# Blasphemies Compared

This volume examines both historical developments and contemporary expressions of blasphemy across the world. The transgression of religious boundaries incurs more or less severe sanctions in various religious traditions. This book looks at how religious and political authorities use ideas about blasphemy as a means of control. In a globalised world where people of different faiths interact more than ever before and world-views are an increasingly important part of identity politics, religious boundaries are a source of controversy.

The book goes beyond many others in this field by widening its scope beyond the legal aspects of freedom of expression. Approaching blasphemy as effective speech, the chapters in this book focus on real-life situations and ask the following questions: who are the blasphemers, who are their accusers and what does blasphemy accomplish? Utilising case studies from Europe, the Middle East and Asia that encompass a wide variety of faith traditions, the book guides readers to a more nuanced appreciation of the historical roots, political implications and religious rationale of attitudes towards blasphemy.

Incorporating historical and contemporary approaches to blasphemy, this book will be of great use to academics in Religious Studies and the Sociology of Religion as well as Political Science, Media Studies, History.

**Anne Stensvold** is Professor of the Study of Religion at IKOS (Institute of Cultural Studies and Oriental Languages), University of Oslo, where she heads Religion and Value Politics research group. Among her recent publications is the edited volume *Religion, State and the United Nations. Value Politics*. Routledge, 2017.

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**Blasphemies Compared**
Transgressive Speech in a Globalised World
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# Blasphemies Compared

## Transgressive Speech in a Globalised World

**Edited by**
**Anne Stensvold**

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# Contributors

**Clemens Cavallin** is Associate Professor of Religion, Philosophies of Life and Ethics at Nord University in Bodø (Norway), and Associate Professor of Religious Studies at the University of Gothenburg (Sweden). His latest monograph is a biography of the Canadian painter and novelist Michael D. O'Brien (second edition 2019 Ignatius Press) and a co-authored monograph on Religious Studies in India (Routledge India, 2020, forthcoming).

**Cecilie Endresen** is Associate Professor of the Study of Religion at IKOS (Institute of Cultural Studies and Oriental Languages), University of Oslo, where she leads the Mobile Muslims/Invisible Islam project. Her latest publications include "Hinduism in Serbia: New Age, yoga and Indian diplomacy", in *Handbook of Hinduism in Europe*, Brill, 2020.

**Ingvild Flaskerud** is assistant professor at the Faculty of Theology, University of Oslo. She is the author of the monograph, *Visualising Belief and Piety in Iranian Shiism* (Continuum 2010). Her most recent edited anthology is *Muslim Pilgrimage in Europe* (Routledge 2018).

She has also produced an ethnographic film about women as ritual performers in Iran *Standard-bearers of Hussein* (2005).

**Mubashar Hasan** is research fellow at the Department of Culture Studies and Oriental Languages, University of Oslo, Norway, and an adjunct fellow at the Humanitarian and Development Initiative in University of Western Sydney, Australia. He is the author of *Islam and Politics: Followers of Ummah* (Palgrave Macmillan, 2020) and the lead editor of *Radicalisation in South Asia: Context, Trajectories and Implications* (Sage, 2019).

**Jeffrey Haynes** is professor emeritus of politics at London Metropolitan University. Among his recent publications are *Religion, Conflict and Post-Secular Politics*, Routledge, 2020, and he is the editor of *The Routledge Handbook to Religion and Political Parties*, Routledge, 2020.

**Michael Hertzberg** is associate professor at Faculty of Education, Arts and Sports at Western Norway University of Applied Sciences. His latest

publication is "Monitoring religious freedom: Persecution, Documentation and the Role of Political Facts", in *Formatting Religion: Across Education, Media and Law*, Routledge, 2019.

**Dirk Johannsen** is Associate Professor of Cultural History at the Department of Culture Studies and Oriental Languages (IKOS), University of Oslo. Recent publications include the co-edited volume *Narrative Cultures and the Aesthetics of Religion*, Brill 2020.

**Carool Kersten** is Reader (Associate Professor) in the Study of Islam and the Muslim World at King's College London. His most recent publications include Contemporary Thought in the Muslim World (Routledge 2019), A History of Islam in Indonesia (OUP 2017) and Islam in Indonesia: The Contest for Society, Ideas and Values (OUP 2015).

**Gabriel Levy** is Professor of the Study of Religion at the Department of Philosophy and Religious Studies, Norwegian University of Science and Technology. He is also Chairperson of the Board of the PhD Research School Authoritative Texts and their Reception (ATTR). Among his latest publications is "Can Fictional Superhuman Agents have Mental States?" *Method & Theory in the Study of Religion*, 2017.

**Monika Lindbekk** is a postdoctoral researcher at Lund University. Prior to joining Lund University, she was a postdoctoral research fellow at the Max Planck Institute and a senior lecturer at Oslo University. She is currently working on a book. *Adjudicating the Family in Egypt: Continuity and Rupture* (Springer, forthcoming).

**Christian Moe** is a freelance writer and researcher based in Slovenia. He is a co-editor of *Gender and Equality in Muslim Family Laws* (2013) and contributes to Brill's *Yearbook of Islam in Europe*. He has worked on Muslim blasphemy laws with the Oslo Coalition on Freedom of Religion or Belief.

**David Nash** is Professor of History at Oxford Brookes University, UK. He has written extensively about blasphemy in Europe and the English-speaking world (e.g. *Blasphemy*, Oxford University Press 2007). Among his latest books is *Shame and Modernity in Britain* (with Anne-Marie Kilday), Palgrave (2017).

**Martha G. Newman** is Associate Professor of Religion and History at the University of Texas at Austin. She studies Christian monastic cultures in medieval Europe. Her most recent book is *Cistercian Stories for Nuns and Monks: The Sacramental Imagination of Engelhard of Langheim*, forthcoming, University of Pennsylvania Press, 2020.

**Olivier Roy** is professor at the European University Institute (Florence); he is the scientific adviser at the Robert Schuman Centre for Advanced Studies and headed the ReligioWest research project (funded by the

European Research Council). Among his latest works are *In search of the Lost Orient* (Columbia University Press 2017) and *Is Europe Christian?* (Hurst/Oxford University Press 2019).

**Arild Engelsen Ruud** is Professor of South Asia Studies at the Department of Culture Studies and Oriental Languages, University of Oslo. His recentmost publications include *South Asian Sovereignty: The Conundrum of Worldly Power* (Routledge 2019, co-editor) and *Outrage: The Rise of Religious Offence in Contemporary South Asia* (UCL Press 2019, co-editor).

**Jane Skjoldli** is senior lecturer in the study of religion at the University of Oslo. Her primary research interests are Catholicism and Charismatic Christianity in the 20th and 21st centuries, as well as synthesis and development of theoretical perspectives, particularly on religion and material culture, and religion and popular culture. Her most recent publication in English is *Charismatic Christianity in Finland, Norway, and Sweden* (co-edited with Jessica Moberg, Palgrave 2018).

**Heini í Skorini** is assistant professor at the University of the Faroe Islands (Denmark). He holds a Ph.D. in international relations from King's College London. Among his recent publications is the book *Free Speech, Religion and the United Nations: The Political Struggle to Define International Free Speech Norms* (Routledge 2019).

**Anne Stensvold** is Professor of the Study of Religion at IKOS (Institute of Cultural Studies and Oriental languages), University of Oslo, where she heads Religion and Value Politics research group. Among her recent publications is the edited volume *Religion, State and the United Nations. Value Politics*. Routledge, 2017.

**Kristina Stoeckl** is professor at the Department of Sociology at the University of Innsbruck and principal investigator of the research project Post-secular Conflicts (ERC-STG-2015-676804). Her research focuses on religion, secularisation and politics in Russia; the Russian Orthodox Church; and normative political theory. She has published *The Russian Orthodox Church and Human Rights* (Routledge 2014) and is the editor, together with I. Gabriel and A. Papanikolaou, of *Political Theologies in Orthodox Christianity* (Bloomsbury 2017).

**Dmitry Uzlaner** is research fellow at Moscow School of Social and Economic Sciences (MSSES) and at Russian Presidential Academy of National Economy and Public Administration (RANEPA). Uzlaner is editor-in-chief of *Gosudarstvo, religiia, tserkov v Rossii i za rubezhom*. He has published numerous articles on theoretical aspects of secularisation. In 2016, he became part of a five-year international research project, *Post-secular conflicts* (ERC-STG-2015-676804), at the University of Innsbruck (Austria).

# Introduction

*Anne Stensvold*

Over the past decades, blasphemy has reappeared as a political problem in secular Europe as well as in South Asia and the Middle East. Looking at blasphemy in a global perspective, this book approaches blasphemy as a breach of religious prohibitions – a transhistorical and transcultural phenomenon that changes over time. In an effort to make sense of what blasphemy means and what is achieved by calling something 'blasphemy', this book brings together scholars with expert knowledge of their field. As a work definition, we see blasphemy as transgressive expressions (words and images) that violate what someone holds sacred.

## The structure of the book

Each chapter can be read separately. In order to ensure a logical progression for readers who read from the beginning to the end, as well as readers who pick and choose, the chapters are arranged in two parts: Part I provides theoretical reflections, historical discussions and a general overview of the field. Part II consists of case studies that cover the main religious traditions. Other chapter arrangements could have been possible, for instance, to single out blasphemy in Islam, where blasphemy controversies today are more frequent and more violent than elsewhere. However, precisely because blasphemy is a global phenomenon and involves all religions, it makes more sense to look at blasphemy in a comparative perspective and with the same awareness of diversity – between religions as well as inside each religioustradition.

## Part I Background – theoretical reflections and historical discussions

This part provides the theoretical and historical background for the case studies that follow. In the first chapter, Anne Stensvold gives an overview of blasphemy as a global phenomenon, including a short presentation of the concept's history (Chapter 1 *Blasphemies compared. An overview*). In Chapter 2, Olivier Roy reflects on blasphemy in a secular context and

explores how hate-speech laws sacralise the inner feelings of individuals and can be seen as a secular version of blasphemy (*The sacred and the secular*). In Chapter 3, Jane Skjoldli approaches blasphemy as a breach in the believers' relationship with the superhuman, and asks how blasphemy affects human interaction with superhuman beings (*Destruction. Distortion. Distraction. Three theoretical perspectives on blasphemy*). In Chapter 4, Gabriel Levy explores how blasphemy can be understood in the broader context of cognitive theory and reflects on blasphemy as transgressive speech in the context of rabbinic Judaism (*Blasphemy as transgressive speech, a natural history*).

Martha Newman's chapter traces the development of blasphemy legislation in medieval Europe, and argues that medieval Christians' accusations of blasphemy were mostly theological and legal constructs. Popular concerns that blasphemy might cause communal injury only emerge in conjunction with the growth of Christian anti-Semitism (Chapter 5 *Defining blasphemy in medieval Europe: Christian theology, law and practice*). In Chapter 6, David Nash looks at the British context of the Indian Penal Code (1860) which replaced the prohibition against trespassing against God with a prohibition against hurting the religious feelings of citizens (*Blasphemy through British (post) colonial eyes. The Indian Criminal Code: from a history of sustained paternalism to the genesis of hate crime*). The conflict between free speech and freedom of religion is the topic of Jeffrey Haynes' chapter where he looks at blasphemy legislation in contemporary Europe and explores ramifications of Islam's increasing public presence (Chapter 7 *From 'blasphemy' to 'hate speech' changing perceptions of 'insulting god'*.

Blasphemy in Islam is a recurring theme in this book, and in Chapter 8, Christian Moe provides a background for contemporary debates on Islam and blasphemy, and includes a brief review of relevant Muslim terms and concepts, scriptural sources and the development of an Islamic law of blasphemy (*Blasphemy in Islamic tradition*). Heini Skorini writes about blasphemy conceived as "defamation of religion" and examines how a powerful alliance of Muslim-majority states employs secular human rights language to promote international restrictions on free speech (Chapter 9 *The OIC and the United Nations: framing blasphemy as a human rights violation*).

## Part II Case studies

The chapters in this part analyse examples of blasphemy controversies in different religious and cultural contexts. There are two recurring issues: how blasphemy laws are used as a political instrument, and how blasphemy raises issues of religious authority. How and by who is a blasphemous transgression identified and judged? These issues are treated – to varying degrees – in all chapters. The first three cases analyse blasphemy trials and focus on the construction of religious authority.

In Chapter 10, Monika Lindbekk and Bassam Bahgat write about blasphemy cases in Egypt (*Blasphemy and the cultivation of religious sensibilities in post-2011 Egypt*). The chapter analyses recent judicial decisions and argues that institutions compete over the authority to interpret Islam. Writing about a court trial in India where a scholar of religion stood accused of blasphemy by a group of Hindu nationalists, Clemens Cavallin reflects on the question of religious authority (Chapter 11 *The Hindus on trial. Blasphemy charges and the study of Hinduism*). In Chapter 12, Dirk Johannsen writes about blasphemy trials in the increasingly secular Scandinavia in the late nineteenth century, and discusses how a series of trials against radical publishers changed public perception of the blasphemy laws. (*How blasphemy became an anachronism. Free thought and the media market in late nineteenth-century Scandinavia*).

The next four chapters thematise how blasphemy is used as a political weapon. In Bangladesh, free-speech activists are especially targeted by the government and accused of blasphemy, as Mubashar Hasan and Arild Engelsen Ruud show (Chapter 13 *The state and the construction of the 'blasphemer' in Bangladesh*). The chapter argues that state agents play a role in shaping the righteous "us" in opposition to the blasphemous "them". The minority/majority divide between religious groups is an important reason for blasphemy conflicts everywhere, not least in multi-religious Indonesia, which Cecilie Endresen and Carool Kersten analyse (Chapter 14 *The politics of blasphemy in Indonesia*). The chapter shows that the surge of blasphemy cases coincides with the new political importance of national Islamic organisations and that blasphemy tends to be construed as a form of purity violation. In his chapter on post-war Sri Lanka, Michael Hertzberg asks why blasphemy is a rare occurrence in a country where triumphalist nationalism blends with traditional Buddhism and Buddhist political activists have created a hostile environment towards several minority groups – Tamils, Christians or Muslims (Chapter 15 *Buddha, monks and the minor role of blasphemy within the economy of indignation in Sri Lanka*).

Art is a potent exponent of free speech and often seen as blasphemous. This problematic is a recurring theme in Islam, but prohibitions against depictions are more of a normative concern, as Ingvild Flaskerud shows (Chapter 16 *Blasphemy and images: depiction and representation in Islamic texts and practices. Two Muslim cases*). The chapter looks at the visual aspects of blasphemy and explores the core issues at stake in Muslims' attitudes to figural representations.

In Chapter 17, Dmitry Uzlaner and Kristina Stöckl analyse the configurations of belief, critique and religious freedom in Russia in the wake of the 2012 *Pussy Riot* performance. They argue that this "punk-prayer" revealed a "power-disturbing" potential as conservative Orthodox groups have started to challenge the authority of the state and the church leadership (*From Pussy Riot's punk-prayer to Matilda: orthodox believers, critique and religious freedom in Russia*).

Concluding remarks rounds off the book.

## Notes

1 In October 1307, King Philip IV sent a letter to the bailiffs of France ordering the arrest of the Templars for "offence against the divine majesty, a loss of orthodox faith and for all Christianity", cited in Jones (2017, 358).
2 In 2006, the satirical magazine had adopted a strategy targeted at religious extremism – both right wing and Islamism (Cox 2017, 56).
3 The outrage expressed after the *Charlie Hebdo* massacre was primarily a reaction to terrorism. The "Je suis Charlie" T-shirts expressed solidarity with the victims but was also a clear statement for free speech.
4 The following is based on Liddle, Scott and Jones *A Greek-English Lexicon*, first published in 1843.
5 Demosthenes, Euripides and Plato.
6 Democritus.
7 This usage is found in The New Testament's Letter to the Ephesians 4:31. Markus 3.29; Mathew 9.3; and the Old Testament 2 Maccabees 10.34. In Lukas 23:39, one of the criminals on the cross insulted Jesus, saying, "If you are the Christ, save yourself and us!".
8 The verb *euphemai*, to speak well of someone, was turned into a subjective meaning "good reputation" and 'euphemism', a milder substitute for a blunt statement.
9 Aristoteles, *The Rhetoric* 1398b11, and Plutarch, Demosthenes 9.1, and in the New Testament Acts 6:11 and Revelations 13:5.
10 NRSV is regarded as the more trustworthy rendering of the original: "You shall not make wrongful use of the name of the LORD your God, for the LORD will not acquit anyone who misuses his name" (Exodus 20:7).
11 In Judaism, blasphemy is defined as acts contemptuous of God (Leviticus 4:10–16; Exodus 22:24).
12 Blasphemy is most frequently used in 2.Maccabee (Levy 1995, 11). 2.Maccabee which is originally written in Greek, probably in Alexandria 100BC, and is recognised as part of the Bible by the Catholic Church and Orthodox churches (Soggin 1989).
13 To Christian martyrs, this was the ultimate honour – after all, Jesus Christ was condemned to death for blasphemy (in a Jewish court under Roman rule).
14 *Summa Theologica* II, ii, question 13, https://literaturesave.files.wordpress.com/2009/12/s-thomas-aquinas-summa-theologica-part-ii-ii-secunda-secundae1.pdf.
15 In the Code of Canon Law that is currently in use in the Catholic Church, Aquinas' theological judgements are changed, but his distinction is still valid. Blasphemy appears a minor crime:

> A person who in public show or speech, in published writing, or in other uses of the instrument of social communication utters blasphemy, gravely injures good morals, expresses insults, or excites hatred or contempt against religion or the Church is to be punished with a just penalty.
>
> (Canon 1369)

By contrast, heresy is compared to apostasy and incurs excommunication, the strongest penalty. A heretic is "an apostate from the faith, a heretic, or a schismatic incurs *latae sententiae* excommunication" (Canon 1364 §1). The wording has not been changed since the 1917 revision of Canon Law. Available at http://www.vatican.va/archive/cod-iuris-canonici/eng/documents/cic_lib6-cann1364-1399_en.html#TITLE_I. It should be noted that the text confounds heresy and apostasy, which is particularly interesting in view of the legal tradition in Islam, which seems to confound apostasy and blasphemy, subsuming both under the legal term, *ridda*, meaning repudiation of the faith, which can be understood as a form of heresy (Darcey 2012, 3).

16 In the Old Testament, blasphemy is rendered as a particularly heinous crime. It is a trespass against God himself, and as such it had immediate consequences. Thus, blasphemous *intentions* were not required. In medieval French jurisprudence, by contrast, we find a distinction between grave and simple forms of blasphemy, where the latter is blasphemy committed unwittingly and associated with swearing and delinquent speech (Gil 2017, 28).
17 As illustrated by the case of the British reformation in the sixteenth and seventeenth century, the ideal of a stately monopoly on religion does not produce a policy that leads to social peace. It was finally abandoned after a hard-won compromise between Catholics and Protestants (Marshall 2017).
18 Citation from the Blasphemy Act taken from Hare (2017, 577).
19 The issue was resolved in 1883 when a ruling by Lord Coleridge interpreted the blasphemy law to allow for rational critique. The ruling ensured that the blasphemy law could not be used against intellectuals such as Darwin, Ivan Hare observes (2017, 589). Here blasphemous utterances were associated with foul language and uneducated people: "(I)f the decencies of controversy are observed, even the fundamentals of religion may be attacked without the writer being found guilty of blasphemy".
20 Morgan, Walter and Arthur George Macphearson. 1863. *The Indian Penal Code (Act XLV of 1860) with notes*. Calcutta: C. G. Hay & Co. Citation taken from Rollier et al. (2019, 39).
21 "Bangladesh-premier-rejects-blasphemy-law" The Deccan Herald April 8. 2018.
22 http://www.pakistani.org/pakistan/constitution/amendments/2amendment.html.
23 Tehreek-i-Labaik was started in 2015, and systematically accuses Ahmadis of blasphemy. For information about the group, see London Review of Books, blog by Tariq Ali the 29. November https://www.lrb.co.uk/blog/2017/11/29/tariq-ali/the-crisis-in-pakistan-continues/.
24 The minister proposed to change the status of an obligatory oath that parliamentarians are obliged to make and turn it into a voluntary declaration instead. The oath includes words form Article 260 (see above), and effectively made it impossible for Ahmadis to be elected to the parliament. The oath was introduced by Prime Minister Ali Bhutto in 1977. The same year, the Islamist and chief of the army, Zia-ul-Haq, orchestrated a military coup.
25 http://www.na.gov.pk/uploads/documents/1336706085_960.pdf.
26 https://www.oic-iphrc.org/en/data/docs/legal_instruments/OIC_HRRIT/571230.pdf.
27 Since blasphemy cases in these countries take place far away from Western media attention, they tend to go unnoticed, also in academic research. *Outrage* (Rollier et al. eds. 2019) is a comparative study of blasphemy on the Indian subcontinent and a rare exception. The title refers to the strong emotional reactions and social upheavals that often accompany blasphemy cases in these countries.
28 ICCP, Article 20, available at https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx.
29 Western European countries with active blasphemy laws include Greece, Italy, Spain, Switzerland (Temperman and Koltay 2017, 4).
30 In 2006, two years before the blasphemy law was repealed, the British parliament passed the Racial and Religious Hatred Act, which prohibits "incitement to religious hatred". In order to limit the range of complaints and make it more effective in court settings, the law prohibits "threatening words or behaviour, or displays any written material which is threatening is guilty of an offence if he intends thereby to stir up religious hatred". Racial and Religious Hatred Act, Part 3a, see www.legislation.gov.uk Scotland and Northern Ireland maintain the traditional blasphemy laws.

31 Since a judgment passed in 1832 the law has been interpreted as applying to Christianity more generally.
32 In August 2012, Pussy Riots' three female members were sentenced to two years in prison for "hooliganism motivated by religious hatred" (Temperman 2017, 295).
33 *The Independent*, 7 October 2016, http://www.independent.co.uk/news/world/asia/asia-bibi-christian-woman-executed-for-blasphemy-pakistan-islam-religious-laws-a7351291.html.

1 The Austrian appeal court decision was upheld by the European Court of Human Rights: case "E.S. v Austria" (2018); the Court stated

> Only where expressions under Article 10 went beyond the limits of a critical denial, and certainly where they were likely to incite religious intolerance, might a state legitimately consider them to be incompatible with respect for the freedom of thought, conscience and religion and take proportionate restrictive measures.

2 According to the journalist and writer Jean-Claude Guillebaud; http://www.lavie.fr/hebdo/2015/3621/vous-avez-dit-blaspheme-21-01-2015-59775_670.php.
3 This culturalist approach (the West cannot understand blasphemy anymore) is at the core of the book *Is critic secular? Blasphemy, injury and free speech* by Talal Asad, Wendy Brown, Judith Butler and Saba Mahmood.
4 For instance, a Moroccan woman was denied French citizenship for her "radical practice of religion" (Conseil d'Etat, 27 June 2008, Mme Machbour).
5 The first UN resolution about defamation of religion was introduced in 1999 and approved by the UN Human Rights Council.
6 In an attempt to understand the outrage caused by the Danish cartoons, Saba Mahmood (2013) introduces the concept of 'religious pain' to make a case for the uniqueness of religious sentiments.
7 "A blasphemous movie that dishonours the nuns", quoted in *La Croix*, "Censure célèbre: *«La Religieuse» de Rivette ressort au cinéma*", 18 March 2018.
8 In 2005, the publicist agency "Marithé et François Girbaud" displayed a poster in the streets of Paris reproducing Da Vinci's The Last Supper, with the apostles replaced by slightly clad young women. The agency was condemned in appeal but cleared by the Court of Cassation.
9 He declared: "Blasphemy is a deliberate and direct aggression against God. However I don't know the intentions of the director of this play, so it is not up to me to say whether it pertains to blasphemy or not" http://www.leparisien.fr/archives/un-spectacle-caricatural-par-rapport-au-christ-08-12-2011-1757736.php.
10 The Merriam Webster dictionary defines safe space as "a place (as on a college campus) intended to be free of bias, conflict, criticism, or potentially threatening actions, ideas, or conversations".
11 The same Christ that allowed Thomas to put his finger inside his one open flesh: see the painting of Caravaggio "The incredulity of Saint Thomas". The sacred is gendered.

1 The *English Standard Version* translates this verse as "Whoever blasphemes the name of the LORD shall surely be put to death. All the congregation shall stone him. The sojourner as well as the native, when he blasphemes the Name, shall be put to death". The *King James Version* also uses the word *blasphemes*. The Hebrew word that the ESV and KJV translate as "blasphemes" is nāqaḇ, "to peirce" (BHS-W4), while the *Septuagint* (LXX) translates this using various forms of "naming" (*onomazōn*) – i.e. "whoever names the name of the Lord". This puts the *Septuagint* closer to the JPS (Jewish Publication Society) translation: "if he also pronounces the name LORD, he shall be put to death…".
2 For more on the concept of "informational immune system" I develop in re-

lation to Wiebe, see Chapter 3 of my forthcoming book_Beyond Heaven and Earth: A Cognitive Theory of Religion_(MIT Press).

3 "Counting as" in Searle's sense regarding "status functions" (2005).

4 The term "axial age" has been a subject of controversy since originating with Karl Jaspers (1953), who used it in the sense of pivotal. I think it is useful in marking important changes that took place in human institutions in the first millennium BCE. Whether the changes are matters of degree or radical transformations of kind are a source of continuous debate and discussion. I discuss the concept of the axial age more thoroughly in Levy (2014), especially the conclusion where I discuss Robert Bellah's use of the term.

5 Such norms as we know them probably only exist in hominids or our closely related animal relatives, but this is a subject of ongoing research (Jensen 2013, and 2016).

6 In my mind, one of the most famous examples of blasphemous speech in this sense came in 2005 during a telethon to raise money for victims of Hurricane Katrina. The norms of this television broadcast are that one reads a script off a teleprompter. In this case, Kanye West, a musician and celebrity, went off script, on live television saying, "George Bush doesn't care about black people". https://www.democracynow.org/2005/9/5/kanye_west_bush_doesnt_care_about.

7 These moments often come in the form of humor – in other words, he is funny, sometimes compared to a stand-up comedian. Good comedy is often transgressive speech, publicly revealing things that may be better left unsaid, but when presented as comedy make people feel a sense of release.

1 My analysis differs from David Nash (2007, 6–7), who distinguishes between "passive" blasphemy that harmed the community and "active" blasphemy that harmed the individual; he suggests that medieval conceptions of blasphemy were "passive". My position also differs from Levy (1993) whose argument that blasphemy and heresy in medieval Europe were indistinguishable has been much criticized.

2 For a theory that helps answer this question, see Alan Strathern's distinction (2018) between immanent and transcendent religions, and the moments when people within a transcendent religious system emphasize its immanent characteristics.

1 I must here plead guilty to having indulged both of these tendencies in pro ducing *Blasphemy in Britain 1789 to the Present* (1999) and *Blasphemy in the Christian World* (2007). The first of these resolutely produced a history of the offence in one country. As a result, this was rich in detailed archive work, but its remit prevented it from entering wider debates with the depth that might be wished for. The second acknowledged such debates and attempted to work meaningfully on these, invariably at the expense of sustained detail.

2 For more on this, see Nash (1999 and 2007), Levy (1993), Wiener (1969).

3 For more on the execution of Thomas Aikenhead and blasphemy and providen tialism more widely in the English context, see Nash (2008 and 2017).

4 See also Colaiaco (1983, 108) for James Fitzjames Stephen's similar judgement.

5 O'Kinealy (1900) *The Indian Penal Code*, 295, 298–299.

6 The special and unique protection offered by the Common Law of Blasphemous Libel for the Anglican Church was confirmed in 1833. In this instance (the Gathercole case), an accusation of blasphemy committed against a Catholic religious institution was ruled inadmissible in court. The juxtaposition of this partial, but unsurprising, judgement can be contrasted with the principle of equity and a conscious desire not to discriminate between religious groupings evident in the Indian Penal Code. For this, see Bonner (1934, 64).

7 J.F. Stephen letter to *The Times* 4 January 1878.

8 Home Office Papers (hereafter HO) 45 10665/216120/83.
9 HO 45 10665/216120/86.
10 HO 45 10665/217459/21.
11 HO 45 10665/217459/32.
12 HO 45 10665/217459/42 Letter13 February 1930 J.A. Stainton to Sir John Anderson.
13 HO 45 24619 217459/42 Memo from Director of Public Prosecutions to Under Secretary of State SS Home Office.
14 HO 45 24619 217459/43 Report on Committee Stage of the Bill to Amend the Blasphemy Laws 1930.
15 HO 45 24619 217459/43 Report on Committee Stage of the Bill to Amend the Blasphemy Laws 1930.
16 HO 45 24619 217459/42 Letter 13 February 1930 J. A. Stainton to Sir John Anderson GCB Home Office.
17 HO 45 24619 217459/42 Letter 13 February 1930 J. A. Stainton to Sir John Anderson GCB Home Office.
18 HO 45 24619 217459/42 Letter 13 February 1930 J. A. Stainton to Sir John Anderson GCB Home Office.
19 It should be noted that the author gave evidence to this committee on behalf of the National Secular Society, and during deliberations, reiterated much of the material already outlined before this point in this chapter about previous considerations of the Indian Penal Code. However, it was emphasised that the potential legislative situation had become still more complicated than the vastly different one that civil servants in 1930 quite readily fled from.
20 This was envisaged both as a new blasphemy law and as a potentially more far-reaching law of incitement to religious hatred. House of Lords Select Committee on Religious Offences Report 2003, Memorandum from the National Secular Society article 3.
21 House of Lords Select Committee on Religious Offences Report 2003, Memorandum from the National Secular Society article 3. Statement of Babu Gogineni.
22 House of Lords Select Committee on Religious Offences Report 2003, Memorandum from the National Secular Society article 3. Statement of Babu Gogineni.
23 House of Lords Select Committee on Religious Offences Report 2003, Memorandum from the National Secular Society. Chapter 4: Blasphemy: The Options. Section 52.
24 House of Lords Select Committee on Religious Offences Report 2003, Memorandum from the National Secular Society. Chapter 4: Blasphemy: The Options. Section 52.
25 House of Lords Select Committee on Religious Offences Report 2003, Memorandum from the National Secular Society. Chapter 4: Blasphemy: The Options. Section 52.
26 House of Lords Select Committee on Religious Offences Report 2003, Memorandum from the National Secular Society. Article 53.
27 See http://www.legislation.gov.uk/ukpga/2006/1/contents (accessed 2 November 2019).
28 Lucinda Maer (6 November 2009), *The Racial and Religious Hatred Act 2006* House of Commons Library, Standard Note: SN/PC/03768 Section 1.1.
29 For an overview of the Irish situation before the 2018 referendum and the abolished the 2009 blasphemy law see McGonagle 2017.
30 Republic of Ireland Defamation Act 2009. Section 36, subsections 4 a and b.
31 On the construction of Hinduism in the context of British colonialism, see, for instance, Llewellyn 2005.

1 Blasphemy is defined as "the action or offence of speaking sacrilegiously about God or sacred things; profane talk" (https://en.oxforddictionaries.com/definition/blasphemy).
2 Apostasy is defined as "abandonment or renunciation of a religious or political belief or principle" (https://www.yourdictionary.com/apostasy).
3 The man who made the initial complaint about Stephen Fry is said to have been satisfied that Irish police had investigated the matter fully and told detectives he was merely doing his civic duty in reporting it. Given there was no one deemed to be harmed by the comments, the case is now said to have been closed.
4 https://end-blasphemy-laws.org/about/.
5 After the referendum in 2018, the Irish blasphemy law was repealed (put into effect in July 2019).
6 *Jyllands-Posten* is Denmark's biggest selling daily newspaper, with a weekday print circulation of approximately 150,000 copies.
7 Denmark is home to approximately 150,000 Muslims, amounting to less than three percent of the overall population of 5.4 million. Around a quarter are of Turkish ethnic origin. Earlier migrants came primarily for economic reasons, while from the 1980s, many came as refugees. Currently about 40% of all Muslims in Denmark have a refugee background. Most Muslims live in Denmark's larger cities; most inhabit Copenhagen (http://euro-islam.info/pages/denmark.html).

1 This text has benefitted from suggestions by Anne Stensvold, Lena Larsen, and Jeffrey Haynes. It also draws on previous discussions with Khalid Masud and Kari Vogt and papers by contributors to a planned volume on blasphemy and apostasy laws (Masud et al. 2021, forthcoming). Any errors and infelicities are mine.
2 Cf. surveys of blasphemy in the West (Nash 2007; Levy 1995; Cabantous 2002).
3 This is the term used e.g. in the Iranian penal code.
4 On *qadhf* as blasphemy, see Rabb (2012); on *isa'a* and *tajdif*, see Asad in Asad et al. (2009, 38).
5 UN Commission on Human Rights Resolution 1999/82 "Defamation of Religions", Arabic: *Tashwih surat al-adyan* (UN. Doc. E/CN.4/1999/167). Pakistan's original draft resolution concerned *tashwih sumaʿat al-Islam*, defaming the reputation/name of Islam (UN Doc. E/CN.4/1999/L.40).
6 Muslims recognise as prophets a number of Biblical persons, including Moses, David, and Jesus, who all brought books from God, as well as others who are only known from the Qur'an.
7 The list does not extend indefinitely, however. Present-day descendants of the Prophet through 'Ali and Fatima, who are socially honoured with the title *sayyid* or *sharif*, are not listed as taboo in blasphemy laws.
8 On the depiction and status of the Prophet's wives, see Stowasser (1994, 85–118).
9 Peters and de Vries give a short selection from the Hanafi scholar Shaykhzadeh. Rabb lists examples from the *Fatawa 'alamgiriyya*, an 17th-century Indian compilation of Hanafi *fiqh* largely drawn from Central Asian sources.
10 The Prophet's wife 'A'isha was accused of adultery, a charge refuted in the Qur'an (Stowasser 1994, 94–95). It also appears that his enemies sometimes pretended to confuse his wives with prostitutes when they went outdoors (cf. Mernissi 1991, chap. 10). The long history of these tropes is relevant for understanding Muslim reactions to a passage in Rushdie's novel where prostitutes take the names of the Prophet's wives.
11 If challenged, they could claim that they had been misheard. *Sahih Muslim*, book 26, nos. 5382–8 (http://www.iium.edu.my/deed/hadith/muslim/026_smt.html), with the translation "death". A variant has "or may you be poisoned" (*al-samm 'alaykum*). Another has 'A'isha responding with "death and curses be

upon you" and being admonished by the Prophet that "and on you" would have sufficed (Kamali 1997, 185).

12 Various hadith in the collections of Bukhari and Abu Dawud; also recorded in prophetical biography (Guillaume 1955, 364–69).

13 See the narrations about 'Abdullah bin Khatal and Ka'b bin Zuhayr in Guillaume (1955, 550–51, 597–602).

14 Rebellion is further linked with brigandage/highway robbery through the notion of *hiraba*, waging war against Allah and his Messenger (5:33).

15 Namely, whether it was the obligation of a believer who heard someone blaspheme to kill the blasphemer on the spot, and whether *hadd* punishments were suspended during the occultation of the Hidden Imam.

16 For different scholarly views on the *haqq Allah—haqq al-'ibad* distinction, see Rabb (2016) and sources therein. Rabb holds that the rights of God involve *public values* bound up with a culturally inflected sense of *propriety*.

17 Al-Subki was prompted by the case of a Shi'i who entered the mosque, abused the first caliphs and was put to death (Wiederhold 1997, 47–49). Ibn Taymiyya had been punished for his involvement with mob violence in the case of a Christian (Wagner 2015).

18 For example, during an illness Harun had complained that he would not have deserved such suffering even if he had killed the first two caliphs (Fierro 1991).

19 The Shafi'i legal manual *The Reliance of the Traveller* lists statements such as "I am Allah" as blasphemous, but makes an explicit exemption for "when one is one of the friends of Allah most high (*wali*) in a spiritually intoxicated state of total oblivion" (Ibn al-Naqib 1999, sec. o8.7(3)).

20 The definition of blasphemy was expanded in 1927 to include written materials offending the religious beliefs of "any class of citizen" with the intention of outraging their religious feelings. The amendment was a response to unrest over a Hindu novel that made fun of the Prophet's many wives (Stephens 2014, 45).

21 Indonesia, the most populous Muslim country, has its own approach to religious plurality, see chapter 14.

22 The Anti-Islamic Activities Ordinance (1984).

23 *Muhammad Ismail Qureshi v. Pakistan*, PLD 1991 Federal Shariat Court 10. For a criticism from the viewpoint of Hanafi jurisprudence, see Ahmad (2018).

24 Julius relies on counts tallied by a Catholic human rights body, the National Commission for Justice and Peace in Pakistan (http://www.ncjp-pk.org/).

25 For other examples of misuse of blasphemy laws, see chapter 12.

26 According to the latest report from Pew Research Centre, https://www.pewresearch.org/fact-tank/2016/07/29/which-countries-still-outlaw-apostasy-and-blasphemy/.

27 It is also interesting to consider parties on both sides of the issue as global political actors working through transnational advocacy networks. The Danish cartoon case, which involved the broadest set of actors and the most sustained attempt at bringing political pressure to bear, might accordingly be analysed as an attempt at "norm diffusion" mirroring that of human rights norms (cf.: Risse et al. 1999), but geographically reversed and ideologically different. Such a mirroring is also seen in the rise of layperson citizen-activist professionals as protagonists in blasphemy debates, such as the lawyer Ismail Qureshy, architect of the Pakistani death penalty for insulting the Prophet (Qureshy 2008), and his Egyptian colleagues who persecuted Abu Zayd through civil litigation.

28 See, for instance, Monshipouri 2009.

29 *Choudhury v. UK*, app. no. 17438/90, inadmissibility decision, 5 March 1991.

30 *İ.A. v. Turkey*, app. no. 42571/98, judgement, 13 December 2005); *E.S. v. Austria*, app. no. 38450/12, judgement, 25 October 2018.

31 The Danish cartoon affair, for example, was an important self-promotion opportunity for celebrity scholar al-Qaradawi's recently founded World Union of

Muslim Scholars.

32 See in particular Human Rights Council resolution 16/18 (2011), UN doc. A/HRC/16/L.38, and the Rabat Plan of Action (2012), A/HRC/22/17/Add.4.

33 In Indonesia, for example, prosecutions have risen sharply after the end of the Suharto dictatorship.

1 *The Guardian* (2015) https://www.theguardian.com/world/2015/jan/09/saudi-blogger-first-lashes-raif-badawi, see Raif Badawi's official website: https://www.raifbadawi.org/.

2 Humanists International (2018) *The Freedom of Thought Report*, see: https://fot.humanists.international/.

3 The founding members were Afghanistan, Algeria, Chad, Egypt, Guinea, Indonesia, Iran, Jordan, Kuwait, Lebanon, Libya, Malaysia, Mali, Mauritania, Morocco, Niger, Pakistan, Palestine, Yemen, Saudi Arabia, Senegal, Sudan, Somalia, Tunisia and Turkey. The change in title was adopted at the 38th Session of the Council of Foreign Ministers, 2011, OIC Astana Declaration: Peace, Cooperation and Development, see: http://www.kazakhstanlive.com/Documents/OIC%20Astana%20Declaration.pdf.

4 About the OIC: https://www.oic-oci.org/page/?p_id=52&p_ref=26&lan=en.

5 https://www.oic-iphrc.org/en/data/docs/legal_instruments/OIC_HRRIT/571230.pdf.

6 https://www.oic-iphrc.org/en/oic-human-rights-RI&T.

7 OIC Charter (2008), see: https://www.oic-oci.org/upload/documents/charter/en/oic_charter_2018_en.pdf.

8 The resolution was titled "Measures to counter propaganda against Islam and Muslims" 10th Islamic Conference of Foreign Ministers (1979), res. 31/10-P, see: http://www.oic-oci.org/english/conf/fm/10/10%20icfm-political-en.htm.

9 Third Islamic Summit Conference (1981), final communiqué, para. 6, see: http://www.oic-oci.org/english/conf/is/3/3rd-is-sum.htm.

10 Third Islamic Summit Conference (1981), res. 4/3-P(IS), see: http://www.oic-oci.org/english/conf/is/3/3rd-is-sum(political).htm.

11 E/CN.4/1989/SR.41, para. 3 (1989), see: http://documents-dds-ny.un.org/doc/UNDOC/GEN/G89/112/30/pdf/G8911230.pdf?OpenElement.

12 E/CN.4/1989/SR.41, para. 3 (1989), see: http://documents-dds-ny.un.org/doc/UNDOC/GEN/G89/112/30/pdf/G8911230.pdf?OpenElement.

13 E/CN.4/1989/SR.41, para. 19–21 (1989), see: http://documents-dds-ny.un.org/doc/UNDOC/GEN/G89/112/30/pdf/G8911230.pdf?OpenElement.

14 Sixth Islamic Summit Conference, Dakar Declaration, Chapter 3 (1991), http://www.oic-oci.org/english/conf/is/6/6th-is-sum(declaration).htm.

15 Sixth Islamic Summit Conference (1991), res. 3/6-C(IS), http://www.oic-oci.org/english/conf/is/6/6th-is-sum(cultural).htm.

16 Eight Islamic Summit Conference, Final Communiqué, para. 15 (1997), http://www.oic-oci.org/english/conf/is/8/8th-is-summits.htm. According to Lorenz Langer (2014), there is no evidence that this group was ever activated.

17 Human Rights Watch (1993), see: http://www.hrw.org/legacy/reports/1993/pakistan/, Amnesty International, Pakistan: Use and Abuse of Blasphemy Laws (1994), http://www.amnesty.org/en/library/asset/ASA33/008/1994/en/0f6f2146-ebfc-11dd-9b3b-8bf635492364/asa330081994en.pdf.

18 Replaced by the UN Human Rights Council in 2006 due to institutional reforms.

19 See Pakistan's penal code, section XV, Of Offences Related to Religion: http://www.pakistani.org/pakistan/legislation/1860/actXLVof1860.html.

20 See for instance Skorini (2019), Langer (2014), Blitt (2010), (2011a), (2011b), Marshall and Shea (2011), Mayer (2010), (2015), Temperman (2012).

21 OIC's discursive strategy is explained in detail in Skorini (2019).
22 International Covenant on Civil and Political Rights (ICCPR) (1966), https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx.
23 Al Jazeera (2013), https://www.youtube.com/watch?v=fv0DarFDgHY.
24 Anonymous interview, Geneva, May 28, 2015.
25 IPHRC 8th session (2015): "Outcome Document of the Thematic Debate on Freedom of Expression and Hate Speech," my emphasis, http://www.oic-iphrc.org/en/data/docs/sessions/8/8th_iphrc_thematic_debate_outcome_en.pdf.
26 Third Extraordinary Islamic Summit Conference, 2005, Final Communiqué, section II, see: http://www.oic-oci.org/ex-summit/english/fc-exsumm-en.htm.
27 Anonymous interview, London, January 26, 2015.
28 Resolution 7/19, http://ap.ohchr.org/Documents/E/HRC/resolutions/A_HRC_RES_7_19.pdf, resolution 10/22, see: http://ap.ohchr.org/Documents/E/HRC/resolutions/A_HRC_RES_10_22.pdf, resolution 13/16, http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G10/129/21/PDF/G1012921.pdf?OpenElement.
29 A/HRC/RES/16/18, para. 5, my emphasis.
30 For instance, former UN High Commissioner of Human Rights Navi Pillay, as well as the UN Special Rapporteurs on freedom of religion and belief Asma Jahangir and Heiner Bielefeldt.
31 CCPR/C/GC/34, https://documents-dds-ny.un.org/doc/UNDOC/GEN/G11/453/31/pdf/G1145331.pdf?OpenElement.
32 See Otto-Preminger-Institut v Austria (1994), https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001–57897%22]}, Wingrove v. UK (1996), https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001–58080%22]} I.A. v Turkey (2005), https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001–70113%22]}, E.S. v Austria (2019), https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001–187188%22]}.
33 A/HRC/10/88, p. 39, http://www.ohchr.org/Documents/Issues/Racism/AdHoc/Report1stSession.pdf.
34 A/HRC/9/25, para. 57, http://documents-dds-ny.un.org/doc/UNDOC/GEN/G08/154/99/pdf/G0815499.pdf?OpenElement.
35 Otto-Preminger-Institut v. Austria, Article 19 (1994), https://www.article19.org/resources.php/resource/2613/en/otto-preminger-institut-v.-austria.
36 See Otto-Preminger-Institut v Austria (1994), https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001–57897%22]}, Wingrove v. UK (1996), https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001–58080%22]} I.A. v Turkey (2005), https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001–70113%22]}, E.S. v Austria (2019), https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001–187188%22]}.
37 Quillette (2018), see: https://quillette.com/2018/10/30/upholding-the-jihadists-veto/, The Commentator (2012), see: http://www.thecommentator.com/article/919/the_european_court_of_human_rights_versus_freedom_of_expression.

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1 Bassam Bahgat is a 2019 UK FCO Chevening scholar standing as an MA Human Rights candidate at Kingston University London. He previously worked for Egyptian human rights NGOs focused on advocacy and human rights education. He has recently participated at the Cumburland Lodge 2019/2020 programme on FoRB.
2 Freedom House has classified Egypt as "not free" from 1998 until the present, with the exception of 2013 when it was "partly free".

3 See also Asad (2013, 32).
4 Lindbekk interview with human rights lawyer, 29 July 2019.
5 Article 44 in the 2012 constitution.
6 Bahgat interview with EIPR Religious Freedoms Researcher 6 August 2019.
7 Lindbekk interview with human rights lawyer, July 29, 2019.
8 Interview with human rights lawyer by Lindbekk, July 24, 2019 and Bahgat, 1 August 2019.
9 Court of Cassation, case no. 41774, judicial year 9, 7 January, 1996.
10 Beni Suif misdemeanor court, Case no. 14128, 7 May 2013. See also Al-Sharif 2016.
11 Beni Suif misdemeanor court, Case no. 14128, 7 May 2013.
12 Beni Suif misdemeanor court, Case no. 14128, 7 May 2013.
13 Case no. 529, al-Agouza Misdemeanor Court, 26 April 2012. For more details on the different cases brought against Adel Imam, see El Fegiery (2016).
14 Case no. 529, al-Agouza Misdemeanor Court, 26 April 2012.
15 South Cairo Court of First Instance, appealed misdemeanors session (hearing) on 28 December 2015, case no. 21078 appealed misdemeanors of 2015, Old Cairo appeals, submitted under number 6931 of 2015 Old Cairo misdemeanor.
16 South Cairo Court of First Instance, appealed misdemeanors session (hearing) on 28 December 2015, case no. 21078.
17 South Cairo Court of First Instance, appealed misdemeanors session (hearing) on 28 December 2015, case no. 21078.
18 Appealed misdemeanors of 2015, Old Cairo appeals, submitted under number 6931 of 2015 Old Cairo misdemeanor.
19 Bahgat interview with EIPR researcher, 6 August 2019. See also Ibrahim (2014) and El Fegiery (2016).
20 Case on file with NGO, which would like to remain anonymous.
21 The Muʿtazila is a rationalist school of Islamic theology that flourished in the cities of Basra and Baghdad, both now in Iraq, from the eighth to the tenth centuries.
22 Case on file with NGO, which would like to remain anonymous.
23 Interview by Bahgat with the human rights lawyer who defended the accused, 31 January 2010.
24 Case on file with NGO, which would like to remain anonymous.
25 Interview by Bahgat with human rights lawyer,8 July 2019. For similar findings, see Al-Sayyied (2011).

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