

# Blasphemy and Free Speech

Paul Marshall

Senior Fellow, Hudson Institute

**Paul Marshall** is a senior fellow at the Hudson Institute’s Center for Religious Freedom. He has published widely in newspapers and magazines, including the *New York Times*, the *Wall Street Journal*, the *Washington Post*, *First Things*, *The New Republic*, and *The Weekly Standard*. He is the author or editor of more than 20 books on religion and politics, including *Their Blood Cries Out*, *Religious Freedom in the World*, and *Blind Spot: When Journalists Don’t Get Religion*. Most recently he is the co-author, with Nina Shea, of *Silenced: How Apostasy and Blasphemy Codes are Choking Freedom Worldwide*.

*The following is adapted from a lecture delivered at Hillsdale College’s Allan P. Kirby, Jr. Center for Constitutional Studies and Citizenship in Washington, D.C., on February 3, 2012.*

**A growing** threat to our freedom of speech is the attempt to stifle religious discussion in the name of preventing “defamation of” or “insults to” religion, especially Islam. Resulting restrictions represent, in effect, a revival of blasphemy laws.

Few in the West were concerned with such laws 20 years ago. Even if still on some statute books, they were only of historical interest. That began to change in 1989, when the late Ayatollah Khomeini, then Iran’s Supreme Leader, declared it the duty of every Muslim to kill British-based writer Salman Rushdie on the grounds that his novel, *The Satanic Verses*, was blasphemous. Rushdie has survived by living his life in hiding. Others connected with the book were not so fortunate: its Japanese translator was assassinated, its Italian translator was stabbed, its Norwegian publisher was shot, and 35 guests at a hotel hosting its Turkish publisher were burned to death in an arson attack.

More recently, we have seen eruptions of violence in reaction to Theo van Gogh’s and Ayaan Hirsi Ali’s film *Submission*, Danish and Swedish cartoons depicting Mohammed, the speech at Regensburg by Pope Benedict XVI on the topic of faith, reason, and religious violence, Geert Wilders’ film *Fitna*, and a false *Newsweek* report that the U.S. military had desecrated Korans at Guantanamo. A declaration by Terry Jones—a deservedly obscure Florida pastor with a congregation of less than 50—that he would burn a Koran on September 11, 2010, achieved a perfect media storm, combining American publicity-seeking, Muslim outrage, and the demands of 24-hour news coverage. It even drew the attention of President Obama and senior U.S. military leaders. Dozens of people were murdered as a result.

Such violence in response to purported religious insults is not simply spontaneous. It is also stoked and channeled by governments for political purposes. And the objects and victims of accusations of religious insults are not usually Westerners, but minorities and dissidents in the Muslim world. As Nina Shea and I show in our recent book *Silenced*, accusations of blasphemy or insulting Islam are used systematically in much of that world to send individuals to jail or to bring about intimidation through threats, beatings, and killings.

The Danish cartoons of Mohammed were published in Denmark’s largest newspaper, *Jyllands-Posten*, in September 2005. Some were reproduced by newspapers in Muslim countries in order to criticize them. There was no violent response. Violence only erupted after a December 2005 summit in Saudi Arabia of the Organization of the Islamic Conference—now the Organization of Islamic Cooperation (OIC). The summit was convened to discuss sectarian violence and terrorism, but seized on the cartoons and urged its member states to rouse opposition. It was only in February 2006—five months after the cartoons were

published—that Muslims across Africa, Asia, and the Mideast set out from Friday prayers for often violent demonstrations, killing over 200 people.

The highly controlled media in Egypt and Jordan raised the cartoon issue so persistently that an astonishing 98 percent of Egyptians and 99 percent of Jordanians—knowing little else of Denmark—had heard of them. Saudi Arabia and Egypt urged boycotts of Danish products. Iran and Syria manipulated riots partly to deflect attention from their nuclear projects. Turkey used the cartoons as bargaining chips in negotiations with the U.S. over appointments to NATO. Editors in Algeria, Jordan, India, and Yemen were arrested—and in Syria, journalist Adel Mahfouz was charged with “insulting public religious sentiment”—for suggesting a peaceful response to the controversy. Lars Vilks’ later and more offensive 2007 Swedish cartoons and Geert Wilders’ 2008 film *Fitna* led to comparatively little outcry, demonstrating further that public reactions are government-driven.

Repression based on charges of blasphemy and apostasy, of course, goes far beyond the stories typically covered in our media. Currently, millions of Baha’is and Ahmadis—followers of religions or interpretations that arose after Islam—are condemned *en masse* as insulters of Islam, and are subject to discriminatory laws and attacks by mobs, vigilantes, and terrorists. The Baha’i leadership in Iran is in prison, and there is no penalty in Iran for killing a Baha’i. In Somalia, al Shebaab, an Islamist group that controls much of that country, is systematically hunting down and killing Christians. In 2009, after allegations that a Koran had been torn, a 1,000-strong mob with Taliban links rampaged through Christian neighborhoods in Punjab, Pakistan’s largest province, killing seven people, six of whom, including two children, were burned alive. Pakistani police did not intervene.

Throughout the Muslim world, Sunni, Shia, and Sufi Muslims may be persecuted for differing from the version of Islam promulgated by locally hegemonic religious authorities. Saudi Arabia represses Shiites, especially Ismailis. Iran represses Sunnis and Sufis. In Egypt, Shia leaders have been imprisoned and tortured.

In Afghanistan, Shia scholar Ali Mohaqeq Nasab, editor of *Haqooq-i-Zen* magazine, was imprisoned by the government for publishing “un-Islamic” articles that criticized stoning as a punishment for adultery. Saudi democracy activists Ali al-Demaini, Abdullah al-Hamed, and Matruk al-Faleh were imprisoned for using “un-Islamic terminology,” such as “democracy” and “human rights,” when calling for a written constitution. Saudi teacher Mohammed al-Harbi was sentenced to 40 months in jail and 750 lashes for “mocking religion” after discussing the Bible in class and making pro-Jewish remarks. Egyptian Nobel prize winner in literature Naguib Mahfouz reluctantly abandoned his lifelong resistance to censorship and sought permission from the clerics of Al-Azhar University to publish his novel *Children of Gebelawi*, hitherto banned for blasphemy. Mahfouz subsequently lived under constant protection after being stabbed by a young Islamist, leaving him partly paralyzed.

After Mohammed Younas Shaikh, a member of Pakistan’s Human Rights Commission, raised questions about Pakistan’s policies in Kashmir, he was charged with having blasphemed in one of his classes. In Bangladesh, Salahuddin Choudhury was imprisoned for hurting “religious feelings” by advocating peaceful relations with Israel. In Iran, Ayatollah Boroujerdi was imprisoned for arguing that “political leadership by clergy” was contrary to Islam, and cleric Mohsen Kadivar was imprisoned for “publishing untruths and disturbing public minds” after writing *Theories of the State in Shiite Jurisprudence*, which questioned the legal basis of Ayatollah Khomeini’s view of government. Other charges brought against Iranians include “fighting against God,” “dissension from religious dogma,” “insulting Islam,” “propagation of spiritual liberalism,” “promoting pluralism,” and, my favorite, “creating anxiety in the minds of . . . Iranian officials.”

Muslim reformers cannot escape being attacked even in the West. In 2006, a group called *Al-Munasirun li Rasul al Allah* emailed over 30 prominent reformers in the West, threatening to kill them unless they repented. Among its targets was Egyptian Saad Eddin Ibrahim, perhaps the best known human rights activist in the Arab world. Another was Ahmad Subhy Mansour, an imam who was imprisoned and had to flee Egypt, in part for his arguments against the death penalty for apostasy. The targets were pronounced

“guilty of apostasy, unbelief, and denial of the Islamic established facts” and given three days to “announce their repentance.” The message included their addresses and the names of their spouses and children.

Mimount Bousakla, a Belgian senator and daughter of Moroccan immigrants, was forced into hiding by threats of “ritual slaughter” for her criticism of the treatment of women in Muslim communities and of fundamentalist influences in Belgian mosques. Turkish-born Ekin Deligoz, the first Muslim member of Germany’s Parliament, received death threats and was placed under police protection after she called for Muslim women to “take off the head scarf.”

But the story gets worse. Western governments have begun to give in to demands from the Saudi-based OIC and others for controls on speech.

In Austria, for instance, Elisabeth Sabbaditsch-Wolf has been convicted of “denigrating religious beliefs” for her comments about Mohammed during a seminar on radical Islam. Canada’s grossly misnamed “human rights commissions” have hauled writers—including Mark Steyn, who teaches as a distinguished fellow in journalism at Hillsdale College—before tribunals to interrogate them about their writings on Islam. And in Holland and Finland, respectively, politicians Geert Wilders and Jussi Hallaaho have been prosecuted for their comments on Islam in political speeches.

In America, the First Amendment still protects against the criminalization of criticizing Islam. But we face at least two threats still. The first is extra-legal intimidation of a kind already endemic in the Muslim world and increasing in Europe.

In 2009, Yale University Press, in consultation with Yale University, removed all illustrations of Mohammed from its book by Jytte Klausen on the Danish cartoon crisis. It also removed Gustave Doré’s 19th-century illustration of Mohammed in hell from Dante’s *Inferno*. Yale’s formal press statement stressed the earlier refusal by American media outlets to show the cartoons, and noted that their “replication...has repeatedly resulted in violence around the world.”

Another publisher, Random House, rejected at the last minute a historical romance novel about Mohammed’s wife, *Jewel of Medina*, by American writer Sherry Jones. They did so to protect “the safety of the author, employees of Random House, booksellers and anyone else who would be involved in distribution and sale of the novel.”

The comedy show *South Park* refused to show an image of Mohammed in a bear suit, although it mocked figures from other religions. In response, Molly Norris, a cartoonist for the *Seattle Weekly*, suggested an “Everybody Draw Mohammed Day.” She quickly withdrew the suggestion and implied that she had been joking. But after several death threats, including from Al-Qaeda, the FBI advised her that she should go into hiding—which she has now done under a new name.

In 2010, Zachary Chesser, a young convert to Islam, pleaded guilty to threatening the creators of *South Park*. And on October 3, 2011, approximately 800 newspapers refused to run a “Non Sequitur” cartoon drawn by Wiley Miller that merely contained a bucolic scene with the caption “Where’s Muhammad?”

Many in our media claim to be self-censoring out of sensitivity to religious feelings, but that claim is repeatedly undercut by their willingness to mock and criticize religions other than Islam. As British comedian Ben Elton observed: “The BBC will let vicar gags pass, but they would not let imam gags pass. They might pretend that it’s, you know, something to do with their moral sensibilities, but it isn’t. It’s because they’re scared.”

The second threat we face is the specter of cooperation between our government and the OIC to shape speech about Islam. A first indication of this came in President Obama’s Cairo speech in 2009, when he declared that he has a responsibility to “fight against negative stereotypes of Islam whenever they appear.” Then in July of last year in Istanbul, Secretary of State Clinton co-chaired—with the OIC—a “High-Level Meeting on Combating Religious Intolerance.” There, Mrs. Clinton announced another conference with the OIC, this one in Washington, to “exchange ideas” and discuss “implementation” measures our government

might take to combat negative stereotyping of Islam. This would not restrict free speech, she said. But the mere fact of U.S. government partnership with the OIC is troublesome. Certainly it sends a dangerous signal, as suggested by the OIC's Secretary-General, Ekmeleddin Ihsanoglu, when he commented in Istanbul that the Obama administration stands "united" with the OIC on speech issues.

The OIC's charter commits it "to combat defamation of Islam." Its current action plan calls for "deterrent punishments" to counter "Islamophobia." In 2009, an official OIC organ, the "International Islamic *Fiqh* [Jurisprudence] Academy," issued *fatwas* calling for speech bans, including "international legislation," to protect "the interests and values of [Islamic] society." The OIC does not define what speech should be outlawed, but the repressive practices of its leading member states speak for themselves.

The conference Secretary Clinton announced in Istanbul was held in Washington on December 12-14, 2011, and was closed to the public, with the "Chatham House Rule" restricting the participants (this rule prohibits the identification of who says what, although general content is not confidential). Presentations reportedly focused on America's deficiencies in its treatment of Muslims and stressed that the U.S. has something to learn in this regard from the other delegations—including Saudi Arabia, despite its ban on Christian churches, its repression of its Shiite population, its textbooks teaching that Jews should be killed, and the fact that it beheaded a woman for sorcery on the opening day of the conference.

\* \* \*

The encroachment of *de facto* blasphemy restrictions in the West threatens free speech and the free exchange of ideas. Nor will it bring social peace and harmony. As comedian Rowan Atkinson warns, such laws produce "a veneer of tolerance concealing a snake pit of unaired and unchallenged views." Norway's far-reaching restrictions on "hate speech" did not prevent Anders Behring Breivik from slaughtering over 70 people because of his antipathy to Islam: indeed, his writings suggest that he engaged in violence because he believed that he could not otherwise be heard.

In the Muslim world, such restrictions enable Islamists to crush debate. After Salman Taseer, the governor of Punjab, was murdered early last year by his bodyguards for opposing blasphemy laws, his daughter Sara observed: "This is a message to every liberal to shut up or be shot." Or in the words of Nasr Abu-Zayd, a Muslim scholar driven out of Egypt: "Charges of apostasy and blasphemy are key weapons in the fundamentalists' arsenal, strategically employed to prevent reform of Muslim societies, and instead confine the world's Muslim population to a bleak, colourless prison of sociocultural and political conformity." President Obama should put an end to discussion of speech with the OIC. He should declare clearly that in free societies, all views and all religions are subject to criticism and contradiction. As the late Abdurrahman Wahid, former president of Indonesia, the world's largest Muslim country, and head of Nahdlatul Ulama, the world's largest Muslim organization, wrote in his foreword to *Silenced*, blasphemy laws

. . . narrow the bounds of acceptable discourse. . . not only about religion, but also about vast spheres of life, literature, science, and culture in general. . . Rather than legally stifle criticism and debate— which will only encourage Muslim fundamentalists in their efforts to impose a spiritually void, harsh, and monolithic understanding of Islam upon all the world—Western authorities should instead firmly defend freedom of expression. . . .

America's Founders, who had broken with an old order that was rife with religious persecution and warfare, forbade laws impeding free exercise of religion, abridging freedom of speech, or infringing freedom of the press. We today must do likewise.