

Rubin Not Guilty — Court Remarks On 'Middle Ages'

JOHANNESBURG, Wednesday.

HAROLD RUBIN, a 30-year-old Johannesburg artist, was found not guilty of blasphemy in his controversial painting of Christ, in the Johannesburg Regional Court today, and was acquitted.

The magistrate said that the evidence did not prove that Rubin had slandered "Jesus Christ and/or God" in the exhibition of his drawing "My Jesus."

In a two-hour judgment in a court crowded with members of Johannesburg's cultural circles, Mr. P. J. Nel said that he was struck by the fact that no art experts had been brought to court to give evidence for the prosecution. "Indeed, it appears that Professor Heather Martienssen rebuked the prosecution when they asked her, as Professor of Fine Arts at the University of the Witwatersrand, to give a statement."

It was also significant that not a single non-Christian gave evidence for the defence.

COMPLETE ANSWER

Mr. Nel said that people of great attributes had given evidence in the case. It was clear that Professor Martienssen and Mr. Cecil Skotnes were undoubted experts.

Commenting on the theme of the defence evidence he said: "I think a complete answer from the accused's point of view was that this was a blasphemy, not a heresy, trial of a common law, not ecclesiastical, offence."

Mr. Skotnes and Professor Martienssen were undoubted experts and it was also clear that Mr. Uys Krige, the writer and poet, and Mr. Richard Daneel, the writer and actor-producer, were experts in literature.

MIDDLE AGES

Their evidence proved that inversions of Bible texts were frequently used by greater writers and doubts of the omniscience and infallibility of God often expressed — with no question of a prosecution for blasphemy.

He was satisfied that in South African law as in English law,

it was necessary to prove intent on a blasphemy charge.

"It is clear that what was considered blasphemy in the Middle Ages is no longer considered so by us in South Africa.

"By what standards must I judge this drawing and the inscription "I forgive You, O Lord, for You know not what You do? Must I ask myself what the theologian says, what the detective says or what the Professor says? It is clear I must judge by the standards of the ordinary, average, reasonable man."

Courts daily took cognisance of the evidence of doctors and scientists in all fields. In the field of art, the opinion of experts could also be considered by the court.

Much evidence had shown that it was not blasphemous to depict Christ as a naked being. On the question of whether the head of Rubin's "My Jesus" was animal-like or monster-like the State had relied on the evidence of Dr. Cruywagen and a detective-sergeant.

This part of the charge fell

away completely.

The second part of the charge had always given him difficulty. It was the question of the inscription. It was regretful that Rubin had not given evidence on this matter. He had left it to others to interpret it.

ADDRESSED TO MAN

"I do not doubt that it can be argued that the words are blasphemous, they certainly reflect on the omniscience and infallibility of God. The words definitely fall within the ambit of the Roman-Dutch authorities' definition of blasphemy.

"But the evidence of Mr. Krige was that such inversions are common in literature and the words are really addressed to man. Mr. Skotnes saw the inscription as a protest against the inhumanity of man. He had said 'The meaning screams at one'."

Mr. Nel concluded with a reference to a remark by Professor Martienssen — that this picture, together with the inscription, was "a complete opposite of blasphemy."—(Sapa.)