

From censorship by government to censorship by terrorism

Paul Cliteur and Tom Herrenberg, editors of a book on *The Fall and Rise of Blasphemy Law*, consider the changing nature of censorship.



The west has a long history of people getting into serious trouble for speaking ill of objects of religious veneration, even before the advent of monotheism. One of the best-known trials in history occurred centuries before the birth of Christianity, when Greek philosopher Socrates (c. 470–399 BC) stood trial—which resulted in him being forced to drink hemlock—for questioning the accepted gods of Athens. The charge of “impiety” had been made earlier against Socrates’ brother-in-arms, the Greek military commander Alcibiades (c. 450–404 BC). His run-in with the authorities is recounted as follows by the historian Leonard W. Levy:

In 415 BC, when Athenians were preparing an expeditionary force against Sparta, the city awoke one morning to an appalling discovery: nearly every statue celebrating Hermes, son of Zeus, the king of gods and men, had been desecrated during the night. Impiety on so vast a scale seemed the work of a conspiracy. The event was taken as a bad omen for the expedition and for the survival of Athenian democracy. Informers, responding to offers of rewards, implicated Alcibiades,

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and further investigation uncovered a second crime of impiety. If the first was comparable to smashing statues of the Madonna in all the religious shrines in a Catholic town during the Middle Ages, the second was comparable to a Black Mass. One night when the spirits had been high and the flagons low, according to informers, Alcibiades had led a blasphemous parody of the sacred Eleusinian Mysteries, which honoured Demeter, the earth goddess. Impersonating the high priest, Alcibiades had revealed and mocked the secret rites.

Alcibiades was sentenced to death in absentia but went to Sparta before the sentence could be delivered.



The Death of Socrates by Jacques-Phillip-Joseph de Saint-Quentin, 1762. (Image in the public domain.) Image link: <http://bit.ly/2fpqskh>

Just how serious blasphemy was treated for a large part of western history comes somewhat as a shock to modern, secular minds. Because of the intermingling of state and church power, speaking ill of religion was considered a serious danger to the social order, and even seen as a threat for the government to survive. A case in point here is *R. v. Taylor* (1676). In this case, in which the accused had said that “religion is a Cheat” and that “Christ is a bastard,” the judge proclaimed

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that “these words...tend to the dissolution of all government.” In the nineteenth century, the focus of the law shifted to the manner of speech. In the words of Lord Coleridge, “even the fundamentals of religion might be attacked,” as long as “decencies of controversy were observed.” Yet it was not until 2008 before [England abolished the common law offences of blasphemy and blasphemous libel](#) altogether.

In similar fashion, other western countries have also softened their approach to combatting blasphemy. [The United States Supreme Court stated in 1952](#) that “It is not the business of government in our nation to suppress real or imagined attacks upon a particular religious doctrine, whether they appear in publications, speeches or motion pictures.” [The Netherlands repealed the three provisions prohibiting blasphemy](#) in the Criminal Code in 2014. This is in line with recommendations of the [Venice Commission](#)—the Council of Europe’s advisory body on constitutional matters—made on the subject of blasphemy laws in 2008: “the offence of blasphemy should be abolished ... and should not be reintroduced.” On the global level, human rights protecting freedom of expression also push in the direction of the decriminalisation of blasphemy *simpliciter*. The current United Nations Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt (b. 1958), stated that “In the human rights framework, respect always relates to human beings The idea of protecting the honour of religions themselves would clearly be at variance with the human rights approach.”

It is true, however, that blasphemy laws are still on the books in a number of European countries. But still, penalties are far less severe. Greece is a good example. In 2014 a Greek man named Filippos Loizos created a page on social networking website Facebook in which he satirised a deceased Orthodox monk. He was [sentenced to 10 months in prison](#) for this—a relatively mild sentence compared to the sentence Alcibiades’ got.

Whilst western countries have become, over a long period of time, less strict about sacrilegious expression, they have recently witnessed a rise in attempts to suppress blasphemy. A particularly vicious way of doing this came from radical believers seeking to remove blasphemy from the public domain by violent means. Examples include Ayatollah Khomeini calling for the death of British novelist [Salman Rushdie in 1989](#), the murder of Dutch filmmaker and polemicist Theo van Gogh in 2004, and the attack at *Charlie Hebdo* in Paris in 2015.

In all these cases, Islamists took the law into their own hands to deliver harsh worldly punishments for blasphemous speech in the west, or encouraged others to do so (Khomeini). According to Khomeini, Rushdie had written a blasphemous novel for which he and others involved in the publication had to be executed. The reason for the [murder of Theo van Gogh](#) was, in the words of his killer Mohammed Bouyeri, that Van Gogh “had offended the Prophet. According to the law he deserved the death penalty, and I have executed it.” The two brothers who [attacked the offices of Charlie Hebdo](#)—the French magazine that had featured caricatures of the prophet Muhammad—wanted to “avenge the prophet.”

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Here we have the situation that it is not the domestic government threatening the openness of “public discourse” and the free discussion of ideas and doctrines, but instead non-state actors and foreign religious and political leaders. The extra difficulty is that these responses are much more unpredictable and uncontrollable than, say, state officials prosecuting blasphemy before a domestic court.

This has led to self-censorship in speaking about matters of religion. The British academic Rumi Hasan quotes writer and [Monty Python comedian Michael Palin](#), who said on [BBC Radio 4](#): “Religion is more difficult to talk about. I don’t think we could do *Life of Brian* any more. A parody of Islam would be even harder.” Also the former Director General of the BBC, Mark Thompson, noticed the difficulty in ridiculing religion. [When talking to Free Speech Debate](#) about the difference in the public outcry over broadcasting *Jerry Springer: The Opera*, a musical in which fun is made of the Christian religion, and the broadcast of a musical about other religions, Thompson argued: “Without question, ‘I complain in the strongest possible terms’, is different from, ‘I complain in the strongest possible terms and I am loading my AK47 as I write.’” “In other words, to all intents and purposes, the offence of blasphemy still exists,” Hasan writes.



Monty Python Cast. (Photo by Paul Townsend under a Creative Commons Attribution Share-Alike licence.) Image link: <http://bit.ly/2fbkenn>.

Indeed, blasphemy has never disappeared from public life, nor have the sometimes awful responses to it. In 1989, a spokesperson of Salman Rushdie’s publisher Viking Penguin aptly responded to the Ayatollah Khomeini’s incitement to murder. “It is inconceivable to most of us in the west that a writer, and a distinguished writer at that, should not be able to express his ideas, and that publishers should not be permitted to publish them, booksellers not permitted to sell them, and that readers should be excluded from the marketplace of ideas. If the present tendency

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continues, the Ayatollah will have prevailed. This is not censorship with respect to the First Amendment, this is censorship by terrorism and intimidation.” This was 1989. Now, almost three decades along the road, in which many instances of the violent suppression of blasphemous expression have occurred, we can say that this type of censorship—which Timothy Garton Ash in *The New York Review of Books* (February 2015) has [called](#) “the assassin’s veto”—has proved it is here to stay.

Paul Cliteur and Tom Herrenberg are editors of [The Fall and Rise of Blasphemy Law](#) (Leiden University Press). With contributions by scholars from a wide range of disciplines, this volume seeks to offer an examination of topical and perplexing issues relating to freedom of expression, censorship, and blasphemy in contemporary multicultural democracies.

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