult to see how some young Sikh men, when offered 'evidence' by those community leaders who had seen the script, took to the streets to demonstrate, fuelled by drink. (The area where Birmingham Rep is located is famous for the opportunities it offers to indulge in binge drinking.)

The vast majority of articulate protest against the play focused on the 'negative portrayal' of Sikhs – a lame, somewhat adolescent argument. No one took the play to task as a play. And how could they? A fiction was being pitted against the perceived fact on the ground that Sikhs were not as strident as Muslims in the defence of their faith. In this context, what Gurpreet wrote was irrelevant.

Since December 2004, *Behzti* has not been produced again in its original English version. Could it be? And would a production elicit a similar response? The simple answer to the latter question is no. The local context has changed irrevocably, for both Muslim and non-Muslim alike. We have all learned the hard way the consequences of shouting too stridently in defence of faith. While the conflicts in Iraq and Afghanistan continue to provide justification for some young fanatics, they are increasingly seen as just that: fanatic individuals, unrepresentative of their communities.

As to whether *Behzti* could be produced again – I would hope that would be possible without engaging in the insidious censorship of Asian audiences I alluded to earlier.

Taunts were aimed at young Sikhs, jeeringly claiming that they were too effeminate to do anything about the shameful manner in which their faith was being paraded on the streets.

Literary citizens

Jonathan Heawood, director of English PEN, on the sometimes uncomfortable truths about living in a plural society

For New Labour, citizenship meant being nice to each other. Their national curriculum taught a generation of children and young people that to belong to society you have to show mutual respect – which can easily descend into mutual wariness. This did not leave much room for free speech. In the Religious Hatred Bill, which went through parliament around the time that *Behzti* was making its stormy journey across the stage of the Birmingham Repertory Theatre, the responsibility to be nice very nearly became law. The bill would have made being offensive about religion a crime. As campaigners against the bill argued, surely free expression is no offence?

Thanks to these campaigners – including some religious groups – the Religious Hatred Bill was amended. It now affirms the right to be unpleasant about religion (which is, after all, one of the major forms of power in the world). The threat of compulsory niceness has been removed for the time being.

However, the practice of free speech is more complicated. The fate of *Behzti* sent a chilling message to writers. Its removal from the stage as the result of real and threatened violence said that some issues are simply too hot to handle. The government's response to the conflict suggested that the putative right of Sikh elders not to have their authority challenged was greater than the right of the playwright to explore her own religion and the right of her audience to engage with this drama. Nobody in the process seemed to have the confidence to hold, or host this conflict – until Gurpreet Kaur Bhatti herself returned with her characteristically reflective and reparative play *Behud*, which was staged successfully in 2010.

Could *Behzti* itself now be staged? Legally, there is nothing to stop anyone producing the play. Any doubts that arose during the passage of the Religious Hatred Bill should have been resolved by the bill's amendment to protect free speech. However, the freedom to write depends on much more than a purely legal framework. It requires a society that is able and willing to educate, to inspire and to support developing writers and readers, and a state that understands citizenship as something that embraces conflict and change as much as respect and stability.

What does this mean in practice? Imagine a group of teenagers who have arrived in Britain only last year, travelling alone or with their families from around the world. They have a bundle of stories and a lot of fragile attitude, expressed in leather jackets, complicated hairstyles and veils. After six weeks of English PEN workshops, their language skills are blossoming. So are their relationships with each other. I have just spent the morning with this group. It gave me an insight into 21st-century literary citizenship.

When one of the boys described a man in a photograph as 'beautiful', some of them laughed but others argued that a man can indeed be beautiful. They jibed at each other's choice of words. One had used Google to translate the word 'tiptoeing' into his native Arabic and came back with the concept of 'feet fingering'. Later, the workshop leader encouraged him to work this idea into his own poetry. Together, these young people are developing languages – and, potentially, literatures – that sit somewhere between English and other languages: words that express and embody their evolving citizenship of a country and its literary heritage. Through literature, they may just contribute to the future shape of British culture – so long as they are given both the freedom and the capacity to do so. (Contrary to David Cameron's vision of the Big Society, this work does not come for free.)

This is what citizenship means. It grants us membership of a society and the capacity to change that society. It is a freedom both to read a society and to write it: to direct its future through democratic participation and to reveal its conflicts through journalism, literature and other forms of art. Like Gurpreet Kaur Bhatti before them, these young people may use their new-found literary skills to say things that are uncomfortable or unsettling. That's the price we all pay in return for the benefits of citizenship.

When *Behzti* was staged at the Birmingham Repertory Theatre, a fault line was exposed in the government's nicer, less threatening version of citizenship. We saw that being citizens of a plural society does not always mean that people are nice about each other's beliefs or practices. On the other hand, Gurpreet Kaur Bhatti may actually have been fulfilling her duty as a citizen by exposing this confusion, as we 'feet finger' our way towards a society based on the understanding that comes from noisy, robust dialogue, rather than the silence that is caused by legal or physical threats.

These young people may use their new-found literary skills to say things that are uncomfortable or unsettling. That's the price we all pay in return for the benefits of citizenship.

View from abroad

Virginie Jortay on the response to *Behzti* when it was performed in France and Belgium

In early 2006 there was an exchange programme of British and French plays, with the translations – one of which was *Behzti* – commissioned and paid for by the British Council and Les Halles, a Brussels theatre. I organised a reading of *Behzti* in front of an audience of maybe 100 or 150 people. A producer came to the reading and three months later he called and asked me to direct the play for Lille3000, an arts festival, whose focus that year was India. So I contacted the National Theatre in Brussels with the idea of a co-production, because I wanted to avoid the same threats that Gurpreet had seen before. It had to be seen in an official place, not in the underground. That way it is taken more seriously.

The context was totally different when we produced *Behzti* in Belgium and France. I think that everything depends on the context. We had absolutely no problems. Gurpreet was a little worried about what might happen, as everybody was. But we had no problem, no threats, we noticed nothing. The Sikh community in Belgium and in Lille is very small. I know some people were informed, because...what can I say...we could feel it... but nothing more than that. What happened was that a few journalists came to see *Behzti* expecting a scandal, and they were critical about the artistic project. A part of the Belgian press was expecting more violence, more evidence of injury. They were expecting something much more controversial. The critics didn't like the play very much; they were expecting something more polemical. But the play isn't about ethnic politics, it's about rape.

In fact they didn't really understand why the Sikh community reacted as they did. They recognised that it's a piece that is full of love for the Sikh community. Gurpreet has been totally misunderstood about the way she is writing about the Sikh community. The public really liked it, because it was touching something that is quite real in Belgium. There was very deep, emotional reaction, especially in an important theatre like the Theatre National.

The public really liked it, because it was touching something that is quite real in Belgium.

I read *Behud*, but for me it was much too local. It is an English story. It would have had no resonance in Belgium. What I liked about *Behzti* was the treatment of the rape, and the mechanics of protection that was very well described, very well told. I didn't see something like that in *Behud*.

Virginie Jortay is the Belgian theatre director of the French language production of Behzti that toured Belgium and France in 2006.

Saying it loud and clear

Chukwudum Ikeazor, a serving constable in the Metropolitan Police, gives his personal view on why the state has a duty to protect those who put on plays, and those who watch them

The answer to the question of whether *Behzti* could be staged today should simply be, 'yes'. There is no practical reason why any play cannot be staged so long as the necessary finance and logistics are in place. The question I feel we ought to be discussing is 'Should *Behzti* be staged today?'

A play is a work of fiction, which may or may not be based on a real-life situation. It may seek to provoke public debate, but it is nevertheless first and foremost a work of the imagination. It may be a work of genius or it may be mediocre. *Behzti's* story line was centred around rape and murder in a Sikh temple – it was bound to provoke controversy. That is not unlawful. If it incited racial hatred that would be unlawful. If it were slanderous or libellous, there are laws to deal with that.

It is very dangerous territory and a grievous assault on the principles of freedom of expression and theatrical licence when veto is assumed or allowed. The rights to opinions, objection and outrage are, of course, not in dispute and those offended by any publication or play are entitled to their opinion, as they are entitled to object and even seek to ban the publications with existing legal tools – laws of libel and public order.

The consultation exercise for *Behzti* was a needless gesture on the part of the theatre that immediately called into question the intrinsic right to freedom of expression. Those who took that decision no doubt meant well but were quite clearly misguided. No one would dream of consulting the Catholic Church about a play about child abuse that took place inside a church. Writers and playwrights do, of course, consult as part of their research but they do not seek permission to write.

The Sikh community (without meaning to demean any other group) is, in my experience, not one associated with violence or violent protest in the UK. What happened over *Behzti* did appear to reveal another side of the community, or at least certain of its organisations and elders who led the protest. There were death threats that forced the playwright into hiding.

What is helpful to note is that those associated with this shameful behaviour did not represent the entire Sikh community, which was highly divided over the matter. Gurpreet Kaur Bhatti is herself Sikh and while many Sikhs may have been disturbed or offended by her play, many came down on her side. They fully supported not just the writer but, just as importantly, the British value of freedom of expression which was being challenged. Minority status does not confer immunity from UK laws. Protest all you wish but do not break the law.

As a police officer, the ultimate scandal in the *Behud* production for me was the spectacle of a police service demanding to be paid to do its duty to keep the peace, protect members of the public and keep a potentially violent mob at bay. No organisation, no individual, no group of individuals who fears for its safety or is in need of police protection should ever have to worry about whether on not they can afford to be policed. We are not mercenaries. Our officers have sworn to protect the public and keep the Queen's peace. I cannot imagine any police service asking a Black or Asian organisation that was staging a community event such as Black History, Diwali or Eid that was under threat of violent demonstration from a right-wing group to pay for police protection. The idea of paying for police protection smacks of racketeering and fills me with shame and shock.

As a police officer, the ultimate scandal in the Behud production for me was the spectacle of a police service demanding to be paid to do its duty to keep the peace

So yes, *Behzti* can and should be staged again. The UK needs imaginative, thought-provoking and challenging plays by writers like Gurpreet Kaur Bhatti. The artist is there to entertain, inform and challenge. UK laws and police services will protect theatregoers, theatre staff, actors and playwrights from violent protesters. At least I hope so.

Chukwudum Ikeazor served as a police superintendent in Nigeria, but was forced to resign and leave his country following his attempt to expose corruption.

Enough is enough

Journalist Matthew Parris on growing public irritation with the heightened sensitivities of some religious groups

Could *Behzti* be performed today? I'm guardedly hopeful. I sense an underswell of public impatience with the creeping advance of censorship and self-censorship under the guise of respect for community, race or faith sensitivities. In particular, I've sensed resistance to an insidious idea, most prominently broached, I believe, by the Macpherson Inquiry into the police handling of the Stephen Lawrence murder, that what is discriminatory or offensive is what an offended person takes to be discriminatory or offensive. From this would flow the doctrine that it is for a grouping or community to determine what may or may not be said about or to them. This – multiculturalism in the worst sense – is plainly nonsense in any nation aiming to achieve shared values. In retrospect, too, I suspect there is now some scepticism towards the last government's knee-jerk attempts to signal support for faiths and sexual orientations by imposing state censorship on 'hate speech' towards them.

And although Sikhism itself is a notably pacific religion there is, I believe, a growing public irritability towards the fomenting, by many faiths of hatred, intolerance and division. 'A plague on all their houses' is a sentiment often heard in recent years, leading to a general cooling towards the idea of special rights or protections for religious groupings. I doubt religious enthusiasm has ever been more unloved in England than at any time since the 18th century.

I doubt religious enthusiasm has ever been more unloved in England than at any time since the 18th century.

Finally, whatever view you take of the overall merits of reducing public funding for the arts, I think that to the extent that we remove theatre from the patronage of government-funded arts bodies, we are likely to lessen the nervousness theatre directors feel about challenging the cultural norms that hold sway among committees of state-appointed worthies.

On balance I reckon that anyone determined to stage a new *Behzti* could feel hopeful of slightly more unhesitating public and media – and perhaps even official – support, this time. I hope so.

Apprehensive times

Michael Billington, the *Guardian*'s theatre critic, on why regional theatres are less able to weather creative storms

Could *Behzti* be staged today? The simple fact is that it hasn't been. And even though the follow-up play, *Behud* (Beyond Belief), by its author, Gurpreet Kaur Bhatti, passed without incident when it was seen at the Belgrade, Coventry in 2010, the theatre took the precaution of inviting a group of Sikh elders to attend a preview. You could see this as a courteous and diplomatic gesture. But it's also a reminder of the nervousness that now attends the production of any play that might incite controversy.

Two recent incidents suggest we continue to live in apprehensive times. Philip Ridley's *Moonfleece*, which tackled right-wing extremism, was banned by Dudley council when the play went on a nationwide tour shortly before the 2010 election. Similarly, Robin Soans's verbatim piece, *Mixed Up North*, which dealt with the racial tension that boiled over in Burnley in 2001, found certain dates cancelled when it toured the north-west in 2009. Local authorities and community centres have a legal right to refuse to host work that they consider incendiary. But it's significant that they chiefly exercise that right when plays deal with racial or religious issues.

The National Theatre was able to absorb the protests from isolated Muslim leaders over its production of Richard Bean's *England People Very Nice*

Have things got worse since 2004? In some ways, yes. What strikes me is the growth of double-standards. Big organisations have sufficient clout to be able to court controversy. The National Theatre was able to absorb the protests from isolated Muslim leaders over its production of Richard Bean's *England People Very Nice* or accusations that it was attacking established religion by presenting Philip Pullman's *His Dark Materials*. It is much more difficult, however, for vulnerable regional theatres or local arts centres to cope with similar complaints. At a time of punitive financial cuts, they are anxious not to do anything that might offend their paymasters or provoke a media storm. 'Morals? Can't afford 'em guv,' says Shaw's Alfred Doolittle in *Pygmalion*. In the same way, total artistic freedom is now a luxury enjoyed largely by well-protected big organisations. In that lies the real danger.

The heckler's veto

David Edgar, playwright and president of the Writer's Guild, on why narrowing the right of freedom of expression hurts everyone

The Birmingham Rep had wind that there'd be trouble. Initially, it was just hissing and booing, but as the evening went on a barrage of missiles was thrown at the stage, including lumps of plaster and several clasp knives. Eventually, the performance was stopped, and the protesters asserted that the play insulted their religion. At the end an angry crowd gathered at the stage door, and it was some time before the actors could leave safely.

The play was *The Tinker's Wedding* by the Irish writer J M Synge, performed as part of a triple-bill in May 1917. The protesters were Irish Catholics offended by the comic portrayal of a priest. Synge's work had been the subject of controversy before: his *Playboy of the Western World* had provoked riots at Dublin's Abbey Theatre when it opened ten years earlier.

These events are a timely reminder that violent protests by minority communities against plays deemed to be religiously offensive are not a new phenomenon. Nonetheless, there's no doubt that the 2004 *Behzti* protests were encouraged by a specific and recent change in the character of the debate. Partly provoked by young Muslim men taunting young Sikhs for their failure to mount the kind of militant campaign which Muslims had mounted against *The Satanic Verses*, the *Behzti* protests were also a manifestation of a climate of opinion created as much by the popular press as by the religions of the sub-continent.

This new censoriousness resulted, paradoxically, from the decline of deference, the abolition of official state censorship and the rise of consumer power. The censoring state sought to protect weak consumers from corrupting influences that they would be unable to cope with (exemplified in the famous question by the prosecution counsel to the *Lady Chatterley* trial jury: 'Is it a book that you would even wish your wife or your servants to read?'). Since the effective abolition of state censorship in the 1960s (Chatterley at the beginning of the decade, the abolition of theatre censorship at the end), individuals or groups have demanded the suppression of material which causes them distress or offence, turning the free speech debate from a question of state power into an issue of consumer rights.

The transition from censorship by a nanny state to censorship by what lawyers call 'the heckler's veto' has allowed a parade of dangerous mythologies to emerge: the myth that to imitate is to enact, that to portray is to condone, and that to represent is to insult.

The first myth lies behind calls to censor sex and violence, on the grounds that imitating something is the same as doing it. Such was the justification of the early 1980s campaign against so-called video-nasties, or the representation of buggery in Howard Brenton's National Theatre play *The Romans in Britain*. A similar rationale lies behind the process of hunting out films (or books) which could be claimed, whether by victim or perpetrator, to have incited violent crime.

The second myth – that to portray is to condone – is used to justify calls by politicians and the press to censor portrayals of evil people, most frequently murderers or abusers of children. This has led to criticism of any representation of the Bulger murderers or Myra Hindley (a *Daily Mail* reporter, Jane Kelly, was fired for having painted a picture of the Moors murderer). In response to my own play about Hitler's arms minister Albert Speer, a letter writer to *The Times* insisted that the danger of humanising monsters by portraying them on stage applied equally to the plays of Shakespeare.

The claim that to represent is to insult is clearly most specific to religious protests. But it connects with a more general presumption that the very act of fictionalising or dramatising is to trivialise. Again, child abuse is a topic that some see as inherently too serious and important to be represented artistically. In the case of a controversy like that of mass-murderer Frederick West's prison confessions, arguments against their dramatic use are reminted to oppose their use in journalism. And while such protests begin with concern for the victim, they can end up as a more generalised urge to protect everyone from anything. This was seen as recently as the beginning of this year when the BBC caved in to protests about an EastEnders storyline – borrowed directly from the Biblical story of the judgment of Solomon – about the mother of a cot death victim stealing another woman's baby.

It's easy to understand why the relatives of the victims of horrendous crimes – as well as minority communities who feel marginalised, misrepresented or demonised – protest against representations which they find distressing or offensive. There is an argument that a publicly-funded theatre has a responsibility to protect the sensibilities of the communities who pay for it. But in fact, of course, the victims of injustice, whether personal or communal, will be the first to suffer from the narrowing of the right to free expression. As Inayat Bunglawala (former spokesman of the much-criticised Muslim Council of Britain) argues, the freedoms which allow Dutch MP Geert Wilders to produce Islamophobic films 'are also the ones which allow Muslims and others to spread the teachings of their faith'. In the case of *Behzti*, the sensibility of one minority (the Sikh community) potentially masked the oppression of another (young women), in the same way as the protection of the sensibilities of Catholics has been used to suppress exposure of child abuse by priests.

There is an argument that a publicly-funded theatre has a responsibility to protect the sensibilities of the communities who pay for it.

The empowering character of free speech might seem less immediately obvious if – as with the Sikh community – you find it difficult to gain access to the microphone. But the answer to that is not to close down the airwaves, but to open them up further. This applies as much to Irish Catholics during the First World War as it does to Sikhs today.

Controversy is good

Eleonora Belfiore, associate professor at Warwick University's Centre for Cultural Policy Studies, on why subsidised arts should not always be about bringing communities together

What is the aim of theatre, and of art more generally? A common answer to this question – generally advocated by artists and arts lovers – is that the aim of the arts is to challenge us, to reveal uncomfortable truths about ourselves, our society, and even our shared human nature. In this view, the arts' very existence is predicated on freedom of expression and the possibility to push boundaries and expose assumptions. How can we explain, then, the so-called '*Behzti* affair'?

As an observer of policy discourse, I would suggest that a possible answer to this question lies in the parallel view of the arts as a tool for the promotion of social cohesion, social inclusion, empowerment and mutual understanding between communities, which has been endorsed by and inscribed in 13 years of New Labour arts policies. Theatre, and the arts more generally, have come to be seen, in the government's eyes, as 'agents of social change'. The hegemonic character of the rhetoric of arts for social inclusion might explain why, in 2004, local government and the theatre administration should have found themselves so very unprepared to foresee and react to a situation in which the impact of a piece of theatre, officially validated by state funding, was not community empowerment, but acrimonious reactions, not just across society and public opinion, but even within the one cultural group that was portrayed in the play.

Theatre, and the arts more generally, have come to be seen, in the government's eyes, as 'agents of social change'

The importance of the '*Behzti* affair' is, therefore, as a powerful reminder of the problems inherent in a public policy that enlists culture for the delivery of social agendas: the arts can of course bring communities together, but they can equally highlight divisions and tensions underlying them. In either case, the arts are doing 'their job', but the language of policy means that we tend to forget this, and expect the arts (and especially the subsidised arts) to act as a reliable social panacea. Bhatti's new play *Behud* puts to us the argument that art is indeed a place where ideas and controversies can legitimately be reflected upon and debated. Restaging *Behzti* would be an opportunity for the theatrical community and its audience to agree.

beyond behud

Question of responsibility

When Glasgow's Gallery of Modern Art showed a work that invited visitors to write in a Bible, the response took it by surprise. Mark O'Neill explains why they should have been better prepared

Since 2003 Glasgow's Gallery of Modern Art (GoMA) has mounted a biennial exhibition and complementary programme of events based around the theme of contemporary art and human rights. The aim of the project was to provide a platform for artists who had something serious to say about the major issues of our time. While some warned of a descent into agitprop, we saw the programme as representing a tradition which included Picasso, Delacroix and Goya and connected contemporary art to public interests and Glasgow's political culture.

The themes of the first three exhibitions were decided upon in 2001: Asylum Seekers (2003), Violence Against Women (2005) and Sectarianism (2007). These were moderately successful both critically and with the public, helping GoMA to vie with Tate Liverpool as the most visited contemporary art gallery outside London. The theme chosen for 2009 was lesbian, gay, bisexual, transgender and inter-sex (LGBTI) rights, in a programme called sh(OUT), which aimed to celebrate difference rather than portray persecution, though this aspect was included, in a display made with Amnesty International, a partner in all the exhibitions. The main sh(OUT) exhibition ran from April to October 2009 and included works by David Hockney, Grayson Perry, Robert Mapplethorpe and Nan Goldin, among others. Newspaper headlines describing the exhibition as 'gay porn' to which children were invited led to the city council saying that they would not support school visits to the exhibition and to denunciations by various church leaders.

Like previous shows in this programme, the central exhibition was part of a broad range of activities and events across the city. One of these was an exhibition at GoMA called *Made in God's Image*, which emerged from engagement with gay and lesbian Christians and Muslims, supported by an artist, Anthony Schrag, whose practice includes working with people with no previous artistic experience. The most controversial work was by a minister, Jane Clarke, of the Metropolitan Community Church, which serves gay believers. It featured an open Bible with an invitation to visitors, particularly those from the LGBTI community who felt that they had been excluded from it, to write themselves in. It was based on the minister's religious practice of making annotations in her Bible. In addition to the usual adolescent profanity, comments included both denunciations of gay people on religious grounds and of religion itself, particularly institutional religion, by LGBTI people, many of them vehement and angry. There were also reflections, which Jane had been seeking to invoke – a range of personal testimonies and thoughts about people's experience of faith and sexuality. She had never intended for the Bible to be abused, so she asked for the work to be changed, with the Bible placed inside a case, and comments cards provided for people to write on. These cards were later interleaved into the Bible, which is now owned by the Metropolitan Church and used as a focus for workshops and discussions.

Various tabloid newspapers, notably the *Daily Mail*, represented the exhibition as a deliberate attack on Christianity, claiming that Culture and Sport Glasgow (CSG) had 'invited' people to 'deface' the Bible. They solicited and received condemnatory comments from the Church of Scotland and from the Archdiocese of Glasgow. GoMA was picketed by evangelical groups, and disturbances led to the police being called on two occasions. Ultimately, CSG received over 1,000 letters and emails, many of which were copied to city councillors and to CSG's board members, who were angered by the negative publicity.

Question of responsibility

Fuelled by the capacity of the internet to sustain and link lobby groups, the campaign intensified throughout the summer, culminating in an attack on CSG's chief executive, Dr Bridget McConnell, on a dedicated website called csgwatch, an offshoot of Christian Watch, with the explicit purpose of having her removed from her post. Csgwatch organised pickets of hymn-singing protesters outside CSG offices. While CSG resisted both this demand and demands that the works involved be removed, the controversy was undoubtedly damaging.

CSG received over 1,000 letters and emails, many of which were copied to city councillors and to CSG's board members, who were angered by the negative publicity

A limited number of arguments were reiterated in the criticisms of CSG. The correspondents maintained that most Christians, on whose behalf they claimed to speak, found the works offensive and that they should therefore not have been displayed. This was based on a claim of a right not to be offended, a right which they saw minority faiths, notably Islam, as securing through threats of violence, which were described in almost envious terms: 'You would not have done this to the Koran' and 'If you had, the gallery would have been destroyed'. The use of public money by a public service organisation to fund offensive and minority cultural expressions was particularly deplored, with a clear view that rather than redressing an imbalance, this was preferential treatment for a minority at the expense of the majority. Our argument that this was a debate within Christianity was dismissed, despite the appointment in May 2009 of an openly gay minister, Scott Rennie, by a Church of Scotland congregation in Aberdeen.

Three evaluations were carried out to look at how the exhibition was managed. One was an internal review, which focused on risk management, planning and communications. Another was a workshop for staff from CSG and other organisations involved facilitated by Index on Censorship, which took place about six months after the end of sh(OUT). The Index study of self-censorship provided a very useful context – there were clearly very significant lessons to be learned, and both a simple withdrawal from controversy into self-censorship and a defiant assertion of indifference seemed inadequate. Finally, an evaluation of the entire programme was carried out at the University of Leicester (Sandell, Richard, Dodd, Jocelyn & Jones Ceri 2010), which suggested that: 'Despite the controversy … visitor reactions were very positive. The majority of visitors expressed their support for the exhibition, supporting the choice of artworks, the message conveyed that celebrated (for most) the importance of equal rights for everyone in society and the need to extend those rights to the LGBTI community. Visitors found it challenging but in a positive way, informing their views and, for some, impacting upon their identity or informing them about an issue they previously knew little about. The social role of GoMA as reflecting and informing on significant social issues was challenged only by a minority of those who saw the exhibition's strong stance on LGBTI issues as alienating, discomforting and offensive to their idea of what museums and art galleries should represent.'

Professor Sandell concluded that the GoMA programme not only facilitated debates on 'challenging issues pertaining to human rights', but also offered 'authoritative and credible ways' of thinking, seeing and talking about rights issues which help to move both public opinion and many individual visitors towards a more respectful understanding of difference'.

CSG resisted demands that the works of art be removed and that its chief executive be sacked, but the real question is whether the controversy has damaged our capacity to engage with controversial issues again

CSG resisted demands that the works of art be removed and that its chief executive be sacked, but the real question is whether the controversy has damaged our capacity to engage with controversial issues again – whether we subject ourselves to self-censorship. Sandell argued that a programme that 'addresses and lends support to rights issues around which there is considerable contestation will inevitably generate conflicts'. If these issues are inevitably controversial, and controversy is perceived as undesirable, there is the clear risk that the consequence of the sh(OUT) events would be to avoid a similar programme in the future – a decision which might be made unconsciously. Showing contemporary art of any kind can produce unpredictable reactions. As religious tensions become more prominent in a globalised world, even historical objects in museums may become controversial, given the religious origins of substantial proportions of historic collections, including works of art, anthropological and historical artefacts and archaeological remains.

Since the passing of the new Equality Act in 2010 such displays may be subject to greater legal challenge. For the first time public organisations will have conferred on them a general duty to consider equality when carrying out their functions, across all six equality strands, including both religion/belief and sexual orientation. The current test used for categorising incidents of racial discrimination is the perception of the victim that the attack was motivated or aggravated by prejudice. An unintended consequence of this test being applied to religion may be that the claim of a right 'not to be offended' may acquire some legislative status. Despite the aim of the act to achieve a balance between all the rights it covers, this would seem likely to increase rather than decrease the likelihood of different rights coming into conflict – for example, freedom of expression versus the right not to be discriminated against on the grounds of religion or belief. It is possible that, had this legislation been in force in 2009, those who criticised us would have tried to bring a case against us. While we would have been very confident of being able to disprove anti-religious bias or discrimination, the fact of being threatened with prosecution or taken to court would have been damaging in itself.

While we knew that the programme was likely to be controversial and we had prepared our media Q &A, it is clear in retrospect that our preparation and risk management were inadequate. There is a near universal consensus that people should not be abused because of who they are. In terms of celebrating difference, however, there is not only no consensus but active opposition to many kinds of difference, especially sexual difference. Sh(OUT) could be interpreted as moving the museum from a position of simply witnessing injustice to actively campaigning. Many of the later mistakes arose from a failure to recognise the difference between the two stances, and hence failing to secure strategic agreement within the organisation for this direction.

We can say, in Sandell's words, that 'with hindsight' some of the controversies 'might have been more fully anticipated and managed differently'. Sandell also raises an even more significant issue – the need for 'significant judgment' about when a challenging stance pushes boundaries to the point where it can 'undo some of the benefits that are being achieved' and where 'prudent risk management ends and self-censorship begins'.

Question of responsibility

The new Equalities Act poses challenges perhaps greater even that the threat of litigation – not least its extension of the public sector duty to consider all six equality strands, including both religion/belief and sexual orientation (previously, only race, sex and disability were covered). It requires public authorities to give due regard to the need to: advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

These would have added an interesting dimension to questions of 'significant judgment' in relation to sh(OUT), which arise in hindsight: did the history of Robert Mapplethorpe controversies distract us from fully thinking through the question of showing images of explicit sexuality (gay or straight) in a gallery which encouraged visitors to bring children? When a layperson is making art, does it constitute censorship for a professional artist to guide the maker away from making something potentially offensive?

If a risk assessment suggested that the work was likely to cause counterproductive controversy, would it have been censorship for a senior manager (not a curator) to have asked Anthony and Jane to reconsider the form the work of art took in order to reduce the risks?

Briefing of the CSG Board and key stakeholders would only have been effective if these and many other questions had been raised and worked through in depth – a risk assessment process is only as good as its capacity to imagine and think through the risks in the first place. Given that contemporary art is controversial anyway, and that artists are engaged, like other people, in social justice issues, a determination simply to avoid controversy is surely not the answer. The lessons of the sh(OUT) debates are not just that learning to manage the inevitable controversy requires far more imaginative and thorough risk assessment, but far greater depth and clarity about the role and intent of civic cultural organisations in framing debates around controversial issues of social justice.

Given that contemporary art is controversial anyway, and that artists are engaged, like other people, in social justice issues, a determination simply to avoid controversy is surely not the answer.

Mark O'Neill is director of policy, research and development at Culture and Sport, Glasgow the principle funding body for the Gallery of Modern Art in Glasgow

Policing freedom of expression

Tamsin Allen on the legal role of the police in preserving fundamental rights and where the law stands on who should pay

Policing is a core function of the state and it has long been accepted that our taxes pay for police services. The role of the police naturally shifts with changes in culture and the law, but the current position is that the police, as a public authority, have an obligation to ensure law and order and an additional obligation to preserve, and in some cases to promote, fundamental rights such as the right to protest and the right to freedom of expression protected by Articles 10 and 11 of the European Convention, now incorporated into the UK's domestic law.

There are some instances where the police are entitled to levy an additional charge for their services, but those must be services which are outside the core responsibilities of the police.

Section 25 of the Police Act 1996 deals with the 'provision of special services' and states that: 'The chief officer of police of a police force may provide, at the request of any person, special police services at any premises or in any locality in the police area for which the force is maintained, subject to the payment to the police authority of charges on such scales as may be determined by that authority'.

The phrase 'special police services' is not defined by the Act. Acpo [The Association of Chief Police Officers] guidance to senior police officers states that 'an event is an occurrence, out of the normal activity that takes place to provide an experience or defined activity to commercial or non-commercial reasons. Special police services are police services provided over and above core policing at the request of a person or organisation.'

Case law indicates that 'special police services' include policing football matches (Chief Constable of Greater Manchester v Wigan Athletic AFC Ltd [2008] EWCA Civ 1449) and music festivals (Reading Festival Ltd v West Yorkshire Police Authority [2006] EWCA Civ 524).

The reason why football matches and music festivals might need additional policing is because of the risk of public order offences being committed and because the organisers themselves require additional police to ensure that they can discharge their own duties to keep the attendees safe. Where the police have provided services over and above those that have been specifically requested, organisers have not been required to pay.

Cultural organisations have a legitimate expectation that the police will follow published guidance unless there is a good reason to depart from it.

The guidance draws a clear distinction between different categories of event: commercial events, intended to generate private profit; non-commercial events such as charitable or community events; and statutory events reflecting constitutional rights or processes.

It provides that: 'Policing of statutory events is part of a core activity and no charges should be made' and defines statutory events as 'events where there is

no financial gain to the organiser and which reflect constitutional rights, or a cause of royal, national or defined public interest'.

As a public body, the police must act within their powers and discharge duties to which they are subject. They must take decisions rationally, fairly and in a way which takes account of relevant – but not irrelevant – considerations. Cultural organisations have a legitimate expectation that the police will follow published guidance unless there is a good reason to depart from it. However, this guidance should be clear, especially where it potentially interferes with fundamental rights. At present, this guidance lacks clarity and therefore policy and practice in this area may lack consistency. This is an area which could potentially be subject to challenge by way of judicial review.

As it is presently constituted, the guidance suggests that the real dividing line is between commercial and non-commercial events. In situations where fundamental rights are engaged, such as the staging of a highly controversial art exhibition where protests are expected, it is certainly arguable that policing is a core function notwithstanding that it is a commercial event.

The police may have felt they could waive the fee they originally requested in relation to the 2010 production of *Behud* because the theatre was a not-for-profit organisation. However, there may well be situations where a theatre or exhibition space is a commercial organisation, but the work of art in question raises issues of artistic and political freedom of expression. For instance, under the guidance, the police could have charged the Birmingham Repertory Theatre at what appears to be the going rate of £10,000 per day for policing *Behzti* had it not been cancelled.

Guidance should be clear, especially where it potentially interferes with fundamental rights. At present, this guidance lacks clarity and therefore policy and practice in this area may lack consistency.

Using the distinction between commercial and non-commercial events as a lodestone for determining whether or not the police can charge for special services is thus not necessarily appropriate. Attendance at football matches or music festivals does not, on the face of it, involve the exercise of fundamental rights. The situation in respect of all theatre, art exhibitions or other forms of artistic expression, even where a profit is made, is quite different. The police have an obligation to fulfil their core duties – those are now enhanced by their duties under the Human Rights Act not to act incompatibly with the Convention. The Convention imposes both a qualified obligation not to interfere with the exercise of the right to freedom of expression and protest and a positive obligation to take appropriate steps to protect those rights. The policing of artistic expression, where political sensitivity leads to the risk of public order issues, is part of the police's core function and duties and should not be a matter of commercial negotiation. Protection for these rights should under no circumstances depend on whether or not an organisation can afford to pay for it.

Tamsin Allen is a partner and head of the Media Department at Bindmans LLP.

Recommendations

Finding: Lack of clarity around policing of artistic freedom of expression leaves arts organisations vulnerable to discretionary decision making

Recommendation: The police have a positive duty to protect the right to freedom of expression. Cultural events are no different from political protests in this regard.

Finding: Concern about alienating new audiences puts constraints on promoting work that may offend, especially in relation to faith

Recommendation: Arts organisations and policy makers should review the impact of social inclusion and audience development policies on freedom of expression.

Finding: Uncertainty surrounding public sector obligations under the Equality Act may lead to censorship

Recommendation: New studies and guidelines are needed to prevent the Equalities Act from having a potential chilling effect on the arts.

Finding: There is a lack of understanding of the potential threat to artistic freedom of expression posed by self-censorship

Recommendation: The cultural sector should promote the importance of freedom of expression and be prepared to act as the guardians of artists' rights.

Index on Censorship will drive the building of partnerships, develop new guidelines, facilitate debate and training, and work with the sector to address the issues.

INDEX
ON CENSORSHIP

Beyond Belief – Theatre, freedom of expression and public order, is a case study of the 2010 production of 'Behud' (Beyond Belief) by Gurpreet Kaur Bhatti at the Belgrade Theatre, Coventry. The play is an imaginative response to the events surrounding Bhatti's controversial play 'Behzti' in 2004. The case study, which includes interviews with and articles by key players, looks behind the scenes at the complex preparations and negotiations which were necessary to ensure that this potentially controversial play was staged without incident. The report also asks a range of people to address the question 'Could Behzti be staged today?' The case study ends with key recommendations for arts practitioners, policy makers and the police to advance understanding of the right to freedom of expression in culture.

Foreword by Jude Kelly
artistic director Southbank Centre

and contributions from
playwright Gurpreet Bhatti
writer and broadcaster Kenan Malik
theatre critic Michael Billington
playwright David Edgar
artistic director Jatinder Verma

Plus interviews with

Superintendent Ron Winch (Coventry Police)
Hardeep Singh (Network of Sikh Organisations)
and Lisa Goldman (Director of Behud)

Edited by Julia Farrington
and Natasha Lehrer

ISBN 978-0-9547646-9-2
9 780954 764692 >