

In March 2010 Syracuse University Press (SUP) published *Labore with Love: Growing Up with Girlfriends, Pakistani-Style* by TDR Contributing Editor Fawzia Afzal-Khan. The book is a melange of memoir, drama, and fiction—all of it concerning Afzal-Khan's growing up, working in, leaving, and then returning to Pakistan. *Labore with Love* is scathing, moving, humorous, and political: a feminist-activist-performer's take on her native land. Upon publication, the book received excellent reviews and positive readers' responses (see boxes for a few examples). *Labore with Love* seemed poised to become both a critical and popular success.

But then the shit hit the fan.

One of the targets of Afzal-Khan's satire was a figure she dubbed "Madina." The real-life Madeeha Gauhar—the artistic director of Lahore's very important activist Ajoka Theatre—claimed that Madina was a thinly veiled representation of her. Gauhar threatened to sue Afzal-Khan and SUP. With no apparent investigation and no consultation with Afzal-Khan, the Press with unseemly haste exercised its "termination of contract" clause and withdrew the book from sale.

Apparently frightened by the cost of legal action, SUP tucked its tail between its legs and ran away. I ask: Was the Press right in exercising its legal option? Read selections from the core documents TDR has gathered and make up your own mind. What of Gauhar's claim? What of SUP's almost instant collapse? Ought SUP have stood with its author? And once Afzal-Khan's lawyer in Pakistan obtained from the courts a stay preventing Gauhar from suing, why didn't SUP resume selling *Labore with Love*? In a time when tenure is melting away as fast as the polar ice cap, a time when universities are corporatizing and slashing budgets, isn't this cave-in of a university press one more sign of the erosion of humanist academia?

### From SUP's Contract with Afzal-Khan

12 November 2008

2. [...] The Author makes the following representations and warranties: [...] the Work contains no matter that is libelous, obscene, or slanderous, is in the violation of any right of privacy or publicity, or is otherwise contrary to law.

[...]

16. Termination of contract.

[...] The Publisher shall have the right to terminate this agreement immediately upon written notice to the Author if: in the Publisher's reasonable opinion there appears to be substantial risk, if the work is published, of (a) liability to third persons, (b) governmental action against the Work, or (c) financial loss to the Publisher. [...]

### From Shazil Ibrahim, Madeeha Gauhar's Lawyer

23 April 2010

[...] Mrs. Gauhar is a well known and highly respected public figure. She has been active in promoting social change in Pakistan, particularly through the medium of theater. [...] My client is therefore shocked to read an entirely false, fabricated, defamatory, scandalous, malicious, and utterly disrespectfully depiction of her and her family in the book titled "*Labore with Love*" authored by Fawzia Afzal-Khan ("Author") and published by Syracuse University Press ("Publisher") [...]. Although the book does not name our client (referring to her as 'Madina',

‘Maddy’, ‘Mad/medea’), however it is obvious to anyone reading the book, including all those who even remotely know of her, that the entire chapter titled ‘Mad/medea’ is a depiction (however false and fabricated) of Mrs. Gauhar and her family. [...] The references in the book to my client and her family have lowered her in the eyes of the right thinking people of the society, and have also caused, with deliberate intent, needless embarrassment, distress and anxiety to my client and those near and dear to her. In fact, it would not be incorrect to say that the Author has left no stone unturned to disgrace and humiliate Mrs. Gauhar; repeatedly using such disgraceful expression as “bloody bitch”, “you are a whore not a woman”, “madwoman”, “Mad’s performance as the husband-murdering adulteress” etc. throughout the chapter. [...] Mrs. Gauhar is appalled that a reputable publisher would, in sheer violation of her legal rights, go ahead and publish such non-sense without even bothering to verify facts. It is worth noting that even if the account was accurate (which is far from the case), it would amount to clear invasion of my client’s right to privacy (as fully recognized in Pakistan and internationally) to publish it. No justification is therefore sustainable. [...] That my client has suffered irreparable damage on account of the publication and dissemination of the book can hardly be denied. The fact that the book has been given wide publicity and is also available online throughout the world, not just in Pakistan, has only exacerbated the damage. My client is therefore entitled to demand restitution of the damage suffered by her, and in this behalf requires that: a. categorical public apology must be issued by the Author and the Publisher for defaming my client [...].

### From “Review, Fawzia Afzal-Khan’s *Lahore with Love*”

Swaralipi Nandi

She looks back at her life in Pakistan from her present position of a poet-writer-activist, critically scrutinizing each phase of her growing up in a newly independent country transitioning from the vestiges of colonialism to Islamic fundamentalism. Her girlfriends, each with a distinct personality and an equally diverse life story, portray the sundry plights of Pakistani women as they traverse the passages of girlhood to womanhood in the changing face of the country. *Lahore With Love* is a grand narrative on fifty years of Pakistan’s history through a lens which is overwhelmingly female—both feminine and feminist. [...] The political overwhelms the personal in the memoir as Afzal-Khan critically exposes the fundamentalist side of Pakistan and its gradual downslide to religious conservatism. An uneasy topic for most Pakistanis, she fearlessly invokes and condemns the atrocities done to the people of East Pakistan (now Bangladesh) during the civil war, asserting: “it would be decades before we, West Pakistanis would acknowledge the dastardly role of the Pakistani army in looting, killing, raping our brethren on the other side of India” (19). However, she is forthright and clear-sighted in her judgment: while she emphatically expresses her predilection for Zulfikar Ali Bhutto’s socialist politics, she also candidly indicts him for amassing personal wealth, for eliminating his critics, and for encouraging religious fundamentalism. [...] The only friend she relates to ideologically is Madina, who, in spite of her eccentric ways, is an activist addressing women’s issues in Pakistan through her alternative theatre performances, which Afzal-Khan also promotes in her activism. Afzal-Khan passionately engages in a discussion against the gradual prominence of religious fundamentalism in Pakistan, devoting a substantial space in her memoir to either dismantle the logic of such discourse or to render it risible through humor. [...] The memoir is also refreshing in its humor, which takes shape in the playful parodies as well as in the mild sarcasm of her political commentaries, giving the memoir a pleasant and enjoyable tenor. Though revelatory and critical in her tone, Afzal-Khan’s voice never becomes devastatingly spiteful. Instead, the memoir reads like a commentary by a woman who can see through and reproach the flaws of her country, but nevertheless feels connected to it. The memoir finally becomes characteristic of its genre as it ends with musings on Afzal-Khan’s self quest—“the ever-multiplying fissures of a selfhood fractured into so many roles, performances of identity...” (144).

Nandi, Swaralipi. 2010. Review of Fawzia Afzal-Khan’s *Lahore With Love*. *Pakistaniaat: A Journal of Pakistan Studies* 2, 2:44–47. [www.pakistaniaat.org/issue/view/368/showToc](http://www.pakistaniaat.org/issue/view/368/showToc)

b. the book must be recalled with immediate effect and no further dissemination/distribution of the defamatory material must be carried out; c. my client must be paid damages in the amount of US\$ 1 million on account loss, damage and distress suffered by her—which however is premised on the assumption that the above two demands shall also be met; failing which the damages to be claimed by my client shall be US\$ 2 million. [...] You are required through this legal notice to confirm that the aforesaid shall be carried out [...]. Failing such confirmation, or if the aforesaid legitimate demands are not met, I have instructions from my client to initiate appropriate civil and criminal proceedings against both the Author and the Publisher [...].

## From Afzal-Khan's Letter to SUP

6 August 2010

I am writing in response to your letter of June 24, 2010, in which you informed me of Syracuse University Press's decision to terminate the contract for the publication of my memoir, *Lahore with Love*, due to a letter from a Ms. Madeeha Gauhar of Lahore, Pakistan, threatening a libel lawsuit against the press and me. [...] I continue to unequivocally reject the preposterous claim by Ms. Madeeha Gauhar that she has in any way been harmed either in reputation or financially by the publication of my book. Her claims (1) that the character of Madina in Chapter 4 of my book is based on her and (2) that the portrayal is offensive and damaging to her reputation are both indefensible and unprovable. [...]

I find it very upsetting that you, my publisher, have been so intimidated by the threat of a lawsuit that, instead of doing proper due diligence—reading the chapter and making an independent assessment of the worth of Ms. Gauhar's claim—and adhering to the terms of the contract, you have chosen to abandon my book. [...] Does a legal notice from Pakistan constitute "substantial risk" to the publisher of "financial loss"? My answer, based on legal consultations with competent counsel in Pakistan, is a resounding no. According to Pakistani law, if Ms. Gauhar decides to pursue her frivolous case—which, it may be noted, she has not, despite her threat to do so over three months ago—that case, initiated like the letter from and within Pakistan, has no jurisdiction over a U.S.-based publisher and author. Nor could Syracuse or any other press in the USA, with no offices or presence in Pakistan, be forced to defend itself against any such case there.

Furthermore, removing a book from circulation because of highly questionable allegations constitutes a grievous infringement of freedom of speech, which is highly protected in the United States. Freedom of speech can and must be defended. The recent bill HR 2765, which was overwhelmingly passed by both houses of Congress and will in all likelihood be signed into law by the President, clearly states that frivolous lawsuits initiated in foreign countries against U.S. authors and publishers would be thrown out of court as they contradict our First Amendment rights.

You need to know that I have hired Adv. Choudhury Hamid Mahmood, former Vice President of Lahore Bar Association, to obtain a stay order in Pakistan against the Legal Notice letter issued April 23, 2010 against Syracuse Press and myself, which he has assured me will be very easy to do, due to both the ridiculous nature of the letter from Ms. Gauhar and the provable and real damages I am sustaining by termination of the publication of my book. [...]

The fact that you, as my publisher, did not investigate these frivolous allegations by reading the chapter yourself makes it even worse. At this point it is I who, as a direct result of your refusal to honor our contract, have suffered provable damages, not Ms. Gauhar. Removing my book from the market has resulted in lost sales and readership, as several faculty who had planned to adopt the book in their courses (see attached letters from Prof Raja Masood, Waseem Anwar, and Jody Listberger) can no longer do so. *The Washington Times* has had to decline a review of the book that Prof. Margot Badran was commissioned to write. This is a very serious blow to my career, as a review in such a prestigious newspaper would undoubtedly have

### The Booklist

Not your usual memoir, this sharp, contemporary coming-of-age story swings back and forth over 30 years, from Afzal-Khan's growing up in Pakistan in a middle-class urban family in the 1980s with her tight circle of girlfriends, through her coming to America as a graduate student, and now as an academic. Always, she weaves her personal conflicts and her country's political history into the story: her fury at the extremists' suppression of the poor, of women, and of religious minorities and her equally harsh criticism of her "bourgeois decadent" Westernized family. [...] She is a published poet, and her wordplay is wry and intense.

Rochman, Hazel. 2010. Review of Fawzia Afzal-Khan's *Lahore With Love*. *The Booklist* 106, 16:9–11.

cemented my reputation as a memoirist and writer of note, increased sales, and possibly helped me earn writers' awards.

I do not understand how Syracuse University Press can be so quick to stop publication when it has already invested so much in the book. Were word of such rash disrespect for the terms of your contract to become widespread in academic and literary circles, it would certainly make potential authors think twice about signing contracts with you. Some word of Syracuse University Press's caving into the preposterous threats and demands of Madeeha Gauhar has already begun to circulate in public intellectual and academic circles with predictable questions being asked by prospective authors and indeed by the larger reading public. This is indeed troubling, and it is to the Press' benefit to put a stop to these concerns and queries as soon as possible.

### From Richard Schechner's Letter to Alice Randall Pfeiffer, Director, Syracuse University Press

16 August 2010

When I learned that you/Syracuse University Press, were/was pulling Fawzia Afzal-Khan's memoir, *Lahore with Love: Growing Up with Girlfriends, Pakistani-Style* (2010), I was—to put it mildly—shocked. I was shocked by your disrespect for freedom of expression; I was shocked by the apparent cowardice of the Press in refusing to defend one of its authors under attack; I was shocked by the fact that without a thorough investigation of all the circumstances involved, you/the Press would take such an action. [...]

The question from my point of view is about whether or not a major university press will stand by its authors or not. After all, you read and accepted Professor Afzal-Khan's manuscript; published her book; and were, I suppose, happy to find out that the book has been well received by both academics and scholars. [...]

I have read Professor Afzal-Khan's letter to you regarding the chapter in her book. I find her explanation 100% on target. I also know that the history of literature, from Aristophanes to Swift to our own day is full of scathing ironic fictional portraits of persons who may resemble actual persons. That is part of what fiction is all about. It is decisive to note that Ms. Gauhar is not named. If she thinks the character in Chapter 4 is her, that is her opinion. It is not more than that. I agree with Professor Afzal-Khan that "Even a cursory reading of Chapter 4 will reveal that Ms. Gauhar's accusations are thus not just frivolous, but totally groundless." As best I know, you/the Press did not conduct a thorough investigation into whether or not Ms. Gauhar's charges were founded or not. You/the Press simply put your tail between your legs and fled: withdrawing Professor Afzal-Khan's book pre-emptorily. Is this what the threat of litigation does to you/the Press? Are you not interested in the facts of the case; justice;

## From "Love Is a Battlefield"

Mandy Van Deven

Although this is a bold statement to make, I will go ahead and make it: Fawzia Afzal-Khan is one of the most overlooked creative nonfiction writers of our time. She has a linguistic gift that gives her prose a weight and depth that appear effortless yet is painstaking in its profundity. *To Lahore With Love* is the story of Afzal-Khan's life through the lens of her female friendships. It is also an emotional narrative of the growth of a fraught nation, and the intimate impact it has had on relationships teeming with both love and tragedy. [...] Consider Afzal-Khan's writings when you read the news stories of Pakistani women who are literally fighting for their lives in the face of social, political, and economic hardships that are made more complicated and devastating by the recent floods. Let her paint you a picture of her girlfriends' lives, and perhaps you will see a few familiar slivers in your own.

Van Deven, Mandy. 2010. "Love is a Battlefield." *Change.org. Women's Rights*, 11 October. [http://womensrights.change.org/blog/view/love\\_is\\_a\\_battlefield](http://womensrights.change.org/blog/view/love_is_a_battlefield)

or freedom of expression? Do you/the Press not stand with your authors? Do you/the Press abandon your authors at the first whiff of trouble? It would seem so. And this is extremely distressing. [...]

Let me hear from you as soon as possible regarding this important issue. I am planning to deal with it in *TDR*. I do hope that I will have good news to tell: namely that you/the Press has changed your/its mind and that *Lahore with Love: Growing Up with Girlfriends, Pakistani-Style* will once more be part of your/the Press's list.

## From Susan E. Davis, National Contract Advisor of the National Writers Union, Letter to Syracuse University Press

30 September 2010

[...] National Writers Union [...] is committed to protecting writers' rights and to promoting ethical business practices regarding writers' work. The union has a long and successful track record of negotiating on behalf of writers. [...]

Afzal-Khan has gone to great lengths to see that Mrs. Gauhar's threat of legal action has been rendered effectively null and void. As Afzal-Khan detailed in her e-mail of Sept. 9 to you, her lawyer in Pakistan, Ch. Mahmood, has seen to it that two stay-orders have been issued by the Lahore Civil Court against Mrs. Gauhar declaring her libel letter to SU Press and Afzal-Khan illegal. [...]

Shouldn't SU Press show appreciation for Afzal-Khan's efforts at removing the threat and support her First Amendment rights by publishing her book? Persisting in giving credibility to Mrs. Gauhar's threat while denying Afzal-Khan's right to have her book published strikes me as vindictive, cruel, and downright hostile. [...]

By failing to honor this contract, SU Press is defiling not just Afzal-Khan's rights but the ideals of the First Amendment. Standing up for the First Amendment is not always easy, as you are no doubt aware, though it should be in the case of a groundless lawsuit threatened in a foreign country. The National Writers Union is surprised that SU Press continues to deny Afzal-Khan's rights given its affiliation with Syracuse University where the words of the First Amendment are etched on the windows of Newhouse Building 3. Or are those words merely platitudes that SU Press pays lip service to?

## From Fawzia Afzal-Khan: Where Things Stand Now

20 October 2010

The cowardly performance of Syracuse University Press continues despite my having obtained “stay-orders” in Pakistan against the libel letter from Ms. Gauhar. After failing to show up several times, an attorney for Ms. Gauhar finally appeared in court on the last date before the case would have been dismissed. Now, the process could drag on indefinitely. As my attorney’s latest letter to the Press indicates, the issuance and renewal of this stay-order by a civil court in Lahore removes any bar from them to continue publishing and circulating the book, as they are obliged to do according to contractual obligations. I sent them this letter along with copies of the two stay orders-to-date in consultation with the Writers Union, who are advising me on how to proceed in this case.

The National Writers Union asked the Press to get back to them within a week of receipt of the letter of 30 September, but they did not. The National Writers Union will now take several steps on my behalf—and on behalf of freedom of speech. The National Writers Union on its website will alert authors of SUP’s refusal to stand by one of their published authors. The NWU will also send letters to newspapers in the Syracuse area, to *The Chronicle of Higher Education*, and to the Chancellor of Syracuse University. These letters will draw attention to SUP’s unwillingness to defend my First Amendment rights. The NWU will ask why SUP has not resumed publication after learning of my legal actions to stop a libel suit in Pakistan? Especially on the heels of the Speech Act (H.R. 2765) of July 2010, which makes foreign libel judgments against US authors and their publishers unenforceable in the USA, and which was signed into law by President Obama in August 2010. The Speech Act plus the continuing stay against Ms. Gauhar completely eliminates SUP’s reason for halting publication. By not resuming publication, SUP is violating ethical and professional standards and depriving me of my freedom of speech in addition to harming my reputation. If SUP does not resume publication of my book, I may sue them for breach of contract, though this is not something I would willingly pursue. If you want to see what all the fuss is about, read the “offending chapter” on my webpage: <http://fawziafzalkhan.webs.com>.

In the meantime, I have decided to self-publish my book, so that it can be read and taught as widely as possible. Starting January 2011, the book will be available at Amazon.com and will contain new appendices including legal documents and an essay by me contextualizing the controversy. Please buy it!

The performance must go on.