

Shi'a-Christian Tabletalk Report 2013

Freedom of speech and its limitations

Sections

1. The vision of Tabletalk
2. The members of Tabletalk
3. Topic, programme and modalities
4. Two briefing papers
5. Working in a secular framework
6. The purpose of free speech in society
7. The problem of blasphemy
8. Religion and politics
9. Appendices

The vision of Tabletalk

Tabletalk represents a new departure in Muslim-Christian dialogue beginning in February 2013. Tabletalk members are drawn from the Shi'a Muslim community and a diverse range of Christians. Members are drawn from a variety of academic disciplines, styles of engagement within their own communities and with wider society, and practical experience of Muslim-Christian encounter. They attend and contribute in their own recognisance rather than as formal representatives of their institutions or communities. To preserve continuity of attendance, familiarity, trust and sustained contribution, they have agreed to attend annual Tabletalk meetings for a number of years. The number of members is restricted to five from each community so that we can sit around a single table and engage in productive conversation. No formal papers will be read or published but each member will be expected to prepare herself or himself for each of the scheduled sessions. Each session will begin with a positional impulse contribution from both communities and thereafter the conversation will flow around the table to explore the various aspects of the topic under consideration. The intention is to select topics from themes in applied theology so that we can address questions of moment in our societies. Applied theology here can be distinguished from theoretical or propositional theology, which deals with fundamentals of belief, by being concerned with the way that our faiths relate to the lived experience of being communities of faith before God and the contribution that we can make based on this to the community of humankind and the creation in which we live. Each Tabletalk meeting will result in a report, which will aim to provide resource material for others who would like to explore the topic that has been discussed. Rather than attempting to provide solutions to or agreed positions on the topics that we discuss, the reports will attempt to identify some of the key questions and unpack them for the benefit of others.

The topics chosen thus far are:

2013 Freedom of speech and its limitations

2014 No meeting

2015 Belief and citizenship in a secular society

The members of Tabletalk

Saied Reza Ameli is Professor of Communications and Dean of the Faculty of World Study and Policy at the University of Tehran. In addition to studies in philosophy and theology in Iran, he studied mechanical engineering in the USA and sociology in Tehran, Dublin and London. He teaches and has published widely in the fields of cultural studies, philosophy of the media, cyber studies, American studies, globalisation and sociology.

Mohammad Saeed Bahmanpour studied sociology in London and Tehran before studying philosophy and theology in Iran. He has been a visiting lecturer at Cambridge University in addition to extensive experience of teaching Islamic studies in seminary and university contexts in London, where he served as the Principal of the Islamic College. He is now Head of Research at the Islamic Centre of England.

Chris Hewer comes from a background of study in philosophy, Christian theology, Islamic thought, educational theory and practice, and inter-faith studies. He has worked as a teacher for all ages and educational levels and as an adviser and consultant in the field of inter-faith and especially Christian-Muslim relations. For the last decade he has concentrated on adult popular education to promote an understanding of Islam for non-Muslims and Christianity for Muslims.

Damian Howard is a member of the British Province of the Society of Jesus and teaches at their theology faculty at Heythrop College, University of London. He studied music, philosophy, theology and Islamic thought in Cambridge, London, Paris and Birmingham. In addition to Christian-Muslim relations and political theology, he has an interest in Christian theological reflection on other religions.

Rebecca Masterton specialises in Islamic and western mysticism, in which field she teaches and publishes. She has extensive experience in a range of linguistic and literary studies from East and West Africa, and Japan. She has translated scholarly works and taught at the Islamic College in London. She is now developing distance learning materials in various Islamic disciplines.

Rowena Pailing is Director of Pastoral Studies at the College of the Resurrection in Yorkshire, where she is training Anglican clergy. She studied classical languages and theology in Oxford and Birmingham. Her special fields of interest are Platonic thought, Augustinian theology, the early church and Reformation studies. She has pastoral experience as a priest in multi-faith Birmingham and facilitates inter-faith exposure for her current ministerial students.

Sayyid Muhammad Rizvi has worked for thirty years as a community imam and scholar in Canada, where he has been engaged in pastoral work, promoting inter-faith understanding and educating a new generation of Muslims. He studied philosophy and theology in Tanzania and Iran, with a special interest in Islamic jurisprudence and

theology, and modern Arab history in Canada. His many published works have been translated into numerous languages.

Richard Sudworth worked on development projects in Tunisia before serving three parishes as an Anglican priest in a Muslim-majority part of Birmingham. His academic interests are in law, political theology, mission and Christian-Muslim relations. He is deeply engaged on the role that Christianity and Islam play in shaping the future of public life in British society.

Ahmad Vaezi studied philosophy and theology in the seminaries of Qum, where he now teaches. He specialised in jurisprudence, philosophy and political thought. He has been a visiting lecturer in Cambridge and published extensively in Persian and English.

Liz Wills is a senior Methodist minister in a multi-faith community in Sheffield and has spent her whole ministerial life in such areas. She studied English literature at Oxford and theology in Birmingham. As mother and grandmother she has decades of experience of working with women from different faiths exploring together their common human concerns. In Sheffield she has been especially engaged with the question of the role that people of faith have to play in articulating and shaping a vision for the whole of British society.

Topic, programme and modalities

Topic

The topic “Freedom of speech and its limitations” was chosen as of immediate relevance in contemporary society, where it is a topic of open discussion. It includes the question of blasphemy and thus touches on issues about the place of religion in society, law and political life as well as incidents such as literature, images, videos and dramatic pieces that are regarded as offensive or blasphemous by some people or communities. The globalised nature of contemporary society means that an offensive product developed in one continent can lead to demonstrations, loss of life and economic disability in other continents where sensitivities might be quite different.

Programme

The Tabletalk meeting contained two full working days, during which there were four three-hour sessions devoted to the following topics:

- Setting the scene: the contemporary and historical legal, political and theological issues.
- Historical background and experience, rationale, historical developments drawing out the reasons for whatever changes might have taken place.
- Theological dimensions of the issues.
- Practical and pastoral dimensions and possible ways forward.

Evening programme

A special programme was devised for the three nights included in the Tabletalk meeting:

- The first night was set aside for the members of Tabletalk to become acquainted with one another.
- The second night saw a formal dinner with additional invited guests. After the main course, a shared discussion took place on the theme of “The quality of mercy in the Qur'an and New Testament.”
- The third night, which marked the conclusion of Tabletalk, saw the weekly “Thought Forum” at the Islamic Centre of England. This forum has the character of an open meeting to which up to one hundred people come (mainly Shi'a Muslims but also Sunnis and Christians) roughly equally men and women with a predominance of the under thirty-five age-group. A topic is introduced in a maximum of twenty minutes and this is followed by a general “across the room” discussion with a member of staff from ICE in the chair. The topic of “Freedom of speech and its limitations” was taken to give a wider audience the chance to contribute to our Tabletalk discussions.

Modalities

- The sessions were timed around the Muslim canonical prayers. The Christian members were invited to attend Muslim prayers at one congregation each day and to have their own prayers in the meeting room at the other time.
- Each session began with a time of silent prayer, followed by a reading from each scripture in the original languages and in translation, and then a Muslim and a Christian prayed aloud with people being free to add their “amen” as they chose.
- The sessions were digitally recorded to assist with the compilation of the report, at the end of which time they were permanently erased.
- The group as a whole took it upon themselves to regulate their discussions with one of the convenors stepping in only when absolutely necessary.
- The final draft of the report was agreed by all members but this does not imply that everyone agreed with every statement or that all members of a particular religious group agreed with everything attributed to it.

Briefing papers

Two briefing papers were circulated to all members to assist in preparation for the meeting:

Ayatollah M. Taqi Misbah Yazdi, “The Freedom of Belief and Expression” from *Freedom, the unstated facts and points*

and

Chris Hewer: Focus on Christian heritage and contemporary Britain

The Freedom of Belief and Expression

Albeit, by reflecting on the earlier discussions, the perspective of Islam on the freedom of belief as well as the freedom of expression is clear, since there are more emphasis these days in the political literatures of our country on the topic of freedom of belief and after that freedom of expression and press freedom, we will examine these two topics separately.

Some of the so-called intellectuals say: The freedom of belief and freedom of expression are among the rights and freedoms that are above the law, which no law has the right to set limit on. Every person in whatever circumstance, social system, value system, and religion he belongs to is free to choose whatever belief, thought or idea he would choose. And then he is also free to express this belief and thought, to propagate and discuss and engage in a dialogue with others regarding the same. He has equally the right to print and disseminate it to the society (freedom of the press).

This is something that has been accepted in the world today (or it is better for us to say that it is claimed that all countries of the world have accepted it) and one of the requisites of the democratic nature of a government is this very issue. If in a country every person is free such that he could think whatever he likes, say whatever he likes, and write whatever he likes, that society is a democratic one, while the opposite is undemocratic. Nowadays, one of the problems of our Islamic system, they are saying, has something to do with this issue.

Freedom of Belief as an Affair beyond the Realm of Law

As what we have indicated, one of the freedoms which has been given much importance and chanted as slogan is the freedom of belief. Man is free to have whatever belief he is inclined with. No one has the right to insult the belief of others, or to condemn, prosecute and punish them on account of their belief. Of course, there are Muslim legal experts, both in Iran and other countries, who have come to the defense of the Islamic viewpoint in this regard, publishing numerous works on these topics.

What we are able to state as of the moment is that at the outset this question must be posed: Is “belief” [*‘aqidah*] as a conviction and a personal affair related to the heart, in principle related to the matter of law [*huquq*], or not? Sometimes we want to express a belief or to make practical steps derived from it. If this is the case, this is no longer related to the freedom of belief; instead, it is freedom of expression or freedom of action.

Belief is that which is in the heart and mind. Our question also is this: Is such a thing, in principle, related to the law, or not? In our opinion, the answer to this question is a negative one. The subject of law is the social behaviors, and legal laws are enacted for establishing order to the social relations.

Any affair that is purely individual and personal, and totally belongs to the private realm of individual life has nothing to do with law. This kind of affair is situated at the realm of ethics. It would possibly find belongingness in the ideological and moral “must” and “must-not”, but the legal law is not enacted for it.

An action can possibly be so abominable from the moral perspective, but in any case since it is a personal affair nothing has been written about it in the legal law books. As a personal and private affair, belief is not situated in the realm of law.

Whether it is good or bad, correct or wrong, belief has nothing to do with law. The goodness and badness, or correctness and wrongness of a belief must be examined within the pertinent field. If a person believes in a superstitious and irrational affair—of course, it is not a rational act—yet, in any case, it is not related to law.

As such, to advance the proposition that legally speaking man is free to have whatever conviction he wants is incorrect and fallacious because the scope of law and legal rules is the social behaviors and relations while conviction is a personal and individual affair related to the heart. So, in the legal laws of Islam a law pertaining to belief does neither positively nor negatively exist:

(لا إكراه في الدين...)

“There is no compulsion in religion.” (2:256)

This noble *ayah* [verse] is a witness to the fact that since it is an affair related to the heart and soul, religion is not for compulsion and imposition. Conviction cannot be imposed. Belief cannot be created by force; coercion cannot change it either. Belief cannot be subjected to law such that we could express it “legally” or “legally” remove it from the mind and heart of human beings. Belief is based on reason.

So long as the reason behind it exists, belief will also remain. If the reason behind it was altered, belief will also fade away. If the reason was proved false, the belief will also die out. Therefore, the question on whether belief has freedom in Islam or not is an irrelevant question because neither Islam nor any other legal system could positively or negatively formulate a law concerning belief.

Yes, once the belief is expressed, propagated and disseminated, and put into action so as to draw the attention of others toward it, at the time it will enter the sphere of social action, and enacting legal law regarding it becomes possible. From then on, the discussion is on the freedom of expression, which we will examine.

The Islamic View on the Freedom of Expression and the Press

First Exposition

The discussion on whether the press and mass media *must* be free or *must not* be free is included in the group of “must and must-not” cases and the class of values-related cases. Therefore, the discussion on this issue opens another fundamental discussion on the criterion and origin of determining values.

There are those who believe that values are based on the desire and preference of people in every society. For this reason, one cannot talk about “must” and “must-not” as well as universal values that remain in every period and place. It is natural that on such a basis we have to determine in which period and in which society we are in so that we could know what to tell based on the desire and preference of people of that period and that society.

Yet, in our opinion, this basis is unacceptable and we believe that all social values cannot be determined by means of conducting opinion survey and referring to the public demand.

Instead, many of the values are described on the basis of the real interests of human beings. This is apart from the fact that all social values of a society must finally have a rational foundation and must emanate from a coherent and logical system.

On this basis, regarding the second question we will also naturally arrive at the conclusion that the “must” and “must-not” we are talking about in the context of the freedom of the press will be based on the values system of Islam in the same manner that this issue in any other values system in which it is discussed will be based on the same values system.

The values system of Islam is a pyramid-like system with a central point on top and its surfaces below are arranged together in such a way that their placement together would lead us to the top of the pyramid. The ultimate point of values on top of the pyramid is the same thing that we described as “nearness to Allah” [*qurb illa'llah*]. In the parlance of philosophy, we regard the “ultimate perfection” of man as “nearness to Allah”.

All values in Islam are designed and arranged in such a manner that they are gearing toward the attainment of the ultimate perfection of man, i.e. “nearness to Allah”. In this manner, the criterion and standard of values are also specified. With the acceptance of this basis, every thing that has role in attaining perfection will find a positive value, and every thing that is a hindrance in the attainment of that perfection will be considered anti-value.

Every thing that draws man toward Godliness is a “good” and desirable affair, and every thing that separates man from God and draws him toward materiality and bestiality is “bad” and will have a negative value. The Islamic government and state is also duty-bound to endeavor to preserve and promote values, and to negate and hinder the growth and spread of anti-values.

So, the single criterion in determining “must” and “must-not”, “good and bad” and “value and anti-value”, and philosophically speaking, “*hasan*” and “*qabah*” is whether or not it is along the ultimate perfection of man and nearness to Allah. Freedom of the press and mass media can be evaluated on the basis of the same ruling.

If the press and mass media are effective for the perfection and nearness of man to God, it is a desirable affair and will have a positive value, and if they cause separation from God and lagging behind in the path toward his perfection, it will be considered anti-value and in many cases it is incumbent upon the government to prevent them.

If we give opinion on the issue from the philosophical viewpoint, speech and statement are among the human acts. Although in the common usage and public culture it is possible that sometimes action is used in contrast to speech, philosophically, speech is actually a kind of action. In philosophy action means any movement performed deliberately and willingly by man. In sum, action means deliberate movement.

With such a perspective, action is sometimes done by hands, at other times by the tongue, at another by the mind, and at yet other times by the other senses. Now, the general ruling we mentioned about values will be conformed here. That is, human actions, both individual and social, must be placed within the framework of the value system of Islam, and they must not be inconsistent with the movement of man toward the pyramid summit of “nearness to Allah”.

Of course, not all values can be related to “law” in its general sense. One set of values is technically called “moral values”, which are beyond the domain of law. The moral values are also sometimes called religious values notwithstanding the fact that in one sense religious values can also be divided into two: legal values and moral values.

The significant difference between ethics and law is that ethics is related to the domain of private, individual and personal lives of human beings while legal laws are enacted in the context of social actions of human beings and are responsible in organizing social relations.

Therefore, moral values, i.e. individual values, and legal values, i.e. social values and in other words, so long as an action—as per its philosophical definition we have just made—is done totally within the personal and private domain of individual and having no social implication whatsoever, is not covered by the legal laws, and the state and government, which guarantees their implementation, has nothing to do with it.

However, as soon as an action acquires social dimension and in some way finds relationship with others, the legal laws will encompass it and the political system and the government as the guarantor of their execution will take supervision of it.

Earlier, we have also pointed out that freedom of thought and freedom of belief, for example, are essentially not subjects of legal laws because belief and thought are purely personal and private affairs related to the heart. Yes, if the belief and thought wanted to be expressed by the tongue or to be published in the newspaper, magazine and book, this is no longer freedom of belief. Instead, it entered the domain of the freedom of expression, which is the subject of our present discussion.

But regarding the freedom of expression and the press, we have to state that it is natural that they are covered by the legal laws, for speaking and writing are two kinds of actions, which are not only related to the person in question as they may have relations with other members of the society.

In such an assumption, they are social actions and will be covered by the legal laws unless we assumed that a person writes something only for himself and delivering a talk only to himself. Of course, it is obvious that the point of the discussion, and in other words, the point of dispute on the freedom of expression and the press can never be such assumptions.

Second Exposition

From the viewpoint of Islam, everybody is free to express his or her own belief unless doing so is inconsistent with the human interests.

What is referred to as “interests” includes material and spiritual as well as worldly and otherworldly interests. This issue is similar to the case of a food manufacturer and pharmaceutical company that are free to produce any food or drug unless it is detrimental to the health of human beings. The mere probability of the existence of poisonous and dangerous food or drug in the productions of a producer will render its productions as banned.

Now, you have observed that due to the effect of the spread of the mad cow’s disease in Britain, other countries have banned all imported beef products from Britain. Here, there is no more discussion about free trade. Why? It is because with a probability, let’s say, of one in a million, there is a chance that on account of consuming contaminated meat one person will be harmed.

Owing to this minute probability, (import-export) transactions are stopped and no one in the world has also complained as to why you, for example, are acting against the spirit of free trade.

If other things which are detrimental to the human health are also banned, no one will protest why buying and selling them are declared prohibited and their producers prosecuted, and no

one either will say that it is against human rights and that human beings are free to produce whatever they like. They are free to produce so long as it is not harmful to others.

Those that exist in the world and are the focus of attention are usually these harms that will be inflicted on the human body and physique. But apart from physical harm, Islam also pays attention to the spiritual and religious damages. It acknowledges freedom so long as it is not physically and spiritually harmful to man.

The people of the world usually regard justifiable the imposition of limit on freedom only on matters harmful to man from the material and physical dimensions, while paying little attention to cases that are damaging to the humanity from the spiritual and religious aspects; in the present period, it can be said that the latter has not been given attention at all.

Alcoholic drinks that obliterate the human intellect, damage the heart and liver, and have numerous other harms, are not prohibited, for the people like them. They say that since the primary right of every human being is freedom in the choice of occupation, if someone wants to open a beverage shop you cannot and should not prevent him. If we would prevent such an occupation and job, we have behaved against human rights.

Concerning *hijab* [Islamic modest dress] they are also saying that it must be free. Anyone who wants to have *hijab* can have it while anyone who does not like it can have without it. Freedom in the choice of attire and dressing is a primary right of human beings. You cannot compel anyone to have *hijab*. This is against human rights!

Non-spoken and Media Expression

If, for example, Islam states that insulting or embarrassing others, or divulging the secret of the private and personal life of others by means of talking and speaking are not allowed and in some cases they are to be prevented, prosecuted and penalized, doing the same acts through film, newspaper, book, and caricature has the same ruling and it makes no difference whether a person insults and embarrasses others by speaking, or does it by writing in a book or newspaper.

Some think that the paper of the newspaper has sanctity such that by speaking you cannot baselessly attribute something unjustifiable to somebody, but without any supporting document and evidence and only based on the fact that “it is said” or “it is heard” a whole page of the newspaper can be filled with accusations against an individual.

If abusing, calumniating and accusing a person by means of speech face to face is bad, writing it in a letter or expressing it through a film and play is equally bad and unacceptable; it makes no difference (as far as the badness of the act is concerned).

If embarrassing a person in front of others by means of speech is bad, embarrassing him in front of thousands and millions of people by means of publishing an essay in a book and newspaper is far worse. It is not that all at once the ruling would be changed and since it was in the newspaper, it is not only not bad but also it would be regarded as sacred.

Therefore, mass media in Islam has no ruling distinct from that of oral expression. If the “spoken” form of something has been morally deemed forbidden, expressing the same through other media is also morally forbidden. If its “spoken” form has been unlawful [*haram*], its expression in any other means is also unlawful.

If the “spoken” expression of something has been recognized by the legal law as not allowed and prohibited and penalty for doing so is determined, the ruling for expressing the same through other media is also the same. On the contrary, if “spoken” expression of something

and spoken reaction to it is deemed obligatory [*wajib*], in the case of having facilities expressing the same through other communication media is equally obligatory.

The Responsibility of the Government

In principle, the general criterion of proving duty for the government is the same general ruling, which we discussed in relation to values. That is to say, what is related to the “interests of society” and along the path of the society in general toward “nearness to Allah”, it is necessary for the government to the extent of its capability to provide them as far as possible.

And it is also incumbent upon the government to remove whatever is detrimental for the interests of society, both material and spiritual, and serves as an impediment for the realization of human perfection.

For instance, if expression of an issue (whether orally or through any other means) is harmful for the welfare of society, its spread must be hindered in the same manner that distribution of poisonous, contaminated and perilous foodstuffs and medicines in the society shall be prohibited.

The Freedom to Ask

An issue that has remained untouched is that sometimes the motive of a person in expressing a subject is not in propagating and promoting it, but in posing the question. That is, as an academic or scientific discussion and subject he wants to make clear for himself this issue. What is the ruling for this issue from the viewpoint of Islam?

In this regard, we have to say that Islam places special importance and value to posing a question and academic discussion, although it would be about the most crucial Islamic principles and teachings. Islam never suppresses raising a question and does not prohibit it.

Not only does Islam not hinder posing a question but also it gives importance to giving the reply and clarifying the doubt to such an extent that if a person from the enemies of Islam at the middle of the battlefield wants to ask a question about the truths of religion Islam has ordered to provide the opportunities for him to come and get a due answer:

(وَإِنْ أَحَدٌ مِنَ الْمُشْرِكِينَ اسْتَجَارَكَ فَأَجِرْهُ حَتَّى يَسْمَعَ
كَلِمَ اللَّهِ ثُمَّ ابْلِغْهُ مَأْمَنَهُ ذَلِكَ إِذْ لَا يَأْتِيهِمْ قَوْلٌ لَّا يَعْلَمُونَ)

“And if anyone of the idolaters seeketh thy protection (O Muhammad , then protect him so that he may hear the word of Allah; and afterward convey him to his place of safety. That is because they are a folk who know not.” (9:6)

But the point that must be given attention in this regard is that “there is a place for every talk and position for every point”. Question and inquiry are respectable, but they must be placed within the framework of the same general values system of Islam.

In other words, the manner and circumstances of raising question should not be in such a way that it is harmful to others, make them lag behind in the ultimate perfection and make them deviate from the path of perfection.

Religious and scientific inquiry and question must be posed in their proper place, and not that, for example, doubt would be raised before the assembly of schoolchildren or any other assembly that has no familiarity with the fundamentals of Islam and philosophical and scholastic matters.

Anyone who has a question has to raise it at the academic centers and at the circle of pertinent experts at the religious seminary and other similar academic assemblies. And there is no problem for that. There is no problem either with scientific discussions on religious controversies provided that their particular requisites and etiquettes are properly observed.

If it is so, apart from being not harmful, it also paves the ground for the growth and consolidation of the religious principles and precepts. But if a person does not observe the proper requirements and regulations, and asks the question in such a manner that it leads to the corruption of belief and deviation of others, he must be stopped in the same manner that distribution of any harmful item shall be checked.

Under the pretext of freedom in medical issues, can one spread any microbe in the alley and street?!

This is while there is no problem and impediment in bringing the same microbe in the laboratory and before the experts for study and research on it. Not only that there is no problem but rather it is very important because out of studying it, the experts can discover the means to prevent its infection, to resist against it and to cure those who are afflicted with it, and thus, saving the lives of thousands and millions of people.

Intellectual and religious doubts are exactly similar to it. Raising them in the public opinion of society bears no result except heavy, and sometimes, irreparable and catastrophic losses. But raising them in the academic circle of pertinent experts will result in the further growth, blossoming and exaltation of thought, learning and religion.

Briefing sketch: Freedom of speech and its limitations Focus on Christian heritage and contemporary Britain

1. The term blasphemy comes from the Greek “to damage a reputation”. It was in use in Ancient Greece in the sense of speech or action against one or more of the gods. So: Socrates was accused of leading the youths astray by blaspheming against the established gods and luring them towards his own. To blaspheme against the gods in this context was thought to invoke their wrath, which was likely to result in damage to or destruction of the people.

- To what extent is blasphemy to be thought of as incurring the wrath of God against those who blaspheme or against those who allow it to continue unchallenged?
- To what extent is the presence of blasphemy within society to be seen as a sentiment or force leading people away from a correct understanding or following of God towards something false or at least “diminished”?

2. The Hebrew Bible (Old Testament) knew of blasphemy thus:

“You shall not revile God, or curse a leader of your people.”
(Exodus 22:28)

“One who blasphemes the name of the Lord shall be put to death; the whole congregation shall stone the blasphemer. Aliens as well as citizens, when they blaspheme the name, shall be put to death.”
(Leviticus 24:16)

“So she [Queen Jezebel] wrote letters in [King] Ahab’s name and sealed them with his seal; she sent the letters to the nobles and the elders who lived with Naboth in his city. She wrote in the letters, Proclaim a fast and seat Naboth at the head of the assembly; seat two scoundrels opposite him and have them bring a charge against him saying, “You have cursed God and the King.” Then take him out and stone him to death.”
(1st Book of Kings 21:8-10)

- Note the linking together of blaspheming against God and the political leader. In the polity of Ancient Israel, the King was God’s anointed leader and thus to attack one was an attack on the other. This will later give rise to the linkage of blasphemy against religion and treason against the state.
- The responsibility of dealing with the blasphemer resides with “the whole congregation” – the punishment by way of stoning was a way, on the one hand, of involving the people as a whole (later “the mob”?), and, on the other hand, rendering the one who threw the fatal stone anonymous – this raises questions concerning public exemplary punishment for the offence and also the extent to which the (democratic) leaders are to act in the name of the people.
- In the story of Jezebel and Naboth, King Ahab wants Naboth’s vineyard so Jezebel has a false charge of blasphemy levelled against him, so that he will

be killed. She then encourages the King to take possession of the vineyard. We need to discuss the potential for false charges of blasphemy being used to excite the people to perform an unjust act for an ignoble end through the scheming of a person (persons, cause) lacking high moral status.

3. One strain within the gospels would see Jesus as being executed on the charge of blasphemy (e.g. Luke 22:71). Some of the sayings attributed to Jesus were seen as contravening the Jewish law.

- A recurrent theme in history is that one person's "legitimate dissent" from the religious views of the time is taken as another person's "blasphemy." The linkage of blasphemy and heresy becomes obvious.

4. We can see a development in Christian polity in the definition of blasphemy from "speech or action manifesting contempt for God," to include similar against Christ, and to be extended to holy people (saints) and finally against the Church (as an intuitional body). The latter extension is particularly important when there is a relationship between the Church and the State.

- Given the wide range of "churches" within the contemporary Christian family, we need to discuss the parameters of any definition of blasphemy.
- Examples:
 - Charges of blasphemy were brought against the Deists (those who did not believe in a personal God).
 - Charges of blasphemy were brought against Unitarians (those who denied the divinity of Christ and the Holy Spirit as understood by Trinitarian Christians).
 - Would it be blasphemous to deny the "sanctity" of a saint proclaimed such by only one section of the Church, e.g. the last Roman Pope elevated more people to sainthood than all his predecessors combined. They would not all be acclaimed as such by all Christians.
 - Martin Luther famously taught that the Roman Pope was the Antichrist and such a doctrine is still to be found in various "extreme" Protestant churches; this was certainly seen as a blasphemy by Rome at the time and would be seen as an unacceptable statement by a much wider range within the Christian family today.
 - This raises the question of the time-limited and contextual nature of blasphemy. Views that are today widely (but not universally) accepted within the Christian family were seen in the 18th or 19th century to be blasphemous, e.g. theories of evolution, the nature of miracles, the consciousness of Christ etc.

5. Historically, the offence of blasphemy was seen to be a criminal act subject to the law from at least the time of the Eastern Roman/Byzantine Emperor Justinian I (d.565). The Code of Justinian (529) prescribed a severe but unspecified punishment for it. This position was also taken in the Mediaeval Western Church and, after the Council of Aachen (818), the death penalty was evoked.

The link between heresy and blasphemy can be seen, for example, in the Cathar movement in Germany, Italy and France (Albigensians) in the 11th to 13th centuries which sees the Western Church, having failed by persuasive means, sanction the use of main force resulting in massacres and widespread brutality in the 13th century until their suppression was given over to the Inquisition from 1232, with torture “to encourage the obstinate” being permitted by the Pope from 1252, and which could impose the death penalty for the obdurate.

This marked a decisive turning point theologically as the ecclesiastical penalty for heresy until then was being put out of the Church (excommunication), although the linkage between religious and secular powers already noted was seen periodically where the political ruler saw heresy as an attack on the state.

After the 16th century Reformation, the Western Church in its many elements became adept at invoking death and other severe punishments for blasphemers and heretics:

- In Calvin’s Geneva in 1553 Michael Servetus was executed for anti-Trinitarian “blasphemies.”
- Calvin’s Geneva was notorious for the way in which the state policed the moral and spiritual life of the people, which led to probably thousands of various religious dissenters including blasphemers being put to death.
- In England, George Fox (1624-1691), and other Quakers were put on trial for blasphemy for preaching “Christ within” and “the Bible within.”

6. Blasphemy was also a factor in inter-religious polemics, notably in Christian Western Europe with the theological underpinning of anti-Semitic attacks on Jews, which can be traced as one element in the rise of the National Socialist Party (NAZIS) in Germany and eventually the Holocaust, and in centuries of Christian-Muslim polemics.

- It is axiomatic that Jews and Christians have fundamentally differing views on essential elements of belief. The same is true of Muslims and Christians.
- How do I, as a Christian student of Islam, who, in spite of accumulating some knowledge of Islam, remain a Christian, express the points on which I necessarily differ from the Islamic tradition with respect and clarity without slipping over into blasphemy?
- Is this question couched differently in a scholarly gathering of informed and rational people as opposed to a public platform, in the media or before “the mob”?
- Is this question dependent on culture and context, e.g. between Britain and Pakistan? In the latter case, both under the law and before “the mob”, it seems to be a most precarious position.
- Does the context change by nationality, e.g. is it different if I am a Western Christian visiting Iran or if I am a native Iranian Christian?
- All these matters could be written in mirror-form for a Muslim necessarily disagreeing with Christian doctrine in a way that some Christians might find offensive – there is no special pleading here.

7. In the post-Enlightenment European context of various forms of separation of Church and State (but all of them being fundamentally different from the pre-Enlightenment situation), blasphemy has been seen differently in religious and secular tribunals. The 1917 Code of Canon Law of the Roman Catholic Church, for example, saw blasphemy as an offence that was to be dealt with by the local bishop except in the most serious of instances when it was to be referred to Rome (canon 2323). In the 1982 revision of that Code (currently in force), there appears to be no explicit mention of blasphemy and the punishment thereof, except as it is associated with heresy, apostasy, schism, violation of sacred things, erroneous teachings etc. In the secular tribunal, blasphemy is seen as an offence that destabilises society and thus can be liable to law.

- Is this “secularisation” of blasphemy into an anti-social statement or action concerning religious elements, a theologically acceptable position for Muslims and Christians? It is essentially to hand over blasphemy to the secular powers, on this earth, and God, in the eternal tribunal.
- Is this a satisfactory discharge of the religious communities’ responsibilities in society before God?

8. There has been a shift in theological position in Western Christianity since the Reformation, which affects not only Reformed churches but also the contemporary Catholic Church. This can be seen to revolve around the primacy of conscience, which of course, has a much older heritage in Western Christianity including such figures as Thomas Aquinas (d. 1274). The 17th century Puritans, for example, stressed the dignity of the individual conscience and thus the freedom of the individual in matters of belief, leading directly to the separation of religion and state in the American Constitution. In some Protestant circles, this would be summed up in the adage, “Every man his own Pope.” In contemporary Catholic theology, the individual conscience, informed by the teaching authority of the Catholic Church, is the vehicle through which grace operates to guide the individual; even though it is certainly not infallible and can lead the individual into positions that can be objectively judged to be wrong, e.g. in the “diseased conscience” of a serial criminal.

- We need to discuss the thesis that Islamic law is essentially externally referenced to the Qur’an, Sunna, the guidance of the divinely-appointed impeccable Imams and the on-going custody of the *ulama*, whereas Christian law, in St Paul’s phrase, is “written on human hearts” and thus internally referenced, notwithstanding Bible, Christ as Revelation, reason, and the on-going Tradition. Thomas Aquinas (d. 1274) also sees positive, externally referenced law as necessary owing to certain limits and deficiencies in our knowledge of natural law.
- What difference does this make in matters of blasphemy, dissent, and adoption of contrary positions in general?

9. It is important to see issues of blasphemy as intra-religious as well as anti-religious. For example, there are many “traditional Christians” who see some of the actions and statements of “liberal Christians” today as blasphemous, e.g. the questions

of the place of women in ministry and homosexuality. Such “traditional Christians” might be more morally outraged by the “liberal positions” that other Christians adopt than they are by blasphemies uttered by non-believers. Does the Shi'a position on *tawalla* and *tabarra* (loving those who love the Ahl al-Bayt (Family of the Prophet) and shunning those who do not) represent a similar dichotomy? How does a Shi'a scholar react to the Muslim scholar who speaks of the Prophet as a sinner who repents?

10. Blasphemy laws in England date back at least to 1558 and 1698. Blasphemy belongs within the element of British law called Common Law, which is evolving within society as opposed to something laid down in written statute, therefore it is open to evolving interpretation by the courts. In their origins, such laws existed to protect Christianity, as understood by the established Church of England, from disrespectful references to God, Jesus and the doctrines of the Church of England. The blasphemy laws in England thus reflect the peculiar position of having an established church and thus have been used against other Christians, who differ from the established C of E position, more than against non-Christians or people of no faith. As the Church of England interpretation of Christianity was part of the constitutional make-up of England, a blasphemous libel against God, Jesus or the doctrines of the Church of England could be seen as treasonous.

Important milestones in the interpretation of the law can be seen. In 1883, Lord Chief Justice Coleridge gave the ruling that “if the decencies of controversy are observed, even the fundamentals of religion may be attacked without a person being guilty of blasphemous libel.” This places the emphasis on the manner of expressing dissenting views rather than the matter of those views.

- Can we see a difference in our discussion between “reasoned disagreement respectfully expressed” and “vilification” in our handling of blasphemy?
- Would this then open the door to varying standards of acceptability between a scholarly work, a work of literature (*The Satanic Verses* of Salman Rushdie) and “a hateful and insulting act or writing or speech” (Terry Jones and the Qur'an burning or recent, e.g. Danish and French, cartoons or the video *The Innocence of Muslims* made in America).

In 1917, Lord Sumner shifted the interpretation again to place an emphasis on provoking a breach of the peace, depraving public morality or shaking the fabric of society. This means that, in his view, irreligious words that do not provoke these outcomes are between God and the person who uses them.

- We can certainly see the recent controversies over *The Satanic Verses*, the cartoons and video as provoking a breach of the peace; all three have led to violent demonstrations and loss of life around the world.
- It could be argued that public morality was depraved by the depictions of Jesus engaging in homosexual acts.
- Could we think of British society today being shaken by an act of blasphemy or has our society become so religiously indifferent that we have lost the capacity to be shaken or outraged by something religiously offensive? In 1949, Lord

Denning declared that there was no danger any more of the fabric of British society being shaken by blasphemy and thus the law of the “offence of blasphemy is a dead letter.”

In effect, the blasphemy laws in England fell into disuse in the 1920s. It had been argued before that there existed a “floodgate theory” by which, if one admitted a tiny trickle of blasphemy in society, it would open the floodgates to much worse. In effect, Lord Denning’s comment marks an end to the tenability of such a theory as far as British law was concerned.

11. It has been argued that in the fifty years from the 1920s to the 1970s, the question of blasphemy was internalised according to the principle of “good taste,” or theologically we might say, “virtue.” In 1967, Penguin published an edition of the work of the French cartoonist Siné entitled *Massacre*, which dealt with themes of sex and religion in an overtly anti-clerical manner. Many Christians were offended by the book and some made their views known to Allen Lane, the founder of Penguin, who went to the warehouse one night and burnt the entire stock because the book offended the religious sensitivities of Christians, even though he himself was not one. In 1976, the proposal to produce a film in Britain by the Danish author Jens Jorgen Thorsen called *The many faces of Jesus* was abandoned due to the concern that it would give offence with sexually explicit scenes of Jesus engaging in homosexual and heterosexual sex. In 1979, cuts were made to the film *The Life of Brian*, featuring a satirical view of the life of Jesus before it was licensed for general release. In all these cases, it was virtue rather than law that was exercised to avoid offence.

- What is the state of virtue and good taste in contemporary British life and is it sufficient as a grounding to deal with blasphemy?

12. In 1977, Mary Whitehouse brought a private case under the blasphemy common law against *Gay News* for publishing a poem by James Kirkup in which Jesus was referred to as an object of homosexual love. The court found in favour of Mrs Whitehouse and thus the legal question of blasphemy came back into public debate. The matter that had to be proved in court at this stage in the evolution of blasphemy law in England was whether something amounted to a scurrilous attack on Christianity calculated to offend believers or cause a breach of the peace. “Scurrilous” becomes an oft-used term connoting coarse, indecent speech, with an element of buffoonery; in this sense it falls short of ridicule and vilification. There is also an element here of premeditation and thus intention, in that something must be calculated to offend and not just offend by chance. The third element, of causing a breach of the peace, becomes the dominant in the debate.

A strong case was made that people do not have a right not to be offended in a “free society” and at the same time, people have the right to offend others. This led to calls to remove the blasphemy law from English common law; a position generally accepted by the majority in the Law Commission Report on the subject in 1985. Another position was put forward by Lord Scarman in the House of Lords in relation to the *Gay News vs. Mary Whitehouse* case. Scarman argued that the law of

blasphemous libel should be extended to include other faiths in Britain “to safeguard the tranquillity of the Kingdom.” He argued that such a law should protect different religious beliefs, feelings and practices from scurrility, vilification, ridicule and contempt.

- Is the kind of law that Scarman advocated to be found in the law against the incitement to religious hatred since introduced in England?
- What is it that we are seeking to do with a blasphemy law or suchlike:
 - Protect God from contemptuous remarks or actions? Does God suffer mental anguish when nasty things are said about her? Does God need our protection?
 - Protect people from God’s anger, so that their offences against God, which do not harm God in any way, rebound on them to their detriment either in this life or in the next?
 - Protect “the tranquillity of the Kingdom”? But then do we not also need laws against the vilification of vegetarians and cat-lovers? Why privilege religion in this way?
 - Protect the religious sensitivities of believers? But what if I follow a patently “daft” religion that I made up myself or a religion in which my religious practices inflict suffering on others, e.g. child sacrifices?

13. There is no such thing in Britain as completely unbridled free speech. There are limitations imposed by law and by virtue or good taste:

- We have legal limitations:
 - Racist speech or actions
 - The Race Relations Act gave protection to Jews as a racial group and later, upon petition, to Sikhs as well
 - Misleading advertisements that are not honest and fair are banned
 - Patents and copyright legislation protect intellectual or actual property
 - Incitement to commit a criminal act is an offence
 - The Official Secrets Act protects the dissemination of the nation’s secrets
 - Under special circumstances to protect security information or the identity of security officers, courts are permitted to operate in secret
 - The Thatcher government infamously attempted to ban the book *Spycatcher* in Britain and other countries (but not America where it was protected by freedom of speech legislation) on the grounds of Britain’s national security
 - We have public order offences, such as that of “displaying writing or other visible representation with the intention of causing harassment, alarm or distress” under which a man in Manchester was sentenced to four months in prison for wearing a T-shirt with the slogans “One less pig – perfect justice” and “Kill a cop 4 fun.co.uk Ha, haaa?” four hours after the killing of two police officers in that city. Local people were reported to be outraged. The judge spoke of “the most disgusting of slogans.” The man had a history of mental illness and was on anti-psychotic drugs but the judge ruled that this was “not a factor”.
- We have limitations imposed by good taste or virtue:

- Fifty years ago, it was common for jokes to be told about handicapped people but such would now be shunned by individuals and society at large
- In many circles in British society, it would be considered quite unacceptable to speak disparagingly about homosexual people or subject them to vilification or ridicule as was once quite common.
- There was (October 2012 to January 2013) a painting by Richard Hamilton on display at the National Gallery as part of a retrospective over his later life that showed the annunciation scene with Mary sitting on a stool naked and the Angel Gabriel as a naked female. The painting could not be described as lewd, suggestive or explicit, given the prominence of the female nude in western art, but could it be said to lack respect for the subject matter?

Working in a secular framework

Expressing religious truths in a secular society

What should be the perspective of religious people and communities in the face of secular Western pluralist societies? Should we accept the societies in which we live as religious people or oppose them? Can we think of religious groups collaborating to promote a “spiritual society” rather than a secular one?

Given our globalised world, what alternative is there to a secular western liberal pluralist society? Could we develop a different system: a society based on common spiritual values?

Why should secular people and societies respect religious sensitivities? What business is it of the secular legislature that peoples’ religious sensitivities are offended? Is the most that we can hope for from the legislature that there should be a law against provoking religious hatred or incitement to an act of violence?

The claim to be “religious” needs careful scrutiny and rational support or else one is in danger of allowing arguments from anyone who claims to be religious or who claims to belong to a religion of their own concoction.

Within the context of a secular society, the role of religions is limited to one of moral advocacy, therefore the case must be presented in a way that can be understood and supported by secular society.

As Christians and Muslims, our foremost citizenship is of the Realm of God but somehow we have to make our views and norms intelligible to others; is law the best way to handle this?

We have to seek the means as religious communities to talk about God in a way that is attractive to people and makes sense to them. We must not make a caricature of those who appear not to agree with us. There is a quality of religious speech that attracts many people in our society. This is a sign of the *din al-fitra* to which many people are open.

Can we develop a discourse about religious values that is couched in non-religious language?

How can religious communities speak to and with secular society? Can we accept that there are differences both between and within societies? Could the Constitution of Madina provide us with a model; a contract of mutual agreement and respect? Can we move forward on the basis that we can live with such differences, e.g., same-sex marriages, different forms of family relationship, provided that we are not forced to accept or implement them? We need to promote a dialogue of and about difference. When people feel “demonised” within society, this has to be wrong.

Can we argue and agree anything on the basis of our scripture? In the Bible and Qur'an people are killed as punishment for “the sins of the people,” e.g., Moses and the worshippers of the calf. Are we at liberty to say that such was a wrong practice judged from the standpoint of today or are our scriptures still normative?

Have some religious communities learnt to adapt their values to the secular society? The Qur'an says repeatedly that “the majority of the people do not ponder” on signs around them.

How are we to understand the saying that people will be wiser in the time of Imam al-Mahdi than they were in the time of the Prophet? Is there a developmental understanding of human wisdom?

There is a difference between the question: “Why do you do that?” which is an invitation to explain our faith and practice, and the question: “Why should I do that?” which is a discourse on human flourishing and working for the common good. These “why” questions need to be asked and addressed by religious communities; we need to argue on the bases of human creatureliness rather than instrumentality. According to liberal values, everyone must be free to do whatever they want. The foundations of such liberal values need to be criticised; can they be justified? There are different conceptions of freedom and the limitations of freedom at play.

Positive impacts of a secular mindset on religion

The positive advantage of liberal secular discourse is that it allows for honest exploration, which can open people to the things of God encountered through the lives of religious individuals and communities. This can be an action of the intuitive pole within the human make-up; human beings can respond by saying, “that feels right to me.” This is especially so if we have no doctrine of Original Sin and work on the basis of the fundamental goodness of people – the *din al-fitra*. “Neutral secularism” is not the same as “atheistic secularism.” We need to found a discourse on the basis of “this is good for common humanity” and not only for “religious people.” The vast majority work on the level of the heart, experience and goodness, not on reason. This can lead to human flourishing and mutual respect not tolerance; this can be a way to speak of God's design for human living.

Religious people must not be surprised at those who do not want to live by the norms of the Realm of God. This is not necessarily to be understood as a sign of hypocrisy. To persecute them is not the answer. God can transform the lives of others through the lives and witness of believers.

Do our religious systems demand that we work on the basis of “all or nothing?” Can religious communities accept that people take only part of what they have to offer? Are religious communities enriched or diminished by their encounter with secular values – are religious values eaten away by secularism? By way of example: Is our understanding of what it is to be human enriched and expanded by accepting the

disposition of homosexuality? Are homosexual believers accepted or rejected as those who have rejected part of God's way of life? Some Christians would say that Christian faith can be and is enriched by the encounter with non-religious people. Is our concept of faith essentially Platonic – based on ideals – or do we present ideals and accept something less as a progression towards those ideals? Can religious people accept those who want to take elements of their faith and practice that appeal to them as a starting point for their further development?

Within the Christian tradition, based on revelation in the person of Christ, we can learn to grow in knowledge of that revelation through the advance of human and social sciences in working with the question: What is it to be fully human? Therefore we learn from society more about the original revelation of God in Christ.

Negative impacts of a secular mindset on religion

Rights-based discourse has brought in a new anthropology. The human being is one who possesses rights. This is in contrast to a spiritual understanding of the human being as one who has duties. This points to self-realisation as the goal of modern liberal discourse. Reason is reduced to being instrumental; it is the way that we work out how to get what we want. There is no room for a higher concept of self or reason and no place for objective beliefs.

What is the relationship between religion and modernity? Do we adapt religion to the times in which we live or adapt the times to religion? Can we assert that secularism negates history by stressing living for today and tomorrow; do religious people then need to urge secular society to return to the purity of the revealed message?

In secular societies, values are set by a “Hollywood culture” and religion has been privatised.

In a secular society, the source of law is secular. Does this then result in imposing secular values on our global society? For example, homosexuality is imposed as a human right; this is a secular imposition on society – a kind of Inquisition forcing people to accept the values of secular society.

There is a diminished sense of God and sin in modern society. Following selfish sinful desires is wrong. Modern society has raised desire as a governing principle and goal in life.

Many non-religious people in western societies feel oppressed by what they now have: a system dominated by aggressive capitalism.

To what extent are people oppressed by the pressure of capitalism?

Are democratic systems the product of the West's separation of religion from the state?

The purpose of free speech in society

Diversity within and between religious communities

How do we strike a balance between what one group regards as freedom to dissent in religious matters and another group think of as heresy? The reality is that all the great religious communities are pluralistic; there is no single monolithic position except on a minimum number of propositions. This requires a hierarchy of statements from those that breach absolutely fundamental consensual propositions to those on which there is such a range of positions that it is hard even to draw appropriate parameters.

Given that we have religious communities that hold mutually irreconcilable truth claims, both concerning faith propositions (e.g., the Qur'an is the last direct revelation sent by God to the earth that infallibly corrects the errors of earlier communities) and statements of fact (e.g., Jesus was crucified and died upon the cross); how can we protect the right for believers to state such mutually exclusive positions without being accused of blasphemy? Can we work out an etiquette for religious dispute that can be supported both by the scholars and the masses? How does the context of a written or oral statement affect its standing as regards free speech?

We need to extend this line of thought to intra-religious statements as well as those between a faith community and those outside it. Can we defend the position of our group within a faith community in a way that excludes and offends others without being accused of blasphemy or threatened? Can we explore the language of irreconcilable difference without resorting to putting the other out of the faith community?

Is there a justification for saying or writing offensive things on the basis of freedom of conscience? Is it an acceptable position to say: "I believe this to be true before God, therefore I have the right to say it whatever you think"? This is especially problematic within a Christian context of the "inner voice of conscience" as opposed to other Christians and most Muslims who would hold to an objective standard that legally defines the bounds of acceptability.

We need to distinguish between the epistemological/philosophical level and the pragmatic/practical level. The Islamic position would be that the philosophical and theoretical principles are immutable but on the level of practical application there is room for a degree of pragmatism and development.

Free speech in Islamic understanding

The ability to exercise freedom to speak is highly praised in Islamic understanding:

- In the story of Adam's nomination as *khalifa* in Q. 2:30-33, we see that the angels had the permission to question God.
- People who do not think have "put locks on their minds" – unlocking the mind is a virtue.

- The sources record that the occasion of revelation for Q. 33:35, which emphasises human duties and rewards in both masculine and feminine forms repeatedly, was that a woman questioned Muhammad and asked if God does not speak to women as well as men as the Qur'an seems to address men through the use of masculine language and men seem to have all the chances to do good deeds whilst women are stuck at home. The Prophet's response was to ask his companions, "have you seen a woman more eloquent than her?" She is reported to speak for every woman both east and west. Therefore it was not a problem that someone (in this case, a woman) questioned Muhammad.
- This spirit of questioning and indeed challenging of religious leaders is seen also in the case of Caliph Umar's attempt to limit the amount of money that women could receive from men as a marriage gift (*mahr*). He was challenged by a woman publicly in the mosque. She recited from the Qur'anic verse on the subject and said that it was not in Umar's power to change the command of God and his prophet. Umar had to withdraw his comment.
- Even in the case of an unjust ruler, Yazid, the sister of Imam Husayn, Lady Zaynab, was permitted to speak out against him in his presence thus stressing the freedom to express oneself against the ruler of the time.
- The central Islamic principle of "commanding the good and forbidding the evil," which is a duty for every human being, requires the right to speak freely against anything that is wrong
- There is a need to distinguish between critical scholarly work and slander. Sceptics openly criticised Imam Ja'far al-Sadiq. In the time of Imam Hasan al-Askari, al-Kindi was writing a book on the contradictions contained in the Qur'an; he was not stopped by the Imam but a counter-argument was made.
- In our own times, the communists in 1970s Iran openly debated with Ayatollahs Mutahhari and Tabataba'i, and Abdolkarim Soroush publishes critical comments and is answered with scholarly debate.

Rights or duties?

The legal discourse in modern western societies has moved to a discussion about "rights." We hear of the conflict of rights between those who claim the right to freedom of expression and others who demand a right not to be offended. This makes for particular problems in a secular state where these conflicting rights must be incorporated in law. Many contemporary Christian theologians in the West have been critical of this rights-based approach as it leads to a focus on the self and individualism. The Christian discourse is rather about "duties:" duties to God and duties to human society. It is thus asked: Is a rights-based approach fundamentally non-Christian? Instead they wish to speak of an ethical system based on virtue; a regulation of the affairs of society based on the reality of human goodness before and in relationship with God.

This discussion is also known within Islamic discourse, for example, Abdolkarim Soroush holds that in modernity, the language of duties is dead and this discourse

must focus on the language of rights. However, the mainstream discourse in the Muslim world focuses on the importance of duties and their priority over rights.

The purpose of free speech in a global society

Freedom of speech is critical for individuals and groups to speak out against tyranny and injustice, to defend essential human rights and the rights of individuals. This is a necessary counterweight to the discourse of free speech being interpreted as “freedom to offend.”

Concepts of human rights vary from one culture and conceptual framework to another. One group does not have the right to impose its understanding of human rights on other cultures and ways of thinking. We should think of imposition in terms of the “soft power” of advertising, economic influence and trading restrictions as well as the “hard power” of violent force.

How can such a position be maintained in a “global society” where there is a discourse of a globalisation of culture and conceptual framework? The internet, for example, is not neutral but marked with a certain cultural context. How do we work with the concepts of our religions being global and “for all humankind” within this context? In this globalised society, all who have access to the internet are “our neighbours.”

Do we have an adequate legal framework to handle these questions in a multifaith, multi-cultural society or do we need to articulate and negotiate a new legal framework that takes account of this? How can we promote respect for difference rather than standing in judgement over difference?

Could we conceive of a legally- or morally-binding code of conduct for the media in a multifaith society? Could this be written to protect community sensitivities as well as those of the individual? How widely could this be drawn on an international basis? What force would it have in the context of instant open access through the internet and multinational media companies?

If we believe that all human beings are accountable to God for their speech and actions, then must we not argue that their speech and conduct should be guided also by divinely revealed principles? This puts freedom of speech within a God-centred system and not a human-centred one. Likewise, if we believe that truth and error are not the same thing or of equal value, how do we regulate the freedom to present certain ideas or propositions? The concept of our speech being “accountable to God” requires a certain purity of action.

How could we encourage an attitude of deliberative thought and talk, in which people pause and consider the context and consequences, as opposed to a proclivity towards spontaneous thought, in which people are free to say whatever they want within certain agreed parameters?

We need to re-visit and work on the tension between being subject to the law of the land in which we live and being subject to the law of God. Is there a hierarchy of importance, which means that certain tenets from the latter that should override the former?

The problem of blasphemy

How to deal with offensive speech and actions?

Is the law the correct forum in which to deal with cases of blasphemy or is virtue, i.e., appealing to the better nature of people and encouraging them to a higher code of (virtuous) conduct more appropriate?

If we argue that only the law can limit human freedom, what then should be the sources of that law? Is an approach that appeals to reason alone sufficient? What other can there be in a secular society?

If we speak of three divisions within epistemology: the rational, the justified and that which conforms to knowledge or truth, we can ask three questions of a proposition: Is it rational? Can it be justified? Is it based on knowledge?

Muslim approaches to blasphemy

The Qur'an gives permission for an unbeliever to be allowed to stay in Madina to hear the teaching of the Qur'an and then he should be conducted to his place of safety when he wishes to leave (Q. 9:6). This is because he is in ignorance seeking knowledge. There is scope for people to doubt about God – this is not apostasy – the doubter may lack any substantial argument or proof to support his position but doubt can still be real. Muslim scholars have the duty to help doubters resolve their doubts in the right direction.

We need to distinguish between the “individual blasphemer,” who commits certain acts or upholds certain positions in private, and the “public blasphemer,” who publicises their views through various media. This would uphold the Muslim position that human beings have the right to err but not to cause *fitna*, a state of confusion that has the potential to lead others astray and hence the punishment for apostasy, the punishment for which, depending upon the decision of the judge, can be death. The laws of apostasy only apply in territory ruled by Islamic law (*Dar al-Islam*) and not in other plural societies. This needs to be emphasised because of the “fear of *shari'a*” prevalent in non-Muslim countries.

Many Muslim societies have not evolved to accommodate the notion of a secular society, so society has to be protected from the state of *fitna*. There is always the fear that such actions will destabilise the community. This is the context of the Qur'anic verses about people coming to and leaving the Muslim faith but without destabilising others.

The *shari'a* is applicable to Muslims living in non-Muslim countries and thus provides them with guidance. It is not to be imposed in such countries against the will of the people. In such countries, Muslims are required to abide by the law of the land unless

it goes against the explicit law of God. The discourse about accommodating elements of *shari'a* in western societies relates to the freedom to live by Muslim personal law. In Muslim societies, corruption comes when there is a fear of losing power.

There is no concept of “church” in the Islamic system. Islam is based on the scripture; therefore it must be upheld and not abandoned by the Muslim community. We are not free to evolve outside its bounds.

Muslims find it hard to reconcile secular western governments’ sense of responsibility to protect the physical health of citizens whilst neglecting their spiritual health.

Individuals and governments in the West need to understand their responsibility when they make comments or statements or perform actions in relation to Muslims and Islam. These can provoke clashes and loss of life in other parts of the world. Although Islam upholds the duty of the court and the judge to punish wrong-doing, it cannot be denied that mob-rule can be incited by such actions.

Christian approaches to blasphemy

Biblical figures are allowed to rail against God – God is “big enough” to cope with such abuse, indeed, like the angels who question God, this can be a path to find the truth.

The New Testament attitude to blasphemy is problematic as Christ teaches an ethic based on a deeper level of the heart rather than an external law. Jesus is himself accused of blasphemy. Who is empowered to define what blasphemy is?

The ultimate blasphemy within the Christian traditions is “the blasphemy against the Holy Spirit” (Matthew 12:22). This echoes elements of the prophetic tradition from the Hebrew prophets, who spoke out strongly against hypocrisy in worship: worshipping God whilst the poor are exploited, worshipping God whilst also being involved in idolatry and indeed bringing idolatrous practices within godly worship (see Isaiah 58, Jeremiah 7 and Amos 5). The most “outwardly religious people” can in fact be appearing to worship God whilst being in a state of spiritual chaos or blasphemy against the Holy Spirit. Jesus is particularly strong in his judgment on such unjust “religious people.” Could this then mean that “blasphemy” is a sin relevant to believers only?

The Christian tradition places a high emphasis on scripture but it has the additional sources of the on-going Christian tradition, reason and some would add importantly the individual direct experience of the believer. Therefore tradition and reason are evolving sources of guidance alongside the scripture, without denying the foundational nature of scripture. As potential evolutions arise, they need to be tested to discern the spirit at work within them, is it godly or not, as evil is also at work and that can shade over into the life of Christians and the Church.

Blasphemy has been defined as an attack on God's name; therefore Thomas Aquinas (d. 1274) regarded it as "the worst possible sin."

At times in Christian history, an attack on God was seen to be equated to an attack on the Emperor, who presided over God's system of governance for the common good of the people. This would have been reflected in earlier centuries in Britain when the blasphemy laws protected uniquely the doctrines of the established Church of England. The vestige of this is present in the "Lords Spiritual," i.e., the right of certain bishops of the Church of England to sit in the House of Lords.

Traditionally in England, the blasphemy laws prohibited assaults against the doctrines of the Church of England, which was thought to be synonymous with "Christianity" and, because this was the established form of Christianity within the state, and thus of society, to blaspheme against these doctrines was akin to an act of treason against the state. This was abolished in English law in 2008 but elements of it were retained in offences of religious desecration and disturbing acts of worship.

Most Christians in Britain today would not seek to promote a blasphemy law and such would need to be carefully worded and implemented.

The 17th century philosopher Grotius, an advocate of a new Stoicism based on piety not secularism, promoted the doctrine of the Natural Law, which is written on the human heart, therefore he argued that human beings have the ability to rule themselves.

A new discourse arises in Catholic theology from the 1960s regarding human rights. Whilst "error has no rights," human beings who are in error have rights. The Second Vatican Council made a seminal shift with its Declaration on Religious Freedom (*Dignitatis Humanae*, 1965), which held that the right to follow one's conscience in the quest for truth and thus for God is the deepest human right that cannot be obstructed, therefore there is a human right to dissent and a freedom to believe something that the Church holds to be wrong. This means that Christians will hold to the truth of the Christian faith but acknowledge that people have the right to adopt a partial truth and indeed to believe something that Christians believe to be objectively wrong.

Christians would want to speak of a society that is in the process of evolution, rather than "following secular norms," and would want to say that some of the practices of Christians of an earlier period, e.g., the execution of heretics, even though they might be thought of as "Christian societies," were wrong.

There is a Christian understanding of corporate sinfulness, of a turning away from God by society and not just the individual. This can and has affected the Church as well. We are a "Pilgrim Church" on the road towards a future hoped-for perfection but this does not mean that we have not lapsed into corporate sin. There can be a danger of absolving the sin of the present by focussing on the scape-goat of the past.

The paradigm of Britain as a Christian – indeed a Church of England dominated – society is no longer applicable given the multifaith nature of religion in Britain and the rise of secularism.

The traditional threat of the early Christian Church, that the blasphemer would be put out of the Church, i.e., excommunicated, and thus not find salvation, is meaningless to the modern non-believer.

Christians believe that Christ is still present today within the Christian community or the Church, therefore we are still on a journey of discovery and it is possible to develop doctrines and positions without being unfaithful to earlier interpretations of scripture or doctrinal formulations.

Change is a fundamental element in the Christian faith; God does not change but our understanding of God and of revelation from God changes and develops. This is especially a part of Eastern Christian theology in which change is central to the nature of God.

There is an important element in Christianity that is counter-cultural, setting out a vision of an alternative way of life from that commonly followed. It has always been a danger in Christian societies that Christianity becomes corrupted by power (perhaps this is also true of other religious societies?).

There is a danger in demonising wider society by the pressure by religious communities to make common cause together to fight against the “irreligious.”

Religion and politics

Muslim approaches

In Muslim understanding, society must be formed according to the principles and guidance of religion. The content of religion is fixed but society may change.

Secular humanist systems want to limit religion to the God-human relationship but Islam requires that the human-human relationship should be under Islamic guidance also.

Do we need to re-interpret Islam to cope with modernity? Secularists say that modernity brings forward new facts that must be reconciled with religion.

The problem of pluralism within society must be limited to the practical. There can be no epistemic pluralism; the Qur'an is clear on right religion and wrong religion. There are limitations on practical pluralism: God-believers – the communities of the earlier revelations (*Ahl al-Kitab*) – are permitted to continue in the practice of their religion but not all religions or ideologies can be permitted.

What kind of freedom should be promoted in a society?

- Negative freedom – nobody has the right to prevent anyone from doing what they want.
- Minimal positive freedom – requires the removal of all inward barriers to freedom, e.g., fear, poverty and ignorance. This will make way for human self-realisation. There is no concept of what constitutes “the good life” but this is self-defined by the individual. The government has the duty to help people to remove the obstacles to a self-defined good life.
- Maximal positive freedom – self-realisation can only come in accordance with given norms. There are objectively defined socio-political ends and means by which they are to be achieved. This is the Islamic position.
 - Does this lead to totalitarianism? Society is to be shaped by Islamic values, which provide the necessary framework for people to live a good life. They are to be attracted to live this good life not coerced to do so.
 - Does this remove temptation to the extent that human freedom to err no longer exists? The removal of temptation helps people to avoid wrongdoing but the human capacity to err still remains.
 - Does this lead to public laws but private allowance? There is and should be no distinction in law: selling drugs is illegal, taking drugs is illegal – there should be no double-standards in law.
 - Neutrality is impossible when it comes to defining “the good life” and establishing a value system: To which system should we work other than that of God?

Christian approaches

One of the great western scholars of Christianity, St Augustine, spoke of the “doctrine of the two cities:” the city of self-love and the city of God. In the city of self-love, which is the common society shared by all, the end of the law (*telos*) is to restrain evil, protect the innocent and promote the common good of humanity. Such laws are necessarily provisional, pragmatic and imperfect because they are to rule this society. This marks the beginning of a long discourse in western Christian theology about the relationship of practical politics and religion.

The creation of a good social order

How are we as societies to derive the sources of laws? In Britain, some laws are derived from religious values, some from a secular discourse of rights. All are searching for a common good to regulate the society. In a Muslim society, Muslim values must stand behind the legal system. How though are we to avoid religious dictatorship, which leads to human degradation, if not by an appeal to virtue and the law of the heart rather than an externally imposed law? If we have a high estimation of human virtue, then we can see that the *demos*, the collective people, are best able to gain a sense of what is good and what promotes the common good; Christian discourse would speak of this as the *sensus fidelium*, the common agreed wisdom of the faithful community. But political parties (and multinational corporations and financial institutions) control the power in democracies not “the people.” Therefore, whilst liberalism emphasises individuals, communitarianism emphasises the society, which comprises individuals within their social relationships. For there to be a “good society,” in Islamic understanding, there needs to be a partnership between the people and the religious leaders or rulers. The religious leaders, the Imams or, in the absence of the Imam, the religious scholars (*ulama*) need to “rule the hearts of people” so that the people will respond to what they know in their hearts to be right. There is of course a difficulty with the notion of “ruling the hearts of the people” as this is what dictators also claim. The imperfect forms of democracy that have been imported into Islamic societies have brought confusion.

Those living in western societies have to live with the realities within which they live. Religious communities, including the Church of England, do not have the right to dictate the parameters within which society should operate; they have only the power of advocacy. Islamic Centres in the West are in the same position. What would a Muslim voice of advocacy sound like in British society?

Religion in Britain

The reality of British society vis-à-vis religion needs to be taken seriously:

- The number of Muslims in the UK has risen in the decade from 2001 to 2011, according to the national census, from 1.6m to around three million (England and Wales has a confirmed figure of 2.84m). This population must be expected to double again over the next two decades due to the age profile of Muslims.

- According to population surveys, people in Britain identify “freedom of speech even if you don’t agree” as a high value of “Britishness.”
- An appeal to the good in people, an argument based on virtue, has transformed the place of groups within British society, such as handicapped people.
- Legislation has helped to combat racism but real change comes from within people rather than through importation of the law.
- British society is based on compromise for the sake of the common good, which requires that we develop a certain hierarchy of good outcomes to know the parameters within which to compromise.
- There are different contexts within British society: one context is people who have a sense of belief, of being under God, which gives such individuals and communities of faith a commonality; there is another context of general society, in which there must be an appeal to human flourishing, e.g., loving and treating other people with dignity, striving together for justice. People of faith need to appreciate the emptiness and “spiritual vacuum” in the lives of many people.
- This appeal to common human values can be seen in school assemblies, where people can be helped to explore their own values by reflecting on the principles that underpin, for example, Christian Bible stories.
- This appeal to human goodness can also be seen in the success acknowledged for programmes of diversity training, for example, in eradicating bad language in the workplace, where legislation does not work.
- Education, in its widest sense, seeks to promote an understanding of other peoples’ positions and thus work towards a shift in perception and practice.
- There are particular fears and problems associated with the perception of Muslims in British society:
 - There is a fear of the desire to “implement the *shari'a*” in Britain.
 - There are concerns about the best way and the limits to accommodating elements of the *shari'a* in British law, e.g., personal law.
 - There are concerns about the permissibility and limits of questioning in relation to Islam; and this needs to be distinguished from slander.
 - We need to work at ways of exploring and understanding the importance of elements of Muslim belief and practice, e.g., dress codes.
 - We need to work more at distinguishing between the culture from which Muslim families in Britain originally came and elements thereof that they wish to retain, on the one hand, and religious requirements, on the other, e.g., the acknowledged abuses of women and human rights in certain cultures and the abuses of religious power and interpretation.
 - All these elements are best addressed through interpersonal encounter, thus promoting human contact as the meeting point.

A society based on religious democracy

Religious democracy is a newly-coined term. Those who use it and believe in it are of the opinion that democracy as a method of governance could be incorporated and accommodated into a religious conceptual framework.

The example of Iranian society can be taken as a country that has tried to accommodate both the requirements of faith and democracy in one package. To fully understand what this means and how it is made possible we have to consider the following points held by the supporters of the idea of religious democracy.

- Democracy has no intrinsic value. A democratic majority vote does not make a position right or wrong. This is because, from a religious perspective, both good and evil are at work within individual human beings and within societies and each may find a voice in the mind and heart of the people.
- Although a majority vote cannot prove a point to be right or wrong it provides a forum for conflict resolution and problem solving. It provides a forum to bring the intellects of many people to bear on the solution of problems. The idea of the Islamic Republic as a polity for Iran, which was suggested by Ayatollah Khomeini, is in essence an approval of the idea of religious democracy. The idea was received well by the Iranians for the simple fact that it is compatible with Iranian society, which is overwhelmingly religious, just as liberal democracy is compatible with other societies. Overall in religious democracy, one seeks to implement the will of the people within the context of a revealed text, which is the basis of Islam. The idea may not work well within the context of western societies, which have taken centuries to develop their own form of democracy, but these societies have to give others the right to doubt that their model is the best or the most appropriate way to proceed.
- The critical question here is how to combine democracy and democratic legislation within the parameters of the revealed text. Human law is to serve the changing needs of society, while the religious text is given and fixed. The *shari'a law* was drawn up in an earlier society for an earlier setting and if we assume that it is fixed, we have to accept that it cannot serve the needs of the modern society.
- As a solution to this problem, Ayatollah Khomeini suggested the idea of dynamic or creative *ijtihad*. Based on this idea, the *shari'a* is not fixed but capable of evolving within the limits of divine law. As the *shari'a law* has historically been drawn up by the jurists based on the needs of their respective societies and their understanding of the sources, creative *ijtihad* at any given time can explore new areas of *shari'a law* previously untouched by the jurists.
- But how could this be done? Whose judgment is to be accepted in recognising the changed settings and what procedure should be followed? Based on the system proposed by Ayatollah Khomeini, a good indicator for the jurist in this domain is the collective conscience of the believers. This collective conscience is gathered in the following way.
- The initial whistle is blown by the people working at the grassroots in different institutions of society. This is then reflected in the parliament which represents these people. The parliament is made up mainly of ordinary individuals who are not experts in the principles of Islamic law (*fiqh*). They debate and propose laws that, to the best of their knowledge, can answer the needs of those institutions.

- These laws are then referred to the Board of Guardians, who are experts in *fiqh*, who have the duty to examine laws and the right to veto them if they are not in accord with the *shari'a*. The Board of Guardians are also responsible to guard the Constitution of the country.
- If the parliament does not accept the veto, this must be taken seriously as the collective conscience of the religious people of the society. It means that the traditional *shari'a law* is no more effective or conducive to the best result.
- The proposed law is then sent to the Expediency Council, which is appointed by the Supreme Religious Guide and comprises people who have experience of running the country. If they approve of the proposed law, they can implement it as it is based on the collective conscience of the people plus the wisdom of experts.
- By accepting the new law, a hitherto unknown dimension of *shari'a* is explored. The boundaries of *shari'a* can be said to have widened in this society at this time.
- The Supreme Religious Guide then examines the proposed law in the light of the universal guidelines and values of the faith and if it does not contradict these broad outlines it could be incorporated in the body of the *shari'a*.
- In this way, the system aims to go forward based on public opinion and the majority view without destroying the religious nature of the society. The *ulama* have the responsibility to work with the religious people to help them to understand their religion better and thus to lead together to a *modern* religious society.
- The Expediency Council acts as an advisory body to the Supreme Religious Guide, whose task it is to set the broad principles that are to be followed within society.

Muslims in British society

In focusing on British society:

- We need to see that there are two broad paths used to try to win sympathy and respect: one is “to play the victim” and the other is to set the example of treating other people with respect.
- We need to be careful with terminology, e.g., to distinguish between a criminal who happens to be a Muslim and “Muslim crime.”
- Only if individuals know Muslims well enough personally to know that the calumnies that are spoken are not true can we hope for progress. This raises the question of media stereotyping of various groups.
- We cannot emphasise enough the need to educate people about Muslim faith and culture. Particular groups within our focus should be public servants (social workers, the police, and health workers) and educators (teachers, school administrators, pupils and post-16 students). This raises the question of how best to explain Islam to them without appearing to be preaching, in a way that is intelligible and wins the hearts and minds of the audience to a better understanding.

Appendices

Appendix 1: The Revd Dr Richard Sudworth

“Theological Dimensions of Blasphemy: a Christian Impulse”

1. Church and State

English law abolished the “offences of blasphemy and blasphemous libel” in the *Criminal Justice and Immigration Act 2008* BUT there remain overlapping offences of religious desecration and protection of acts of worship. *Racial and Religious Hatred Act 2006* – a new form of blasphemy that equates all religions?

“The law of blasphemy protected the sanctity of Christian beliefs since those beliefs were regarded as being at the heart of society...Blasphemy was akin to treason...the terms ‘Christianity’ and the ‘Church of England’ were often regarded as being synonymous.” (Sandberg, p. 133)

R v. Taylor (1676) onwards “to reproach Christianity was to speak in subversion of the law.” (Rivers, p. 26)

The Augustinian “doctrine of the two”: the law of self-love and the law of love. (for an excellent summary of classical Christian political theology see Luke Bretherton’s article downloadable from <http://christianitycontemporarypolitics.blogspot.co.uk/2010/11/on-relating-christian-doctrine-politics.html>)

- What is our theology of the state; of the *saeculum*? Christian political theology that presumes the eschatological nature of civil rule
- Does coercion (law *de facto*) have any place in the motivation for and expression of worship to God?

2. “The blasphemy against the Holy Spirit”: the appearance of loyalty to God that draws the starkest judgment from God

Matthew 12:22 – “Whoever speaks a word against the Son of Man will be forgiven, but whoever speaks against the Holy Spirit will not be forgiven, either in this age or in the age to come.” (NRSV)

“They were entitled to their opinion, however mistaken...if I deny the existence of the train that is coming in to the station, or declare that it has been sent to deceive me and take me in the wrong direction, I am automatically stopping myself getting on it.” (Wright, p. 46)

The prophetic tradition of the Hebrew Bible: Isaiah 58, Jeremiah 7, Amos 5: a. worshipping God while the poor are exploited b. worshipping God whilst also pursuing idolatry c. bringing idolatry into the central practices and precincts of worship

- What seems to be at the heart of “blasphemy” in the biblical tradition?
- Might blasphemy be a sin relevant to the believer only?
- A guard against the dangers of *co-belligerence* on matters of blasphemy?

3. Rights and Virtue

We might say that English law has moved from a situation of *protection against* blasphemy to one that has given a *right to* blaspheme (Sandberg). The contemporary scene often presents the dilemma of free speech amid diversity as the battle between competing rights: the right of freedom of expression vs. the right not to be offended. How much should religious traditions

be policed by an external discourse (Tracy) or be translated into a manageable language of public utility (Habermas)?

A Christian rejection of rights based discourse (Milbank, Williams, O'Donovan):

- The language of rights elevates the individual as the ultimate recourse of the good; the "good" defined by and accountable to a transcendent creator is thus denied
- The problematic anthropology of "a view from nowhere"; recovering an epistemology of traditioned narrative (à la MacIntyre)
- The inherent Whigism and selfish materialism that emanates from rights based discourse (O'Donovan)

Virtue ethics in the Christian tradition offer a means of commending a traditioned anthropology of how we speak of the other and of God from within a community of practice. This is grounded in a theological presumption that:

- a. Humanity is naturally supernatural (Thomas-de Lubac-Milbank)
 - b. "theology is answerable to reason insofar as it is answerable to the Church" which is answerable to the Triune God as theology is participation in the mind of God (Milbank, p. 700)
- How much of our talk about free speech and blasphemy slides into an external discourse outside of the Christian narrative?
 - To what extent can we retain traditioned narratives while acting for the common good in concrete and material ways?

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