



**HAROLD RUBIN, THE ACCUSED**  
*Was He naked on the cross?*

## THE LAW

### **Graven images**

Rare in any country this century, the charge of blasphemy has likewise seldom been brought against South-africans. Last week in Johannesburg's Magistrate's Court the accusation was brought against artist Harold Rubin. The charge: that he committed blasphemy "by exhibiting to the public a painting entitled 'My Jesus' professing to portray Jesus Christ on the Cross in which Jesus is depicted as a naked being with a human body and with the head of an animal or some monster and/or by the words 'I forgive you, Lord, you know not what you do' which are written on this painting". Rubin pleaded not guilty.

**Nature of the crime.** Blasphemy in Roman-Dutch law consists either in slandering or in denying the existence of the Deity, and from the nature of the crime, the chief thing to be considered is how far it was the intention of the party to treat the Deity with irreverence. There are also a number of statutory provisions in existence, the main purpose of which is the safeguarding of the Christian religion from contempt and obloquy, and the feelings of professing Christians from insult. Of the two most notable cases previously heard in Southafrica, one concerned a story in which a nun was

described as having an erotic passion for Christ, and the writer was held to be guilty of blasphemy as the purpose was to amuse a certain class and to shock the religious feelings of a great part of the community. The second case concerned a poem, the writer and publisher of which were arraigned for blasphemy; but the magistrate discharged them on technical grounds.

**Witnesses.** Against Rubin, the State has so far called four witnesses, and allowed evidence for Rubin because his witness is en route overseas. First witness Professor A. B. du Preez of the theological faculty of Pretoria University stated that Calvinists do not allow any images of Christ as they may be false, and, questioned by the magistrate, said it was uncertain whether Christ was crucified naked or not. He was followed by Detective-Sergeant Pirie, who removed the drawing from Johannesburg's Gallery 101 on a magistrate's order. Pirie, a Roman Catholic, found the Christ in the drawing a monster, looked "but did not study" the other pictures in the gallery ("I think I have a bit of taste") and said he knew little about art. Pirie said that he had heard of Picasso and Michelangelo, but the name of Leonardo da Vinci was not known to him. "So far as you are concerned Da Vinci could have been an illegal immigrant?" Rubin's counsel remarked. Final witness for the State last week was the Rev. Gerhardus Cruywagen of the Nederduits Gereformeerde Kerk. He also emphasised that he found the

head of the figure revolting, its nakedness outrageous, and was offended by the fact that Christ was wearing what appeared to be a Christmas cap, instead of a crown of thorns. "In the main" he agreed with Professor du Preez about the wrongness of making images of the Deity.

Produced for Rubin was Brother Roger Philip Castle, who opened the exhibition at which Rubin's picture appeared. He found the drawing "very salutary for Christians to see", believing that the crucifixion is always portrayed "pretty" and "tidy" and that the drawing "portrays the price that was paid by Christ for his redemption of the world."

The case is not yet over. Blasphemy carries a sentence entirely at the discretion of the court, and the sentence may be imprisonment, a fine, or both.

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