

Captive Audience Scenarios in Ethiopia: Some Observations

With blessed nostrils do I again breathe mountain freedom? Freed at last is my nose from the smell of all human hubbubs!♦

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Abstract

Captive audience situations are conditions in which someone is exposed to speech that he does not want to listen to and speech that is contrary to his foundational beliefs. Captive auditory scenarios are pervasive; we encounter these in our daily routines. We find these situations in workplaces, taxis and buses, cafés, and on cell phones and TVs, to mention a few. Keeping aside their pervasiveness in our daily lives, captive audience situations entangle our basic freedoms like freedom of expression and freedom of religion and beliefs. Captive audience speeches have their own protagonists and detractors. While some argue that they are expressions and so demand basic protection, others hold that foundations of freedom of expression do not support them at all. This article depicts the concept of captive audience, analyzes the Ethiopian experience at the backdrop of comparative experience and concludes that captive audience situations are in the making in Ethiopia and the laws are not as such full-fledged enough to protect individuals. It then concludes that captive audience situations need to be clearly addressed on the face of religious extremism and intrusive and irresponsible expressions encountered on a daily basis.

♦ Friedrich Wilhelm Nietzsche, Thus Spake Zarathustra (1885), p.185]

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Introduction

One should not imagine a state of affairs behind bars when considering captive audience scenarios. One may turn out to be captive in one's own house or by phone. In this paper I will attempt to show these divergent perspectives in legal interplay. I will first try to define captive audience scenarios, then discuss the subject comparatively. Finally, I will consider the state of affairs in Ethiopia, relying on some personal observations of the matter and analyzing the legal status of such expressions under the Ethiopian legal system and other relevant laws.

2. Definitional Exercises

Attempts to define the concept of captive audience must take into account the precariousness of the concept. As I will reveal in the upcoming discussions, the captivity of the audience depends on the place of captivity. That is why we find its definition in business, law and politics, among other areas.

One authority defines a captive audience scenario as a situation where an unwilling audience is exposed to speeches. The audience is "captive" to the extent that the listener is helpless.¹ Another authority explains captive auditory scenarios as "subjecting a man, willy-nilly and day after day, to intellectual forced-feeding on trivial fare... to insist, by the effective gesture

¹ Strauss, M., Redefining the Captive Audience Doctrine, *Hastings Constitutional Law Quarterly*, Vol. 19, No. 85, 1991.

of coercion, that a man's right to dispose of his own faculties stops short of the interest of another in forcing him to endure paid-up banality...”²

It is clear that captive audience situations are conditions in which someone is exposed to speech that he does not want to listen to and speech that is contrary to his foundational beliefs.

Since captive audience scenarios exhibit a variety of facets, it is possible to imagine captive audience circumstances in workplaces where so-called captive audience meetings are held. Such an event is defined as “a meeting on company time during which a strong, one sided, anti-union message is presented.”³ Employees are strictly required to attend such meetings. At the end of the day, the meetings turn out to be places of captivity.

If we seek the essence of these definitions, the weight is on the forced nature of the state of affairs: that the audience has no chance to resist what is going on, no option but to listen, and cannot carry on their own processing of information. One may be tempted to suspect the company of coercion. I will analyze the legal effects in the coming discussions.

3. Setting the Scene

² Black, C. L., He Cannot Choose but Hear: The Plight of the Captive Auditor, *Columbia Law Review*, Vol. 53, No. 7, 1953, p. 962.

³ The Silent War: The Assault on Workers’ Freedom to Choose a Union and Bargain Collectively in the United States, Issue Brief, American Labor Federation, 2005, p. 4.

Captive auditory scenarios are pervasive; we encounter these in our daily routines. We find these situations in workplaces, taxis and buses, cafés, and on cell phones and TVs, to mention a few. Our captivity depends on the options we have to evade the circumstances. We may be forced to choose between enduring speeches and messages we do not want to attend to and quitting our jobs instead. It is an either/or situation in most cases. Let me consider captive auditory scenarios in several contexts.

3.1. Workplaces and Captive Auditory Scenarios

Workplaces are fertile grounds for captors in the sense that the captors have every opportunity to force employees to listen to their speeches. This happens on company time when the employee may be mandated to attend to his work while the employer uses this time to broadcast speeches that the employee does not want to listen to. It is predominantly the employer that plays the role of the captor. Sometimes employees also succeed in capturing fellow employees and the employer. In this case, an employee may use company time to express opinions to fellow employees even though the latter do not welcome the opinions. Here again, employees must choose between their job and their freedom not to listen to others.

Employers act as captors in two ways. In some instances, the employer engages in making anti-union speeches at morning assemblies and in trainings

and education sessions.⁴ These assemblies and sessions are sanctioned; failure to attend them entails punishment. In other cases, employers ‘deliver’ their employees to others who want to make speeches, usually political and religious in nature.⁵

Employees may also venture to capture others. In *Ng v. Jacobs Engineering*,⁶ an employee was found to be a captor for the following series of acts. As the facts of the case show, Edna Yuen Man Ng, an evangelical Christian, first held a Christmas lunchtime party in the company premises, inviting co-workers via company e-mails. At the party she played amplified religious hymns and invited a pastor to make religious speeches. She next prepared an Easter party and again invited co-workers via e-mail, promising free doughnuts. She later put Christian literatures along with the doughnuts in the company kitchen. Finally, she began an “e-mail ministry” by sending Christian messages to co-workers without the permission of the recipients. In response to offended co-workers who complained, management repeatedly urged Ng's compliance with the company's anti-harassment policy, but to no effect.

⁴ Okuno, H., Captive Audience Speeches in Japan: Freedom of Speeches of Employers vs. Workers' Rights and Freedoms, *Comparative Labor Law and Policy Journal*, Vol. 29, No. 129, 2008, p. 135.

⁵ Id. at 137.

⁶ *Ng v. Jacobs Engineering*, WL 2942739, 2006.

Ng sued for religious discrimination, asserting that Jacobs Engineering Group had failed to accommodate her religious practices. The court disagreed: "If we were to require defendant to accommodate proselytizing in the workplace, as plaintiff suggests, it would violate its own policy and be subject to claims by other employees desiring to use company facilities to share their own religious beliefs." Impeding Jacobs' ability to enforce its anti-harassment policy was, said the court, sufficient undue burden to relieve it of a duty to accommodate Ng.

In this case, one might be tempted to note that there is an element of voluntariness and an option to attend the parties or not to. However, the employees were forced to read Ng's religious e-mails and that in and of itself was sufficient to constitute harassment.

3.2. Transportation and Captive Auditory Scenarios

In the U.S., buses and trains have turned out to be cells where passengers are held captive by advertising companies. I make mention of United States because the captors operate in an organized and systematic manner. Otherwise, captive auditory scenarios are even prevalent in Ethiopia. Someone explains how the system works:

The bus company is paid by entrepreneurs (a group of whom operates on a national scale) for allowing them to install FM receivers in (and loudspeakers inescapably throughout) its vehicles. The entrepreneurs line up an FM station, which broadcasts special programs to which the

*bus radios are fixed-tuned. The passengers listen to what the people at the station want them to hear, whether they like it or not. Some like it. Some do not. Some exceedingly do not.*⁷

*Pollak v. Public Utilities Communication*⁸ is one instance where individuals brought an action against a bus company for the latter had allowed its buses to be places where news, music, commercials, and other matters were broadcast to the extent the advertising companies wanted and without taking into account the interests of the passengers.⁹ Here the bus company promised to “deliver a guaranteed audience”¹⁰ assuring advertisers, “If they can hear—they can hear your commercial!”¹¹

The D.C. Federal District Court took the activities of the bus companies to be a violation of the captive audience doctrine, holding that subjecting passengers to company advertisements without their consent and where they have no option but to listen is wrong and unacceptable.

In Ethiopia, the matter is not well thought-out to this level. Transport companies do not conspire to deliver passengers to advertisement companies. However, we find people trapped listening to things they do not want to listen to, with no way to avoid speeches made in buses and taxis. For instance,

⁷ Black, C. L., He Cannot Choose but Hear: The Plight of the Captive Auditor, *Columbia Law Review*, Vol. 53, No. 7, 1953, p. 961.

⁸ *Pollak v. Public Utilities Communication*, 191 F.2d 450 (D.C. Cir. 1951).

⁹ *Id.*

¹⁰ *Id.* at 7.

¹¹ *Id.* at 9.

people are forced to listen to religious hymns and preaching in taxis or cross-country buses, simply because they are there. Under such circumstances it may be only the driver who controls the speakers and only he who is interested in what is playing. Without regard for passengers' religious backgrounds and philosophical convictions, taxi drivers play music and religious hymns.

3.3. Public Places and Captive Auditory Scenarios

Assume that you are a Muslim and that just like any other religious person you do not want interference with your religion. This does not mean that you are intolerant of other religions. However, things become difficult when Christian religious hymns and preaching play you wherever you go—in cafés and shops and even in your own house. This truly happens in Ethiopia. You have a good chance of encountering religious hymns and preaching played in the café you want to go to, or a religious sermon amplified by megaphones near your workplace or house.

4. Captive Audiences, Freedom of Speech and Freedom from Speech

So far, I have tried to portray captive auditory scenarios in a generalized way. In this section, I will consider the legal status of captive auditory scenarios, principally in the Ethiopian setting, but also in comparison with other legal regimes.

Captive audience speeches require a reciprocal discussion as they usually engage two parties. On the one hand we have the speaker (the captor) and his right of freedom of expression. On the other hand we have the audience (the captive) and his interest in freedom from speech. I will first discuss the issue from the free speech angle, in order to determine whether captive audience speech is protected by this right.

4.1. Free Speech and its Justifications

Some of the justifications for free speech include individual autonomy, democracy, truth and self-development.¹² I will consider these in the same order. To this end, here are some of the arguments in favor of and against captive audience speech.

- a. **Individual autonomy:** The gist of the argument is that individuals should be able to think for themselves and should not be subjected to others' will.¹³ Since thought and language are interrelated, "a person cannot freely think if he cannot speak, and cannot freely think if others cannot speak, for it is in hearing the thoughts of others and being able to communicate with them that we develop our thoughts."¹⁴ The point is that individuals cannot think unless they hear others speak because others'

¹² Lichtenberg, J., Foundations and Limits of Freedom of the Press, *Philosophy and Public Affairs*, Vol. 16, No. 4, 1987, p. 329-355.

¹³ Scanlon, T., A Theory of Freedom of Expression, *Philosophy and Public Affairs*, Vol. 1, No. 1, 1972, p. 13.

¹⁴ Lichtenberg, *supra* note 12 at 335.

speech is a source of information. If an individual wants to determine his fate, develop himself and become a full-fledged rational person, he must engage in communication with other human beings.

Does this justify captive audience speech? Inherent to individual autonomy is the choice individuals make to speak and to listen. After all, “the essential thing is that to be free in any regard is to be able to choose what use one will make of that freedom, whatever someone else might think of the value of the chosen activity.”¹⁵ Captive audience speech does not present the audience with a choice. Ironically, captive audience speech deprives the audience of its autonomy and attacks the very foundation that helps the speaker (the captor) to speak. While the speaker relies on individual autonomy to protect his speech, the same deprives the audience from the right to make choices about what to listen to and thereby prevents the audience from engaging in free thought by forcing the speaker’s ideas on the listeners.

- b. **Democracy:** This argument holds that the people as ultimate decision makers need full information in order to make intelligent political choices.¹⁶ In addition to its philosophical roots, the concept of democracy associated with freedom of expression is part of the Ethiopian constitutional fabric. Under Article 29(4), the Ethiopian constitution

¹⁵ Pollak, *supra* note 8 at 966.

¹⁶ Meiklejohn, A., *Political Freedom*, 1960.

implies that the free flow of information, ideas and opinions is necessary to the functioning of a democratic order and warrants the protection extended to the press. Although the principle of democracy justifies free speech, the democratic principle does not support captive audience speech. This is true because captive audience speeches deny the listener the right of access to full information and prohibit the listener from making intelligent political choices. In a captive audience scenario, the captive listener has no chance to express his views nor does he have the right to access other sources of information. Captive audience speech is a one-way traffic situation, and inherently monopolistic. Hence captive audience speech is clearly undemocratic.

- c. **Truth:** Free speech is considered to be a vital means for the attainment of truth. This is also called the “marketplace of ideas”¹⁷ principle. John Stuart Mill held,

... [T]he peculiar evil of silencing the expression of an opinion is that it is robbing the human race; posterity as well as the existing generation; those who dissent from the opinion, still more than those who hold it. If the opinion is right, they are deprived of the opportunity of exchanging error for truth: if wrong, they lose, what is

¹⁷ Brazeal, G., How Much Does a Belief Cost? Revisiting the Marketplace of Ideas, *Southern California Interdisciplinary Law Journal*, Vol. 21, No. 1, 2011, p. 2-10.

*almost as great a benefit, the clearer perception and livelier impression of truth, produced by its collision with error.*¹⁸

Mill reasserted the need to let ideas come to the forefront, without anyone subjugating them. Rather, the quality of the expressions, their truthfulness, will let them prevail.

Although commendable in its expression of respect for the mental integrity of the audience, Mill's argument of the marketplace of ideas remains nonresponsive to speeches that are not intended simply to be communicated but rather to captivate the audience. Rather than promoting the free flow of information and fostering the pursuit for truth, captive audience speech rigs the marketplace of ideas. Captive audience speech favors whatever is agreeable to the speaker; it does not take truth into account at all. Indeed, "forced listening destroys and denies, practically and symbolically, that unfettered interplay and competition among ideas which is the assumed ambient of the communication freedoms."¹⁹

d. **Self-development:** The freedom and variety of situations are important ingredients of human self-development. Kant argued that "public use of man's reason" is essential for human enlightenment.²⁰ First, the individual benefits much in determining his/her fate based on what he/she acquires

¹⁸ Mill, J. S., *On Liberty*, 1859, p. 19.

¹⁹ Pollak, *supra* note 8 at 967.

²⁰ Lichtenberg, *supra* note 12 at 339.

from speeches made by others. On the same plane, the individual contributes significantly to the development of others as he/she engages in speaking. For these reasons, freedom of expression is considered to add utility to the overall self-realization of the individual. But this depends on the will of those who want to benefit from this exercise. Though no one may be prohibited from speaking simply because their speech does not contribute anything, listeners should not be forced to listen to speeches they do not want to listen to.

Listeners must have the option to withdraw from communications they do not want to engage in. The speaker must not seize the forum and force his/her speech on others. By depriving the listener of a choice as to what he shall direct his attention to, captive audience speech takes from a sizeable segment of the public a distraction-free opportunity to seek information in conversation and literary media. In short, captive audience speech downplays individual efforts to engage in useful self-sponsored communications.

The issue of choice has gained judicial recognition in the U.S. In *Martin v. Struthers*, where the Supreme Court reversed the decision of a lower court and held void an ordinance that made it illegal to summon residents to distribute handbills. The appellant, Mr. Hayden C. Covington, espousing a religious cause in which he was interested, that of the Jehovah's Witnesses, went to the homes of strangers, knocking on doors and ringing doorbells in

order to distribute leaflets advertising a religious meeting. Even though the Court held that the city ordinance that made such kinds of door-to-door proselytizing and any other soliciting illegal is invalid on other constitutional grounds, the Court emphasized that “the inhabitants had a right to receive the handbills *if they so desired* [emphasis added].”²¹

4.2. Arguments in Favor of and Against Captive Audience Speech

Arguments in Defense of Captive Audience Speech

Captive audience speech is not without its defenders. Its proponents have proposed various arguments.

One of these arguments is psychological. It is asserted that listeners can shift their attention to other issues by simply ignoring speech they do not want to listen to.²² Audiences may shift their attention to something else. However, it is quite difficult to credit this argument because listening is a unique physical activity. It is different from seeing, for instance, as one can easily redirect visual attention to avoid things one does not want to see but cannot so easily avoid things one does not want to listen to. Hearing is naturally unavoidable unless one relocates.

²¹ *Martin v. Struthers*, 319 U.S. 141, 143 (1943).

²² Columbia Law Review Association, *Transit Broadcasting: The Problem of the Captive Audience*, *Columbia Law Review*, Vol. 51, No. 1, 1951.

With regard to captive audiences in public transport, it was alleged (based on surveys, for example) that riders “like the stuff.”²³ It is argued that various studies suggest captive audiences like what is going on in public transport. However, this research was conducted by the transport companies, and their reliability is dubious.

The third contention is based on the concept of liberty. Liberty is not absolute, and one way in which liberty is limited is in the course of captive audience speech.

Even though liberty is not absolute, limits and derogations from it require that certain elements of the law be fulfilled. The minimum precondition for limitation of a liberty is lawfulness. The legal standards that limit the law must be respected. Thus if captive audience speeches are not prescribed by law as legitimate limitations of liberty, they cannot be accepted as valid in this way.

Finally, defenders of captive audience speech assert that noise, whether verbal or non-verbal, is incidental to city life and that captive audience speech is just one more such noise.²⁴

²³ Pollak, *supra* note 8 at 970.

²⁴ *Id.*

Arguments against Captive Audience Speech

Most of the arguments against captive audience speech are responses to the defenses raised above. The argument that listeners can shift their attention to other issues by simply ignoring speech they do not want to listen to can be challenged by asserting the difficulty of shifting our attention from things directed against our auditory sense compared to those targeted against our visual or nasal senses. It is easier to refuse to see than to refuse to listen. One author noted succinctly:

The sense of hearing, unlike other principal senses, cannot conveniently be suspended, or diverted from unwanted stimuli. If an individual does not wish to listen to a specific sound he can normally only stop the sound at its source or remove himself from its range.²⁵

As for the results of the survey indicating that most audiences like the “captivity,” there may be logical explanations. First, the very credibility of the survey and the validity of the methodology employed are questionable. Second, even if the survey were valid, some interests should be preserved beyond the reach of the majority. In this sense, even the refusal of some to be held as captives must be accorded due respect.

With regard to the argument about liberty, those who challenge captive audience speech question the logic of qualifying liberty to save this sort of

²⁵ Columbia Law Review Association, *supra* note 22.

speech. Liberty must be qualified only in order to serve higher values.²⁶ Quite correctly, the curtailment of liberty must be warranted by the highest and most absolute common good.

The argument that captive audience speech is commonplace in city life can be refuted allegorically: “What would we think of a man who turned a hose on passers-by, and defended his action on the ground that people in those parts were often caught in the rain?”²⁷ In other words, those who argue in favor of captive audience speech hold that these speeches are commonplace and that those who do not want to listen to them can avoid them. They argue that those who listen implicitly want to listen to the speeches. But this is authoritarian and incorrect. Speakers cannot decide on the status and fate of their listeners. The audience must have the opportunity to decide whether to listen or not to listen to what is being said.

5. Captive Audiences and Freedom of Religion

Freedom of religion is one of our fundamental human rights and freedoms. That is why this right is guaranteed by almost all constitutions and in many important legal instruments. For instance, the Universal Declaration of Human Rights (UDHR) states that “[e]veryone has the right to freedom of... religion; this right includes freedom to change his religion or belief, and

²⁶ Pollak, *supra* note 8 at 970.

²⁷ *Id.* at 973.

freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”²⁸

The International Convention on Civil and Political Rights (ICCPR)²⁹ and the Ethiopian Constitution³⁰ restate this. As one can gather from the reading of these laws, freedom of religion consists of two basic parts, an internal and external forum. The internal forum embraces the very essence of professing a religion or not professing one at all.³¹

Religious manifestations and practices form the external forum.³² Unlike the internal forum in which limiting the freedom is unjust and at times impossible, the external manifestation poses some difficulties as it sometimes conflicts with others’ rights and freedoms. It is within the sphere of the external forum that one may talk about the limits on freedom of religion.³³

²⁸ Universal Declaration of Human Rights, G.A. Res. 217A (III), U.N. Doc A/810, Paris, 10 December 1948, Article 18.

²⁹ International Covenant on Civil and Political Rights, New York, 16 December 1966, United Nations Treaty Series, Vol. 999, p. 171, Article 18.

³⁰ Constitution of the Federal Democratic Republic of Ethiopia, Proclamation No. 1/1995, Article 27(1).

³¹ Lerner, N., The Nature and Minimum Standards of Freedom of Religion or Belief, *British Young University Law Review*, 2000, p. 905.

³² *Id.*

³³ Krishnaswami, A., Study of Discrimination in the Matter of Religious Rights and Practices, U.N. Doc. E/CN.4/Sub.2, U.N. Sales No. 60.XIV.2, 1960.

As with other human rights and freedoms, limiting freedom of religion must not be an easy undertaking. Conveying captive audiences into the realm of freedom of religion makes the task unwieldy for at least two reasons. First, we have the freedom of religion (i.e., the freedom to practice either in person or in community, that of teaching and preaching, among other things) of the captor. Second, there is the freedom of religion or of belief of the captive audience, without for the moment taking the captive's right to privacy and property into account.

Leaving a person with his/her religion to do whatever he/she likes is a disastrous risk to take. No one explains this position better than the African Court of Human Rights, disposing of a complaint filed against the Republic of South Africa by Mr. Garreth Anver Prince, who alleged that the Law Society refused to register him as an attorney based on his disclosure about the possession and use of cannabis inspired by his Rastafari religion. The Court held:

Although the freedom to manifest one's religion or belief cannot be realized if there are legal restrictions preventing a person from performing actions dictated by his or her convictions, it should be noted that such a freedom does not in itself include a general right to act in accordance with his/ her belief.³⁴

³⁴ *Prince v. South Africa*, *African Human Rights Law Review*, 2004, p. 105.

That is why we need limits on the freedom. It is even believed that “while the right to hold religious beliefs should be absolute, the right to act on those beliefs should not.”³⁵

The ICCPR speaks of such limits: “Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.”³⁶

This limit implies different things. But, for the purpose of the discussion relevant to captive audience scenarios, I will discuss two of the implications. First, it is emphasized that only external manifestation of freedom of religion is susceptible to limitation. Second, the limits must be based on laws inspired by the protection of public safety, order, health, or morals, or the fundamental rights and freedoms of others.

In addition to this limit, freedom of religion must necessarily respect the basic rights of others not to be coerced.³⁷ The core of any freedom is freedom from coercion or intervention.³⁸ Freedom of religion

³⁵ Id.

³⁶ International Covenant on Civil and Political Rights, *supra* note 29, Article 18(3) and Constitution of the Federal Democratic Republic of Ethiopia, *supra* note 30, Article 27(5). with some modifications.

³⁷ International Covenant on Civil and Political Rights, *supra* note 29, Article 18(2).

³⁸ Berlin, I., *Liberty*, 4th ed., Oxford University Press, New York, 2002.

embodies one's freedom to choose to believe or not to believe, as well as not to be coerced into the religions of others. The defining element of a captive auditory scenario is coercion. We cannot have a captive audience if the listener has consented to speech made to him.

In a similar fashion, the Ethiopian Constitution clearly recognizes freedom of religion along with one's choice to believe or not to believe and not to be coerced. The Constitution does not support religious speech that cannot be avoided, that does not give the listener any choice and generally coerces the audience.

Freedom of religion (on the part of the captor) and the rights and freedoms of others (the captive audience, perceptibly including their freedom of religion and belief) may conflict. This happens in the course of manifesting one's religion. It should be the case under such circumstances that freedom of religion implies "the negative counterpart of freedom of religion."³⁹ This right appears to include the negative freedom not to receive the communication. In other words, captive audience speech infringes on others' freedom of religion, in the

³⁹ *McCollum v. Board of Education*, 333 U.S. 203 (1948). In this case the United States Supreme Court deliberated on a case brought by Vashti McCollum in which she alleged that her son was ostracized in a school where religious sermons were conducted. The sermons were conducted weekly for 30 to 45 minutes, on school premises and during school hours. Her son did not attend the sermons as she and her son were atheists. The Court held that the use of public facilities for religious instruction of schoolchildren goes against the Establishment Clause of the First Amendment.

sense of freedom from coercion, especially when the content of the captive audience speech is religious. It could be held that freedom of religion includes one's ability to protect one's religious integrity by avoiding religious communications that are contrary to one's denomination and beliefs.

To clearly depict captive audiences in conjunction with freedom of religion, let me describe what happens in many Ethiopian cities. It is not uncommon to observe a religious sermon or hymn played in a taxi or on a very big loudspeaker mounted on a car situated at the corner of a street or across the streets of a city. On the other hand, one may be forced out of his/her house or out of his/her bed by a sermon conducted by a church or mosque located nearby. Most churches and mosques possess at least four megaphones, each mounted on the four corners of the establishment, and each with preaching and hymns broadcast almost every day and in a repeated fashion. In Ethiopia, any attempt to regulate these activities occurs through environmental protection laws that consider sounds beyond a certain limit to be environmental pollution. However, no visible effort has been exerted by the state to regulate these activities with the objective of protecting those exposed to unwanted speech with the strict parlance of captive audience situations. Overall, the Ethiopian practice must be understood in the context of the mounting impact of religious fundamentalism.

With regard to liberty and choices, captive audience speech provides little benefit. And any benefit is attained at a maximum cost and with difficulty. At times, victims are forced to choose between staying in their houses and listening to whatever is going on in a nearby church or mosque and leaving their houses and going elsewhere. These schemes deny victims of their right to privacy in addition to interfering with their liberties. Freedom of conscience is at issue as well, since victims cannot use their mental faculties at all or without diversion.

Holding audiences captives in their houses or recreation places denies victims of their right to due process as well. Victims are not given the right to be heard since only the captors decide what to do with respect to the fate of the captive audience and do not usually give notice to the victim.

There are also some who argue that captive audience speech denies individuals intellectual property rights because they cannot effectively use their mental faculties to make fruitful contributions to the world when they are under the influence of their captors.⁴⁰

Conclusion

Captive auditory scenarios are increasing in Ethiopia. Current developments prove that the country is indeed less regulated in this regard. In addition to its

⁴⁰ Columbia Law Review Association, *supra* note 22.

impact on the rights and freedoms of individuals, these scenarios erode the values of democracy and tolerance.

The rise of fundamentalism in Ethiopia is also adversely affecting observance of the respect one owes to others. In my view, the issue goes beyond captive auditory scenarios and reflects the shifting power dynamics among the Ethiopian Orthodox Church, the Ethiopian Evangelical Church and Islam in Ethiopia.

In the absence of well-established jurisprudence in the area of captive auditory scenarios and the displacement of individual rights and freedoms in favor of group rights, it is difficult, though not impossible, to press charges and protect an individual whose rights and freedoms are not safeguarded by the rights of the majority.