

of expression. This notion must be challenged. No one who has read the book can deny that Mr Rushdie has transgressed all boundaries of decency and propriety in *The Satanic Verses* and for that he must be condemned. M. Akbar Ali, Letter, *Daily Telegraph*, 9 March 1989 (*The Rushdie File*, p. 217).

The book is not a threat to Muslims. It is a threat to decency. One cannot and should not malign or publish libellous statements against leaders of any faith. Islam can withstand any controversy and criticism. No religion should tolerate blasphemy. Shaikh Mohammad, Letter, *Independent*, 20 January 1989.

Freedom to criticise one religion from the basis of another is not under threat... Muslims accept criticism but they will not tolerate vilification of the Prophet Mohamed. They in turn may criticise the beliefs of Christians but would never insult Jesus.... Criticism will be met, as it has been in the past, by "the ink of the scholars". But why should vilification be allowed? Surely it is not beyond the capability of intelligent people to distinguish between useful religious debate and deliberate distortion and insult. M. Hossain, Letter, *Independent*, 1 June 1989.

31. In *R. v. Ramsay and Foote* [1883], Lord Coleridge declared, 'I now lay it down as law, that, if the decencies of controversy are observed, even the fundamentals of religion may be attacked without the writer being guilty of blasphemy'. 15 Cox C. C. 231, at 238. However, he was not the first to interpret the law in that way. See also the essay by David Edwards in this volume.

32. *Stephen's Digest of the Criminal Law*, 9th edn (1950), article 214. This formulation of the law was endorsed by Lord Scarman in *R. v. Lemon* [1979], 2 WLR 281, at 315.

33. Compare:

Religion is a luxuriant growth. Alongside major historical traditions is a tangled mass of lesser and newer ones, not always easily identifiable, fiercely competitive, some of them much given to litigation, and with beliefs that range from the profoundly impressive to the suspiciously barny. Where does one draw the line? Is Ron Hubbard, for instance, a candidate for posthumous inviolability? And if not, why not? And what might be the consequences of protecting the reputation of religious founders who, in any sane and tolerant society, would deserve to be ridiculed? The Archbishop of York (commenting on a proposal to extend the law of libel to the founders of religious faiths), Letter, *The Times*, 1 March 1989.

34. See further, Jones, 'Blasphemy, offensiveness and law', 141-4.

35. Letter, *The Times*, 9 March 1989 (*The Rushdie File* pp. 215-6). Similarly, though rather more opaquely, the Archbishop of York has suggested dealing with the issues raised by the Rushdie affair by developing 'that aspect of the present law of blasphemy which focuses on the shaking of the fabric of society when widespread sensibilities are offended. Implicit in this is the belief that stable societies contain a sacral element, and that it is unwise to allow this sense of sacredness to be undermined by scurrilous attack'. Letter, *The Times*, 1 March 1989.

36. Note that, even if we judge that the speaker was speaking improperly, that need not be sufficient to condone a violent or disorderly reaction.

9 Muslims, Incitement to Hatred and the Law Tariq Modood

There are many ways of considering the Muslim anger and protests against Salman Rushdie's book, *The Satanic Verses*. One of the most direct is to use the occasion to ask in what way the Muslim demand for the withdrawal of the book compares and connects with existing limits to free speech and why these were not adequate to resolve the crisis. Most of the discussion in this respect has focused on the law of blasphemy, and many people, including the Commission for Racial Equality (CRE) and the Deputy Leader of the Labour Party, have argued that the privileged position that law gives to Christianity (or perhaps to the Anglican Church only) is incompatible with racial equality and that law should be abolished or extended to cover other religions.¹ The law of blasphemy, however, is not the only law which in principle might protect Muslims but in fact fails to cover them. The Race Relations Act of 1976, including the offence of incitement to racial hatred, does not include religion as a component of the multifarious concept of race consisting of differences and inferior treatment perceived to be based on 'colour, race, nationality (including citizenship) or ethnic or national origins'. The definition of a racial or ethnic group is wide but not without limits and this has meant that some minority religious groups such as Sikhs, Jews and Rastafarians enjoy some legal protection against discrimination and incitement to hatred (because they are deemed to meet the criteria of what constitutes an ethnic group) but Muslims do not.² This is a significant exclusion for Muslims, for not only does it weaken their rights in employment, housing and so on, but it deprives them of a further opportunity of protection against offensive literature. The sense that Muslims have that the existing laws do not adequately recognise them as a group and fail to meet their needs on the issue of group defamation has, therefore, some justification and needs to be considered in terms of the purpose and nature of incitement to group hatred legislation.

This is a topic which perhaps cannot be discussed without saying where one stands on the infamous *fatwa*. My view is that natural justice requires that a person cannot be sentenced without a trial and hence the *fatwa* cannot be, as its author the late Ayatollah Khomeini claimed, 'a verdict of execution'. At best, it is a learned, and for Shia Muslims (not very numerous in Britain) an authoritative, *opinion*. What is too readily forgotten in Western discussions is that the

fatwa of 14 February 1989 was an immediate (indeed, too immediate) and direct response to the deaths of the ten anti-Satanic Verses demonstrators in Islamabad, Pakistan, on 12 February and the five deaths in Srinagar, India, on the 13th. The share of responsibility for these deaths by the parties named in the *fatwa*, namely the author and publishers of *The Satanic Verses*, is a question I cannot discuss here. Suffice it to say that the Tehran *fatwa* was cruel and unjust in its method even if one holds, as I personally do not, that the Qur'an sanctions capital punishment for blasphemous literature. I shall endeavour in the rest of this paper to discuss the issue of group libel as if the *fatwa* did not exist.³

THE LAW ON INCITEMENT TO HATRED AND GROUP DEFAMATION

Prior to the existence of any race relations legislation in Britain hateful speech could be dealt with only under the Public Order Act 1936; this meant that the offence could only be said to occur if the speech actually caused a breach of the peace or in the opinion of the police was likely to do so.⁴ Section 6 of the Race Relations Act 1965 broadened this offence by not restricting the criteria to those of outcome but including the intentions of the speaker or writer in question: intending to stir up racial hatred, regardless of the measure of success, became an offence. This in effect meant (and this is how the courts interpreted the few cases that came before them) that stirring up racial hatred could not be construed as an action with an immediate outcome but as something which if not challenged undermined the official commitment to racial equality and led to racial conflict. This offence was further amended by the Race Relations Act 1976 and later incorporated in the Public Order Act 1986 (Northern Ireland, 1987) so that now a person is guilty if in the use of threatening, abusive or insulting words or behaviour or display of publication or distribution of written material:

- (a) he intends thereby to stir up racial hatred (or arouse fear); or
- (b) having regard to all the circumstances racial hatred is likely to be stirred up (or fear is likely to be aroused) thereby. (The words in brackets are in the Northern Ireland law only.)

The second half of this disjunction is important for, the offence having been earlier disconnected from any strict likelihood of the breach of the peace, it no longer depends on the speaker's/author's intentions or interpretation of his speech/text but on what a person may reasonably conclude is the likely effect on one or more racial groups, especially the group(s) referred to in the speech/text. If the group is likely to feel that as a group it is being rubbished, that old wounds are being reopened, enmities rekindled, images of domination invoked, then it can legitimately argue that the level of hate is being increased even if that is not the intention of the author and even if no specific act of violence is imminent. If this is a fair reading of the law in question surely we must conclude that despite

the language of causation in which the offence is framed ('X incites Y to do something to Z'), what is at issue is in fact group defamation. For it seems to a non-lawyer like me that if a book uses unambiguously insulting and derogatory language to portray a group the author could be liable to prosecution on the basis of his insulting portrayal without any special inquiry into the actual consequences.

As I say, I am not a lawyer and I could not say with any confidence whether the case I have described is just within or just outside the law (so few cases are brought forward by the Attorney-General that the discussion is perhaps inevitably somewhat hypothetical).⁵ My purpose is to try to bring out the rationale behind the law and here it is significant that for some time the CRE has been of the view that the law is necessary to avoid the feelings of humiliation, indignity and insecurity that minority groups would experience if subject to the unchecked use of inflammatory language.⁶ Similarly, when the Home Office last reviewed the Public Order legislation, incitement to racial hatred was viewed in terms of the offence to minority groups occasioned by racist speech.⁷ The phrases that apply in Northern Ireland, enlarging the focus to include the fear in the breasts of the attacked, as well as the hatred in their potential attackers, are also significant.

My purpose can perhaps be furthered by a brief comparison with some other liberal democratic polities. The most interesting thing about the comparable offences in France, (West) Germany, the United States and Canada is that they cover a wider spectrum of social groups than those defined by race. In each of these countries religious groups are protected and in (West) Germany the law extends to cover cultural associations and political parties, for the offence is broadly conceived as 'an attack on human dignity'. In Canada women are included amongst groups whose dignity is protected by law, and Norway, Sweden, Denmark and Ireland prohibit incitement to hatred based on sexual orientation.⁸ Secondly, each of these countries sees the nature of the offence in terms of group defamation. Indeed, in the USA it is treated as a piece of libel, and while libel law is limited by the constitutional right to free speech, nevertheless the Supreme Court in the 1952 decision in *Beauharnais v. Illinois* agreed that since an individual's dignity and reputation was associated with that of the group to which he or she belonged, there was no justification for treating group libel laws differently from the rules of private libel. While the *Beauharnais* decision has been gradually weakened by subsequent decisions there is some indication of growing public support for the view that 'hate propaganda undermines the very values which free speech is said to protect and that the prohibition of such material is not incompatible with the US Constitution'.⁹ In a landmark decision, *R. v. Keegstra*, the Supreme Court of Canada in December 1990 found against a high-school teacher who was charged and convicted of communicating anti-Semitic statements to his students. The court argued, by a majority of five to four, that multiculturalism was an important political objective for which it was sometimes reasonable to restrict the expression of hatred against identifiable

cultural groups and that in any case hate propaganda contradicted all the values, such as quest for truth, promotion of self-development, public debate and democratic participation which supported freedom of expression. One other point to notice is that the laws of group defamation in (West) Germany and France are more widely drawn, at least in the protection of the Jews, than in Britain, for the offence is not limited to abusive, insulting or threatening language but outlaws at least one proposition regardless of the manner in which it is put forward. This is the proposition that six million Jews did not die in Nazi gas-chambers; the propounding of which has been a criminal offence in both countries for some time, punishable by imprisonment in the case of (West) Germany and in France, too, since May 1990.¹⁰

It seems then on the basis of these brief comparative remarks that the United Kingdom is in an anomalous position amongst liberal democracies in confining its group libel laws only to racial groups and in not including religious groups (except in Northern Ireland where groups defined by reference to religious beliefs have been covered since 1970).¹¹ The distinction here, however, is not a clear-cut one. For as British courts recognise religious minorities such as Sikhs and Jews as ethnic groups, it has been argued that 'the advocacy of hatred against the Jewish community on account of its religious beliefs would amount to the stirring up of racial hatred against the Jewish community as a group', for the critical legal point is not that the hatred be directed to the racial features of a group but that it be directed to any distinctive feature of a group defined in law as a race.¹² Nevertheless, the greater protection afforded to (some) groups in France and (West) Germany comes as a double surprise. For, firstly, this restriction on hate literature especially in connection with the Holocaust, coexists with a virtual absence of anti-racial discrimination legislation and racial equality promotion (there is no equivalent, for instance, to Britain's Commission for Racial Equality); secondly, it belies the impression created by some commentators, such as the *Observer* and *New Statesman and Society* that the reason why in 1989 the French and West German governments took a more severe stand against anti-*Satanic Verses* protesters than did our own is that there is a greater libertarianism in the intellectual sphere in those countries. I shall return to the issue of which groups need protection, and what kind of literature ought to be banned, later. For the moment I would like to underline the point that legislation in other countries confirms and makes explicit what in Britain is perhaps only implicit, that the rationale of such legislation is not the danger of some immediate violence or breach of the peace but group defamation.

The above discussion I think helps us to see that the aim of this kind of law may at times be narrowly conceived but that it tends towards and its rationale depends upon a wider conception. The concern of the legislation may initially be limited to some of the earlier of the following points but the concept of incitement to hatred leads to a concern with them all:

- (i) an immediate breach of the peace;

- (ii) the aggressive intent of the speaker/author in the context of a possible breach of the peace;
- (iii) the stirring up of racial hatred and antagonisms which if left unchecked could lead to serious social conflict and an eventual breakdown of public order;
- (iv) speech and writing which have the same effects as (iii) even if the speaker/author had not intended it;
- (v) group defamation as 'an attack upon human dignity'.

While (i) represents the position pre-1965 when there was no incitement to racial hatred offence as such and when it was simply a public order concern, (ii) constitutes the 1965 position, (iii) and (iv) represent the explicit context of the 1976 Act and finally, (v) represents what I take to be implicit in the use of that Act as opinion has developed on the matter so that it represents where we are today, or where we have nearly reached, and where other liberal democracies and Northern Ireland have already reached.

MUSLIM HONOUR AND LIBERAL LEGISLATION

It was noticeable from the placards of the anti-*Satanic Verses* demonstrators and from those interviewed on television that in trying to convey the nature of the insult and their hurt that words such as *honour* and *dignity* were more commonly used than *biasphemy*. Similarly, Shabbir Akhtar, described by the *Guardian* and the *Independent* as the most formidable Muslim fundamentalist intellectual ranged against Rushdie, begins his critique, entitled *Be Careful with Muhammad!*, by reminding all that one of the most basic duties of all Muslims is to guard the honour of their Prophet;¹³ and it is interesting again, that when Akhtar discusses the question of legal remedies he concludes that it 'may well be that, in a secular society like Britain, the Muslims' best bet is to campaign for a law making certain kinds of conduct or publication socially unacceptable as opposed to religiously offensive'.¹⁴ The honour and dignity that Muslims feel to be at stake, then, may be located in their religion but cannot be understood as a narrowly theological matter. Malise Ruthven has tried to bring out this aspect by describing it as a form of *izzat*.¹⁵ *Izzat* is a form of honour important to Muslims, usually associated with the social standing or respectability a family may enjoy. The issue here, however, is *ghairat*: while *izzat* is about the respect others accord to one, *ghairat* is about the quality of one's pride or love – pride in one's religion or the Prophet. While *izzat* is something to be maintained, *ghairat* is something to be tested.¹⁶ *The Satanic Verses*, then, is for many Muslims an unavoidable challenge to demonstrate their attachment to and love for their faith: their *imani ghairat*. And naturally the more the book is lauded as a literary masterpiece and so on, the greater the challenge, and greater the response required.

It may perhaps be all too clear how the honour of the Prophet is linked to the dignity of the followers, and so to group defamation, but I think it would be best to

explore this a bit further by comparing it with cases of racial defamation that contemporary Western societies are more familiar with. Consider the following propositions:

1. Six million Jews did not die in Nazi gas-chambers.
2. American blacks have a lower IQ than American whites.

Each of these is regarded by many people, at least officially, as statements which are false or highly misleading, grossly disrespectful to a minority who have a right to be angry, perhaps inevitably violently so, because the statements belong to an ideology of domination and exploitation. Some would doubt whether these statements can have any place in legitimate intellectual enquiries and, as we have seen, to argue the first proposition in (West) Germany and France is to risk imprisonment.

Consider another proposition, which led to a successful legal prosecution in Britain in 1977:¹⁷

3. Jesus Christ was a homosexual.

Many people who strongly object to the propagation of (1) and (2) would not want the law to interfere with (3). The difference would lie in some or all the following features:

- (i) the proposition is about an individual, not a group;
- (ii) the proposition disputes a religious belief and does not defame a group;
- (iii) there is not a historical or contemporary oppression linked to the proposition;
- (iv) some Christians do not mind if the proposition was true, and many of those who do mind yet believe that those who wish to say such things have the right to do so.

How do these four differentiating features compare with:

4. Prophet Muhammad was a lewd, dishonest, dissembling power-seeker.

Proposition 3(i) applies to 4, and the charge against the individual in question is considerably more serious. 3(ii) too seems to carry over to 4 but I think we need to question whether it makes a valid distinction. It certainly does not sufficiently distinguish 4 from 1 and 2 if it is the case, as indeed it is, that there is a historical oppression linked to the proposition. Proposition 4 has been very much part of the medieval and early modern Christian diatribes against Islam and Muslims,¹⁸ who have subsequently been dominated by the West, and in contemporary Britain find themselves suffering much anti-Muslim as well as racial prejudice, and of all minority groups are the worst off as measured by the usual indices of discrimination and disadvantage. As for (iv), Muslims cannot view the truth of 4 with any kind of equanimity, though, like contemporary Christians with 3, most are sufficiently confident of its falsehood to allow it to be a subject of reasoned inquiry as opposed to parody and unsubstantiated claims.

The similarity of type, then, between 4 and the first two propositions lies in showing that a defamation of the Prophet is indeed a defamation of Muslims. The link is the belief that the honour and good name of Muslims depends upon upholding the honour of the Prophet. For some liberals, willing to give oppressed minorities a sympathetic hearing but on guard to prevent unnecessary restrictions on free speech, this mediating belief is one belief too many. Michael Ignatieff, for example, has argued that it is important to distinguish between two incompatible conceptions of freedom: one which protects beliefs and ultimately leads to a theocratic state, and the other which protects individuals against expression of hatred such as racial defamation.¹⁹ His view is that liberals cannot countenance the use of law to protect beliefs from insult, even though those beliefs may be central to a group of people, a religion or a way of life, but that he would protect the individuals who happen to be members of that religion or way of life. He, therefore would not have the honour of Muhammad or any other Muslim conceptions enjoy any kind of legal immunity from insult, but he would support a law to prosecute those who would shout 'you filthy Muslim' at Muslims. This distinction between beliefs and the individuals who may or may not hold those beliefs may work for the normal range of beliefs but there is at least one type of belief where it does not hold. That is the beliefs which form the self-definition of a group, for there cannot be membership of a group without some idea of the relevant groupness. Even those groups who are identified in terms of physical features, such as skin colour or sex, can only exist as groups as long as members do actually hold the belief that the physical attributes in question are what defines them. If all black people or all women ceased to define themselves in terms of their skin colour or sex, black people and women would cease to be groups, unless others, white people and men, had the power to maintain these groups; but, again, they could only do so by acting on a set of beliefs. A group exists only while some persons identify themselves and others in certain ways and this cannot be done without beliefs.

This is not a trivial logical point. In any case, some of the beliefs that a liberal state concerned to protect vulnerable minorities will have to concern itself with will be far from trivial. Look back at propositions 1 and 2. For besides beliefs which are what I might call part of the primary self-definition of a group, there are other beliefs which as it were have got historically or sociologically stuck upon a group for they are involved in its oppression, in its relationship with the oppressor. That piece of history, that piece of oppression can become so central to the psyche, to the life and continuing vulnerability of that group, that it can become part of its mode of being.²⁰ This is the case with the Holocaust to modern Jewry, and racial slavery to the African diaspora. Hence to protect those groups the liberal state must uphold the truth of and commitment to certain beliefs and protect them, if not from critical inquiry which promises to be respectful, at least from gratuitous and blatantly offensive attack; the beliefs in question are the negation of propositions 1 and 2.

And how are Muslims to be protected? Are recent events not enough evidence that the honour of the Prophet or the *imani ghairat* is as central to the Muslim psyche as the Holocaust and racial slavery is to others? Ignatieff's reservations, and I am sure that he is not alone, seem to be that the honour of the Prophet is not relevant to the prejudice, discrimination and harassment that Muslims experience in Britain; that it is not a focus of oppression and violence, so that however offended Muslims may be by abuse of the Prophet, it is not likely to make them feel physically insecure. He infers, therefore, that while 'You filthy Muslim' harms them, abuse of the Prophet only insults them and does not warrant legal intervention. Muslims will argue however that historically vilification of the Prophet and of their faith is central to how the West has expressed hatred for them and which has led to violence and expulsion on a large scale. It may be that the West thinks in a more secular mode now, but Muslims are not just outraged but fearful of what a revival of that old provocation can lead to. Muslims are also mindful of how medieval religious anti-Semitism provided much of the imagery and folk-memory that nourished modern racial anti-Semitism, and believe that religious anti-Islamism too will reinforce secular muslimphobia if left unchecked. The numerous attacks on mosques, the appearance of graffiti such as 'Gas the Muslims' (Bradford) and 'Kill a Muslim for Christmas' (London) and cases of discrimination in employment against Muslims suggests indeed that Muslims *qua* Muslims have become a target for secular racism.²¹ In any case, no matter what the nature of the more usual defamation and discrimination may be, in order to resist it Muslims have to draw strength from the sources of their group pride, that is to say, from non-secular roots; and an attack upon those roots, even if it is not the most typical of the harassment Muslims currently experience, is the more devastating for it hits the group in a way which does most damage and undermines its strength as a group to resist attacks from any direction.²² For these reasons as well as *imani ghairat*, given the choice between having to suffer a secularised 'You filthy Muslim' (i.e. one that was not shorthand for 'You filthy follower of the Jew, etc. Prophet') and insults upon the Prophet, many Muslims would prefer to have to live with the former – just as Jews might prefer to suffer contemporary insults rather than allow anything that defiles the memory of those who suffered and died in the Holocaust. Of course, not all Muslims are active believers and they may not weigh the two sorts of insult in the same way as the believer. But they know too that an abusive attack upon the believers by non-Muslims or in a non-Muslim society ultimately affects the dignity, pride, social status and safety of Muslims as a group and therefore of all Muslims. Under such an attack non-practising or lapsed Muslims, as we have seen in the events around us, instinctively rally round in community solidarity. The effect is just the same as when in Northern Ireland lapsed Catholics, who amongst themselves may be irreverent about their community's dogmas and rituals, are provoked to anger and community defence when Protestants or others taunt believers with images of the Virgin Mary as a whore. Such taunts are not part of the healthy clash of ideas that

all beliefs ought to be subject to; they are an incitement to community hatred based upon an intimate knowledge of what will hurt and set the communities apart. It is for this reason that in Northern Ireland, though not in the rest of the United Kingdom, incitement to religious hatred is a criminal offence. If Muslims and other minorities are to be welcomed as a constituent community of Britain they too will need similar protection against group defamation.²³

Liberals may well prefer, given the history of Europe out of which liberalism has arisen, that minority groups should not identify themselves so closely with a religion; that religion should not be a form of group self-definition. But is this anything more than an anti-religion prejudice? It is now widely acknowledged that despite how others may see them Muslims do not primarily see themselves in terms of colour or race and that religion is central to their ethnicity, to their group-beingness and to how they relate to other groups. Muslims are not alone in this: a similar situation holds not just with Jews and Catholics in some contexts, but also with Sikhs and Hindus. Whatever reservations liberals may have about giving public recognition and legal protection to religious groups, an anti-religion prejudice can itself be a form of racial discrimination, for religion is currently of greater personal and community importance to non-white than to white people in this country; hence, however racially neutral the principles of secularism may be in their formulation they will affect different groups in unequal ways. Muslims in particular feel that they suffer a double discrimination: they do not enjoy the legal protection favoured on the majority religion; and, not being a racial group, they are not recognised as a group protected by the incitement to racial hatred offence. *The Satanic Verses* crisis is not a clash 'between incompatible conceptions of freedom'. It is an attempt by Muslims, however inept in terms of public relations, and callous as regards the author of that book,²⁴ to press their claim to be recognised as an oppressed group in British society, as a group whose essential dignity must be respected by the rest of society. The important question then is: *who is to be protected by law?* Muslims believe that, in addition to the groups that already enjoy this protection they too are worthy enough to merit legal protection against group defamation. The Muslim protests are not so much a refusal to come to terms with modern creative literature and humanistic irreverence, not some form of opting out of the country which they have made their home, but a demand to be incorporated with the same kind of legal protection as other oppressed groups – a demand for a full membership in which society makes clear through law and other institutional means that gross defamation will not be tolerated.

FREE SPEECH AND FREE DISCOURSE

Space is not often given – it has to be taken. You have to create it, and when a group of people appears to be intolerant, to be demanding that the established

norms be opened up a little, it is also a demand to create a space in which a dialogue is possible.²⁵ (My italics).

The above quote from Bhiikhu Parekh – in a piece which because of his insights into the dynamics of multiculturalism deserves to be more widely available – links the intolerance of which campaigns for rights can be guilty with the objective which we should all have before us, a space in which dialogue is possible. R.G. Collingwood, when forced to justify what was superior about liberal democracy compared to the Nazis, placed the commitment to political debate, to the politics of persuasion, at the heart of his understanding of liberalism.²⁶ Free and open debate upon all matters of public concern did not, however, mean what some currently call ‘freedom of expression’. Free debate is structured by a goal and by an important restraint. The goal is that all speech, all discourse should use every opportunity to convert non-agreement into at least some possibility of meaningful exchange: to avoid the *eristic* in favour of the *dialectic*. The paradigmatic examples of eristic reasoning are the early Socratic dialogues where no effort is made by Socrates to understand his opponent, nor to help his opponent to reach greater understanding, nor to seek some constructive common ground; instead, the *logos* is used to break up the opponent’s understanding, to demonstrate Socrates’ intellectual superiority and to exert intellectual power over his opponent. None of these dialogues leads anywhere, they all break down in bad temper. When students of philosophy are first introduced to these works, most are dismayed that philosophy can be so barren and surprised that Socrates does not sometimes get a physical beating. The dialectic, on the other hand, as demonstrated in the main part of *Republic*, uses questioning and criticism carried out cooperatively and constructively. Its ideal is to share understanding and through creative difference to improve understanding. The restraint which dialogue must work with is that arguments must not be pressed or criticisms ignored in a way that threaten the possibility of discourse. Collingwood recognises that the principal risk to civilised discourse is where one party rouses anger or fear or some other powerful disabling emotions in another, such that the latter is unable to exercise rational control over himself or herself and the dialogue collapses into uncivil conflict; indeed Collingwood calls such a provocation the use of ‘force’ and believes that it is essential to civilised relations that individuals do not provoke such conduct (the gradual elimination/reduction of force from our relations with each other being the mark of civility).²⁷

Of course social life is not like a philosophy seminar and the law should not be used to make it so, and nor did Collingwood intend it so. The point is that the ideal of civilised discourse has built-in restraints and in the extreme case liberals may have to use law (where nothing else will do) to prevent the kind of abuse and provocation that would lead to a breakdown. As Susan Mendus has put it: ‘Where free speech is employed in such a way as to destroy the possibility of communication, and of mutual understanding, then its *raison d’être* is destroyed.’²⁸ She

sees in this idea a basis of a socialist conception of tolerance, of appreciating that people’s existing ethnic and other group loyalties have to be respected, indeed welcomed, if they are to feel a sense of belonging and common citizenship that socialist solidarity seeks to create.²⁹

Appeals to solidarity can sometimes lead to undue restrictions on free speech. I personally think that the National Union of Students’ campaign of *No Platform for Racists and Fascists* in the 1980s is an example. Yet in the present situation some socialists are discovering libertarianism. John Mortimer and Hanif Kureishi are two who have declared that they can no longer support an incitement to racial hatred statute except where the incitement could be shown to lead directly to violence (i.e. the pre-1965 position) and others have made comments in the heat of the *Satanic Verses* conflict as if that were their position.³⁰ The libertarianism, whether genuine or born out of a moral panic or simply out of solidarity for a fellow artist, is out of character with all the mainstream British political philosophies which, at least since the time of T.H. Green, have been committed to balancing the rights of individuals with the good of the community. For it is only in the context of shared conventions and responsibilities that rights arise and can be met. And just as unbridled economic individualism can destroy the ethical base upon which it depends for the continuation of a public order, so similarly the artist without social responsibility, who provokes anger where there can be no dialogue, threatens the field of discourse itself. Twentieth-century liberal polities have successfully resisted the individualism of Herbert Spencer and John Stuart Mill, of Max Stirner and Nietzsche and recognised that where internalised restraints break down, social harmony and other goals must be protected by means of law. In the past decade or so we have seen the rise and fall of the latest brand of economic individualism; we should not succumb to the libertarianism which sees the artist as a Nietzschean *übermensch*, towering above conventional morality with perfect liberty to publish imaginative explorations regardless of social consequences. In most cases the necessary inhibitions will be acquired through habit, principle, sympathy and public censure; but where they are lacking and civility is threatened, the law may be the only recourse available.

THE NEED FOR PUBLIC ACCOUNTABILITY AND EQUALITY

Some people who may accept the substance of the foregoing arguments still believe that the best way to deal with most or all forms of group defamation is by non-legal means.³¹ Of course, the law can only deal with the most extreme cases and even there its legitimacy depends upon cultural attitudes, forms of self and social restraint that have a much wider scope than the law itself. For the law to have any support at all, challenges to it must be relatively few; moral disapproval, public censure, acceptance by the political parties, the education system, the mass

media, artists, publishers and so on is crucial. But for any of this to take place at least two conditions have to be fulfilled in connection with any group:

- (a) its condition is thoroughly publicised and its sensibilities are widely understood;
- (b) it can exercise sufficient pressure when rallied to prevent the defamation from being published.

In the absence of these two conditions, especially the second, the more powerful and more established groups will be able to manage without recourse to legal action, while weaker groups will be forced to put up with the libel or make a lot of protest and noise, make a nuisance of themselves and risk being labelled as intolerant in the process and thereby lose what public sympathy they initially had. And is not this more or less what happens? It is now well known that a Jewish lobby was able to prevent the going ahead of the stage production of Jim Allen's *Perdition* at the Royal Court Theatre with little adverse publicity; they were able to postpone twice a BBC *Desert Island Discs* interview with Lady Mosley; according to some press reports they were a contributory factor in the banning of the anti-Rushdie video *International Guerrillas*. British blacks do not have anything like the same influence though many public libraries and schools are careful not to give offence and the publisher of Noddy recently banished golliwogs from Toytown. American blacks are a more substantial lobby and were able, for example, in October 1989 to get an association of advertising agencies to collectively refuse to handle a 25 million-dollar advertising campaign by Benetton because they thought it evoked images of black slavery. In 1967 Allen Lane, the publisher, surreptitiously burnt the entire stock of Sine's *Massacre* because some Christian booksellers found it deeply offensive.³² Nine years later plans for *The Many Faces of Jesus*, a film on the sex life of the hero, had to be abandoned in the face of protests including those of the Queen and the Prime Minister of the day. If some of these examples are thought to belong to the pre-*Satanic Verses* era one should also consider the banning of the anti-Semitic *Lord Horror*, a novel based on the life of the traitor Lord Haw-Haw,³³ the withdrawal and pulping of the graphic novel *True Faith* by one of Robert Maxwell's companies because he learnt that it caused offence to some Christians;³⁴ the decision by the BBC to cancel the screening of *The Last Temptation of Christ* (a film banned from cinemas by many local authorities);³⁵ the seizure by Scotland Yard of records by *Niggas with Attitudes* on the grounds that the rap music 'could provoke racial hatred against whites and police';³⁶ the virtual banning of Robert Crumb's comic book, *My Troubles with Women* by the refusal of his usual distributors to handle it because 'it is degrading to women'.³⁷ These are all, of course, British examples but similar examples of state censorship, censorship by the powerful and censorship through pressure groups can be found, though often they receive little or no publicity, in each of the countries in which Muslims are vilified as being uniquely illiberal.³⁸

It is indeed remarkable that in the same period of time that liberal intellectuals have rallied round 'I am not anti-Muslim but ...' speeches, they have endorsed a rising tide of 'politically correct' censorship, particularly on American campuses, without any sense of hypocrisy. Muslims, understandably, complain of double standards; far from taking exhortations to freedom of expressions to heart they are encouraged by what is possible.

It is because the absence of a law or some other publicly accountable procedure is ingratian and tends towards creating confrontational situations that the issue of group defamation cannot be left entirely to the process of informal pressure and public indignation. Perhaps a combination of a minimalist legal framework and a voluntary code of practice regulated by a semi-official body is a happy compromise. I am thinking of something like the equivalent in its Press Council. While that particular body has not been notably successful in its aims, perhaps in the less rough world of books, a Writers Council may be adequate.³⁹ Group defamation could be explicitly added to the following statement from the charter of PEN, the World Association of Writers, which could be used as a basis of its objectives:

Since freedom implies voluntary restraint, members pledge themselves to oppose such evils of a free press as mendacious publication, deliberate falsehood and distortion of facts for political and personal ends.

Such restraint cannot in my view be entirely a matter of individual conscience. There has to be some public forum where these issues are discussed, principles laid down, specific charges examined, defences heard, apologies and retractions made and commitments about future behaviour given. In this way groups who feel despised or powerless can have their case heard and the same standards be applied to all groups. One has to be very careful of course in being able to distinguish defamation from legitimate criticism, for while freedom of expression is too gross a right and has to be seriously qualified by the protection of minorities and other civilised values, freedom of inquiry is too precious to lose. It is for this reason that I think the Anglo-Saxon instinct is to be preferred to the (West) German or French mode of protection. Defamation should ideally be confined to 'threatening, abusive or insulting' language or images, not to the presentation of arguments, however, outrageous, in the context of a discourse. I appreciate that this is something of an ideal and could not always be adhered to, and that a discourse itself is something that needs to be created and is at least partly dependent upon social equality and access to education, research, the media, publishers and so on. Yet ideals are important, for without them we are left uncertain as to what is at issue in a particular conflict and the direction we need to be moving in. Where reasoned discussion is possible, where dignity and mutual understanding can be maintained through sympathy and intellectual discipline in which insults have no place, then, in my opinion, even outrageous arguments amount to something less than defamation and must, because they can

be, replied to differently than by proscription. This applies to arguments which embody the four sample propositions – though the four should be treated equally. Where the content of an argument is unpalatable, special attention needs to be given to its form and mode of presentation. The form of the argument must aspire to discourse: it must be an argument *with*, not *about* the minority group in question, and reasoned refutation must be possible. The ideal, as far as free speech is concerned, ought to be to create the conditions for *dialectical* inquiry and to prevent those conditions which lead to the breakdown of rational discourse into *eristical* conflict. *This* is the liberal ideal, not the impossible utopia offered by literary libertarians where everyone is free to abuse and insult everybody else, because words cease to wound and insults cease to hurt.

MUSLIMS AND MULTI-CULTURALISM

In a paper which is primarily about group dignity and the law but which has been concerned to interpret how Muslim demands connect with the rationale of existing legislation it may not be amiss to conclude with some remarks about Islam and the prospect of multiculturalism. I believe that the kind of legal and non-legal protection I have been discussing is necessary for Muslims to be symbolically and actually accepted and made a part of Britain; without that fundamental respect for their dignity they will become an increasingly alienated community at odds with their neighbours. Multiculturalism, however, is not simply a matter of accepting minorities; newcomers too need to be able to open up and welcome change.⁴⁰ This is a point worth making when present conflicts and policies are threatening to make Islam in this country a religion of the ghetto. The current temper of British Asian Muslims, partly as a consequence of the injuring and harassing power of *The Satanic Verses*, is not to seek the common ground, the universal in the particular, but to emphasise difference. Whereas at one time the Muslim creed used to be displayed, say at multifaith events at schools, as 'there is no god but God, and Muhammad is his Prophet'. We are now beginning to have 'There is no God but Allah...' which is not only bad translation ('Allah' is not the name of God, it means God), it is bad theology and bad multiculturalism. Two centuries of European domination and the immediacy of racism has of course badly bruised Muslims' self-confidence. Such self-confidence is returning but currently is at the stage of assertive independence rather than of a dialogue amongst equals. What happens at this stage, however, could prevent us from arriving at such a dialogue.

It is important for all – Muslims and non-Muslims – to be reminded that the narrow 'fundamentalist' Islam that is currently in some prominence is not all there is to be said for Islam. At its best it has been the ethical inspiration and the ground of solidarity that has at times given its adherents the power of not just physical conquest but a dynamic in which other civilisations are probed for understanding. The Arabic word for knowledge, *ilm* is second only to *Allah* in its

frequency of appearance in the Qur'an. Even before the Arabian Peninsula had been mastered Muhammad emphasised the centrality of the temper of inquiry and urged the need to learn from all cultures: 'Seek knowledge, even unto China'. Moreover, the Qur'an is explicit that its message is not new and is not to be set apart from other religions: it is the culmination of the Prophetic tradition and is in direct continuity with all previous revelations, and encompasses all that is true in other faiths. This gave the early Muslims not only the confidence in themselves but the confidence to seek common ground with other faiths and synthesis with other cultures. Indeed there has not yet been a major Muslim society that has not been heavily dependent upon intelligent borrowing from other traditions of thought and social organisation, whether they be Greek, Persian, Indian or Western European. This is not something to be ashamed of for in each case Muslims have given as well as taken. And taken not in the way of imitation but creative reformulation. As evidence that the flow of traffic has not all been one way, Muslims take pride that it was Muslim medieval culture that provided the historical foundations of the Renaissance of Europe – something that Europeans have systematically erased from their consciousness because of the pain to their self-image.

Since the eighteenth century, since Shah Waliullah and Hegel, we have had to give up uncomplex conceptions of universality, and the search for creating what is of universal value in historically varied contexts has been at the centre of Muslim and European philosophical projects; but who can doubt that the latter has made far greater intellectual progress. Muslims, as they once did with Greek learning, have to come to terms with this body of thought – even though it is not always easy from a position of political inequality to learn from a culture which in its hegemonic arrogance all too readily sees non-European cultures, not least religious, as relics of primitivism.⁴¹ This can be made easier if the West is willing to learn as well as teach. I think there are several aspects of Muslim historical experience from which the West can learn. It can, for example, learn or re-learn a respect for religion; for that historical experience embodies a record of tolerance of religious and cultural minorities such as the Jews which far exceeds that of Christendom and modern Europe.⁴² Muslims continue to have a concept not just of tolerance but of respect for religion as such, including the religious beliefs of others, which seems to be disappearing in the West, where, as Michael Dummett, one of Britain's leading philosophers, observed, the assumption amongst intellectuals is that 'religious believers may properly be affronted, indeed deserve to be affronted'.⁴³ It is for this reason that most Muslims hope that the outcome of the Rushdie affair will be an extension of respect for all religious believers, not merely the abolition of the current law of blasphemy in a strengthening of a secular hegemony.⁴⁴

The celebration of cultural synthesis, of hybridity, in *The Satanic Verses* should be of the deep significance to British Muslims that it was meant to be. Yet that book and the battles that have been fought around it has made the

development of a confident outward-looking British Islam less rather than more likely. In that are lessons about Muslims, incitement to hatred and the law.

NOTES

1. Subsequent to the conference presentation the CRE has initiated a public debate on legislating against incitement to religious hatred and discrimination on religious grounds (Commission for Racial Equality, *Second Review of the Race Relations Act*, June 1991, pp. 58–61). These issues were, however, notable by their absence in the Labour Party's *Charter of Rights – Guaranteeing Individual Liberty in a Free Society*, March 1991. For a well-argued set of proposals see Sebastian Poulter, 'Towards Legislative Reform of the Blasphemy and Racial Hatred Laws', *Public Law*, 1991, pp. 371–85.
2. The House of Lords judgment on *Mandala v. Dowell Lee* (1983) contains the fullest statement of what the law understands to be an ethnic group. Legal judgments have included Sikhs, Jews, Gypsies, Rastafarians and others within the term but *Myazi v. Rymanz Ltd* 1988 specifically excluded Muslims. In 1991, the Appeal Court, by a majority decision, overruled the recognition of Rastafarians as an ethnic group and *CRE v. Precision* made it clear that discrimination against Muslims (as opposed to say, Pakistanis) is not unlawful. For a discussion of some of the issues that Muslim assertiveness raises for anti-racists, see my *Muslims, Race and Equality: Some Post-Rushdie Affair Reflections*, *Third Text*, 11, Summer 1990.
3. For an account of some of the ethnographic background see my 'British Asian Muslims and the Rushdie Affair', *Political Quarterly*, vol. 61, 2, April 1990, pp. 143–60. For Muslim criticism of the *fatwa* see *The Position of the Islamic Society for the Promotion of Religious Tolerance in the UK in the Rushdie Affair*, n.d. Grey Ziauddin Sardar and Meryl Wyn Davies, *Distorted Imagination* (London: Grey Seal, 1990). For a defence of the jurisprudential validity of the *fatwa* see the introduction to M.M. Ahsan and A.R. Kidwai (eds), *Sacrilège versus Civility: Muslim Perspectives on the 'Satanic Verses' Affair* (Leicester: Islamic Foundation, 1991); this volume contains a chronology of the affair to February 1991 and the most comprehensive bibliography available, though the annotations are of a mixed quality and from a narrowly orthodox Muslim viewpoint.
4. I am indebted for the bulk of the factual information on which this section is based to Eric Barendt, *Freedom of Speech* (Oxford: Clarendon Press, 1985), pp. 161–7. In revising my paper for publication I have also found helpful the report on group defamation by a sub-committee of the Law and Parliamentary Committee of the Board of Deputies of British Jews, June 1991.
5. In 1985 there were seven racial hatred prosecutions (three successful), 12 in 1986 (ten successful); under the new law there were three in 1988 and several anti-Jewish hatred prosecutions were in the pipeline in 1990: Robert Silver, 'Ban Race Gibes With New Law', *The Times*, 11 June 1991, p. 31.
6. Home Affairs Committee, *The Law Relating to Public Order*, vol. II, House of Commons, 1980, pp. 99–101. The TUC and the Board of Deputies of British Jews in their oral evidence to the Committee explicitly endorsed the CRE's view.
7. Home office, *Review of the Public Order Act 1936 and Related Legislation*, para. 107.

8. In 1989 the Saskatchewan Court of Appeal upheld the judgment against the Engineering Students' Society, University of Saskatchewan, for producing newspapers which 'ridiculed, belittled and affronted the dignity of women because of their sex'. I owe the references to legislation on sexual orientation to Robert Wintemute.
9. Board of Deputies, op. cit., p. 13.
10. Patrick Marnham, 'Just Between Friends, Let's Hate Them', *Independent*, 19 May 1990, p. 17.
11. Simon Lee, 'First Introductory Paper', *Law, Blasphemy and the Multi-Faith Society. Commission for Racial Equality and the Inter-faith Network for the UK*, 1990, pp. 13–16. See also his contribution to *Law, Respect for Religious Identity and the Multi-Faith Society*, The Inter-faith Network for the UK and the Commission for Racial Equality, 1990.
12. Board of Deputies, op. cit., p. 46; my emphasis.
13. Bellew Publishing, 1989, p. 1.
14. Shabbir Akhtar, 'Is Freedom Holy to Liberals? Some remarks on the Purpose of Law', *Free Speech*, Commission for Racial Equality, p. 24.
15. Malise Ruthven, *A Satanic Affair* (London: Chatto & Windus, 1990), pp. 73–5.
16. Allowing for cultural translation, it may be said that a case of national *ghairat* was the British response to the invasion of the Falklands.
17. *Whitehouse v. Gay News*. Strictly speaking, James Kirkup's poem did not attribute homosexuality to Jesus, rather it imagined the crucified Christ as a suitable object of homosexual lust.
18. Norman Daniels, *Islam and the West*: vol. 1, *Making of an Image, 1000–1300 A.D.* (1961); vol. 2, *Islam, Europe and Empire*; Karen Armstrong, *Holy War* (London: Macmillan, 1988).
19. Michael Ignatieff, 'Defenders of Rushdies Tied in Knots', *Observer*, 2 April 1989 and 'Protect People, Not What They Believe', *Observer*, 11 February 1990.
20. For a further elaboration of the concepts of the mode of being and the mode of oppression, see my 'Catching Up with Jesse Jackson: Being Oppressed and Being Somebody', *New Community*, October 1990.
21. Sometime in 1989 a total stranger came up to me on a domestic British Airways flight to tell me all Muslims should be gathered together in one place and a nuclear bomb dropped on them.
22. For the importance of group pride to ethnic and racial equality see the article cited in note 20.
23. Simon Lee has sketched how this could be done by using article 20 (2) of the International Covenant on Civil and Political Rights, to which the UK is already a signatory, in 'Protecting Both Gods and Books' *Independent*, 9 March 1990. See also *Law, Respect for Religious Identity and the Multi-Faith Society*, op. cit., and Commission for Racial Equality, 1991, op. cit.
24. In this regard Western liberals all too readily forget the 30 or so deaths in anti-*Satanic Verses* riots in Islamabad, Srinagar and Bombay when they assess Muslim attitudes to the author.
25. 'Identities on Parade', *Marxism Today*, June 1989, p. 29.
26. R.G. Collingwood, *New Leviathan* (Oxford: Clarendon Press, 1942).
27. *Ibid.*, 35.41–35.45.
28. Susan Mendus, 'The Tigers of Wrath and the Horses of Instruction', Chapter 12 in this volume.
29. Susan Mendus, *Tolerance and the Limits of Liberalism* (London: Macmillan, 1989), pp. 154–62. Elsewhere in this volume Debbie Fitzmaurice argues that the fact of pluralism has to make us consciously value autonomy; I would say that it increases

our appreciation of the value of belonging. See my 'On Not Being White in Britain: Discrimination, Diversity and Commonality', in M.J. Taylor and M. Leicester (eds), *Ethnicity and Education* (London: Kogan Page, 1992).

For example, *The Crime of Blasphemy - Why It Should Be Abolished*, International Committee for the Defence of Salman Rushdie and His Publishers, London, 1989, which includes various black groups as among its signatories insists that there should be no restriction of any kind on the discussion of any subject (p. 6).

Simon Lee, 'First Introductory Paper', op. cit. pp. 17 and 19-20; Peter Jones 'Respecting Beliefs and Rebuking Rushdie', Chapter 8 in this volume.

For this and the next example I am indebted to an exciting book on aspects of the Rushdie affair, Richard Webster, *A Short History of Blasphemy* (Southwold: Orwell Press, 1990), pp. 26-7.

33. *Sunday Telegraph*, 8 September 1991, p. 3.

34. *Muslim News*, 19 April 1991, p. 3.

35. The BBC denied that the film was withdrawn at the last moment because of a fear of the law. Peter Rosier, head of Corporate Affairs and Press Relations was quoted as saying: 'It is not a legal thing at all. We had a lot of people who have contacted us. It is perfectly plain from the volume of letters and phone calls that we have had that this film will cause some considerable distress to people', *Muslim News*, no. 33, November 1991, p. 1. This is exactly the sort of sensitivity that was looked for by the 60,000 British Muslims who signed a petition asking Penguin to withdraw *The Satanic Verses* months before the Bradford book-burning, let alone the *fatwa*.

36. *Daily Mail*, 5 June 1991, p. 5.

37. Francis Wheen's *Diary*, *Independent on Sunday*, 14 October 1990.

38. The most bizarre example of pressure-group censorship is National Stuttering Project having got the US distributors of the British film *A Fish Called Wanda* to cut out a scene in the film in which a character is mocked because of his stutter (The Weasel, 'Up and Down the City Road', *Independent Magazine*, 7 September 1991). Albert Weale, 'Freedom of Religion?' *Free Speech*, Commission for Racial Equality, February 1990, p. 58.

40. See my article mentioned in note 29.

41. For a recent excellent example of a Muslim militant engaging with modern Western ideas, see Shabbir Akhtar, *A Faith For All Seasons, Islam and Western Modernity* (London: Bellew Publishing, 1990).

42. India, of course, is the glaring counter-example to this historical record of toleration, the best examples of which are in the Middle-East, Central Asia, Northern Africa and Spain where Christian and Jewish minorities flourished for centuries.

43. *Independent on Sunday*, 11 February 1990.

44. Most Muslims would endorse the following: 'Muslims have no wish to lend their shoulders to those who want to pursue their own secular crusade against the Anglican Church or to get involved with the problem of Christian unbelief. For one thing, Christian sanctities are also their own and Muslims do not think it is an honourable way to gain one's right by seeking or acquiescing to the abolition of other peoples' rights'. M.H. Faruqi, 'For Muslims, the Law of Indifference', *Impact International*, vol. 21, 1&2, 13 September 1991, p. 7.

45. It has of course led to an unprecedented level of Muslim activism, not least amongst the youth, as evidenced by flourishing Islamic university societies and the numerous new magazines, and perhaps in this there is some hope.

10 The History of Blasphemy and the Rushdie Affair

David Edwards

Among the startling consequences of the publication of Salman Rushdie's *The Satanic Verses* in 1988 was not only a renewed practical interest in the English blasphemy law, but also the apparent paradox whereby this apparently illiberal remnant of an ancient jurisdiction was urged as the basis for a more comprehensive law which would be a necessary complement of a multicultural and pluralistic society. The vehement and bitter strife sparked off by the publication went far beyond what is usually denoted by the term controversy. Even in Britain the various protagonists and antagonists cannot be reduced into two coherent camps; the range of argument is testimony to cultural pluralism of a sort, if not always edifying throughout its variety. The outrage expressed by British Muslims over Rushdie's work did not impact upon a uniform, homogeneous, secular, liberal culture, but one which already had great complexity and diversity woven into its traditions before the ethnic settlements in Britain of recent generations – the range of the response to the controversy sufficiently demonstrates this.¹ Questions of pluralism and cultural diversity have long been issues for the law in England, though the controversy over *The Satanic Verses* manifestly raises such issues in an unprecedented way. In particular, the history of the ancient blasphemy laws, dating back over many centuries, illustrates a long development of pluralism in religious, intellectual and cultural life.²

The history of the English blasphemy laws developed through successive stages, each of which expressed and regulated different understandings of the coherence and diversity of society. It may be doubted whether the spirit even of the earliest stages of the law is yet entirely superseded. J.S. Mill felt that the suffocating social conformity of mid-Victorian times derived inspiration from old traditions of theological uniformity;³ Richard Webster's recent work on the Rushdie affair asserts that there has been a 'deep internalization' of the repressive aspects of the Christian culture of the West over the past thousand years.⁴ In what follows I shall review the different stages of the English blasphemy law, the way in which the development of that law reflected and influenced cultural transformations, and then consider the apparent paradox, that the extension of what seems to be an instrument of cultural repression is claimed as the basis for a successful plural society.