

Cape Bar

Why a Beppe Grillo or a Zapiro?

Anton Kruger



Beppes Grillo is a sixty-something Italian comedian and trained accountant who specialises in political and economic-ecological satire delivered as monologues in sports stadiums on tour across Italy.

He is an anti-politician, ie, someone who practises politics daily but refuses to run for political office. He is also anti politicians: He was blacklisted from national television in 1986 when he implied that the Socialist leader Bettino Craxi, later convicted *in absentia* of corruption, was a thief. There is little chance that he will return taking into account that his latest pet politician is Prime Minister Silvio Berlusconi, *'the psycho-dwarf'*, who effectively controls 90% of Italy's national television.

Berlusconi had to defend himself against allegations of money-laundering, association with the Mafia, tax evasion, bribery of politicians, judges and the Guardia di Finanza, the finance ministry's police. He is notoriously difficult to pin down, evoking laws requiring criminal charges to be brought within a certain time period whilst delaying the already slow-moving Italian justice system to the best of his ability or persuading his cronies to pass a law to give him immunity from prosecution. He surrounds himself with members of parliament and senators with criminal convictions confirmed by the highest court in the land. These are but a few of the things that endear him to Beppe's heart.

Five years ago, Beppe turned rule of law activist-blogger and host with his own blog at <http://www.beppegrillo.it/eng>. The Italian gets translated into Japanese and English and the blog reportedly averages about 300 000 hits

a day, both local and international. His already well-established countrywide tours served as a launching pad to harness the power of the Internet to reach people and give a voice to those who are sick of corruption and the sameness of the politicians who constitute yet another coalition government (62 in 63 years since the end of WWII) and a *'pretend'* opposition.

A little more than a year ago, Beppe mobilised his virtual supporters by asking them to get up from behind their PCs and to join him in a flesh and blood campaign in the piazzas of major Italian cities. He called the campaign



'Il Giorno del Vaffanculo', politely translated as *'Name and Shame Day'* but in the fullness of intended bad taste as *'Up Yours Day'*. He himself set off for the *Piazza Maggiore* in Bologna. Proceedings in Bologna – *'our Woodstock for the rule of law'* – were video streamed. 350 000 signatures were collected

in one day across Italy, people standing in line, smiling, and waiting to sign a petition showing support for this sentiment. The day was followed by blogs starting with *'Caro Beppe'*, continuing with *'a new way of being an Italian ... an Italian that stops being deferential to power ... an Italian who knows who to disrespect ...'* Some even arrived from Australia from Italians who claim to have left because of the state of the nation. Ultimately, approximately 1 million people signed the petition. Beppe says: *'Vaffanculo means an explosion of joy, of humour, a gulp of clean water. It means 'Enough! Enough of the corrupt politics in parliament!'*

Berlusconi's cronies call Beppe a *'terrorist'*, a *'new Mussolini in the making'*. Berlusconi now wants bloggers to register as journalists because the government has legislation in place which requires journalists to be licensed by the State ... in the State's good old time, of course. There is the threat that other restrictions may also be introduced. Beppe's response to all of this is rather predictable – more *'Vaffanculo'* and not the *'explosion of joy'* kind

either. A blog is like quicksilver – if you squeeze it too hard, it will simply go somewhere else.

Despite Beppe being anti politicians, he failed to avoid getting down and dirty with his favourite political survivors and beneficiaries of *'patronage, corruption and mafia-style nepotism'*. In February this year, and still

riding the wave after V-day, he found himself rubbing papier mâché noses with grotesque caricatures of politicians at the Viareggio carnival in Tuscany. The event is no longer only an excuse to eat well and drink better, but also serves the purpose of creating an opportunity for Italian citizens to let off some political steam. The derided politicians appeared on floats as huge papier mâché figures with price tags dangling from ears and noses, whilst a papier mâché 'Caro Beppe' enjoyed the adulation of 750 000 revellers during the 5 days of the carnival.

It will be a distraction to embark on a South African review pointing out and embroidering on the similarities and distinctions between the situations faced by Beppe and Zapiro.

Similarly, it will distract from answering the 'Why ...?', to embark on an analysis of two recent Zapiro cartoons. One, surprisingly, hardly caused a ripple, whilst the other became known as the infamous 'Rape of Lady Justice' cartoon. Readers may well comment: 'Why embark on anything at all? Just show us the cartoons'. Alas, editorial sense and sensibility prevailed by striking a balance between proven typecasting of the material as offensive (or possibly offensive) and retaining the answer to 'Why?' Those keen to view the cartoons can do so at <http://www.mg.co.za/zapiro/fullcartoon> 2054 and 2099 respectively.

The first cartoon can be titled 'Devolution of the ANC Youth League' – it depicts a tableau of five founders of the League with documents and a book titled 'Founding Principles', 'Towards the Freedom Charter' and 'Justice' in their hands, followed by another of three recent League presidents, becoming hairier and more four-footedly primate, the first with a document titled 'Castro Hlongwane AIDS Denialism' (the title of the paper circulated in 2002 denouncing the use of antiretroviral drugs was much longer – 'Castro Hlongwane, Caravans, Cats, Geese, Foot & Mouth and Statistics: HIV/AIDS and the Struggle for the Humanisation of the African') in hand, the next shower-headed and dressed in a T-shirt which reads 'Sponsored Brett Kebble' with credit cards flying through the air, and the last a shower-headed monkey with AK47 under the arm. The last names of each individual appear above their heads below an ANC Youth League banner.

It is of interest to note that with the exception of Walter Sisulu, the founders of the ANC Youth League and draughtsmen of its Manifesto in 1944 consisted of lawyers - Anton Lembede was studying towards a doctorate degree in law at the time of his death in 1947, Nelson Mandela and Oliver Tambo practised

in partnership as attorneys and Duma Nokwe was the first black advocate in South Africa. These men, at a time when they were not in power, were capable of articulating the need for unity amongst those opposed to oppression and the aspirations of their times. These men were capable of transforming the ANC into a struggle movement involving all the masses and not only the ANC elite.

These same men probably flinch, as do many others right now, at witnessing the decline in the ability of more recent ANC Youth League leaders to articulate 'a new and smarter kind of radicalism, a radicalism that recognises and accepts the fact of social plurality and seeks to build new alliances, even with former (oppressors) enemies' - Xolela Mangcu in *To the Brink: The State of Democracy in South Africa* - and to live up to the League's Creed by 'maintaining and upholding high ethical standards'.

Many perceive 'Kill the Boer; Kill the Farmer' and AIDS denialism (Peter Mokaba), building alliances with the most corrupt of 'former enemies' (Fikile Mbalula) and a preparedness to 'take up arms and kill for Zuma ... the dark forces bent on reversing the gains made in the struggle for this country's liberation' (Julius Sello Malema) as not serving the aspirations of today's ANC youth.



Zapiro

The League's current leader is only 27 (or is it 29?) years old – in contrast with the general perception that 'Youth' is a misnomer due to the advanced age of its visible members. He is voluble in demonstrating that he is only interested in establishing a personal legacy as a supporter of a leader and an enforcer along the lines of his oft repeated 'We (his royal self) will not allow'. This from the candidate who defeated Saki Mofokeng in the Zuma-Mbeki polarised election of the League's new

president in April 2008 by a mere 187 votes – 1883 to 1 696. The depiction of Malema on the very right of the cartoon resonates with the ultimate Mugabian put down when he referred to Morgan Tsvangirai as that 'British organ grinder monkey'.

Malema pops up again on the left of the 'Rape of Lady Justice' cartoon as one of the 'violators of the rule of law', the others being Gwede Mantashe of the ANC, Blade Nzimande of the SACP, Zwelinzima Vavi of Cosatu and Zuma. This cartoon generated its own firestorm of outrage fuelled by interpretations claiming a racist motivation – 'all black men are depicted as rapists', 'Lady Justice' is not 'Lady Justice' but a white woman – and disrespect by Zapiro for Zuma and the judicial system which he professes to want to protect – 'Zapiro will have to respect Zuma as his president one day' and depicting Zuma as a rapist is disrespecting the judicial system that acquitted him on a rape charge.

Only time will determine the final number of the 'violators of the rule of law'. There is the possibility of a Zuma trial - if the NPA succeeds on appeal and/or constitutional independence holds out in the face of political intimidation. There is also the possibility of a commission of enquiry into the Arms Deal, as suggested by Justice Nicholson, with Zuma and Mbeki pointing fingers at each other. There is of course always the Berlusconi solution of creating your own immunity 'in the interest of the political weal of all South Africa'. This solution is premised on the theory that all who oppose or 'disrespect' Zuma in the sense of not deferring to his political aspirations or those of the people around him, will be branded the new 'Swart Gevaar' or 'Dark Forces'. The louder Sell-o becomes in his attempts at selling the idea, the more acceptable a political solution it is supposed to become. The threat of anarchy therefore justifies a violation of all the Constitution stands for.

The Beppe Grillos and Zapiros of this world serve as barometers of the excesses of politicians – the more extreme the violations of the social contract by politicians, the more extreme the satire. The 'bad taste' of satirists is very often a mirror image of the 'obscenities' inflicted by politicians on the electorate who only has a 'say' every four years by choosing from 'more of the same'. Elections and court cases clearly cannot keep pace with the many ways in which politicians violate the constitutional principles which provide for the protection of citizens. As lawyers, we understand these limitations and take a longer view ... and thank those who can speak/draw more directly, faster and with less restraint than us. Viva Vaffanculo! Viva Caro Beppe!! Viva Zapiro!!!

North West

Contributed by John Stander

New chambers

Our Bar will be moving to new chambers in November or December 2008 after 20 odd years in central Mafikeng. The new chambers with rooms for 16 members and a generous reception area has been purpose designed and is situated alongside the main road from Mafikeng to Mmabatho where the courts are located. Photographs of the new chambers will appear in the next issue of *Advocate*.

Acting judges

During the year Henry Lever SC, Johan Pistor SC, Cecile Zwiegelaar, Lawrence Lever, Nadia Gutta and Blackie Swart have acted as judges in the local High Court.

New and returning members

John Stander, a previous member of this Bar rejoined on 1 July, after spending nearly five years in the High Court Unit of the Legal Aid Board. Harold Masilo joined with effect from 1 August 2008. He also keeps chambers in Pretoria. 



Cape Bar

Gys Hofmeyr SC, retired member (and former president) of the Cape Bar, with Jeremy Gauntlett SC (left), at a dinner of the Maritime Law Association at Riebeeck-Wes on 20 June 2008 to honour Gys's contribution to shipping law in South Africa. Gys was a leading practitioner in the field, and the author of the recently published *Shipping Law in South Africa*.

KwaZulu-Natal

Contributed by Zuleka Rasool

Annual general meeting

At the KwaZulu-Natal Society's annual general meeting held on 30 August 2008 at the Tala Game Reserve a new council was elected. The outgoing chairman, Aboobaker SC, and his council were thanked for their hard work and dedication over the past two years. The following members were elected: chairman: Olsen SC; vice chairman: Seegobin SC; silks: Choudree SC, Julyan SC; Durban juniors: Bingham, Gabriel, Norman, Mdladla, Lazarus; Pietermaritzburg juniors: Combrink, Bezuidenhout, Elsje; honorary secretary: Nicholson; assistant honorary secretary: Naidu, Vishalan; honorary treasurer: Goddard

We welcome the new council and wish them well for their term.

Congratulations

We congratulate L Naidoo and N Deoduth on the birth of their respective baby girls.

Farewell: Judge Hurt

We wish Judge Hurt well on his retirement. He will be sorely missed by the legal fraternity for his long standing dedication to justice.

Cricket – Durban v Johannesburg Bar

In a surprising (but very welcome) turnaround, the KZN Bar beat the Johannesburg Bar by two wickets in the cricket match on Saturday. A notable performance for the KZN Bar by Jason Kidza-Sewanya (on loan from Shepstone & Wylie), a solid middle-order display by Combrinck, and some late hitting from Boule contributed to a fine victory. 

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