

The Aftermath of Charlie Hebdo: Blasphemy, Free Speech and Freedom of Religion

A talk by Paul Marshall at The King's College in 2015

My thanks to The King's College for having me here and to the audience for coming to this presentation. The massacre of cartoonists at Charlie Hebdo was exactly four weeks ago today. We may add to that that last Saturday in Denmark there was the attempted murder of Lars Vilks, a Swedish cartoonist who did the famous Mohammad as a roundabout dog cartoon in 2008. These things are happening more and more.

What I want to do is put these things in a larger context, a global context. Most people in the West notice these things only when they happen in the West itself. So if we were asked to look at famous cases, where there is an eruption around blasphemy or apostasy or insulting Islam, the things that are likely to come to your mind would be Western things such as the murder of Theo van Gogh after he produced a documentary on the status of women in Muslim lands.

You might remember he was killed in an attempted beheading on a street in Amsterdam and that was over 10 years ago. Or we would go back further of course to an event which inaugurated the modern age of blasphemy — the fatwa by the Ayatollah Khomeini against the British Indian author Salman Rushdie. The Iranians have said that the fatwa no longer stands, but of course it stands. The only person who can remove it is the person who issued it, and he's dead. So Rushdie is still under that threat. Then there is what we usually call the Danish cartoons published by Jyllands-Posten in 2005, or the Swedish cartoons I mentioned earlier, or the film trailer, *The Innocence of Muslims*, which had been seen by about three people until the U.S. government publicized it, or Pastor Terry Jones's threat to burn the Quran, which created a lot of fuss worldwide. (His actual burning of a Quran two years later caused almost no stir). These things are happening regularly, they are increasing in number, and they are the ones which we westerners are usually aware of. They happen closer to us.

But one of the first points I want to make is these particular instances are markedly atypical of accusations of blasphemy or insulting Islam worldwide. In a book which Professor Glader mentioned, *Silenced*, we surveyed accusations — sometimes by the government but more often by private parties — of insulting Islam or blasphemy in some 26 Muslim majority countries and in about 14 western countries. We cover thousands of cases involving millions of people. This is a worldwide phenomena. The things of which we are aware are simply the tip of a very large iceberg. If we look at trends worldwide, the number of such accusations and attacks have been increasing.

VAGUE CHARGES

If we survey the trends of the accusations covered in *Silenced*, we can first note that the charges or accusations are usually vague and this is so even when there is an actual law on the books (in many cases there isn't). For instance, with ISIS in the Middle East, one of the things it does with anybody who disagrees with it, Muslims or whomever else, it says, "Well if you disagree with us you are not a true Muslim. Therefore, you've left Islam, therefore you are an apostate, therefore we can kill you." Then they kill you. So, apostasy can be used very vaguely. There is also the charge of insulting a heavenly religion — that is section 98(f) of the Egyptian penal code.

"Creating confusion among Muslims" can be an offense in Malaysia and is an offense in Iran and a few other places. "Imitating Christians" can get you a prison sentence in Iran, as can "harboring destructive thoughts," "friendships with the enemies of God," and "fighting against God." My view is that if someone wants to fight against God, if I were a gambling man, I would take great odds on the winner. But, anyway, "fighting against God," "dissension from religious dogma," and "propagation of spiritual liberalism" are offenses drawn from the legal

PAUL MARSHALL



Paul Marshall is the Wilson Distinguished Professor of Religious Freedom and research Professor in Political Science at Baylor University, Senior Fellow at the Hudson Institute's Center for Religious Freedom, Senior Fellow at the Leimena Institute, Jakarta, and Visiting Professor at the Christian University of Indonesia. He is the author and editor of more than 20 books on religion and politics, especially religious freedom, including recently *Persecuted* (Thomas Nelson, 2013), *Silenced: How Apostasy and Blasphemy Codes Are Choking Freedom Worldwide* (Oxford University Press, 2011), *Blind Spot: When Journalists Don't Get Religion* (Oxford University Press, 2009), *Religious Freedom in the World* (Rowman and Littlefield, 2008).

He is the author of several hundred articles, and his writings have been translated into Albanian, Arabic, Chinese, Czech, Danish, Dutch, Farsi, French, German, Greek, Indonesian, Italian, Japanese, Korean, Malay, Norwegian, Polish, Portuguese, Russian, Spanish, Swedish and Ukrainian. He is in frequent demand for lectures and media appearances, including interviews on ABC Evening News; CNN; PBS; Fox; the British, Australian, Canadian, South African, and Japanese Broadcasting Corporations; and Al Jazeera, among many other outlets. His work has been published in, or the subject of, articles in the New York Times, Wall Street Journal, Washington Post, Economist, Times, Globe and Mail, Toronto Star, Boston Globe, New Republic, Weekly Standard, Reader's Digest, and many other newspapers and magazines.

codes in Iran. There are many others, but I just give this brief list very rapidly to give you a sense of the breadth of the accusations that exist.

Henceforth, in this lecture, I will usually use the term 'blasphemy' as a shorthand for this entire list.

POLITICAL MANIPULATION

Secondly, such accusations are often shaped by political manipulation. To give one example: as mentioned, you might remember that in 2005 the Danish newspaper Jyllands-Posten, the largest newspaper in Denmark, published a dozen cartoons. They're usually called cartoons of Mohammed, though most of them are not actually depictions of Mohammed—some are depictions of fearful cartoonists. The background of this was that a children's book writer was commissioned to write a book on the life of Mohammed for children. This was meant to be a very respectful thing, they would have the life of Jesus, the life of Buddha and so on, and they wanted illustrations for it—just drawings. But in the entirety of Denmark the author could not find a single cartoonist who would do that, and she raised this issue with Flemming Rose, who was the cultural editor of the Jyllands-Posten and he thought, "We've got a problem here. We can't illustrate a children's book."

"You can't stoke people's religious beliefs unless they've got religious beliefs. The religious sentiment has to be there in the first place."

Rose has noted that he used to be based in Moscow — he was a foreign correspondent in the former Soviet Union. He said, "I started to notice a phenomenon in Denmark which we always knew about in Moscow. If you start talking about a certain subject people look around: "Who might be here? Who's listening?" "That's what we're doing in Denmark right now." Hence he commissioned those cartoons.

Most people assume that there was an immediate outcry, riots and violence, but that is not the case. The cartoons came out in September 2005 and what happened? The answer is, pretty much nothing. Some Danish Muslims peacefully demonstrated outside the office of Jyllands-Posten and said the newspaper shouldn't have published the cartoons and that they should apologize. This was a peaceful democratic response to a perceived insult.

But people now remember the killings of dozens of people in Nigeria. Killings in Pakistan. Killings in Afghanistan. But, in fact, those killings took place in January and February 2006, four to five months after the event. When the cartoons first came out, there was no spontaneous upwelling of rage. What happened in the intervening months is that three radical imams from Denmark took these cartoons and added a few of their own which were really nasty (the Jyllands-Posten ones are pretty tame) and went around the Middle East showing them saying, "This is what they're saying about us." And then the Organization of the Islamic conference, an organization of some 56 countries and territories, changed the agenda of their January 2006 meeting at Mecca from dealing with terrorism to dealing with what they called "Islamophobia" and insult to Islam. Out of that meeting in Mecca hosted by the Saudis came a plan of action which involved boycotts of Danish and other products, demonstrations, and protests. Many of these spiraled out of control leading to violence and killing.

Five months after the cartoons came out a variety of governments had decided to make an issue of them and put a lot of time and money into the effort. That's when the eruption happened. So many of the things we're seeing are not just spontaneous eruptions, though of course Muslims do get angry about perceived insult or blasphemy, but in most cases if there are widespread demonstrations and death, it's usually because some governmental figures, or other powerful people, want that to happen and stoke it.

A clarification here. You will have often heard the phrase, "Oh that's political not religious," but that's not what I'm saying. That's like saying "Is it blue or is it a foot long?" Things can be both political and religious. Is the Christian Democratic Party, the governing party in Germany, political or religious? Well, obviously it's both. In order for a government or ISIS to manipulate religious sentiments, the religious sentiments have to be there in the first place. You can't manipulate people's religious beliefs unless they've got religious beliefs. The religious sentiment has to be there in the first place. These outbursts are both political and religious.

THE BIGGER DANGER IS NON- GOVERNMENTAL

Third, while accusations, charges and arrests from governments can be bad, the biggest danger, as we've seen from the attacks in the West, is usually not governments but mobs, vigilantes and terrorists. To give an example, Pakistan

probably has among the most stringent blasphemy codes in the world and in their modern form they were instituted starting under President Zia-ul-Haq in the 1980s. Thousands of people have been accused, hundreds of people have been imprisoned. Two out of the three major blasphemy codes carry the death penalty. But nobody has actually been executed in Pakistan for blasphemy in the modern age. But there are still hundreds of people dead.

If you're accused of blasphemy in Pakistan, there's a good chance you will be killed immediately. Probably your best bet is to get arrested very quickly and put behind bars — but then you may get killed by the police or the police will put you in a cell with a dozen other people and say you're a blasphemer and you will die. Or, in one case, three people, in this case three Christians, were acquitted of blasphemy accusations by the high court in Punjab and as they came out of the court they were machine-gunned to death. There are ongoing blasphemy-related deaths in Pakistan, but they are the result of extralegal violence by police or mobs or vigilantes. Governments can be bad but vigilantism is usually worse.

WHO ARE THE VICTIMS?

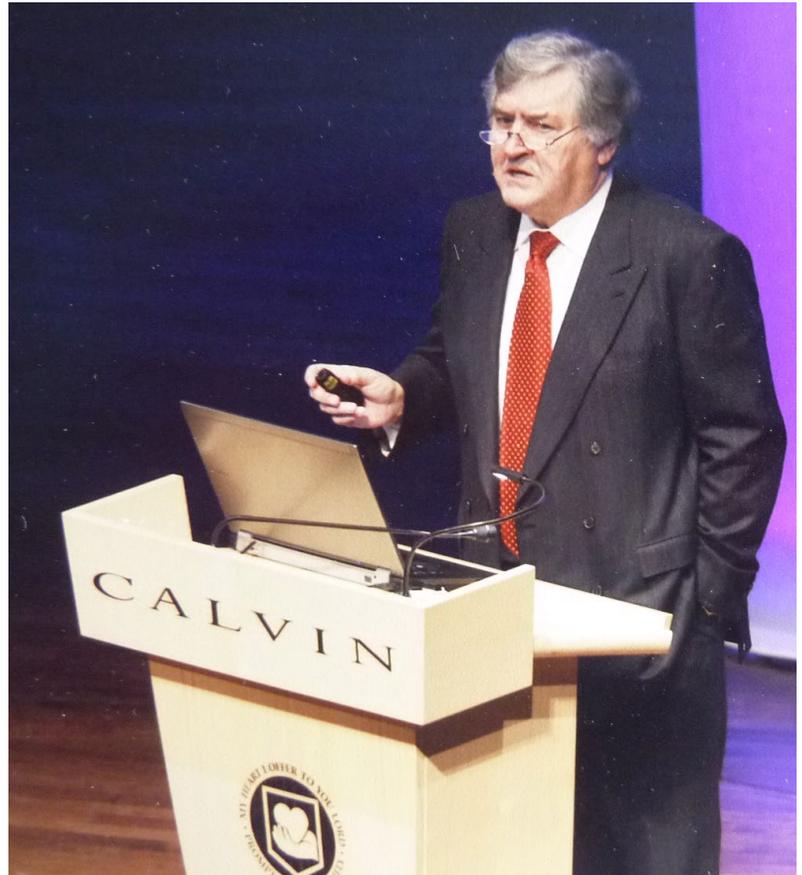
Fourth, who are the usual victims?

There are four major categories of victims.

One set I'll call those with "post-Islamic beliefs." This is not an especially good term but it covers Baha'is and Ahmadis — people who either believe or are thought by many Muslims to believe that there has been a prophet after Mohammed and therefore that they're violating the tenets of Islam. A second grouping is what I will call "actual apostates." Someone who was a Muslim and then left the religion. They may have converted to another religion — often it's Christianity — or they've just become unbelievers. The third general category is Muslims of the "wrong type." By this I mean if you're a Sunni, Shia, or Sufi in a setting where your version of Islam is regarded as heterodox or heretical. This is probably the largest category of victims. A final category is Muslim religious and political reformers and dissidents.

The Baha'i religion began in Iran in the 19th Century and they can be accused of denying the truths of Islam because they are thought to claim there was prophet, a messenger, Bahá'u'lláh, after Mohammed. They have a very difficult time in many Muslim majority contexts, especially so in Iran, which has the world's largest Baha'i community. The seven major leaders of the Baha'i community in Iran were arrested in 2008, sentenced and imprisoned in 2010,

and are due to be held until 2028. Also, because Baha'is are not a recognized religion in Iran, they have no legal status, legally they are non-persons. Which means there are no penalties for killing a Baha'i.



Paul Marshall lecturing at Calvin University.

Then we have Ahmadis, or Ahmadiyya, who are accused of following a nineteenth century prophet, Mirza Ghulam Ahmad. They are persecuted in many places but especially so in Pakistan, where they are subject to many attacks and their mosques are bombed. In fact, they cannot call their places of worship 'mosques' — that's illegal. Also, if you are a Pakistani Muslim, then in order to get a passport, one of the sections of the form you must fill out requires you to denounce the Ahmadis. You will find that form on the website of the Pakistani Consulate here in New York or the Embassy of Pakistan in Washington D.C. The former Ambassador of Pakistan to the United States is a colleague of mine at the Hudson Institute and a friend. He always found that immensely embarrassing but couldn't do much about it. With Baha'is and Ahmadis, we are looking at millions of potential victims.

"Actual apostates" are people who would agree that they have changed their religion or dropped it. A few examples:

Fazil Say, a Turkish concert pianist and outspoken atheist was in April 2013 given a 10-month sentence for tweets which were held to be “denigrating religious values.” Another example and a famous one: Sudanese Mariam Ibrahim had a Muslim father and a Christian mother. She was raised in her mother’s religion. When it was discovered that she had been born a Muslim she was charged with apostasy and was sentenced to death on May 15, 2014. She was pregnant at the time and gave birth in prison and was eventually released. There are many instances of people who are of a Muslim background who converted to another religion and are killed or maybe sentenced to death.

or extremism in an Islamic context. These attacks on people accused of blasphemy or insulting Islam have major effects because they lead to the repression of, for want of a better term, Muslim moderates and give a louder voice to radicals.

One example is an Afghan, Ali Mohaqeq Nasab. He was the editor of a magazine that was called Women’s Rights. This was Afghanistan so it was a man who edited a magazine on women, but Ali was a very courageous editor. He published two articles in the magazine in 2005 and one asked whether it is really the case that Islam requires us to kill people who we think are apostates or converts. A second article asked whether it is really the case that Islam requires us to stone adulterers. For publishing those two articles he was accused of blasphemy and was imprisoned. This, by the way, is our ally Afghanistan while the U.S. Army was there in force.

This particular case was a wakeup call for me because I was dealing with some cases of converts. I realized that we cannot do anything about restrictions on conversion or apostasy, nor can we deal with the status of women in places such as Afghanistan or Pakistan, nor many other issues, unless people are actually allowed to discuss them. Restrictions on questioning or criticizing Islam have the major effect that these other issues cannot be discussed. Hence, the possibility of reform is undercut. The people who are empowered are the more radical voices because they are the ones who usually initiate accusations of blasphemy. Dealing with contemporary extremism becomes impossible when you have blasphemy restrictions that forbid discussion of the issues.

Another Muslim, Mohsen Kadivar, is an Iranian scholar who’s been imprisoned for insulting Islam. What did he do? Well, the government in Iran is historically very unusual. It is based on Velayat-e Faqih and basically means that the people we call ‘clerics’ directly run and rule the country. That is contrary to the traditional Shiite position and was largely an innovation brought in by Khomeini. And Kadivar being in some ways a more traditionally Shiite scholar wrote a critique of Khomeini’s views in several volumes on “The Theory of the State in Shiite Jurisprudence.” This was a large, dense, thorough legal review of traditional Shia positions on the role of clerics, Islamic jurists and the state. And he concluded that the present system of government in Iran “has no foundation in Shiite jurisprudence.” The government basically responded that it was an Islamic government, so it represented Islam. Hence criticizing it was criticizing Islam. Kadivar was imprisoned for 18 months.

Grand Ayatollah Boroujerdi has spent over a decade in prison in Iran for a similar position, accused of “spreading



Paul Marshall gives a commencement address at Biola.

The third category is Muslims of the “wrong type.” That is, if you’re a Sunni, Shia or Sufi in a repressive place which upholds a different form of Islam. So, for example, in Saudi Arabia if you are a Shia you may have a rough time. If you are a Sufi you can have a tough time. The Shia have problems in Egypt, where their leaders have been imprisoned, and there are killings of Shia and Sufis in Pakistan. Shiism is essentially forbidden in Malaysia. On the other hand, Sunnis can have a difficult time in a place such as Iran. Various Sufis, including dervishes of whom you may have heard, were peacefully protesting the repression and imprisonment of their leaders in Iran over the past several years. Police and mobs broke up the protest quite viciously. A woman had her arm broken and several other injuries. These persecutions also affect millions of people.

The fourth category of victims is Muslim religious and political reformers and dissidents. I will say more about this because it is key in combating radicalism

propaganda against the system” and “warring against God.” In Iran, apart from the sufferings of Baha’i, converts, Sufis and others, there is repression of theologians, clergy and scholars who dissent from the official government position.

THE WEST

Muslims in the West are also affected. Mimount Bousakla is a senator in the Belgian parliament who has to travel with bodyguards because she has said critical things about the status of women in some Muslim communities in the country. She is still talking but she travels with bodyguards. Ekin Deligoz is the first Muslim member of the legislature in Germany, a member of the Green Party, and is in almost the same situation. Shahim Najafi, an Iranian rap singer in Germany, was in 2013 declared an apostate who must be killed. When they speak out about these issues they are threatened or attacked.

If people ask, “Why do so many Muslims stay quiet on these issues?” – one reason is that they are under threat and they might get killed. This is so even in the West, so imagine if you are living in Pakistan or Iran or Saudi Arabia.

There is also danger to non-Muslims in the West. We are aware of the Danish cartoons, the Swedish cartoons and other examples. But there are smaller but in some ways more frightening events. The situation of a cartoonist for the Seattle Weekly, Molly Norris, has somehow gone down the memory hole in the United States. When there was controversy about Mohammed cartoons and threats made to the creators of South Park, she said, “Let’s get all the cartoonists together and have a ‘Let’s Draw Mohammed Day.’” She got threats, withdrew the suggestion, apologized and the FBI advised that she should go into the equivalent of the witness protection program. She resigned her position, changed her name, gave up her journalism, gave up being a cartoonist, and has gone into hiding. American cartoonists are living in hiding.



Here is a cover for al Qaeda’s online magazine, Inspire. A few of the people featured here are: Flemming Rose, editor of Jyllands-Posten, and cartoonist

Lars Vilks, Gert Wilders, the Dutch politician, Kurt Westergaard, another Swedish cartoonist, Salman Rushdie and Terry Jones. It carries the slogan: “Yes We Can: A bullet a Day Keeps the Infidel Away.” We could mention many others but I hope you are getting a sense of how widespread the phenomena is.

“I realized that we cannot do anything about restrictions on conversion or apostasy, nor can we deal with the status of women in places such as Afghanistan or Pakistan, nor a variety of other issues, unless people are actually allowed to discuss them.”

SELF-CENSORSHIP

Of course, the widest pattern is now self-censorship. For each person who is in prison, threatened, beaten up or killed, there are hundreds or thousands who decide they are not going to risk a similar fate. Often they claim they are being sensitive and maybe some are, but far more widespread is fear.

Explicitly citing fear of violence, in 2009 the British private watchdog group, Index on Censorship, declined to show any Danish cartoons when running an interview with author Jytte Klausen on Yale’s University Press’s decision not to publish the Danish cartoons in her book about the very same cartoons. The late Christopher Hitchens correctly discerned: “a hidden partner in our cultural and academic and publishing and broadcasting world: a shadowy figure that has, uninvited, drawn up a chair to the table. He never speaks. He doesn’t have to. But he is very well understood.” A letter to the Boston Globe neatly skewered that paper’s claim that it was sensitivity to offense that led to its decision not to publish any

Danish cartoons in its coverage of them: “I find all of your editorial cartoons deeply offensive, morally, religiously, philosophically and spiritually. In fact, I don’t like your editorials, either. And the editorializing in your news coverage is annoying as well. In keeping with your cowardly policy not to offend anyone, kindly cease publication at once.” The Bart Simpson television cartoon put it more simply. Referring to a death threat causing the channel carrying the irreverent animation series South Park to censor its depiction of Muhammad, the kid Bart, on the Simpsons’ website, is seen writing on a blackboard, “South Park—We’d Stand Beside You If We Weren’t So Scared.”

“The full extent of Western self-censorship regarding Islam is unknowable, but it is deep, and touches prominent outlets.”

A couple of minor cases: on Jan. 9th, 2014, The New York Times published an article on a statue of Mohammed that until 1955 graced the rooftop of the Appellate Division Courthouse in New York, but it refused to show a photograph of the statue. This was a statue on a public building in New York! Another example: the Supreme Court building in Washington D.C. has a frieze that shows various law givers. One of those is Mohammed; he’s holding a book and a scimitar. He stands between Charlemagne and Justinian, along the way from Hugo Grotius, William Blackstone and John Marshall. That’s currently on the Supreme Court building. Given present trends, many of our newspapers would refuse to publish a picture of the U.S. Supreme Court building which contained this. At least that has happened with another building here. So, the pattern is getting wider and wider, it’s not just insults and sensitivity.

The full extent of Western self-censorship regarding Islam is unknowable, but it is deep, and touches prominent outlets. Yale University Press, Random House, Borders, Waldenbooks, Comedy Central and even the Index on Censorship have explicitly cited fear of violence as a reason to drop materials that they feared could be seen as impugning Islam.

CLOSING

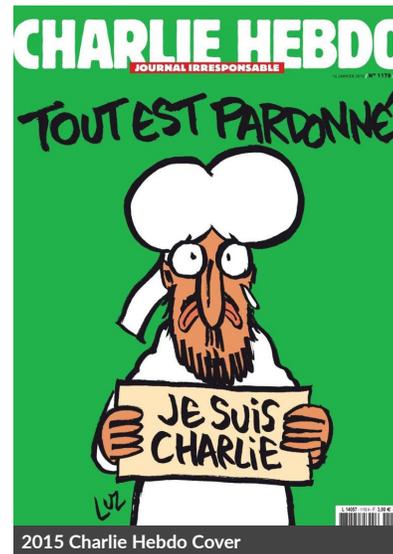
In closing, let me go back to the point I made earlier about the major danger of suppression of debate, dissent and renewal within Islam.

A Muslim, Salman Taseer, the governor of Punjab Province in Pakistan opposed Pakistan’s blasphemy law and was demanding the release of Asia Bibby, a Christian woman then in prison for blasphemy and sentenced to death. He criticized the blasphemy laws and so he was accused of blasphemy for criticizing the blasphemy laws. He was killed by one of his bodyguards. We had his daughter speaking at Hudson a year or two back and she said that in Pakistan “this is a warning to every liberal: shut up or be shot.” This went further. Unusually, the man who killed Taseer was tried, usually they’re not, and sentenced to death. For this the judge in the case was accused, not by the state but by militants, of blasphemy. Why? Because, since he condemned to death a man who killed a man who criticized the blasphemy laws, then he too was a blasphemer. The judge had to flee. This leads to the question, “Can you defend the judge or would that be blasphemous?” Or what if you defended a person who defended the judge who sentenced to death a man who killed someone regarded as a blasphemer because he opposed a blasphemy law? It is starting to appear very like a Monty Python segment.

Let me end with quotes from two Muslims. The late Nasr Hamid Abu-Zayd has a chapter in the book Silenced that I mentioned earlier. He was charged with apostasy in Egypt because of his writings on the Quran. He writes that “charges of blasphemy or insulting Islam are key weapons in the fundamentalist arsenal, strategically employed to prevent reform of Muslim societies and instead confine the world’s Muslim population to a bleak, colorless prison of socio-cultural and political conformity.” The late Abdurrahman Wahid, former President of Indonesia which is the world’s largest Muslim country, and formerly the president of Nahdlatul Ulama, the world’s largest Muslim organization — some 90 million followers — wrote the forward to Silenced. An amazing man: his forward to the book is now quite famous in its own right, it’s called “God Needs No Defense” and there is now a rap song in Indonesia with that title. Wahid was a strong defender of free speech and wrote “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, not only in their own nations, but also globally...”

When we consider blasphemy or insulting Islam, we should not get too fixated on the more spectacular western cases, but realize we are dealing with a global phenomenon whose victims are mostly not western and most of whom were not blaspheming in any normal sense of the word but were merely disagreeing and arguing.

When politics and religion are intertwined, as they necessarily are in debates about blasphemy, then, without religious debate there can be no political debate, without religious disagreement there can be no political disagreement, and without religious freedom there can be no political freedom. Thank you very much.



2015 Charlie Hebdo Cover



The Reader is a publication of The McCandlish Phillips Journalism Institute

The McCandlish Phillips Journalism Institute (MPJI) is based at The King’s College in New York City. MPJI provides education, training and professional development projects for journalists at the high school, undergraduate and professional levels. It is named after the late John McCandlish Phillips, a legendary reporter at *The New York Times*.

Editor: Paul Glader
Designer: Lauren Davis
Copy Editor: Clemente Lisi
 56 Broadway, 5th floor,
 New York, NY 10004
 @JMPjournalism
 phillipsjournalism.org



McCandlish
 Phillips
 Journalism
 Institute