Blasphemy Before Multiculturalism: “Life of Brian” and “The Message” in the 1970s

In 1949, in the optimistic environment of post-war reconstruction and a peaceful future, a senior law lord, Lord Denning, succinctly gave the reason for the law on blasphemy, and why it was no longer relevant:

The reason for the law [on blasphemy] was because it was thought that a denial of Christianity was liable to shake the fabric of society, which was itself founded upon Christian religion. There is no such danger to society now and the offence of blasphemy is a dead letter.¹

In this chapter we explore whether Denning was correct or not, and proceed to argue that the issue has taken a turn which could not have been foreseen by judges and politicians some 70 years ago, as the ethnic and religious make-up of Britain has undergone enormous change, which would have a profound effect on views regarding blasphemy.

In retrospect, the attempts by some Christians to suppress the showing of Monty Python’s Life of Brian in the late 1970s was a key marker in the fall of the blasphemy law in England and Wales, a law that was eventually repealed in 2008. Critics of the film argued that it was blasphemous as the main character, Brian, was apparently based on Jesus Christ. Accordingly, it was a breach of the law on blasphemy and so the film should be banned

¹ My thanks to Paul Cliteur and Tom Herrenberg for several helpful comments and corrections, including alerting me to the protests in London in 1938 by Muslims against H.G. Wells and to the Handyside case.

¹ Cited in R. Webster, A Brief History of Blasphemy (Southwold: The Orwell Press, 1990), 24.
from being shown in cinemas and other public venues. In Britain, just as in other Western countries, the *raison d’être* of the law on blasphemy was to protect Christianity for reasons set out by Lord Denning. At least since the Enlightenment, a concerted effort had been made to push religion out of state institutions, and to a considerable extent this succeeded as religion largely became a private affair. Though the United Kingdom has never had an avowedly secular constitution in the manner of France, the role of religion has nevertheless declined sharply since the Second World War.

So even though Christianity—and the organised church—became a shadow of its former self, it was still shielded by the law, meaning that while one could renounce the faith, one could not lampoon, ridicule or satirise it. This contradictory position in an increasingly secular society inevitably gave rise to tensions, tensions which began to rise in the 1960s when Britain became a more prosperous society, so that there were many other channels to invest time and money in. Concomitant with rising living standards were attitudinal changes—in particular non-conformity, so that a challenge to orthodoxy and the establishment took hold among large swathes of the population, helped by the burgeoning mass media, especially television. Politicians, the monarchy, religion, the clergy, the military—pillars of the establishment—were subject to challenge and satire.

In this new libertarian climate, there was an unwritten understanding between religious leaders and civil society that a “low level” form of satire of Christianity was permissible and would not be curtailed through recourse to the blasphemy law. If, however, there was egregious or “high level” disrespect for Christianity and its prophet, then the threshold of tolerance would be breached and the wrath of the churches, backed by the law, would fall upon the perpetrators, or, more precisely, the blasphemers.

Monty Python’s *Life of Brian* was a significant case of the threshold being breached. But, as Richard Webster, author of *A Brief History of Blasphemy* points out, it was rather a mild instance of blasphemy.² Indeed, after some cuts were made at the behest of the British Board of Film Classification (BBFC) the film received a certificate for general release. In other words, the film authority with de facto censorial powers did not deem it to have breached the law of blasphemy and so, on 8 November 1979, it was duly released in the UK. Despite this clearance, the film encountered resistance. Worried by its causing offence to Christians, many town and city councils banned local cinemas from screening it. It was also banned in other countries—in Ireland

² Ibid., 27.
for 8 years and for one year in Norway. The BBC and ITV resorted to self-censorship by refusing to show it.

Nevertheless, despite these bans, *Life of Brian* was distributed widely, and became the fourth highest grossing film of that year in the UK—by this success the reactionary blasphemy law was robustly challenged. Though protests and pickets against the film by Christian groups took place in many venues where it was screened, the important point to note is that all forms of opposition to the film were entirely peaceful. While some Christians—perhaps the majority—would be offended by *Life of Brian*, there was no serious invocation of a right not to be offended.

This is not to say that the blasphemy law was a dead letter at the time. In 1977, two years before the controversy surrounding *Life of Brian*, a blasphemy case was filed against the magazine *Gay News* and proved the first successful prosecution on such grounds in England since 1922. The magazine’s offence stemmed from its publication of a poem that portrayed Jesus Christ as the object of homosexual love. In *Monty Python: The Case Against*, Robert Hewison summarises the presiding judge’s judgment:

> In earlier centuries, it was regarded as blasphemous simply to deny the existence of God, but this restriction on free thinking was gradually relaxed, provided that the denial was made in a decent and sober manner. “But what was still regarded as blasphemy…and is still regarded today…was an element of irreverence, scurrility, profanity, vilification or licentious abuse coupled with the Christian religion, or any sacred person, or any sacred object.”

An appeal was launched by the magazine, but the House of Lords upheld the guilty verdict. In his judgment, Lord Scarman argued that there is a case for the law on blasphemy to be extended “to protect the religious beliefs and feelings of non-Christians. The offence belongs in a group of criminal offences designed to safeguard the internal tranquillity of the kingdom…[There] is a duty on all of us to refrain from insulting or outraging the religious feelings of others.” Indeed, precisely these arguments were to

---

6 Ibid., 66.
be made by ethnic minorities with respect to their religions in decades to come. *Prima facie*, this is logical: on the grounds of fairness and equality, if Christianity is protected by the law then so should other religions, especially considering that many non-Christians had settled in Britain. This presaged the reasoning of defenders of multiculturalism and multifaithism. Be that as it may, had parliament adhered to Scarman’s recommendation, it would have been a severe blow to freedom of expression and a fillip to religious censors.

The case and guilty verdict attracted much opposition, especially from the arts world, and demands began to be made for the law on blasphemy to be repealed. This seemed to have helped to create a rather more favourable political climate for *Life of Brian* and perhaps contributed to the film being passed by the BBFC without major changes and to the Pythons not being sued.

Three years before *Life of Brian*, in 1976, the film *The Message* was released. This chronicled the life and times of Islam’s prophet, Mohammed, and his followers. Even at a time when the Muslim population in the West was a small fraction of what it is today, there were hints concerning reactions to this film which foretold what would become the norm decades later. It was produced and directed by the Syrian-American Moustapha Al Akkad, who consulted Islamic clerics so as to demonstrate that he was being true to the faith. Accordingly, the film complied with orthodox Islamic views that the face of Mohammed should not be shown on screen, nor his voice heard. But while he received approval from Al Azhar University in Cairo, the film was opposed by the World Muslim League in Mecca. The film’s original title was *Mohammed, Messenger of God* but, days before the film’s opening in London, threatening telephone calls to the cinema forced Akkad to change the title to *The Message*, as it was thought by some Muslims that the prophet was portrayed in the film.7

Forty years ago, the relatively small Muslim population in Britain was not politically active in regard to Islam. Thus, notwithstanding the fact that the film was not widely distributed, there were no further protests or pickets against *The Message*, and filmgoers managed to see it like any other film. But problems encountered in the USA were on a different scale altogether, as Meena Jang of the *Hollywood Reporter* explains:

In 1977, a group of twelve radical Hanafi Muslim terrorists orchestrated a raid in Washington D.C., taking over three separate buildings – the

---

B’nai B’rith National Headquarters, National Islamic Center and D.C. City Hall. They held roughly 150 people hostage over a two-day period from March 9-11. The uprising was planned in part as retaliation against the release of Filmco International Productions’ film Mohammad, Messenger of God (later retitled The Message: The Story of Islam). [The] leader Hamaas Abdul Khaalis, publicly denounced the film and called for it to be destroyed, claiming it to be sacrilegious and “a fairytale about Mohammad”. All claims were made under the false impression that Quinn played the role of Mohammad himself, which went against Muslim belief that any kind of representation of the Prophet should be condemned ... [T]he Khaalis-led dissident group staged an uprising at three locations in Washington, killing 24-year-old WHUR radio reporter Maurice Williams and D.C. police officer Mack Cantrell (who died in the hospital days later after being shot on the scene) and injuring eleven hostages. The raid lasted for 39 hours with the terrorist group demanding that Mohammad be removed from theaters across the country, in addition to the government handing over a group of men responsible for the deaths of leader Hamaas Abdul Khaalis’ relatives. The movie’s distributor, Irwin Yablans Co., complied with the threats by cancelling Mohammad’s release. Akkad, convinced that the Black Muslims were unaware that the film had been made in abidance with their religious laws, even went as far as to offer “to destroy the film’s negative if the gunmen viewed the film and objected to it,” as reported by The Hollywood Reporter at the time.

Though only temporarily, the film was ultimately pulled from nine theaters in New York and Los Angeles in the wake of the attack for the safety of over 100 hostages, with no response from the Muslim group regarding Akkad’s offer. The weekend following the two-day siege, the director made the decision to bring Mohammad, Messenger of God back to theaters, disregarding the Hanafi Muslims’ previous demands. The $18 million budget film sold over 100 advance tickets from March 9-11 and grossed $53,605 in its premiere weekend in four major theaters in New York and Los Angeles (though a few theaters stood by their decision to not screen the film at all).

“Our plans to release Mohammad have not changed,” Akkad told THR in 1977 upon choosing to resume the film’s postponed run. “We cannot run our lives and businesses according to the wishes of terrorists.” He
further emphasized: “I am sure the terrorists never saw the picture they were protesting. The sensitive spot was the title and Anthony Quinn’s role. They were very misinformed on what the picture is all about.”

These Black Muslim terrorists were an early incarnation of jihadist behaviour that would become so prevalent in the twenty-first century. What is revealing is the nature of their outrage, on the grounds of blasphemy: that a film caused offence by its title and the belief that the prophet was portrayed by an actor. The contrast between the protests concerning *Life of Brian* and *The Message* were astonishingly stark.

But we can aver that a hostile, violent response on the part of Muslims in the West to their religion or prophet being blasphemed against has been the norm. This is attested by a little known event that took place in London as far back as 1938, as reported upon by *The Manchester Guardian*:

Mr H. G. Wells’s “Short History of the World” was ceremoniously committed to the flames by a party of Indian Mohammedans today in the East End [of London] ... It is expected that about a thousand of them will go to the India Office next Thursday [The march duly took place on 18 August 1938]9, and there is a further proposal that they should also go to Mr Wells’s house. The complaint is that in his text Mr Wells says of Mohammed: “He seems to have been a man compounded of...considerable vanity, greed, cunning, and self-deception, and quite sincere religious passion” The book also says that the Koran is certainly unworthy of its alleged divine authority.10

---


During the 1980s, as immigrants from the former colonies largely became accepted as legitimate British citizens, there was an increasing sense that multiculturalism had taken root in Britain. The culmination of this thinking was the publication of The Parekh Report in 2000, whose foundational recommendation was that the government formally declare the United Kingdom to be a “multicultural society.” This was not, however, an epithet that was universally shared, and myriad events and facts regarding the demands made under this rubric would generate great concern. Here we discuss such concerns regarding the tension between blasphemy and freedom of expression in a supposedly multicultural society.

It was not a film but a book that was published some ten years after Life of Brian came out that, in Britain, saw a decisive shift in the manner of protest against a work that offended religious, specifically Muslim, sensibilities. The book in question was Salman Rushdie’s The Satanic Verses, and events surrounding it would prove to be of world historic significance. Soon after it was published in September 1988, threats against Rushdie and the publishers, Penguin Press, were made. By the beginning of 1989, Muslims in Bradford expressed such outrage that they organised a public burning of the book, like their co-religionists had done in 1938. In his autobiography, Joseph Anton, Rushdie quotes Heinrich Heine: “Where they burn books they will in the end burn people too.”

The protests went global and included attacks against bookshops—two in London were firebombed—publishers, and translators. Muslims who took offence, together with their supporters and sympathisers, wanted the book to be pulled on the grounds of blasphemy. Rushdie strongly disagreed with this and argued the need to explore religion as a form of political repression and as international terrorism—furthermore, that one should follow in the footsteps of the French Enlightenment thinkers who advocated blasphemy as a weapon, refusing to accept the power of the church to set limiting points on thought, and that religion is in fact the enemy of the intellect.

---

12 See also ch. 6 of this volume.
14 Ibid., 177.
14 February 1989 was the date of the infamous *fatwa* by the Iranian leader Ayatollah Khomeini, calling for the death of Rushdie and his publishers, which turbo-charged the protests. Though Khomeini was a Shia, the sectarian rivalry with Sunnis was largely forgotten as very few in the Islamic world and among Muslims in the West challenged his order for the assassination of a writer from another country. In Britain, there was a clarion call for the extension of the law on blasphemy to include Islam—and many politicians and other public figures buckled under the pressure of Muslim outrage that was backed up by violence and threats of violence, so agreed with this curtailment of freedom of expression. As a life-long man of the left and supporter of the Labour Party, Rushdie felt betrayed by Labour parliamentarians joining the ranks of these Muslims—and poignantly notes that “the true conservatives of Britain are now in the Labour Party, while the radicals are all in blue.” Rushdie wrote a letter to the left wing black Labour MP Bernie Grant to highlight the regressive stance that he and other leading lights of the left had taken:

Dear Bernie Grant MP,

“Burning books” you said in the House of Commons exactly one day after the fatwa, “is not a big issue for blacks.” The objection to such practices, you claimed, were proof that “the whites wanted to impose their values on the world.” I recall that many black leaders—Dr Martin Luther King, for example—were murdered for their ideas. To call forth the murder of a man for his ideas would therefore appear to the bewildered outsider to be a thing which a black Member of Parliament might find horrifying. Yet you do not object. You represent, sir, the unacceptable face of multiculturalism, its deformation into an ideology of cultural relativism. Cultural relativism is the death of ethical thought, supporting the right of tyrannical priests to tyrannise, of despotic parents to mutilate their daughters, of bigoted individuals to hate homosexuals, and Jews, because it is part of their “culture” to do so.

Rushdie is prescient in attacking Grant on the basis of his support for multiculturalism and, *ipso facto*, abandonment of universal principles.

15 Ibid., 131.
16 Ibid., 187.
As large numbers of immigrants settled in Britain after the Second World War—overwhelmingly ethnic minorities from the former colonies—there was a gradual conflation of race/ethnicity with culture and religion. Just as it became unacceptable to espouse openly racist views, so this also became the case with respect to the culture and religion of the new settlers; in other words, culture and religion became subsumed within the discourse of race and ethnicity. The corollary to this was, in line with legislation that outlawed racist practices, as under the Race Relations Acts, so must legislation also outlaw insults and offence to the cultural and religious beliefs and practices of ethnic minorities. Respect for and recognition of the culture and religion of ethnic minorities is central to the multicultural doctrine; causing offence therefore causes misrecognition and is unambiguously tantamount to inflicting harm. It was this reasoning that was adopted and internalised by so many in regard to *The Satanic Verses*, and it was the slippery road to the extension of blasphemy laws. Paul Cliteur provides an incisive analysis of the failings of two leading, avowedly liberal philosophers in this regard: Charles Taylor and Michael Dummett.

In the clash between freedom of expression and ethnic minority sensibilities, the former tended to give way to the latter. Whereas the response of “progressives” in the 1970s was to support Monty Python’s right to artistic expression, sending the message that it decisively trumped Christian sensibilities, for perhaps the majority within this grouping precisely the reverse was the case with regard to Rushdie and Muslims.

Even prior to the *Satanic Verses* affair, in accordance with the multicultural principle of not causing offence and misrecognition, there was little by way of satire or criticism of ethnic minorities. But the affair indubitably proceeded to have an extremely chilling effect on freedom of expression when it concerned Islam and Muslims. Whilst television programmes such as Channel 4’s *Spitting Image* continued mercilessly to lampoon the Pope and Archbishop of Canterbury, in stark contrast, even the merest hint of satirising Islam became a taboo after the fatwa. In fairness, given the violent, menacing opposition that would inevitably follow those brave (some might say, foolish) enough to lampoon or criticise Islam and Muslims, it was hardly surprising that no one raised their head above the parapet. Hence, in regard to Islam, Britain had acquired, through extra-parliamentary and extra-judicial means, a de facto blasphemy law as self-censorship became

---

the default position in the media, the arts and academia. This has largely remained the case until the present day—*The Guardian*, for example, in January 2016 decided to curb comments on certain pieces as was elaborated upon by the website Islam Surveyed:

Certain subjects—race, immigration and Islam in particular—attract an unacceptable level of toxic commentary, believes Mary Hamilton, our executive editor, audience. “The overwhelming majority of these comments tend towards racism, abuse of vulnerable subjects, author abuse and trolling, and the resulting conversations below the line bring very little value but cause consternation and concern among both our readers and our journalists,” she said last week. As a result, it had been decided that comments would not be opened on pieces on those three topics unless the moderators knew they had the capacity to support the conversation and that they believed a positive debate was possible.19

These are nothing short of feeble excuses for blatant suppression of free speech—ironic given that the *Guardian* describes its comment section as “Comment is Free”; indeed, their censorial stance could be based on the grounds of the offence of blasphemy.

**CONTRASTING RESPONSES TO TWO “BLASPHEMOUS” PLAYS: “BEHZTI” AND “JERRY SPRINGER: THE OPERA”**

It was not only Muslims who stamped out any slight to their religion. In December 2004, sections of the British Sikh community resorted to precisely the same means as Muslims had become accustomed to doing. The focus of Sikh rage was a play, *Behzti* (“dishonour” in Punjabi) written by a British Sikh playwright by the name of Gurpreet Kaur Bhatti and set in a gurdwara (Sikh temple). On the opening night of the performance, on 18 December, hundreds of Sikh protestors attacked the Birmingham Repertory Theatre and “800 people were evacuated, security guards were attacked, a foyer door was destroyed, windows were broken in a restaurant and demonstrators entered back stage and smashed equipment.” Mohan Singh, a local Sikh community

---

leader, pithily provided the rationale for this mayhem: “When they’re doing a play about a Sikh priest raping somebody inside a gurdwara, would any religion take it?” In other words, Mr Singh was suggesting that the violent conduct of the protestors was entirely justified and, moreover, would be the sort of action adherents to other religions under similar circumstances would also resort to.

The Roman Catholic Archbishop of Birmingham, the Most Reverend Vincent Nichols, offered support to the Sikh community at large on the basis of a classic reason for the law on blasphemy: “Such a deliberate, even if fictional, violation of the sacred place of the Sikh religion demeans the sacred places of every religion.” The theatre’s management stated that short of “blatant censorship” and cancelling the production, it could not have done more to appease the Sikh community. But, after discussions with members of the Sikh community—who demanded that the play not be set in a gurdwara—and the Commission for Racial Equality, the theatre management, fearful of more mob violence, pulled the play after 3 nights, and Bhatti went into hiding after receiving death threats.

This was nothing short of censorship by acts of violence on the grounds of blasphemy, and it outraged many of the leading lights of the British arts community, some 700 of whom wrote an open letter stating that:

It is a legitimate function of art to provoke debate and sometimes to express controversial ideas...Those who use violent means to silence it must be vigorously opposed and challenged. We all have the right to protest peacefully if a work of art offends us. We do not have the right to use violence and intimidation to prevent that work of art from being seen by others. To verbally and physically threaten a writer, audience members, performers and theatre staff is unacceptable. To attempt to censor a play because some incidents in it would thereby be rendered less offensive to some people if they were set elsewhere

---

21 Ibid.
is unacceptable. To stop the production of a work of art by means of force and continued threats of force is unacceptable.\textsuperscript{23}

Sikhs in Britain had demonstrated the same intolerance of any slight to their faith as Muslims, and the unmistakeable reality was that the offence of blasphemy became a de facto crime against the religions of ethnic minorities, enforced by threats and acts of violence. This was a sobering reality whose effect was to act as a disincentive to any aspiring writer or artist who dared to satirise the culture and religion of ethnic minorities. Interestingly, many of those who had attacked Rushdie over *The Satanic Verses* kept quiet, but this may not have been because of principle. Whereas Rushdie’s novel had a global impact, with the head of another state issuing a licence to kill, the *Behzti* affair was much more local in scope and of much shorter duration. There are relatively few Sikhs compared to the number of Muslims and no Sikh leader or priest issued a fatwa from India calling for the murder of Bhatti, and nor were there large protests anywhere else.

In the month after *Behzti* was pulled, another play aroused great controversy: *Jerry Springer: The Opera*, a satire on the American talk host’s long-running programme. It was broadcast by the BBC in January 2005 and elicited a record number of complaints—55,000—and the evangelical group Christian Voice led protests against the screening outside 9 BBC offices. The Christian Institute attempted to bring a private prosecution, but this was rejected by the Magistrates’ Court, a decision upheld by the High Court of Justice. During the play’s tour around the UK, there were regular protests outside theatres at which it was performed, including the singing of hymns and handing out of leaflets.\textsuperscript{24}

Many Christians thought the play was blasphemous. Christian Voice attempted to prosecute the BBC’s Director General on the ground that the show was “an offensive, spiteful, systematic mockery and wilful denigration of Christian belief” and argued that the show “clearly crossed the blasphemy threshold.” This was unsuccessful, as two High Court judges ruled that the programme could not be considered as blasphemous “in context.” “As a whole [it] was not and could not reasonably be regarded as aimed at, or an


attack on Christianity or what Christians held sacred,” the judges said in their ruling.25

Two important conclusions can be drawn. First, all the protests against Jerry Springer: The Opera were entirely peaceful—there were no recorded instances of threats or acts of violence against those involved with the play. The playwrights, Richard Thomas and Stewart Lee, did not receive death threats and go into hiding; no theatre was smashed up by violent demonstrators determined to stop it from being performed. Second, neither the BBC nor any theatre designated to show the play bowed to the protestors: all took the principled stance that freedom of expression trumps that of offence taken by groups of people believing their religions to have been blasphemed against by fictional works of art. By so doing, attempts at censorship failed and freedom of expression was assured. The contrast with protests against Behzti was striking and profound. It is, however, revealing that Behzti was never commissioned by the BBC or any other broadcaster for either television or radio—clearly a double standard was at play. Such a double standard was best explained by former Director General of the BBC, Mark Thompson, when he 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.”26

The compelling conclusion is the profoundly contrasting approaches to perceived blasphemy by Muslims and Sikhs on the one hand, and by Christians on the other. The former have been intolerant, fanatical and violent, the latter peaceful, tolerant and educative in approach. What explains this? The roots of this sharp distinction, we can argue, lie in the pre-Enlightenment societies from which ethnic minority immigrants hail, contrasted with a society which is at its core a product of the Enlightenment, one in which religion has largely been confined to the private sphere. From this understanding, the manner of protests by Muslims and Sikhs in Britain is entirely in keeping with how it is conducted in Pakistan, India and Bangladesh.


Importantly, however, in the multicultural discourse, migrants were not asked to conform to the norms and mores of their host society, but rather, the indigenous white society was required to show tolerance and respect for their (the migrants’) cultures and religions. Hence, exceptions to such norms and mores became the new norm—otherwise this would be demonstrable disrespect and misrecognition and necessarily a grievous harm to their very being; akin to racism, which had long been outlawed.

There was the recognition that for ethnic minorities, religion and religious identity was of far greater significance than for the largely and increasingly irreligious white British society, hence the view that tolerance by the latter to the former necessitated refraining from criticising or satirising their culture and religion and attendant beliefs and practices. This resulted in tolerance on the part of the white host society for ethnic minority immigrants and intolerance on the part of ethnic minorities for anything that slighted their identity. This blatant breach of universalism was to be a crucial factor in the increasing alienation of indigenous whites to the intolerant views of settlers, as evidenced in *The Satanic Verses* and *Behzti* affairs.

**LAW ON INCITEMENT OF RELIGIOUS HATRED AND THE REPEAL OF THE LAW ON BLASPHEMY**

During the 1990s, pressure had been mounting on the government to tackle the demands from ethnic minorities to protect their religions from satire and ridicule. After 9/11, the Labour government was concerned about a possible backlash against Muslims; contemporaneously, Muslim groups began campaigning to extend the blasphemy law to cover Islam in order to curb perceived “Islamophobia.” Proponents of this demand used the outcome of a case against the leader of the far right British National Party, Nick Griffin, to intensify their efforts. Griffin had been arrested in 2004 for describing Islam as a “wicked, vicious faith,” but was cleared of inciting racial hatred on the defence of freedom of expression and for the fact that Islam is not a race or ethnicity. Following the acquittal, former Chancellor Gordon Brown stated

> I think any preaching of religious or racial hatred will offend mainstream opinion in this country and I think we’ve got to do whatever we can
to root it out from whatever quarter it comes. And if that means we’ve got to look at the laws again I think we will have to do so.\textsuperscript{27}

Such new legislation would be politically expedient to Labour given that it invariably receives the bulk of the Muslim vote.\textsuperscript{28} Indeed, Labour has come to rely on a de facto “Muslim bloc vote” to win these constituencies.

The options for the Labour government were either to extend the law on blasphemy to cover other religions or to introduce amendments to existing legislation that would act as de facto blasphemy provisions. However, given the decades long pressure to rescind the blasphemy law, the former remedy was felt to be politically unfeasible in the context of the sharply declining role of religion in mainstream society. Accordingly, in its 2005 general election manifesto, the Labour Party promised to introduce a Bill designed to outlaw “incitement to religious hatred”:

It remains our firm intention to give people of all faiths the same protection against incitement to hatred on the basis of their religion. We will legislate to outlaw it and will continue the dialogue we started with faith groups from all backgrounds about how best to balance protection, tolerance and free speech.\textsuperscript{29}

The reference to “people of all faiths” is a clear statement of Labour’s view that Britain is not only a multicultural society but has been transformed into a “multifaith” society. Accordingly, the role of religion was given—without serious consideration, let alone debate—a decisive importance in the makeup of national identity. Furthermore, euphemistic language is used: dialogue with faith groups and taking account of “protection” and “tolerance” (of religious beliefs) necessarily implies curbing freedom of speech. This is what came to pass after Labour won the 2005 election and drafted the promised Bill, which was duly passed by Parliament. The result was the Racial and Religious Hatred Act 2006 which came into force on 1 October 2007.


\textsuperscript{28} Voting data on the basis of religion is not collated but this is an accurate statement given that Labour has, for decades, won elections in constituencies with a high percentage of Bangladeshis and Pakistanis, who are overwhelmingly Muslim.

creates an offence in England and Wales of inciting hatred against a person on the grounds of their religion.

The Act defines religious hatred as “hatred against a group of persons defined by reference to religious belief or lack of religious belief.” “[A]cts intended to stir up religious hatred” include “use of words or behaviour or display of written material.” The key section of the Act is 29B (1): “A person who uses threatening words or behaviour, or displays any written material which is threatening, is guilty of an offence if he intends thereby to stir up religious hatred” [italics added by RH]. The insertion of “intends” arose because of protests against the Bill, especially by some of the leading figures in the arts community, who argued that the law would severely curtail freedom of expression. Defenders of the legislation countered this by asserting that this would not be the case, given that the threshold at which religious offence became incitement would be high. They also pointed to section 29J, which provides protection for freedom of expression:

Nothing in this Part shall be read or given effect in a way which prohibits or restricts discussion, criticism or expressions of antipathy, dislike, ridicule, insult or abuse of particular religions or the beliefs or practices of their adherents, or of any other belief system or the beliefs or practices of its adherents, or proselytising or urging adherents of a different religion or belief system to cease practising their religion or belief system.

To a significant extent, sections 29B (1) and 29J are in conflict. Certainly, “ridicule, insult, and abuse” of a religion has long been deemed by advocates of blasphemy legislation to be tantamount to hatred—and indeed ethnic minorities, with a history of displaying intolerance to any slight to their religions will view it as such. To my mind, legislators were aware of this fact but nevertheless pushed ahead with the Bill as the fulfilment of a manifesto commitment and the appeasement, above all, of the Muslim community. The Act is, in fact, the extension of “race” to include “religion,” which explains why it is termed the Racial and Religious Hatred Act—a product of the mindset that had become embedded under multiculturalism.

Contrary to what critics of the Act might have expected, there have been few instances of recourse to this Act since it came into force, and when it has been invoked claims under it have not been successful. A well known case is that of the Christian hoteliers. A devout Christian couple, Ben and Sharon Vogelenzang, were charged with insulting a Muslim guest because
of her religion. The victim, Mrs Tazi, “claimed the couple became enraged when she wore a hijab on her last day and accused Mr Vogelenzang, 53, of asking her if she was a murderer and a terrorist. She also told the court Mr Vogelenzang called the Prophet Muhammad a murderer and a warlord and likened him to Saddam Hussein and Hitler.” Though the couple denied this version of events, “Mr Vogelenzang admitted that his wife may have referred to the hijab as a form of bondage.” Although the Crown Prosecution Service (CPS) was satisfied there had been sufficient evidence for a successful prosecution, the judge dismissed the case on the grounds that the evidence against the hoteliers was “inconsistent.”

The case did, however, send the signal that the CPS was willing to invoke the Racial and Religious Hatred Act, and so despite its failure to achieve a conviction, a precautionary approach is likely to have been taken in society at large, not least in the arts and political communities.

A similar case to that of the hoteliers arose in Northern Ireland (where the Act does not apply), but with a much clearer outcome. An evangelical preacher, James McConnell, was charged with calling Islam “satanic” and “heathen” and a “doctrine spawned in hell” in a sermon he gave in August 2015. But the case failed as “the judge hearing the case, said it was ‘not the task of the criminal law to censor offensive utterances…The courts need to be very careful not to criticise speech which, however contemptible, is no more than offensive…Accordingly, I find Pastor McConnell not guilty of both charges.’ The right to freedom of expression ‘includes the right to say things or express opinions that offend, shock or disturb the state or any section of the population,’ he said.”

The interesting point about the McConnell case is that the judge’s defence of freedom of expression stems directly from Resolution 1510 passed in 2006 by the Parliamentary Assembly of the Council of Europe (PACE), whose article 1 stipulates:

32 This resolution was, itself, derived from the Handyside case. See European Court of Human Rights, Handyside v. The United Kingdom, 7 December 1976.
The Parliamentary Assembly of the Council of Europe reaffirms that there cannot be a democratic society without the fundamental right to freedom of expression. The progress of society and the development of every individual depend on the possibility of receiving and imparting information and ideas. This freedom is not only applicable to expressions that are favourably received or regarded as inoffensive but also to those that may shock, offend or disturb the state or any sector of the population, in accordance with Article 10 of the European Convention on Human Rights.33

A further point of note regarding this case is whether the claim would have reached the threshold of the Racial and Religious Hatred Act; if so, then the Act is in obvious breach of the above resolution. A surprising aspect of the case is that an imam from London, Muhammad Al Hussaini, defended the verdict, arguing that the judiciary should not criminalise speech, “however distressing it might be,” unless it provokes violence, and that it is now “time for reflection on the kind of language that would be appropriate for ministers of religion like myself - Muslim, Jewish and Christian ministers.”34 This is a very rare instance of a Muslim leader who, rather than calling for the protection of Islam against blasphemy and invoking the multiculturalist defence of misrecognition and harm, instead defends freedom of expression. But his stance is not likely to be welcomed by imams at large, or other Muslim leaders in Britain. An example of this is the Muslim Action Forum (MAF) which is attempting to bring about a new blasphemy law, as was made clear in a press release on 8 February 2015:

Muslim Action Forum (MAF) has devised a legal strategy to prevent the continuous insulting and derogatory publications depicting and abusing the personality of our Holy Prophet Muhammad peace be upon Him. This strategy and campaign will have taken its first historical step by presenting a petition supported by over 100 000 signatures of Muslims promoting the concept of Global Civility and


condemning the continuous publication of these insulting cartoons in France and other parts of the world.

MAF intends to launch a series of legal challenges in the English Court system to establish that such depictions of our Holy Prophet peace be upon Him is the worst kind of ‘Hate Crime’ that can be perpetrated on the 3 million Muslims in the UK and 1.7 billion Muslims worldwide. We shall support this strategy through amendment of some existing legislation and the presentation of a Private Members Bill that promotes this idea of Global Civility.35

The defence of “global civility” adds to the lexicon of reasons for curbing freedom of expression in a multifaith society in which the minimum requirement is not to give offence to adherents to religions.

In 2008, MPs voted to support the abolition of the law on blasphemy in an amendment to the Criminal Justice and Immigration Bill. Maria Eagle, the junior justice minister, made the reasons clear in the debate: “These offences have now largely fallen into disuse and therefore run the risk of bringing the law into disrepute. Given that these laws protect only the tenets of the Christian Churches, they would appear to be plainly discriminatory.”36 Recognising this to be true, the Churches did not voice opposition, so the bill passed without any rancour—now making all religions equal before the law and confining the offence of blasphemy to the history books.

Also, in Northern Ireland, a play satirising the Bible by The Reduced Shakespeare Company entitled The Bible: The Complete Word of God (Abridged) was banned by a council because it was deemed to be blasphemous. But after a campaign against the ban by other councillors, local artists, comedians, writers and Amnesty International, the council, rather than seeking recourse to legal action, reversed its decision.37

In recent years in Britain, universities have adopted the principle of “safe spaces” on campuses, an idea and practice taken from American universities where it was applied initially to protect lesbian, gay, bisexual and transgender (LGBT) students from harassment and violence—and then applied to all students. In Britain, safe spaces are designed to provide a safe, protective campus environment to vulnerable students in particular, in the main, ethnic-religious minorities and LGBT students. It is policed by the students’ unions and entails “no-platforming” of speakers who are deemed a threat to such supposedly vulnerable students. The origins of the no-platform policy lie in preventing known fascists from speaking on campus; but the bans have spread to various other categories of speakers, and this has aroused increasing disquiet and controversy. A recent case is that of the well-known academic and feminist Germaine Greer, who was prevented from speaking at Cardiff University in the autumn of 2015 on the grounds that she is hostile to transsexuals.  

In regard to religion, students’ unions, led by the National Union of Students, operate a policy of preventing what they consider to be offensive and disturbing—in effect, blasphemous—to the religions of ethnic minority students. As in the wider society, this particularly applies to Islam. Three examples illustrate the policy at work. The first occurred in October 2013, at the LSE Freshers’ Fair, at which the Students’ Union, supported by a representative of LSE’s legal and compliance team and its head of security, forced two members of the LSE Atheist, Secularist and Humanist Society to remove their “Jesus and Mo” T-shirts (which depict, in cartoon form, Jesus Christ and the prophet Mohammed) on the ground that this created “an offensive atmosphere” and could constitute “harassment” of Muslim (but not Christian) students. This reasoning implied that such “harassment” was deemed to be “Islamophobic” but, interestingly, not “Christophobic.” After vigorous campaigning and threat of legal action, the Director of the


LSE, who had supported the action by the Students’ Union, apologised to the two students; but the Students’ Union refused to do so.40

The second example concerns the attempts to silence the ex-Muslim campaigner Maryam Namazie from speaking at Warwick University in September 2015. The Students’ Union initially barred her from speaking at an event organised by the Warwick Atheist Secularist and Humanist Society due to fears that her speech would “incite hatred” against Muslim students. The Union’s reasons for censorship were the familiar ones found in the safe space, multiculturalist discourse: “after researching both [Ms Namazie] and her organisation, a number of flags have been raised. We have a duty of care to conduct a risk assessment for each speaker who wishes to come to campus.” According to the Union, the articles written by Ms Namazie showed that she was “highly inflammatory” and “could incite hatred on campus.”41 But, after public pressure, Warwick’s Students’ Union rescinded the ban and allowed Namazie to speak and, unlike the LSE’s Students’ Union, offered a full apology for its censorial action, basing it on a procedural breakdown.42

The third example again concerns Maryam Namazie. She was invited to speak at Goldsmiths College, London, in December 2015, by the college’s Atheist Secular and Humanist Society (ASH). Whilst giving her talk on Islam and apostasy, members of the Goldsmiths Islamic Society (ISoc) who attended the event resorted to heckling, abuse and interruptions. As Namazie explains: “After my talk began, ISOC ‘brothers’ started coming into the room, repeatedly banging the door, falling on the floor, heckling me, playing on their phones, shouting out, and creating a climate of intimidation in order to try and prevent me from speaking.”

ISoc claimed that they had asked Goldsmiths ASH Society not to invite Namazie on the grounds that she was “a notorious Islamophobe” and that “the university should be a safe space for all our students. Islamophobic

views like those propagated by Namazie create a climate of hatred and bigotry towards Muslim students.”

What is curious and somewhat disturbing about the Goldsmiths case is that the college’s Feminist and LGBTQ Societies, rather than supporting Namazie—a defender of women’s and gay rights—condemned her and expressed solidarity with the misogynistic and homophobic Islamic Society. The former issued the following statement: “Goldsmiths Feminist Society stands in solidarity with Goldsmiths Islamic Society. We support them in condemning the actions of the Atheist, Secularist and Humanist Society and agree that hosting known Islamophobes at our university creates a climate of hatred.” This astonishing position by two self-styled “progressive” societies is likely to be typical of that obtaining in British universities in general. Hence, under the umbrella of “safe spaces,” Islamic Societies are aggressively demanding censorship of speakers who are critical of Islam, and are being assisted in this regressive stance by societies who should be championing freedom of expression and freedom from oppression. It is indubitably the case that the hold of multicultural thinking has fully permeated the ranks of institutions that should be at the forefront of critical thinking and debate. Joana Williams forcefully argues that this conformist approach is contrary to the aims of evaluating existing knowledge, and of proposing new knowledge, and so is harmful to learning.

The unholy alliance between Islamists, students’ unions, and feminist and gay rights groups to suppress free speech in universities is, in effect, similar to the effort by the 57-nation Organisation of Islamic Countries (OIC) to pass a non-binding resolution at the UN against the defamation of religion.

OIC opposes two articles (18 and 19) of the Universal Declaration of Human Rights which directly conflict with Sharia law in all its variants:

Article 18: Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and 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;

Article 19: Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.47

A further point worth highlighting is that in contrast to Amnesty International’s principled opposition to the banning of the play The Bible: The Complete Word of God (Abridged), Amnesty has never publicly offered support to those satirising or critiquing Islam as in the above three instances, nor has it provided an explanation for this double standard. One surmises that this is because of its multicultural sensitivities whereby offence caused to ethnic minorities always trumps offence caused to the majority white population.

THE MEDIA AND SELECTIVE SELF-CENSORSHIP

The situation is little better in the media, where there is a long history of selective self-censorship. The most graphic example of this was the refusal by any mainstream media outlet to publish or show the Danish cartoons when the controversy exploded in 2005. Similarly, most did not show the front page of the special issue of Charlie Hebdo after the murderous attacks on its staff and offices in Paris in January 2015 (with a sorrowful Mohammad holding a banner “Je Suis Charie”). The same applies to the Jesus and Mo cartoons: whilst “Jesus” is happily shown, “Mo” is not. Muslims argue that Islam does not permit any representation of the prophet Mohammad, an injunction with which much of the media meekly complies so as not to cause offence. To paraphrase Samuel Johnson, “taking offence is now the first

refuge of the censor”—but the offence taken by some, especially Muslims and ethnic minority adherents to other religions, is clearly given more serious consideration than offence taken by white Christians.

CONCLUDING REMARKS

Despite the law on blasphemy being repealed, and actions under the Racial and Religious Hatred Act having largely failed, the threat of censorship on the grounds of blasphemy remains. Where such censorship does take place, as in the examples above, it is only through campaigning in combination with publicity that banning orders are reversed. This is indicative of the fact that the authorities and other important organisations concerned—that is, national and local governments, as well as the mainstream media and university bodies—have not taken a principled stand in defence of freedom of expression. Rather, the reflex position is to censor works that are thought to blaspheme the religions of ethnic minorities. In this, they not only fail robustly to comply with the PACE Resolution 1510 cited above, but they dismiss timeless principles set out long ago by Voltaire and John Stuart Mill. In a famous remark attributed to him by his biographer, Evelyn Beatrice Hall, Voltaire set the true test for freedom of expression: “I disapprove of what you say, but I will defend to the death your right to say it.” In On Liberty Mill firmly rebukes opponents of “free discussion” and lays down a clear principle that free societies should adopt:

Strange it is that men should admit the argument for free discussion, but object to their being ‘pushed to an extreme’; not seeing that unless the reasons are good for an extreme case, they are not good for any case. Strange that they should imagine that they are not assuming infallibility, when they acknowledge that there should be free discussion on all subjects which can possibly be doubtful, but think that some particular principle or doctrine should be forbidden to be questioned because it so certain, that is, because they are certain that it is certain.48

Given the present reality, it is not unduly surprising to find that at the end of 2013, writer and Python Michael Palin lamented 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.”

In other words, to all intents and purposes, the offence of blasphemy still exists. To return to the situation of four decades ago, that is, before society adopted the suffocating strictures of multiculturalism, will require courage and determination on the part of the artistic community, with support from politicians—and the mainstream media and the academy will need to join in this supremely important endeavour.
