



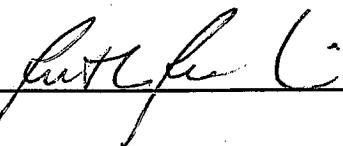
*The Satanic Verses* and the debate over Great Britain's blasphemy laws:  
How a fictional novel caused a Western society to re-evaluate its identity

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### Introduction

In the City of Bradford, England, 1,000 protestors shouted and stormed through the streets on January 14, 1989, burning a book entitled *The Satanic Verses* in a symbolic display of outrage. Some local politicians and the Bishop of Bradford witnessed this demonstration, watching as the protestors thrust the fiery book in the air with a stake. The local leaders stressed the importance of the event, while cameras zoomed in, foreshadowing the nationwide publicity of this protest. A similar act could have been witnessed in Berlin, Germany in 1933 when Nazis burned many books to assert their values as they took power. Throughout history when a group publicly burned a book, it was making a strong statement about a fundamental disagreement, often related to religion. A symbolic book-burning act could be a pivotal point depending on how society responded. Unfortunately, the end result of such an act was often violence. The Nazi book burning was followed by a number of years of fascist aggression leading to millions of deaths in World War II. Moreover, Great Britain made enormous sacrifices in the long fight against a German regime whose intolerance and oppression of free expression was epitomized in the book burnings of 1933. It therefore seems paradoxical that the Bradford protestors burned books because they perceived themselves to be the victims of oppression and intolerance. This symbolic act of book burning over not just the publication of the book itself, but also the government's refusal to ban the book presented Great Britain with a difficult and potentially violent future.

Clearly Bradford Muslims believed that *The Satanic Verses* was a book that disparaged the Prophet Muhammad and was insulting to the Islamic faith. If such a book had ridiculed the Christian religion or held the Bible up to contempt, the British government could have censored it under Great Britain's blasphemy laws. Therefore Bradford protestors believed that the Islamic

faith was being treated unfairly and their response was to burn the offending book and demand equal protection under British law. However, the definition of blasphemy for centuries under common law was also clear; it was an offense related to “God, Jesus Christ, the Bible, or the Book of Common Prayer,” or to stimulate “contempt and hatred against the church by law established.”<sup>1</sup> The Bradford Muslim protesters viewed the blasphemy law as discriminatory against Muslims and providing preferential treatment to believers of the state-protected Christian religion. Great Britain’s society was no longer a Christian society; it was multi-cultural and in many ways secular and the government could no longer ignore this reality. The Bradford Muslim book burning was a symbolic and threatening act. Even though such an act may foreshadow a violent future, in this instance it did not; this particular protest was followed by twenty years of political and often contentious debate. The end result was the abolition of the common laws of blasphemy in Great Britain, which had lasted for over 300 years.

The publication of *The Satanic Verses* in 1988 created worldwide Muslim protests and petitions because its fictional content contained disrespectful references to several figures from the Koran including the Prophet Muhammad. Many countries with substantial Muslim populations soon banned this book. The Bradford Muslim protesters were calling for England to do the same. On February 12, 1989, five Muslims in Pakistan were killed and 60 wounded when protesters attempted to “ransack” the American Centre in Pakistan because the United States would not censor *The Satanic Verses*.<sup>2</sup> On February 14, 1989, in reaction to the violence and in protection of the sacredness of Islam, the Ayatollah Ruhollah Khomeini, spiritual leader of Iran, issued a death sentence against *The Satanic Verses* author Salman Rushdie in the form of a

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<sup>1</sup> Henry Campbell Black, *Black’s Law Dictionary*, 4<sup>th</sup> ed. (St. Paul: West Publishing Co, 1968), 216.

<sup>2</sup> Derek Brown, “Five shot dead in Rushdie protest,” *The Guardian*, February 13, 1989.

*fatwa*, a religious edict that only highly regarded Islamic scholars can deliver. Soon a price was placed on Rushdie's head of 1,500,000 dollars and Rushdie was forced to go into hiding for almost a decade, in fear that an Islamic fundamentalist would assassinate him. The *fatwa* death sentence turned the Rushdie controversy into an international political issue, as well as a confrontation between Muslim and Western society.

How did this one book written by a Briton of Islamic heritage create such an explosion of outrage among Muslims around the world? While the immediate aftershock of *The Satanic Verses* was felt in many countries, in the years following the book's publication, British Muslims primarily focused on trying to reform the archaic blasphemy laws in Great Britain. Specifically they concentrated on the inequality in the law and they used a growing British Muslim population to their political advantage. Upon review of recent British history, it was apparent that this firestorm of Muslim protest arose not solely because of the publication of one novel, but because of a culmination of Muslim cultural concerns being dismissed by a secular and sometimes arrogant British community. The efforts to ban Rushdie's book encouraged Muslims to speak out. The British law that seemingly favored the Christian religion over all others had disgruntled the British Muslim community and the furor over *The Satanic Verses* ignited the latent Muslim unrest. British lawmakers had mixed reactions but held fast to British human rights and free expression principles.

Beneath the public Muslim demands for censorship and reform of the blasphemy laws were broader social issues. British Muslims protested *The Satanic Verses* in part to assert their identity within society. They believed that Rushdie intentionally blasphemed the Islamic faith in certain scenes of his novel and they were outraged that there was no recourse under British law. It was insulting to them that their rights as British citizens did not include the same rights of

editorial censorship accorded Christian citizens. Clearly the spotlight was on British authorities to determine under what circumstances the government would censor artistic material and how British law must change to meet internationally acknowledged principles of human rights and free expression.

My thesis argues that the publication of the controversial novel *The Satanic Verses*, which led to twenty years of British political debate and the abolition of the country's blasphemy laws showed that Great Britain's reluctance to concede to Muslim demands for equality under the law was due primarily to British fear of losing its identity and traditional Christian roots if it protected all religions equally and became a secular society. The debate over Great Britain's blasphemy laws was an indication of how this country's self-image as a democratic society with human rights principles conflicted with its historical Christian heritage.

In this introduction I will review the background of the author, Salman Rushdie, which provides a context and perhaps some insight into his motivation in writing *The Satanic Verses*. I will also analyze some of the content of his novel, which Muslims argued was so derogatory toward the Muslim religion that the government should ban it. Further, I will provide a description of the previous scholarship analyzing these events and also an overview of the types of primary sources I used in this paper. This will conclude with a summary of the content of the chapters to follow.

### **Explaining the Man Behind the Book**

Salman Rushdie was born in Bombay, India in 1947. Rushdie was brought up in the Muslim faith and, like many Muslims, he was raised to believe that Christianity was the

blasphemer's faith of Western society.<sup>3</sup> In the early 1960's, Rushdie attended the Rugby school, an elite private school in England. Upon arrival in England he endured a much more hostile environment than expected, due to the strong racist sentiments that existed. Experiencing condescension from classmates and teachers at school crushed many of his hopes and diminished his naïve thoughts about an egalitarian England. Through these experiences Rushdie wrote his first autobiographical novel titled *Terminal Report*, and began using writing as an outlet for his emotions.<sup>4</sup> During his time at the Rugby School, Rushdie's family had decided to move to Pakistan. Rushdie experienced a great sense of loss having to go home to a different country. This further complicated his confused feelings of identity and belonging, since after a harsh adolescence experience in England he was no longer allowed to return to Bombay, his happy childhood home. Rushdie's background and personal experience with racism and confusion of identity became the theme of many of his novels.

After earning an exhibition scholarship to King's College at Cambridge, Rushdie returned to England somewhat reluctantly, as he feared the same racist treatment he had experienced at the Rugby school. However, the university was more diverse in student population and Rushdie found that he was able to enjoy the freethinking atmosphere. Through his studies, he had developed doubts about being a Muslim. In returning to his family in Pakistan, he had spent enough time in Great Britain that many felt he had fundamentally changed. Publishers refused much of what he attempted to write in Pakistan and he found that his peers did not appreciate his freethinking sentiments. Therefore, Rushdie decided to move to

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<sup>3</sup> William J. Weatherby, *Salman Rushdie: Sentenced to Death* (New York: Carol & Graf Publishers, Inc, 1990), 9.

<sup>4</sup> *Ibid*, 18.

London permanently, no longer a believer in Islam, due to the changes incurred in his liberal arts education.<sup>5</sup>

In 1976 Rushdie published his first novel, *Grimus*. However, he made his first mark in the literary world in 1979 for his book *Midnight's Children*. Generally it was respected as a well-written novel and was awarded the Booker Prize in 1981.<sup>6</sup> As with much of his writing, Rushdie wrote this fictional novel to express his emotions, writing about a patriarch who had lost faith in his religion.

Rushdie wrote his fourth novel, *The Satanic Verses*, in an effort to express a migrant's confusion about his or her cultural identity, believing that he could relate to other British Muslims on this issue. There were three separate intertwining stories throughout this novel. The main narrative featured the lives of two Indian men, Saladin Chamcha and Gibreel Farishta, in modern day England. Through the development of these two characters, Rushdie tried to bring out a key idea of "the confusion of the sacred and the profane, the good and the evil."<sup>7</sup>

The second narrative involved various scenes of the Prophet Muhammad, through a series of Gibreel's dreams. These dreams depicted a crude account of the story of the Prophet Muhammad through the character Mahound, whose name also happened to be a derogatory name referring to the devil. One of the central principles of the Islamic religion is that the Prophet Muhammad has supreme knowledge of Allah. However Rushdie changed this story in a way that questioned the authority of the Prophet, through the character of Mahound. In another scene one of the characters, Baal, married the twelve prostitutes that were Mahound's wives in the

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<sup>5</sup> Ibid, 29.

<sup>6</sup> Daniel Pipes, *The Rushdie Affair: The Novel, the Ayatollah, and the West* (New York: Birch Lane Press, 1990), 42.

<sup>7</sup> Shabbir Akhtar, *Be Careful with Muhammad! : The Salman Rushdie Affair* (London: Bellew Publishing, 1989), 17.



novel and also happened to have the same names as the Prophet Muhammad's wives in the Koran.<sup>8</sup> This was very insulting to Muslims because the Prophet's wives were viewed as sacred figures in the Koran.

The third story line portrayed scenes from the life of Ayesha in another dream sequence from Gibreel. In the Koran, Ayesha was the name of the Prophet's wife, yet in the novel she was depicted in a brothel scene in Muhammad's Mecca. Islamic scholar Shabbir Akhtar, as well as many Muslims believed that the Ayesha character depicted as a prostitute in Rushdie's book was related to the wife of the Prophet Muhammad.<sup>9</sup> Therefore many Muslims perceived the degrading portrayal of this character as an insult to the Islamic religion.

### **Literature Overview**

Previous scholarly analysis of the Rushdie affair has had either a pro-Western or a pro-Muslim bias for the most part. The pro-Western arguments often analyzed the issues surrounding the Rushdie affair through mainstream media articles, claiming to present both sides of the controversy. Whereas the pro-Muslim scholarship was often in response to certain Western arguments and presented a Muslim perspective giving historical context to the Islamic religion and the describing intolerance of Western society towards Muslims in general. Scholars were from a wide range of disciplines, including postcolonial literature, philosophy and history, although they specialized in Islamic studies within their field. Some of the better-known scholars were also involved in journalism and broadcasting, so they were already recognized for having a strong pro-Muslim or pro-Western bias. Another kind of scholarly writing has focused on the Rushdie controversy in a legal context, analyzing Great Britain's blasphemy laws and the Islamic law, the Sharia. Scholars analyzing the Rushdie affair a few years removed from the

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<sup>8</sup> Ibid, 27.

<sup>9</sup> Ibid, 15.

initial hype over the novel presented a more objective perspective. However, other scholars still maintained a support for one side of the argument, such as Victoria La'Porte's pro-Muslim argument derived in part from Ziauddin Sardar and Merryl Wyn Davies' 1990 book *Distorted Imagination: Lessons from the Rushdie Affair*.

A number of pro-Muslim scholars presented an analysis of the Rushdie affair that responded to many of the pro-Western arguments. In Shabbir Akhtar's book *Be Careful with Muhammad! : The Salman Rushdie Affair*, Akhtar identified himself as a man who experienced cultural migration issues similar to Rushdie. Born in Pakistan, Akhtar grew up in a Muslim community in Great Britain. A Muslim scholar well known for his fundamentalist opinions, Akhtar explained why many British Muslims felt that Great Britain's society was not tolerant of their religion, as well as why he believed that the government should censor *The Satanic Verses*. He wrote about the sacredness of the Prophet Muhammad in the Islamic religion; as in chapter 33, verse 21 of the Koran, it was considered a "morally excellent action" to imitate the Prophet Muhammad.<sup>10</sup> Therefore according to many Muslims, an attack on the Prophet was equivalent to an ideological attack against the Islamic religion. Akhtar believed that due to Rushdie's background and knowledge of Islam, his book was "calculated to shock and humiliate Muslim sensibilities."<sup>11</sup>

Ziauddin Sardar and Merryl Wyn Davies' book in 1990, *Distorted Imagination: Lessons from the Rushdie Affair*, was one of the few books written around the height of the controversy to explore the Muslim perspective. A British expert in postcolonial studies, Sardar expanded on his earlier criticisms of Rushdie in this book. A successful British journalist, Davies worked with Sardar to publicize issues about the Islamic and Muslim world. This book focused on the idea of

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<sup>10</sup> Ibid, 3.

<sup>11</sup> Ibid, 12.

secularism in Muslim and Western culture and the Orientalist nature of Rushdie's work. In explaining the meaning of *Orientalism* based on Edward Said's book in 1978, the authors emphasized the historically negative depictions of Eastern Culture through Western literature. Sardar and Davies used this term to describe the way Rushdie's novel had portrayed the Islamic religion, implying that Orientalism was frequently used in Western literature. Therefore they provided a relevant context for the history of tension between these two cultures. Through this book the authors tried to show more of a Muslim viewpoint and reveal that skewed media coverage of the Rushdie affair in the West had emphasized negative Muslim stereotypes that did not truly reflect the Islamic culture.

In the book *Sacrilege versus civility: Muslim perspectives on the Satanic Verses affair*, editors Dr. Muhammad Manazir Ahsan and Dr. A. R. Kidwai argued from a Muslim perspective that most Muslims prefer peace to violence, in an effort to disprove the common Western stereotypes about the Islamic religion. While both editors contributed their own opinions, this book also consisted of a compilation of essays and news articles from both Western and Muslim viewpoints. Both editors analyzed the issues from a similar British Muslim cultural background as Rushdie, since Ahsan graduated from a university in Bangladesh and completed his doctorate at the University of London, while Kidwai graduated from a Muslim university in India and lived in a Muslim community in England.

In a similar analysis of the issues but from a different perspective, Harvard Graduate and scholar of Islamic history, Daniel Pipes presented a pro-Western viewpoint in *The Rushdie Affair: The Novel, the Ayatollah, and the West*. Through his analysis of the different aspects of the Rushdie controversy, Pipes drew broader conclusions about the significance of the Rushdie affair in the Western and Muslim worlds. Famous as one of the more controversial and

tendentious American scholars on the subject of Islam, in this book Pipes examined the Rushdie Affair from the Western perspective, including the different arguments concerning censorship of the book and the controversy over the *fatwa*.

Various scholars also focused on the legal technicalities involving British blasphemy laws that arose in the debate over whether the government should censor *The Satanic Verses*. British Muslim lawyer, Akbar Malik, in *The Satanic Verses: Was it Worth all the Fuss?*, focused on the issues in the Rushdie affair from an objective legal viewpoint. Malik examined the debate over the blasphemy laws in Great Britain and the controversy within Britain over banning the book. He also analyzed the legal jurisdiction of the Ayatollah Khomeini's *fatwa* according to Islamic law. Malik points out that Khomeini was leader of the Shi'a Muslims, and most Muslims in the world were of the Sunni denomination. He questioned the Ayatollah Khomeini's legal power to threaten someone in another country who was no longer a Muslim. In his analysis Malik brought up several interesting hypothetical questions concerning these issues, but never argued for one side in particular. In a similar but more technical analysis, Dr. Hamid Mirza Aghassi, a scholar of religious studies, wrote about the blasphemy and Islamic laws as they pertained to *The Satanic Verses* controversy in his book *The Fallacies of the Satanic Verses: Rushdiesm on Trial*. Aghassi evaluated the confrontation of "moral values and religious convictions" in the Rushdie affair.<sup>12</sup> Published in the United States in 1994, this book provided a fairly objective presentation of the Rushdie affair through the technicalities of the Islamic laws and the British laws of blasphemy. He analyzed how the principle of freedom of speech could be applied both in governments with secular and theocratic values.

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<sup>12</sup> Hamid H. Mirza Aghassi, *The Fallacies of the Satanic Verses: Rushdiesm on trial* (United States: Tarmasal Inc., 1994), 9.

In *Salman Rushdie: Sentenced to Death*, British writer William J. Weatherby focused on Rushdie's personal life, from childhood, to adolescence, to young adulthood and through the experience of his first years in hiding. This book was different from other scholarship because it concentrated on Rushdie's identity as part of the interpretation of *The Satanic Verses*. Weatherby's description of Rushdie's background brought a different understanding of the thoughts behind the writing of *The Satanic Verses*. However, this perspective resulted in a certain bias in favor of Rushdie's argument that he had not intended to incite an attack on Islam through his book. Many Muslims wanted to ban the book not just because of its content, but also because of Rushdie's perceived evil intentions toward the Islamic religion. In addition, Weatherby wrote about what Rushdie's days had been like while in hiding and how Rushdie was forced to remain in hiding indefinitely, as the death threat stood even after the Ayatollah Khomeini's death. This description implied sympathy for Rushdie and it emphasized the chilling effect of this kind of suppression on artistic freedom of expression.

More than ten years after the publication of *The Satanic Verses*, Victoria La'Porte, a British Asian writer gave a different kind of minority perspective to this controversy; her analysis presented some unique pro-Muslim ideas, although she herself was not a Muslim. In her book, *An attempt to understand the Muslim reaction to the Satanic Verses*, published in 1999, she focused on the perceived Islamophobia in Britain, which she believed was a form of racism that could become as extreme as anti-Semitism in World War II. She tried to provide a deeper understanding of the Muslim reaction to *The Satanic Verses* and through this analysis explained why this novel should be censored.

Ruvani Ranasinha wrote his 2007 essay "The *fatwa* and its aftermath," almost twenty years after the initial controversy; this enabled him to view the arguments over *The Satanic*

*Verses* with a more long term and objective perspective. Ranasinha, a senior lecturer at King's College at Cambridge University, specializing in postcolonial literature, analyzed some of the issues that lawmakers and journalists had raised during the debate, especially the conflict between the fundamental democratic principle of free speech and British Muslims' concern about Western society's lack of respect for the Islamic faith. He also analyzed the Muslim identity crisis in the nearly twenty years after publication of *The Satanic Verses*. Ranasinha brought a post-September 11 perspective to some of these issues and reviewed Rushdie's work in the aftermath of this controversy. Ranasinha looked at the debate surrounding the *fatwa* against Rushdie and noted that his writing and opinions matured in the years following his death threat.

From the scholarship I have looked at, I believe what is missing is a response following the abolition of the blasphemy laws to the scholars analyzing the Muslim viewpoint. Muslims drew conclusions about British intolerance and racism toward Islam during the Rushdie affair; these conclusions were often made in isolation and out of anger without a clear understanding of the internal debate within British society itself. Much of the scholarship promoting the Western view of freedom of expression focused on why censorship was wrong in a Western democratic society like Great Britain; it did not adequately address more subtle Muslim concerns and issues that likely contributed to the wide gap between the Muslim and Western identity. Since over time, issues on both sides of this debate have changed and even softened as scholars and laymen continued their process of communication and compromise up to the point of abolishing blasphemy laws altogether; scholarship illuminating this changing cultural climate up to this abolition event would add depth to previous analysis of this controversy.

Many of my primary sources came from articles and editorials in British newspapers *The Guardian* and *The Independent*. I also used many articles from *The Rushdie File*, a book in

which editors Sara Maitland and Lisa Appignanesi compiled news articles and broadcasts from around the world about the Rushdie controversy. The dates of my primary sources are from approximately 1988 through 2008.

### **Chapter Overview**

Chapter One provides a broad overview of the history of British blasphemy laws and government censorship to protect the prevailing Christian religion in Britain. This analysis begins in the 1600's when blasphemy common law was codified into The Blasphemy Act of 1698; at this time principles of the Anglican Church of England were considered part of the laws of the state. The chapter depicts how these laws have changed through the different interpretations of various blasphemy cases from 1698 until the publication of *The Satanic Verses*. This chapter will show the historical traditional ties with the Church of England, which provides the context for the struggle in Parliament to abolish this law. British lawmakers were reluctant to come to the conclusion that they needed permanently to sever ties with the Church of England since Great Britain had become a multi cultural and secular society. This chapter will also review the government's willingness to censor materials on behalf of government secrecy, particularly in the years leading up to the Rushdie controversy when the government publicly increased the exercise of its censorship authority. Such government censorship was more closely scrutinized in light of the government's own proclamations about maintaining the democratic principle of free expression and not banning *The Satanic Verses* during the Rushdie controversy.

The Second Chapter analyzes the debate surrounding Britain's blasphemy laws and the identity crisis of British Muslims and British society as each group took a stand to protect their cultural values. This chapter presents the arguments for the extension and abolition of the blasphemy laws and the legislative issues surrounding this debate during the first two years after

the publication of *The Satanic Verses*. This chapter will also look at the underlying issues driving each side of the debate; it focuses on how British Muslims used their outrage over *The Satanic Verses* as leverage to express their general frustrations over the perceived intolerance and racism of Great Britain's society. Then the chapter analyzes how authorities in Great Britain engaged in an internal debate in an effort to determine if its actions were consistent with democratic and human rights principles. My argument centers on the idea that the majority in Great Britain were not expressing hatred towards Islam in refusing to support the extension of the blasphemy laws, instead they were struggling themselves with the built in conflict between their traditional, often Christian values and their democratic principles of equality.

The Third Chapter describes the stages of the debate over the blasphemy laws in the years following the initial outrage and leading up to the laws' abolition in 2008. This includes analysis of the 1990 High Court case, which determined whether Great Britain's blasphemy laws could be used to protect Muslims from the derogatory content in *The Satanic Verses*. Then in 1994 a trial in the European Human Rights Court evaluated whether a previous ruling using the blasphemy laws to ban the 1989 film *Visions of Ecstasy* upheld the right to freedom of expression. The chapter also shows how the British Muslim protest over the blasphemy laws evolved and how the debates within Parliament also shifted as lawmakers acknowledged the reality that Britons lived in a multi-cultural society and that they could not continue to honor Christian-oriented blasphemy laws.



## Chapter One: History Behind the Blasphemy Law

One of the fundamental conflicts in *The Satanic Verses* controversy stemmed from the strong historical ties between Great Britain and the Church of England. Although these ties continued to diminish throughout the twentieth century, the blasphemy laws represented Great Britain's historical protection of Christianity, thus treating other religions within the country with less respect. A review of the history of Great Britain's blasphemy laws provides a better understanding of the enormous task Great Britain's leaders faced in their efforts to revise the law. The British government's refusal to censor *The Satanic Verses* in response to Muslim claims that Salman Rushdie's novel was blasphemous to the Islamic faith threw these archaic laws into the center of a twenty-year debate. Moreover, many Muslims did not fully understand the cultural depth of the blasphemy laws and instead perceived the reluctance to change these laws as an example of British society's intolerance and disrespect toward the Islamic religion.

Another fundamental conflict underlying *The Satanic Verses* controversy was the hypocrisy within the British government over their censorship policy in general. British authorities proclaimed that they could not censor *The Satanic Verses* because the British blasphemy laws did not protect the Islamic faith and because government censorship violated basic democratic principles of freedom of expression. Many Muslims found this second government position to be hypocritical in light of the considerable ongoing government censorship of artistic material in the name of government security and secrecy.

This chapter examines the origins of the British common law offenses of blasphemy and the different acts of government throughout the 1600's, which attempted to further define the crime of blasphemy. An analysis and interpretation of the major British blasphemy cases shows how Great Britain's blasphemy law evolved over 300 years in tandem with society's changing

relationship with religion. This chapter will examine some of the controversies over British government censorship both from a human rights and Muslim perspective, which reflected the British leadership's inconsistent use of their censorship authority. The chapter will conclude with a historical review of a number of instances when the British government censored free speech in the name of national security; this government behavior contributed to the Muslim belief that British were insincere in their recitation of democratic principles as the reason not to censor *The Satanic Verses*.

### Origins of the Blasphemy Laws

The word blasphemy derives from the Greek word *blasphemia*, meaning offensive speech concerning religion.<sup>13</sup> The idea of reprimanding people for blasphemy dates back to Ancient Greek civilization when people were punished because their words were blasphemous against the prevailing religion. The state punished many notable intellectuals due to their blasphemous opinions about religion, including classical Greek philosopher Socrates who was sentenced to death in 399 BC.<sup>14</sup>

The British government has prosecuted its citizens for committing the offense of blasphemy since the sixth century. However, the actual common law offense of blasphemy originated under the rule of King Henry VIII in 1534. At that time the King broke British ties with Roman Catholicism and formed the Church of England, combining the principles of the Church and the laws of England. The crime of blasphemy had always been considered a common law offense in England, meaning it was not recorded in legislative statutes, but had

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<sup>13</sup> Nicolas Walter, *Blasphemy: Ancient & Modern* (London: Rationalist Press Association, 1990), 8.

<sup>14</sup> *Ibid*, 9.

been developed over time through the rulings of judges in a series of cases.<sup>15</sup> Judges have ruled on cases based on previous rulings (also known as the legal principle of *stare decisis*, meaning “to abide by, or adhere to, decided cases”) but also contributed to changing the law over time when judges added their own new interpretations.<sup>16</sup>

Although in theory blasphemy laws were created to prevent disorder and keep the peace, in practice these laws have been used to maintain the public faith in the Church of England. Specifically, the blasphemy laws promoted the prevailing orthodoxy in England by suppressing material that was threatening to the Church of England. For the most part blasphemy laws served their purpose of deterring dissent against the religion of the state. However, through *The Satanic Verses* controversy, it became clear that these laws no longer had a purpose to serve, given that there was no official religion of the state. This was a hard concept for British lawmakers to push through Parliament, since the blasphemy laws in England represented more than just laws; they were a part of Great Britain’s Christian heritage and Anglican-oriented legal structure that had protected the public from extreme religious behavior for centuries.

The first recorded case of blasphemy in England was in 1617, when the government prosecuted Nicholas Atwood of Bedfordshire for making “trivial but offensive” verbal attacks on Christianity.<sup>17</sup> It was determined that his words were “seditious” against the State of the Church and “against the peace of the Realm.”<sup>18</sup> This case exemplifies the early strict judicial interpretations of the British blasphemy laws reflecting the prevailing culture of the time that punished citizens for “trivial” blasphemy that was considered threatening or “seditious” to both the Church and the public peace.

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<sup>15</sup> Ibid, 29.

<sup>16</sup> Black, 1577.

<sup>17</sup> Walter, 31.

<sup>18</sup> Ibid.

Throughout the 1600's Parliament passed various acts in an effort to further establish the British government's authority to punish citizens for the crime of blasphemy. Often British lawmakers passed these new acts out of fear of other religious sects that appeared threatening to the state-sanctioned Christian religion. In May of 1648 the Presbyterian majority in Parliament passed a law, which enabled the government to punish certain blasphemies, particularly the offensive public actions from followers of atheist and Unitarian doctrines. However, after Parliament expelled the Presbyterians a few months later, this law fell into disuse. Since many spiritual sects were gaining popularity, the new Parliament issued a law in 1650 directed at punishing other blasphemies; this included any new religious practice, such as Antinomian doctrines that encouraged its followers not to obey certain religious authorities since this religion held that faith alone was all that was necessary for salvation.<sup>19</sup> Parliament thus exercised its state law-making authority to deter people from joining unorthodox sects that both the state and the Church determined to be a threat to accepted religious groups in society.<sup>20</sup> These historic acts of Parliament reinforced the close ties between the Christian religion and the laws of the state, an institutional union that endured and served to protect the British culture for centuries.

The case of John Taylor in 1676 established that an attack on the Christian religion would be considered an attack on the state of England, thereby broadening the interpretation of the blasphemy laws. Local magistrates in the town of Guildford in Surrey put Yeoman (name for farmer at that time) John Taylor in jail for his offensive remarks, which included remarks such as "I am a younger brother to Christ, and angel of God," as well as referring to God in a

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<sup>19</sup> Ibid, 27.

<sup>20</sup> Leonard Levy, *Blasphemy: verbal offense against the sacred, from Moses to Salman Rushdie*, (New York: Alfred A. Knopf Inc., 1995), 146.

condescending way.<sup>21</sup> Justice Matthew Hale ruled that Taylor's blasphemous words were "not only an offence to God and religion, but a crime against the Laws, State and Government," since he judged Christianity to be a part of the laws of England.<sup>22</sup> For centuries following this ruling, blasphemy cases were judged based on Justice Hale's interpretation of the law. Although judicial interpretation of the blasphemy laws had changed substantially by the time of *The Satanic Verses* controversy, understanding the early meaning of the blasphemy laws and their evolution is important to understanding the modern internal conflict within Great Britain over these laws.<sup>23</sup>

The last legislative act that empowered the government to prosecute citizens if they criticized the state-sanctioned religion was the Blasphemy Act of 1698. This act codified the existing common law and mandated punishment for those who were once Christians, but now denied the authority of the Bible and Christianity.<sup>24</sup> Through this act, the government was further empowered with censorship authority; it could suppress any kind of books, articles, pamphlets or other doctrines that might be sinful and found to be in violation of the principles of the Christian religion.<sup>25</sup> According to this statute, if convicted for a first offense the offender might be terminated from any kind of civil, military, or church-related employment.<sup>26</sup> For the second offense, government authorities could imprison the citizen for as much as three years, as well as threaten the loss of all British civil rights.<sup>27</sup> Although originally intended merely to hinder the spread of Unitarianism and protect the Christian religion, interpretations of this act

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<sup>21</sup> Walter, 31.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

<sup>24</sup> Paul O'Higgins, "Law Guardian: Relic that has no role – The tangled history of blasphemy," *The Guardian*, March 3, 1989.

<sup>25</sup> Levy, 236.

<sup>26</sup> Ibid.

<sup>27</sup> Ibid.

essentially turned any kind of heresy into blasphemy punishable by law.<sup>28</sup> A review of several key cases throughout the nineteenth and twentieth centuries reveals how the British government and its people reinterpreted this law over time.

### Important Blasphemy Law Cases

The 1838 blasphemy case of Michael Gathercole brought a new interpretation of the blasphemy laws, narrowing the scope of the blasphemy law to protecting only the Church of England. Government authorities accused Gathercole of blaspheming against the Catholic nunneries of Great Britain, having described them as “brothels for the priests.”<sup>29</sup> British courts found him guilty because he had spoken out specifically against a local nunnery and therefore had blasphemed the Church of England.<sup>30</sup> The court determined that Gathercole’s verbal assault would not have been blasphemous if his words had only generally criticized Christianity, instead of specifically attacking the nunneries.<sup>31</sup> Judge Baron Charles Alderson determined that the blasphemy law only protected the Church of England and not other sects of Christianity or other religions.<sup>32</sup> This case emphasized that even in the early 1800’s law authorities in Great Britain viewed the purpose of this law as only protecting the religion of the state and not giving preferential treatment to Christianity in general.

The Secularist Movement was the first of a series of controversies stemming from Great Britain’s blasphemy laws and the fact that these laws imposed Christian values onto all of British society. This movement was a reaction to the resurgence of religious influence during the British

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<sup>28</sup> Ibid.

<sup>29</sup> Ibid, 440.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

Victorian Age, which in turn encouraged more secular radicals to attack the idea of religion.<sup>33</sup> Government prosecutors brought a series of blasphemy cases to court in the 1840's. One of these, in 1842, involved an atheist named Charles Southwell, who according to his convictions denied the existence of God, and was prosecuted for several articles in a newspaper he founded called the *Oracle of Reason*. In one of these articles, Southwell referred to the Bible as "the idol of all sorts of blockheads," a statement that many Christian believers found offensive.<sup>34</sup> Although British law allowed Southwell's atheist newspaper, Southwell himself was found guilty of blasphemy for one article in which he attacked the Bible.<sup>35</sup> Several other writers for this newspaper were also given short prison sentences for blasphemous statements in different articles. Apparently, while British Victorian leaders allowed minority religious viewpoints, government prosecutors refused to give dissenters from Christianity much latitude before they were considered in violation of the blasphemy laws. However, the blasphemy cases in the 1840's are significant in that these cases mark the beginning of a long series of controversies between Great Britain's government and dissenters from the state-sanctioned Church of England.

Over a decade later in 1857 the British court again made it clear that while religious dissent was permitted, when this became too threatening to the majority's religious views, the government would prosecute offenders under the blasphemy laws. In this case, the government arrested Thomas Pooley for blasphemy after he wrote abuses about Jesus and the Bible on the gates and walls of his town. The court found Pooley guilty and sent to prison; but in this case he was not prosecuted for his disbelief in Christianity. Instead, the court convicted Pooley because

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<sup>33</sup> Walter, 44.

<sup>34</sup> Ibid.

<sup>35</sup> Ibid.

his words offended the opinions of those who believed in Christianity.<sup>36</sup> This case confirmed that the blasphemy laws were not being used to punish believers of other religions, unless they tried to impose their dissenting views on those who believed in the religion of the state. Once again the blasphemy laws were interpreted as a way to protect the religion of the state, not as something that was promoting intolerance towards other religions.

Twenty-five years later British courts expanded their tolerance of religious public dissent even when such dissent was capable of influencing prevailing Christian views of the time. In fact, it was in George William Foote's trial in 1883 when Lord Chief Justice John Coleridge ruled Christianity was no longer "part of the law of the land," drastically changing the way the blasphemy laws were interpreted.<sup>37</sup> The government prosecuted Foote, along with fellow writers Charles Bradlaugh and William Gladstone for violating the blasphemy laws in certain articles in the British secular humanist journal, the *Freethinker*, which Foote founded in 1881.<sup>38</sup> One of the more blasphemous pieces in the journal was a series of "Comic Bible Sketches," which were anti-religious cartoons of biblical events taken from French books by Leo Taxil.<sup>39</sup> This trial was a turning point in the rulings on the blasphemy laws since the court gave Foote an unusually mild sentence due to Coleridge's ruling separating Christianity and the laws in Great Britain. The court still found Foote guilty since Coleridge maintained that the blasphemy laws served to protect offending comments towards the Christian religion that appeared "calculated to outrage the feelings of the general body of the community."<sup>40</sup> Throughout the nineteenth century the Secularist Movement became stronger and as shown in the Foote case, the British courts were

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<sup>36</sup> Levy, 468.

<sup>37</sup> Walter, 52.

<sup>38</sup> Ibid, 50.

<sup>39</sup> Ibid, 51.

<sup>40</sup> Ibid, 52.



becoming more reluctant to punish dissenters under the blasphemy laws due to the changing values in Great Britain's society.

Following Foote's case there was an attempt in 1886 to abolish the blasphemy laws, emphasizing the strain between the values of Great Britain's society in the nineteenth century and the laws protecting only the Christian religion. Liberal Member of Parliament Courtney Kenny introduced a Religious Prosecutions Abolition Bill, which proposed abolishing the blasphemy laws and introducing a new law that would give protection to all religions from intentional insult.<sup>41</sup> However, neither secularists nor Christians could agree on this law. A few years later jurist James Fitzjames Stephen drafted a "Bill to Abolish Prosecutions for the Expression of Opinion on Matters of Religion," which intended to eliminate the blasphemy laws and not replace them with any other law protecting religious opinions.<sup>42</sup> However, this bill like many others, died in Parliament because it lacked enough votes. This was the first of many attempts to abolish the blasphemy law throughout the early twentieth century.

In 1914, another authority on British law became skeptical about the use of the blasphemy laws. John Simon, an attorney who was also a member of the Liberal party, voiced concern about a series of blasphemy cases involving religious dissenters since 1908 that had reached the British courts. He advised lawmakers in Great Britain to scale back the law so that material intended to stimulate opinion about religion would not be prosecuted unless clearly hateful in intention.<sup>43</sup> Simon believed the blasphemy law as defined in Great Britain was so dependent on the interpretation of the courts that it was hard to ascertain whether individual

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<sup>41</sup> Ibid, 56.

<sup>42</sup> Ibid.

<sup>43</sup> Ibid, 58.

cases would be treated fairly based on a uniform principle.<sup>44</sup> Further, the general public disagreed with many of the blasphemy cases brought to court in the early 1900's for various reasons. However, bills brought to Parliament to abolish this law continued to fail. Nevertheless, petitions in support of repealing blasphemy laws altogether continued to be publicized and circulated to British lawmakers.<sup>45</sup> Thus, despite the fact that the blasphemy laws were considered vague, difficult to prosecute and sometimes unpopular with the general public, no one group could bring together a political consensus to abolish a dated law that had protected Christianity throughout British history.

In 1922, John W. Gott was the last Briton imprisoned for violating the blasphemy laws. Gott was convicted for distributing pamphlets with blasphemous phrases depicting Jesus in fictional settings, stating for example that Jesus entered Jerusalem "like a circus clown on the back of two donkeys," which the jury viewed as offensive to the Christian religion.<sup>46</sup> Gott's case renewed sentiments among liberal thinkers that the law should be abolished. In 1922 secularists formed the Society for the Abolition of the Blasphemy Laws; however their representatives in Parliament again failed on numerous occasions to pass a bill abolishing these laws.<sup>47</sup>

The internal struggles among British lawmakers over the blasphemy laws in the late nineteenth and early twentieth centuries revealed the long-continuing conflict between British values and these laws. In the midst of *The Satanic Verses* controversy British lawmakers did not refuse to change the blasphemy laws out of disrespect for the Islamic religion, but instead because of their own internal confusion as to how to align these traditional laws with the values of modern day society.

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<sup>44</sup> Ibid, 58.

<sup>45</sup> Levy, 497.

<sup>46</sup> Walter, 60.

<sup>47</sup> Ibid, 61.

Although British sentiment around the time of the Gott case favored abolishing this law, Great Britain's home secretary Edward Shortt reviewed the issue and determined that there was no need to abolish the blasphemy laws. He argued the Blasphemy Act of 1698 only codified long-standing common law prohibiting the abuse of the public's belief in Christianity, and thus it was merely an abstract threat to freedom of expression.<sup>48</sup> In his opinion, the blasphemy law restricted the disrespectful thoughts of freethinkers, which was an appropriate constraint on freedom of expression. Shortt's views reflected the thoughts of most of the lawmakers in Great Britain. This prevailing government view clashed with leading British liberals of the period. One such liberal was Chapman Cohen, a writer affiliated with the anti-religious publication *The Freethinker*. Cohen argued that the crime of blasphemy was too vague for a person to know if they were violating the law until they were found guilty in a court.<sup>49</sup> This secularist opinion continued to gain popularity with the increasingly secular public in Great Britain.

As society became more tolerant, fewer cases for blasphemy were brought to court. For example, in 1931 novelist D.H. Lawrence wrote *The Man Who Died*, which depicted Jesus surviving his crucifixion and having sexual intercourse with a priestess of Isis.<sup>50</sup> Since this passage was not viewed as attacking the Christian religion, the novel was not believed to be blasphemous. Even though based on earlier interpretations of blasphemy laws, a fictionalized story involving Jesus and sexual love would have been viewed as a violation of the law. For decades following the Gott case, government authorities censored various plays and films, but no one was prosecuted based on the blasphemy laws.

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<sup>48</sup> Levy, 503.

<sup>49</sup> Ibid.

<sup>50</sup> Ibid, 535.

The last successful prosecution based on the blasphemy laws was the 1977 *Gay News* case, which emphasized the ambiguity over the definition of these laws. James Kirkup's poem, "The Love that Dares to Speak its Name" was published in the *Gay News* fortnightly newspaper in June of 1976. This poem described the Roman centurion who pierced Christ's side when he was on the cross, and having sex with his dead body after he was crucified. Kirkup used this imagery to symbolize "a physical and a spiritual relationship between God and man" and claimed that he had never intended the poem to be blasphemous.<sup>51</sup> The charge against the publisher Denis Lemon was that the poem vilified the life of Christ and his crucifixion.<sup>52</sup> This case was unique because although the poem did not use hateful words to intentionally assault Christianity, Christians were offended and felt that this homosexual interpretation involving Jesus Christ was an attack on their Christian beliefs.<sup>53</sup> Much of the trial involved legal arguments about the meaning of blasphemy, since a blasphemy case had not been prosecuted in over half a century.

The ruling of judge Alan King-Hamilton in the *Gay News* case brought a new interpretation to the blasphemy laws, when he defined blasphemy as anything "abusive or offensive as to outrage the feelings of any member or sympathizer with the Christian religion" that may "lead to a breach of the peace."<sup>54</sup> He also suggested from his ruling that the blasphemy laws may cover other religions. The jury found the *Gay News* publication and Lemon guilty, punishing both with fines and giving Lemon a prison sentence of nine months. Although the prison sentence was later rescinded, none of the legal appeals following the case's ruling were successful. This case proved that the blasphemy law was still in effect, and could still be used as

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<sup>51</sup> Walter, 71.

<sup>52</sup> Ibid, 74.

<sup>53</sup> Levy, 549.

<sup>54</sup> Walter, 75.

a threat to freedom of expression if that expression crossed the blasphemy line in relation to religion.<sup>55</sup>

After this case, certain members of Parliament increased their efforts to abolish the blasphemy laws as more began to realize that these laws did not fit with the values of society. The government's Law Commission convened in 1981, with the agenda of examining the issues of adapting the crime of blasphemy to modern society. A final report was created in June 1985, titled *Offenses against Religion and Public Worship*.<sup>56</sup> Through their analysis they recommended the abolition of the blasphemy laws without creating another law to replace them.<sup>57</sup> This committee believed that the Public Order Act of 1936 could protect people from blasphemous words perceived to incite hatred, although this law had originally been created to control extreme political movements in a reaction to Nazism.<sup>58</sup> There was a basic agreement among the members of the commission that the government should find some way to monitor the decency of freedom of expression. However, it was clear the blasphemy laws did not serve that purpose anymore since these laws protected a certain group within the population, only with respect to their sensibilities about religion.

The film the "Last Temptation of Christ," released in August 1988, outraged devout Christians who attempted to use the blasphemy laws to censor this film. This film was controversial due to scenes depicting Jesus dreaming of making love to Mary Magdalene and having the life of a normal human by being married and having kids.<sup>59</sup> Jesus was also shown on

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<sup>55</sup> Walter, 77.

<sup>56</sup> Levy, 551.

<sup>57</sup> Walter, 80.

<sup>58</sup> O'Higgins, March 3, 1989.

<sup>59</sup> Alex Brummer, "Jesus film unleashes fury on Scorsese," *The Guardian*, August 12, 1988.

the cross wondering in agony whether it was worth it being the Son of God.<sup>60</sup> In Britain, Mary Whitehouse, the president of the National Viewers and Listener's Association, was the leader of the movement to use the blasphemy law in order to prevent this offensive film from being shown.<sup>61</sup> However, this campaign was unsuccessful and the film was never censored. This example emphasized that it was only one group within the general British population that believed an art form had crossed the decency line in its expression and appealed to the government to protect their sentiments. Since the majority of society in Great Britain was not offended, this showed the disparity between these laws and the secular values in this country in the late twentieth century.

Interestingly, the controversy over this film arose only a few months before a storm of Islamic protests started concerning the alleged blasphemous content of *The Satanic Verses*. This fiction, unlike *The Last Temptation of Christ* did not offend Christians in an increasingly secular society, but rather it offended Muslims as a more and more vocal minority within that society. This fictional novel referred to the Prophet Muhammad as Mahound (an old medieval name for devil), and named a group of prostitutes after the Prophet's wives, among other insults to the Islamic religion. Its author Salman Rushdie created a fictional novel that many Muslims claimed disparaged the Prophet, a figure analogous to Christ in the Christian religion.

Legal sentiment in Great Britain appeared to be in conflict. The court in the 1977 *Gay News* case had suggested that the blasphemy laws might be extended to other religions besides Christianity and yet the British Law Commission in 1981 recommended abolishing the blasphemy law and creating no other law in its place. Therefore, the publication of *The Satanic*

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<sup>60</sup> Alex Brummer, "Studio resists temptation to block 'blasphemous' film," *The Guardian*, July 27, 1988.

<sup>61</sup> Brummer, August 12, 1988.

*Verses* and the controversial firestorm that erupted over its disrespectful fictional content set the stage for a renewed and highly-charged debate over the pivotal question that British judges and lawmakers had been wrestling with for many years: whether to abolish British blasphemy laws (both as codified and as accepted common law practice for centuries) or to extend such blasphemy laws to include non-Christian religions.

#### Great Britain's Censorship of Government Materials

For over 300 years the British government used its power of censorship under the blasphemy laws to restrict speech and publications about the state-preferred religion. However, during the twentieth century the British government shifted their focus away from religion as they used their power of censorship more frequently to restrict information about the government. Specifically, British leaders moved to keep a tighter control on their own governmental officials and documents, and took steps to censor any publication that was perceived as a threat to government security. In 1911 Parliament passed the Official Secrets Act, which created over 2,000 separate offenses for “unauthorized disclosure of government information,” which if revealed to other parties may be harmful to national security.<sup>62</sup> However, in the second half of the twentieth century many controversies arose over British censorship of information in the name of national security. In particular the Freedom of Information Campaign, which began in 1984, became more vocal about seeking new legislation to reform the act.<sup>63</sup> Critics claimed that it was hard to discern whether the British government was censoring material because it was potentially dangerous to national security or because they were covering up faults in government operations as a means of protecting their own reputation.

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<sup>62</sup> Robert Long, *Censorship*, (New York: H.W. Wilson, 1990), 12.

<sup>63</sup> Kevin Boyle, *Article 19 World Report 1988: information, freedom and censorship*, (New York: Times Books, 1988), 238.

From the beginning of Prime Minister Margaret Thatcher's administration in 1979 there had been a noticeable increase both in censorship of government materials and the government's censorship over the media due to the administration's desire for increased government secrecy.<sup>64</sup> In 1987, a group called Article 19, an international human rights organization, was formed to promote freedom of expression. It created a report that evaluated countries all over the world based on the extent of government censorship prevalent in that country. The report gave the United Kingdom a mixed assessment, asserting that it had historically "charted a zigzag course" where freedom of expression was concerned, and in 1988 the country was "going through a very stormy period."<sup>65</sup> The publication of Rushdie's *The Satanic Verses* occurred during this period of continuing controversies over government censorship in Great Britain.

The reaction to British Senior Intelligence officer Peter Wright's book, *Spycatcher*, showed the breadth with which the British government exercised its censorship powers in the years leading up to the Rushdie controversy. This book, written in 1985, depicted many controversial events concerning British Intelligence MI5 that were considered public information.<sup>66</sup> However, it revealed Wright's part in the secret plot within British Intelligence against the Labor government of Prime Minister Harold Wilson. Wright's book was suppressed because he was considered an "insider" and had loyalty to the British government.<sup>67</sup> The government banned the book and restricted newspapers in Great Britain from publishing anything relating to it. Later it banned all British media from reporting on the book.<sup>68</sup>

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<sup>64</sup> Boyle, 231.

<sup>65</sup> Ibid, 239.

<sup>66</sup> Long, 14.

<sup>67</sup> Boyle, 234.

<sup>68</sup> Ibid.



In another act of bold government censorship, which should be uncommon in a society promoting freedom of expression, Thatcher's government also tried to censor the documentary film *Death on the Rock* when it came out in April 1988. This film depicted the participation of England's Special Air Services regiment in killing three members of the I.R.A. (Irish Republican Army) in Gibraltar. In reaction to the questionable censorship actions of the British government at the time of the release of this documentary, Amnesty International announced its intention to monitor this event.<sup>69</sup> This exemplified how Great Britain struggled to uphold the value of freedom of expression while trying to protect its reputation in government affairs.

Among the Islamic scholars arguing for the censorship of *The Satanic Verses*, Muslim advocate Shabbir Akhtar contended that it was hard to believe in the virtues of freedom of expression in Great Britain when the British government was increasing its censorship over government materials in the name of government security.<sup>70</sup> After the government exercised broad government censorship authority over the novel *Spycatcher* and the documentary film *Death on the Rock*, in Akhtar's view, it was now the height of hypocrisy to denounce any censorship of Rushdie's book in the name of freedom of expression.

Unlike other countries, Britain has never had a written charter, such as the American Constitution's Bill of Rights, that guarantees its citizens the right to exercise certain basic freedoms, like the freedom of expression. Therefore historically the British government has exercised considerable censorship over many published materials, particularly in their effort to protect government security. Prior to the publication of *The Satanic Verses*, the British media and general public had expressed considerable concern over the increased government

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<sup>69</sup> Long, 20.

<sup>70</sup> Akhtar, 56.

censorship with regard to many publications.<sup>71</sup> Therefore many Muslims worldwide viewed the British government's preaching of the principle of freedom of expression in relation to the publication of *The Satanic Verses* as hypocritical.

The same government that was being criticized for frequent use of its censorship powers relating to preserving government secret affairs was refusing to censor *The Satanic Verses* citing freedom of expression principles. Moreover, freedom of expression was not a right expressly guaranteed to Britons and British blasphemy laws were still in effect for potential use against indecent threats to the Christian religion. Given these inconsistencies and conflicts within British law, it was not surprising that some British leaders began to sympathize with Muslim arguments.

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<sup>71</sup> Ian Aitken, "The Day in Politics: PM fuels Tories' meltdown fears – Points of Order," *The Guardian*, February 1, 1989.

## Chapter Two: The Argument over the Blasphemy Laws and the Identity Struggle of Two Conflicting Cultures

The publication of *The Satanic Verses* in 1988 sparked an explosion of controversy about British blasphemy laws, in that British Muslims wanted access to the same legal authority that protected Christian faiths and enabled them to censor blasphemous literature and prosecute those who produced it. They argued that the blasphemy laws should include the Islamic religion as well as other beliefs so that all religions were treated equally. However, many groups within this ever-diversifying society argued that these laws should be abolished altogether since they violated freedom of expression. Both Muslim and non-Muslim British citizens began to acknowledge that the government needed to make fundamental changes in British laws to reflect each group's evolving identity. The struggle to within each group define their identity further complicated the debate over the blasphemy laws.

### Central Arguments around Blasphemy Laws

While Muslim activists urged censorship action be taken against *The Satanic Verses*, because of its blasphemous content, British leaders were uncertain how to proceed; the archaic laws that protected the public from Christian-oriented blasphemy inherently conflicted with the principle of free expression. Muslim efforts to censor the book and prosecute its author Salman Rushdie awakened ancient controversies over the concept of blasphemy itself, an offense punished under British law for centuries. The argument of many British journalists, politicians and scholars was that the blasphemy laws were outdated and not conducive to many of the basic principles valued in twentieth century secular Great Britain. However, the task of drafting an objective definition of blasphemy to encompass a multitude of religions seemed extremely difficult. Britons voiced concern that in trying to protect all religious values through censorship,

the law would unduly restrict British freedom of expression. In such a multi-religious country, an extension of British blasphemy laws to all religions could conceivably result in many diverse groups, perhaps including cults competing to find protection under the law. Various religions would be going to court seeking censorship of offending publications. Even though British leaders espoused values of equality and tolerance for all its citizens, a law extending blasphemy protection to all religions seemed problematic. However, the existing blasphemy laws that offered protection to only Christianity also seemed more illogical than ever before in British history.

Moreover, proponents for extending or abolishing the law found support for their protests against the Christian-oriented blasphemy laws beyond British borders in a broad-based European consensus on human rights. The European Convention on Human Rights was drafted at the end of World War II by 47 European countries, which comprised the Council of Europe. The Convention outlined the protection of basic human rights and fundamental freedoms, in particular promoting freedom of expression and protecting against discrimination. Great Britain signed this convention in 1950, thereby agreeing to adhere to the principles of this convention. Therefore, opponents of the British blasphemy laws argued that these archaic laws not only violated basic British human rights, but they also contradicted the fundamental principles established in the European Convention on Human Rights.

### **Argument for extension**

Since many British Muslims were recent immigrants from countries where religion was a strong aspect of the laws of the state, they struggled to understand the secular concept that Rushdie had not violated the law and therefore they argued that the law should be changed to reflect a more diverse population. It was frustrating for them to see this writer of “blasphemy”

go unpunished and have his books sold freely around the country. According to Islamic law, Rushdie had committed sedition against the religion in which he was born, an offense considered punishable by death.<sup>72</sup> Although the majority of Muslims did not agree that Rushdie should be put to death, many believed his book should be banned in Great Britain in light of the country's history of protecting Christian beliefs through censorship.

Muslim advocates argued against the idea of freedom of speech without restrictions, which was why they wanted some kind of legal measure to punish obscenities against religion and prevent future obscenities. Dr. Shabbir Akhtar, a Muslim scholar and leading fundamentalist intellectual, justified banning the book because "it can never be right to defend, in the name of liberalism, works that demean and humiliate human nature and tradition."<sup>73</sup> Dr. Mohammed Manzir Ahsan, director of Islamic Foundation of Leicester and founder of Muslim UK Action Committee, also promoted legal action that would allow both the publisher and the author to be taken to court.<sup>74</sup>

A number of British Muslims emphasized the need for both sides to have an understanding of each other's values. Amidst general outrage when the Iran's highest religious leader Ayatollah Khomeini issued a *fatwa* against Rushdie, many Muslims emphasized that they did not support such violence and instead wanted peacefully to follow Great Britain's laws. However, British authorities in return needed to show respect for the values of their community; and the way to demonstrate the Islamic community's equality in British society was to punish offenses against Islam under its legal system. Dr. Mughram Ali Al-Ghamdi, the chairman of the UK Action Committee on Islamic affairs, stated that his organization understood that Muslims

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<sup>72</sup> Haider Reeve, "Face to Faith: Islam's reply to sedition," *The Guardian*, March 13, 1989.

<sup>73</sup> Akhtar, 7.

<sup>74</sup> "'This stupid book is not worth the paper it's written on' / Salman Rushdie affair," *The Guardian*, February 14, 1990.

were a minority in Great Britain and therefore they respected Great Britain's laws and would not support death threats. Although the Committee claimed it did not advocate censorship, it promoted banning *The Satanic Verses* and Al-Ghamdi referred to it as the "filthiest-ever sacrilege against Islam." Moreover, because of the way the book had insulted Islam he contended that any request for the book to be withdrawn was "neither showing intolerance, imposing censorship, nor infringing any one's freedom of expression."<sup>75</sup>

In an effort to generate more support for the condemnation of *The Satanic Verses*, Muslim officials appealed to the Pope and Christian leaders to join with them in condemning the idea of blaspheming of another religion. In an interview with the British news program "30 days," Salman Ghaffari, the Iranian Ambassador to the Pope, expressed his desire to "leave aside the ideological conflicts of the past...we hope that Christianity, with the help of Islam, can carry this world toward God and toward faith, preventing all oppression."<sup>76</sup> Muslim leaders appealed to leaders of the Christian faith in an effort to promote understanding and support of their position that blasphemy against any religion should not be tolerated.

Many Christian leaders sympathized with the Muslim condemnation of *The Satanic Verses*, and expressing concern about the motivation of the book's author; these leaders initially supported Muslim demands to have the blasphemy laws extended to include the Islamic religion. In an article published in the *Osservatore Romano*, in March of 1989 an unnamed Vatican official condemned the disrespect of Islam that *The Satanic Verses* portrayed.<sup>77</sup> Although still criticizing the violence of the Ayatollah's death threat, this Vatican official sympathized with those of the Islamic faith. Another Christian leader, Reverend John Taylor, agreed with Muslim

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<sup>75</sup> Sultan Shahin, *New Life*, February 17, 1988, in *The Rushdie File*, 112-113.

<sup>76</sup> *30 Days*, March 1989, in *The Rushdie File*, 107-108.

<sup>77</sup> John Harriot, *The Independent*, March 8, 1989, in *The Rushdie File*, 143-145.

accusations that greed was a motivation in publishing this blasphemous book, as it had extraordinarily high sales due to the controversy surrounding it.<sup>78</sup> Taylor argued that the publishers should withdraw this book out of respect for the Islamic religion and as a part of their moral duty to society. These leaders shared the view of a number of observers who suggested that since Salman Rushdie had been brought up in the Islamic religion, he probably was well aware of the impact of *The Satanic Verses*; specifically that his fictionalized story which disparaged the image of Muhammad would create widespread controversy and thus improve book sales and increase profits.

The violent Muslim reaction to *The Satanic Verses* was unexpected and surprised the general public; but more importantly, it deeply concerned Christians who were initially sympathetic to reasoned Muslim arguments to extend the blasphemy laws. Salman Rushdie was vilified and many Muslims wanted to see him put to death; such actions deterred many Christian leaders from following through with their initial support of an extension of the blasphemy laws to include the Islamic faith.<sup>79</sup> Archbishop of Canterbury, Dr Robert Runcie, was an early supporter of the idea of strengthening the law against blasphemy. He had even developed a committee in 1988, which issued a report recommending an extension of the law. However, even though Dr. Runcie sympathized with Muslim sentiments towards Rushdie's book, he openly condemned the promotion of murder as a way to revenge the book.<sup>80</sup> In March 1990 Runcie reversed his position concerning an extension of the blasphemy law to include Muslims, and instead called for its abolition. If Iran's Ayatollah Khomeini had not issued the death-

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<sup>78</sup> Walter Schwarz, "Bishop calls on Penguin to shelve Verses," *The Guardian*, March 22, 1989.

<sup>79</sup> Walter Schwarz, "Fact to Faith: Pain and sorrow, not defiance," *The Guardian*, February 12, 1990.

<sup>80</sup> Sandra Barwick, "Salman Rushdie - The Satanic Verses: Runcie calls for broader legislation," *The Independent*, February 21, 1989.

seeking *fatwa*, it was speculated that Christian leaders might have taken a stronger stance against Rushdie's book. However, after the *fatwa*, Christian leaders did not feel as comfortable strongly supporting the Muslims, for fear that Christian faiths would be related to and or tainted by such violence.

Since Great Britain's increasingly secular society did not encourage in depth religious discussions among either its global-oriented leaders or its everyday citizens, some local religious leaders became more proactive in British communities. They took it upon themselves to be informed and initiate intellectual debates concerning the effect of changing social mores and existing law on religious faith. When the controversy arose over *The Satanic Verses*, both Christian and Muslim religious leaders were among the first to try to find an acceptable solution. In Bradford, England, the Bishop Reverend Robert Williamsom wrote to the chairman of the city's council of Mosques "to discuss as way forward from the situation," in a meeting of leaders in both religions.<sup>81</sup>

Again given the secular nature of British society, most of the general public also did not have strong regard for the sentiments of the Christian clergy; nor did most of the populace give serious consideration to Islamic religious leaders.<sup>82</sup> Therefore it was not a surprise that the general public opposed extending the blasphemy laws to include the Islamic faith. This was not necessarily due to anti-Islamic sentiment, but rather to a general lack of respect for leaders in any religion.

### **Arguments for abolishing the law**

The main reason for abolishing the blasphemy laws altogether rather than merely extending the laws to other religions was two fold; because many viewed any kind of blasphemy

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<sup>81</sup> Eriend Clouston, "Bishop intervenes in Rushdie row," *The Guardian*, January 28, 1989.

<sup>82</sup> Aitken, February 1, 1989.



law as a fundamental conflict with human rights and because of the potential judicial problems with extending the blasphemy laws. In 1989 a number of organizations advocating freedom of expression formed the International Committee for the Defense of Salman Rushdie and his Publishers (ICDSR) in reaction to the Rushdie controversy. This committee believed that a British law protecting Christianity alone was discriminatory and violated freedom of expression.<sup>83</sup> The committee referred back to the 1985 Law Commission Report, *Criminal Law: Offences against Religion and Public Worship*, which concluded the best action would be to abolish the blasphemy laws because its deficiencies violated fundamental values in society.<sup>84</sup> The committee believed it was hard to judge the intent of the author and depending on who was involved in the prosecution of a blasphemy case, some content was more hurtful than others.<sup>85</sup>

Further, the ICDSR and others said that to abolish the old blasphemy law was the most reasonable course of action, warning that extended blasphemy laws could create a slippery slope that would encourage an increasing number of religions to request protection, while the courts struggled to define blasphemy. If a blasphemy case were brought to court, an expert witness on that particular religion would need to be called because the British courts may lack sufficient knowledge of individual religions to rule an offense blasphemous. Many legal observers advised against creating such uncertainty in the law. Member of Parliament Tony Benn also argued against extending the blasphemy laws to all other religions given the challenge of clearly defining this type of law. Benn believed that such a law had the potential of spawning an endless

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<sup>83</sup> Kevin Boyle, "The International Committee for the Defence of Salman Rushdie and his Publishers," Report created in January 19, 1989.

<sup>84</sup> Ibid.

<sup>85</sup> Ibid.

number of new court cases as various religions claimed protection under newly extended blasphemy laws.<sup>86</sup>

Religious and academic leaders expressed concern that an extension of the blasphemy laws rather than abolishing them altogether would generate conflicting expectations for religious censorship, thus creating more religious intolerance in society. In an article in *The Guardian* in 1989, journalist Melanie Phillips hypothesized that if England broadly extended the blasphemy laws to all religions, technically the Bible could be considered blasphemous to the Jewish religion because the idea that God had a son could be considered blasphemous and thus some group might advocate censoring the Bible.<sup>87</sup> Some Muslim advocates for extending the blasphemy law clarified their argument to counter these objections and to realign their position with the values of a secular society. Hesham el Essawy of the Islamic Society for Religious Toleration suggested that although a law protecting attacks on all religious groups was necessary, it should not ban criticism of the religion or religious statements that conflicted with the beliefs of other faiths.<sup>88</sup> A new group calling themselves The Black Voices in Defense of Salman Rushdie and *The Satanic Verses* was formed because they believed the intentions of Salman Rushdie had been misinterpreted.<sup>89</sup> This activist group supported abolishing the blasphemy laws because it believed increasing censorship would only amplify intolerance. In particular, this group argued that it did not truly believe Rushdie's intention in writing *The Satanic Verses* was

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<sup>86</sup> Tony Benn, "An end to blasphemy," *The Guardian*, April 7, 1989.

<sup>87</sup> Melanie Phillips, "Commentary: This book could cause offence," *The Guardian*, March 3, 1989.

<sup>88</sup> Walter Schwarz, "Hurd rejects new blasphemy plea," *The Guardian*, June 19, 1989.

<sup>89</sup> Dave Pallister and Peter Murtagh, "Black voices back Rushdie," *The Guardian*, March 3, 1989.

to stimulate anti-Islamic sentiments, since the aim of his book was to analyze the conflicts for people such as himself who are “migrants across cultural divides.”<sup>90</sup>

Many observers also believed that until the blasphemy debate was decided, and blasphemy laws were abolished instead of extended, publishers felt pressure to self-censor and limit free discussion. Publishing and media actions reflected a fear of increased government censorship restricting free expression; this created a chilling effect on free discussion and debate about religion. The ICDSR also believed that already publishers had begun imposing self-censorship, either through refusing to publish a book or changing a title of literature to prevent outrage from Muslim activists.<sup>91</sup>

Finally, there was a strong symbolic argument in favor of abolishing the blasphemy laws. These ancient laws resonated with Great Britain’s long history of punishing those who criticized the prevailing religion of the state. If these laws still favored one religion over all others, such preferential treatment represented discrimination. Since this law enabled the government to censor those actions only offensive to the Christian faith, it was clear that other religions were given an inferior status. It was hard to convince Muslims that they were not second-class citizens without having this right to censor as well.<sup>92</sup> Although Muslim protests were in large part responsible for the entire blasphemy law debate, the abolition of these one-sided laws was important to prevent discriminatory treatment of all non-Christian religions.

#### Legislation and reactions in Parliament

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<sup>90</sup> Ibid.

<sup>91</sup> Boyle, “The International Committee for the Defence of Salman Rushdie and his Publishers.”

<sup>92</sup> Janet Daley, “The laws of the state are above those of the religion,” *The Independent*, August 22, 1990.

British Muslims took legal action in Britain in an effort to censor *The Satanic Verses* and demand that the religion of Islam be treated equally under English law. On June 19, 1989 the British Muslim Action Front appealed to England's High Court asking it to review the March ruling of the Bow Street Magistrates' Court, which, without much examination, refused to apply the blasphemy laws to *The Satanic Verses* on the basis that the laws only applied to Christianity.<sup>93</sup> The High Court's Justice Nolan ruled in favor of the British Muslim Action Front based on a 1980 High Court ruling, which stated that in a "case where the existence of an offence was disputed, both sides should be heard" before making a final decision as to whether this kind of offense applied to law in Great Britain.<sup>94</sup> Justice Nolan specified that the courts were "not concerned with whether Mr. Rushdie or Penguin Viking were guilty of blasphemy according to Muslim law, but only with establishing the scope of English law."<sup>95</sup> Although there was little chance for the Muslim group to succeed in overturning the lower court decision, it was a small victory for Muslim activists in that it showed that the British government was trying to view this case as objectively as possible in light of the controversy.

During their legal campaign against the blasphemy laws, Muslim advocates made various demands in an effort to obtain concessions from British authorities that might result in some changes to *The Satanic Verses*, thus making it less offensive to followers of Islam. Although the ultimate Muslim objective was censorship of *The Satanic Verses*, Muslim leaders insisted on other mitigating remedies. Some Muslims urged the publisher to place a disclaimer in *The Satanic Verses* apologizing for its offensiveness to the Islamic religion. Islamic groups also demanded that Mr. Rushdie participate in a debate with Muslim critics as a way to publicly

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<sup>93</sup> Clare Dyer, "Muslims win blasphemy case ruling," *The Guardian*, June 20, 1989.

<sup>94</sup> *Ibid.*

<sup>95</sup> *Ibid.*

present the Muslim viewpoint.<sup>96</sup> However, Muslim advocates had problems finding members of Parliament (MPs) to support their demands because although some sympathized with the Muslims' outrage over the novel, most MPs opposed the blasphemy laws altogether. British lawmakers could not justify supporting a legal change that would result in further restrictions on free expression; even though many Muslim advocates pointed out that government's pro-free expression position was somewhat hypocritical, given the considerable government censorship in the name of national security.

Members of Parliament who had significant Muslim populations in their constituencies grappled with the need to promote free expression and abolish the blasphemy laws, while not upsetting their Muslim constituents. Sensitivities surrounded the blasphemy law debate and British lawmakers needed to choose their words carefully; any small hint of sympathizing with the Muslims was often misinterpreted and exaggerated in the British media as support for the Muslim call for more government censorship. Labour Party MP Brian Sedgemore wrote to a group called the Muslim Society in his district to explain his opposition to censorship and detail why he believed it was necessary to repeal all blasphemy laws.<sup>97</sup> MP Roy Hattersley dealt with similar problems explaining his non-censorship position since he represented a constituency that was almost half Muslim. Hattersley had been quoted in a newspaper stating that he hoped Viking publishers would not publish the book in paperback because it would increase tensions with Muslims. However, some media observers misinterpreted his statement to mean that he favored censoring *The Satanic Verses*, when Hattersley in fact did not favor censorship, but instead supported the abolition of the blasphemy laws.

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<sup>96</sup> Ian Aitken, "The Day in Politics: Straightening out a burning issue – Points of Order," *The Guardian*, February 8, 1989.

<sup>97</sup> Ian Aitken, "The Day in Politics: Confusion clouds the bitter bigotry – Points of Order," *The Guardian*, January 25, 1989.

British lawmakers found themselves caught between two very different cultures: a community that was very concerned with the Islamic faith and one that had been growing more secular and separate from the Church of England with each passing year. As of July 1989, legislative observers noted that ten Parliament seats or more could be lost if Muslims preferred some of the independent candidates for the next elections.<sup>98</sup> Although MP Max Madden originally signed and supported the motion to extend the blasphemy laws; as of Parliament's session on February 8<sup>th</sup>, 1989, he had changed his mind and put his name on a motion to abolish the laws, claiming he had not been aware of the amendment to extend the laws.<sup>99</sup> Madden struggled to support his principles and vote to abolish the blasphemy law while appealing to his Muslim constituents; his most recent stance was to state his belief that publishers knew the book would be offensive to Muslims, and because of this, he asserted that no more copies should be printed.<sup>100</sup> In an effort to demonstrate his empathy with his Muslim constituents, Madden publicly met with Home Secretary Hurd to advocate the review of the general public order and blasphemy laws in Great Britain.<sup>101</sup>

*The Satanic Verses* controversy enabled Muslim leaders to gather their community behind a political effort to use existing British laws to their advantage and to try to fight publication of such blasphemous material. In an effort to maximize Muslim political strength in the districts with large Muslim populations, Sahib Mustaqim Bleher founded the Islamic Party in September 1989. This party began fielding candidates for the May 1990 council elections.<sup>102</sup> Party founder Bleher believed that the "existing laws in the UK would be fine if only the

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<sup>98</sup> Michael White, "Muslim row 'hits 10 Labour seats,'" *The Guardian*, July 22, 1989.

<sup>99</sup> Aitken, *The Guardian*, January 25, 1989

<sup>100</sup> White, *The Guardian*, July 22, 1989

<sup>101</sup> Schwarz, *The Guardian*, June 19, 1989

<sup>102</sup> "'This stupid book is not worth the paper it's written on' / Salman Rushdie affair," February 14, 1990.

political will was there. It's easy to ban books, they've done it before many times," which was why he believed Muslims needed a political party to voice the concerns of the Muslim community in Parliament.<sup>103</sup> Prior to the formation of the Islamic Party, there were a few meetings between Muslim advocates and British government officials over the possibility of banning *The Satanic Verses*; however nothing was resolved. John Patten, the Home Office minister in Britain, met with Muslim representatives opposing the novel on February 28<sup>th</sup>, 1989. Patten held firmly against the extension of the blasphemy laws when Muslim representatives pushed for legal action against the book. However, the meeting was still viewed as a positive interaction between each side. It represented the effort of scholarly leaders in British Muslim communities to advocate their position with high-level government officials in Great Britain.<sup>104</sup>

While British Muslims for the most part had turned to legal and political solutions to resolve their religious grievances; beyond Great Britain's borders however, attempts at open communication to discuss value differences between cultures were less than successful. Sir Geoffrey Howe, England's foreign secretary, also advocated England's efforts to find a balance between freedom of expression and religion.<sup>105</sup> And yet when Howe visited Pakistan, in an attempt to discuss these issues with Muslims, he was forced to leave earlier than expected due to worries about security. Howe's experience revealed the difficulty in analyzing sensitive issues of religion with Muslims in a jurisdiction where the communities had become polarized between those who advocated peaceful or political solutions and those who promoted violence.

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<sup>103</sup> Ibid.

<sup>104</sup> Peter Murtagh and Martin Wainwright, "Muslims fail to win redress," *The Guardian*, February 28, 1989.

<sup>105</sup> "Howe cools Muslim anger," *The Guardian*, March 29, 1989.

### Beyond the Blasphemy Laws

The conflict over *The Satanic Verses* reached deeper than the surface debate over the blasphemy laws; it revealed two identity struggles, first among British Muslims, some of whom were recent immigrants and second within non-Muslim British society. For many non-Muslim Britons the Rushdie controversy raised important Islamic assimilation questions. It was clear that at least part of the increased social tension in Great Britain was due to the fact that Muslims were not assimilating smoothly into British society. Scholars were divided on the root cause of this lack of assimilation; some asserted that the non-Muslim majority was intolerant of Muslim minorities in British society, while others asserted that the main problem was the Muslim immigrants who were unwilling to assimilate. Either way, most non-Muslim Britons reacted negatively to the idea of extending the blasphemy laws or censoring *The Satanic Verses*, because such an act was inconsistent with British laws, traditions and basic principles. Most importantly, they did not want to appear to be eroding their principles in the face of demands of non-assimilated Muslim immigrants, who had become activists.

Leaders of other minority religions in Great Britain viewed Muslim protests from a different perspective and questioned the Muslim reluctance to assimilate into British society. Counselor Nitin Parshotan a member of the Hindu religion remarked that among British Hindus there have been no requests to extend the blasphemy laws to protect its religion.<sup>106</sup> He questioned why other minority religions have not had such contentious issues with the British government and have not made similar demands on British society.

### **India's censorship of *The Satanic Verses***

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<sup>106</sup> Owen Bowcott, "Eyewitness: Guest who holds a multi-entry visa for Heaven," *The Guardian*, July 31, 1989.



Many countries with large Muslim populations, such as Bangladesh, Sudan and South Africa openly condemned Rushdie for his blasphemous book and succeeded in having the book banned in their countries; interestingly even though India does not have a majority of Muslims, they were the first country to officially ban *The Satanic Verses*. The Indian government based its decision on the fact that the Muslim community would react very negatively to the book and so for the safety of its people the book should be banned.<sup>107</sup> Syed Shahabuddin, one of the leaders of the Muslim party in India, believed “you may hold whatever private opinion you like but you do not enjoy an absolute right to express them in public,” in reference to the limitations of freedom of expression.<sup>108</sup> Shahabuddin was a leader in the movement to ban *The Satanic Verses* in India, believing that the book purposely attacked the Islamic religion.<sup>109</sup>

When the Indian government banned the novel, Rushdie wrote a letter to Rajiv Gandhi, the Prime Minister in India. He said that “the right to freedom of the expression is at the very foundation of any democratic society, and at present, all over the world, Indian democracy was becoming something of a laughing stock” due to its censorship of the book.<sup>110</sup> Rushdie even implied that fundamentalists now controlled the political agenda of India, inferring that India’s Prime Minister made this decision as a political move to maintain his own position of leadership.<sup>111</sup> Rushdie’s criticism of India’s government for censoring *The Satanic Verses*, echoed much of the rhetoric being heard in Parliament concerning the high value British lawmakers placed on the principle of free expression. Although in Britain, the Islamic and non-

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<sup>107</sup> Syed Shahabuddin, “You did this with satanic forethought, Mr. Rushdie,” *The Times of India*, October 13, 1988, in *The Rushdie File*, 46.

<sup>108</sup> Ibid.

<sup>109</sup> Ibid.

<sup>110</sup> Salman Rushdie, “An open letter to PM,” in *The Rushdie File*, 43.

<sup>111</sup> Ibid.

Islamic cultures were often divided, again the polarization found in India that led to violence was not evident in British society.

### **Muslims reaction more than just the book**

Reviewing the Blasphemy laws of 1698 in the context of *The Satanic Verses*, British Muslims complained they were not being treated the same as British Christians. Many non-Muslim observers questioned whether the Muslim campaign to ban *The Satanic Verses* was trying to accomplish a goal beyond censorship of the book itself. Hesham el Essawy acknowledged that the Muslim religion has “suffered far worse attacks,” but he explained that the insults from this book generated “anger in a community that already [felt] unpopular in Britain because of its religion.”<sup>112</sup> In 1982 Dr. Hesham El-Essawy founded the Islamic Society for Religious Tolerance, a group made up of Islamic scholars and priests to address the unfair treatment that Islam received in the West. When the *fatwa* was issued against Rushdie, this group openly opposed it because it believed that violence was against Koranic principles. This group also compromised by taking a more moderate stance on censorship; the Islamic Society for Religious Tolerance was against banning books, but argued that for Rushdie’s own safety he should not have produced the paperback version.<sup>113</sup>

For many Islamic activist groups, it wasn’t until the controversy over Rushdie’s book that they united with other activists in an attempt to address many of their grievances, which they had suppressed for many years; thus ironically *The Satanic Verses* in some ways precipitated an open airing of problems before those problems became worse. M.H. Faruqi, the editor of *Impact*

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<sup>112</sup> Walter Schwarz, “Shame is the spur: Muslim leader Hesham El Essawy, in the forefront of the Satanic Verses controversy, tells how he intends to turn from blasphemous fiction and attack those of his religion who commit all-too real outrages,” *The Guardian*, February 1, 1989.

<sup>113</sup> “This stupid book is not worth the paper it’s written on’/Salman Rushdie affair,” February 14, 1990.

*International*, a Muslim newsmagazine published in London, called on British Muslims to follow the demands of British Muslim organizations to push for a ban of Rushdie's book in England.<sup>114</sup> Sahib Mustaqim Bleher, founder of the Islamic Party admitted that the timing of the creation of the Muslim political party correlated with *The Satanic Verses* controversy because "once you move away from Rushdie, people are not interested in Muslim affairs."<sup>115</sup> Prominent Muslim organizations came together to form the UK Action Committee on Islamic Affairs in 1988 in an effort to mobilize and join forces against the insults in *The Satanic Verses*.<sup>116</sup> This book provided leverage for Muslim advocates to discuss many of their issues with British government officials; thus the book enabled Muslim communities in England to unite and speak out and publicly air their grievances against the perceived intolerance of England's society.

The 1989 Muslim march on Downing Street (10 Downing Street is the residence of the British Prime Minister) represented the unification of Muslim communities in the largest Islamic demonstration in British history months after *The Satanic Verses* was published.<sup>117</sup> Protesters called on the government to extend the blasphemy laws to include Islam and for the publisher Viking Penguin to stop printing *The Satanic Verses*. British observers outside of the Muslim communities noted that protests over the book's insults extended beyond the book itself. The offensive book provided a way for Muslims to get world-wide publicity for numerous grievances stemming from many years of living in a society that they believed did not respect Islamic values.

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<sup>114</sup> M.H. Faruqi, "Publishing sacrilege is not acceptable," *Impact International*, October 28 – November 10 1988.

<sup>115</sup> "This stupid book is not worth the paper it's written on'/Salman Rushdie affair," February 14, 1990.

<sup>116</sup> M.M. Ahsan & A.R. Kidwai, ed., *Sacrilege versus Civility: Muslim Perspectives on The Satanic Verses Affair*, (Leicester: The Islamic Foundation, 1991), 11.

<sup>117</sup> David Pallister, "Muslims plan to march on Downing Street," *The Guardian*, May 27, 1989.

## Britain's Identity Struggle

British society had not been very tolerant of Muslim minorities, even though they preached tolerance and diversity as fundamental principles of their country; part of Britain's intolerance likely arose from unique traits that distinguished Muslim minorities from other British minorities. Diane Abbott, a Labor party MP, wrote in a letter to *The Guardian* that although she was against censorship, she understood the resentment of British Muslims when government officials preached to them about tolerance, since she believed they had not been treated with tolerance as a minority in British society.<sup>118</sup> Many believed that Muslim immigrants were welcomed in England, only with the proviso that they follow English laws.<sup>119</sup> Unlike many other minority immigrants, Muslim communities made little effort to assimilate into British society and they voiced opposition to laws like Britain's blasphemy laws that favored the Christian religion.

Although the British identity included holding onto Christian-oriented blasphemy laws into the 21<sup>st</sup> century, Britons had in practice become largely secular and responsive to worldwide issues and organizations. Article 19, an international human rights organization, rejected any proposed British censorship of Rushdie's book and believed "any denunciation of acts of the imagination by secular or religious authorities strikes at the very heart of freedom."<sup>120</sup> Federico Mayor, the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO), agreed with this sentiment and asserted that every person should respect other people's religions as well as their freedom of expression.

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<sup>118</sup> Diane Abbott, *The Guardian*, February 16, 1989, in *The Rushdie File*, 111.

<sup>119</sup> *Sunday Sport*, February 19, 1989, in *The Rushdie File*.

<sup>120</sup> Abbott, February 16, 1989.

Most British writers also believed that no compromise could be reached on censorship of books, as it would breach one of the steadfast principles of a democratic society. After Rushdie apologized for his book in response to the *fatwa*, one writer for the *Observer* spoke out against Rushdie's statement saying it was "not the job of the artist to make life more comfortable for societies," arguing that democratic governments should "protect an artist's right to free expression."<sup>121</sup> According to the author, although offensive words can be regretted, the act of writing the book itself should not be; this is a fundamental right of a free society.

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<sup>121</sup> "Works of art need no apologies," *Observer*, February 19, 1989, in *The Rushdie File*, 121.

### Chapter Three: Controversy over Great Britain's Blasphemy Laws Post Rushdie Affair

In the years following the first Muslim protests of *The Satanic Verses*, it became clear that this debate over Great Britain's blasphemy laws would continue to be contentious since religion remained at the heart of the controversy. Although Great Britain's government still promoted fundamental freedoms including free speech, there were mixed feelings and emotions about abolishing the archaic Christian-oriented blasphemy laws, which would sever Britain's ties with the Church of England. Some politicians and government officials struggled with the idea of officially becoming a secular country and giving up the right legally to protect the Christian religion. Moreover, other countries began take note of Great Britain's disparate treatment of religion as it continued to provide only Christianity with protection under its blasphemy laws. Specifically in the 1990s, the European Court of Human Rights scrutinized a British court's censure of the 1989 film *The Visions of Ecstasy*, a film that committed the blasphemous crime of holding the Christian religion up to ridicule.

Muslims and other minorities viewed the reluctance to extend or change the blasphemy laws as racist, since the government was refusing to give all religions equal protection under the law. Other British Muslims however, expressed sorrow that violent Muslim protests were damaging their religion's image. Therefore, for almost two decades following the publishing of Rushdie's book, British leaders fought efforts to extend the blasphemy law beyond the Christian religion and the Muslim community continued to press for some protection against blasphemy for the Islamic faith.

Paperback version of Rushdie's book

After the initial international outrage over Rushdie's book had subsided, there was another wave of controversy concerning the Viking Penguin's intent to release the paperback version of *The Satanic Verses*, which British Muslims vehemently opposed. Nevertheless, the publisher and the British government refused to succumb to the political Muslim pressure and released the paperback version in April 1992. While publishers had both free speech principles and the law behind their decision, many observers noted that now that *The Satanic Verses* was the subject of considerable controversy, there was likely a profit motive as well.

**Controversy over reconciliation**

Amidst the ongoing debate over Rushdie's book, British publishers and media began to express some uncertainty as to whether they were sufficiently tolerant of all diverse groups while exercising their right to free speech. This resulted in an identity struggle within journalistic and academic circles over whether they were changing their professional behavior because of Muslim criticism and thus were eroding their fundamental principles. The Commission for Racial Equality and the Interfaith Network for the United Kingdom called a conference in October of 1990 to discuss publishing issues surrounding the blasphemy law debate.<sup>122</sup> Attendees discussed the increase in voluntary self-restraint of publishers and media. There was a general agreement that publishers would be more sensitive in the future about books involving the Islamic faith.<sup>123</sup> Therefore it was hoped that new restrictive legislation directed to media groups would be unnecessary. Most attendees agreed that extending the blasphemy laws was not the solution; the concern was that to extend the blasphemy law might subject many classics in

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<sup>122</sup> John Torode, "Why Voltaire could end up on the bonfire; Extending the laws of blasphemy to protect all the major faith could threaten robust debate, argues John Torode," *The Independent*, October 31, 1990.

<sup>123</sup> Ibid.

literature to censure. Specifically, there was critical discussion of religion in much classic philosophy and literature, including philosophers such as Voltaire. However, there was a consensus that free speech inciting hatred against a religion should not be condoned.<sup>124</sup>

When Viking Penguin indicated they might publish a paperback version of *The Satanic Verses*, a new wave of tension enveloped much of Great Britain as Muslims reasserted their outrage over the publisher's choice to make profits rather than show respectful tolerance towards their minority group. Liaquat Hussain, the secretary of London's Council of Mosques believed that the publishers and the author were "committed to maximizing profit at the expense of Muslim rights and feelings."<sup>125</sup> This was another reason why many Muslims also argued that Britain's refusal to censor the book was not just due to free speech principles, but also because of a general anti-Islamic sentiment.

The arguments over the release of the paperback version also emphasized the struggle within Parliament as many of its members urged action that showed respect for Muslims but did not compromise free speech principles. Some members of Parliament displayed more sympathy for the Muslim groups at this time, conceding that, as reconciliation for their grievances, perhaps publishers should not mass-produce a paperback that reinforced an intolerant message. However, Liberal Democrat MP Paddy Ashdown accused those who did not promote the paperback edition of the novel as abandoning Rushdie on a fundamental issue of free speech.<sup>126</sup> He believed that a basic lack of leadership within the government of Great Britain during the course of the Rushdie affair had already caused an erosion of democratic principles.<sup>127</sup>

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<sup>124</sup> Ibid.

<sup>125</sup> Owen Bowcott, "Rushdie protest to be stepped up," *The Guardian*, September 25, 1989.

<sup>126</sup> David Sharrock, "Muslim leader scorns Rushdie 'publicity stunt,'" *The Guardian*, February 8, 1990.

<sup>127</sup> Andrew Culf, "Muslims reject Rushdie plea," *The Guardian*, February 5, 1990.



Further, Rushdie also tried to find a way to show respect for the Muslim religion while holding true to his principles, considering the suggestion of applying book sales profits toward a good cause as a method of reconciling grievances.<sup>128</sup> However, he did not waver on whether or not to produce a paperback version of the book, on the grounds that he did not believe in censorship. Rushdie emphasized that he agreed with the Muslims that the blasphemy laws were unfair, although he disagreed with most Muslims as to what action should be taken.<sup>129</sup>

### The High Court Trial

The February 1990 England's High Court reviewed several lower court rulings concerning British Muslim rights under the blasphemy laws; this was a major event in the discussion over the blasphemy laws because it represented Great Britain's effort to examine the scope of the law in light of Muslim concerns. It was significant because England's High Court was giving British Muslims the opportunity to present their case at the highest judicial level. It also enabled British Muslims to present their argument intellectually using Great Britain's legal system, instead displaying their outrage with the use of violence or more mass protests. At the time of the High Court review, *The Satanic Verses* had been banned in all Muslim countries.<sup>130</sup> The lower court cases included Sir David Hopkins' initial ruling against the British Muslim Action Front position in March of 1989. Reversing the March case however, Lord Michael Patrick Nolan ruled in June 1989 that the British Muslim Action Front should have permission to

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<sup>128</sup> "Leading Article: Recognition of mutual pain," *The Independent*, February 6, 1990.

<sup>129</sup> Angella Johnson, "Rushdie makes peace overtures," *The Guardian*, November 27, 1990.

<sup>130</sup> "Rushdie legal Quagmire warning: Muslim Front's interpretation of blasphemy laws could embrace sects like the Moonies, says author's QC," *The Guardian*, February 28, 1990.

challenge the blasphemy law.<sup>131</sup> This case addressed whether the common law of blasphemy applied to religions other than Christianity.<sup>132</sup>

The Muslim council Ali Azhar presented a unique perspective on the Muslim viewpoint reviewing the definition of blasphemy and trying to find common ground between the Islamic and Christian religion. The counsel for the British Muslim Action Front, Ali Azhar, did not ask for an extension of the blasphemy laws, but rather requested an adaptation of such laws according to the “changing circumstances of society.”<sup>133</sup> He presented the definition of blasphemy as an offence between “creature” and “creator”; therefore the blasphemy laws should not be limited to Christianity.<sup>134</sup> Azhar also argued that since the Koran was a combination of the Old and New Testament, *The Satanic Verses* was also insulting to Christianity and Judaism. He provided a chart with many central characters in the Bible that were all considered prophets in the Islamic religion.

Azhar also brought up a relevant case law from British history, referring to a previous censorship case in 1840 in the case of *Queen v. Hetherington*, which applied the blasphemy law to the pre-Christianity Old Testament.<sup>135</sup> In this case, Henry Hetherington was brought to trial for writing in the blasphemous socialist book *Letters to the Clergy of All Denominations*. Hetherington argued that he should not be punished because his writing was blasphemous towards the Old Testament. However, Hetherington was still sent to jail on the grounds that the Old Testament was too intimately connected with the New Testament to be considered

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<sup>131</sup> Clare Dyer, “Muslims win blasphemy case ruling,” *The Guardian*, June 20, 1989.

<sup>132</sup> Sarah Boseley, “Blow to Muslims in Rushdie battle,” *The Guardian*, May 25, 1990.

<sup>133</sup> Sarah Boseley, “Muslims demand equality in law,” *The Guardian*, February 27, 1990.

<sup>134</sup> Heather Mills, “Christianity also insulted by Rushdie, judges told,” *The Independent*, February 27, 1990.

<sup>135</sup> Sarah Boseley, “Guard on ‘Rushdie blasphemy’ court,” *The Guardian*, February 26, 1990.

separately.<sup>136</sup> Muslims claimed that if the blasphemy laws protected the Old Testament, then such laws should also protect the Koran.<sup>137</sup>

Counsel Geoffrey Robertson argued against the British Muslim Action Front, referring to the original intention of the blasphemy laws and the democratic principle of freedom of expression. He maintained that British courts were being asked to create a new law, which could only be done through an Act of Parliament. He argued that extending the blasphemy laws could mean an open-ended inclusion of many groups claiming to be religions, even cults. He emphasized that the original intention for the blasphemy laws was as protection for the Anglican religion when it was the religion of the state. It was argued that if the laws were extended in such a broad manner some of the greatest works of literature such as Dante's *Divine Comedy*, could have some issues.<sup>138</sup> He also argued that if the laws were extended, courts would be inundated with cases where intolerant adherents of one sect were challenging another. Further, if someone was engaged in a theological dispute, hypothetically it would be possible to silence participants by invoking the extended blasphemy law.

In April 1990 England's High Court ruled that blasphemy only covers the Christian religion, which escalated tensions between the two sides as Muslim representatives called the judgment racist and vowed to appeal this ruling to the European Court of Human Rights.<sup>139</sup> One of the reasons the court ruled that the law of blasphemy only applied to Christianity was due to the prosecution of James Kirkup in the 1977 *Gay News* case. In this case Judge Alan King-Hamilton ruled that labeling attacks on religions other than Christianity, as blasphemous libel

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<sup>136</sup> Levy, 445.

<sup>137</sup> Mills, February 27, 1990.

<sup>138</sup> "Trial 'would find Rushdie innocent,'" *The Guardian*, March 1, 1990.

<sup>139</sup> Clare Dyer and Susan Tirbutt, "Muslims vow to fight on in Rushdie case," *The Guardian*, April 10, 1990.

had not received support from the House of Lords. The court also determined that because the European Convention on Human Rights had not demanded the creation of a law of blasphemy for the protection of Islam, therefore Great Britain was within its rights not to create one.<sup>140</sup> Since many observers believed that the High Court judge adequately presented facts to back up his ruling, the Muslim council may itself have been disrespectful to label the ruling as racist.

Beyond the ruling on the blasphemy laws several important issues were brought to light during this trial. First, it was clear that there was a general lack of knowledge among British citizens about the Muslim religion, as was evident when defense counsel Robertson found himself unable to define the difference between Sunni and Shi'ite Muslims. In addition, although Muslims were not satisfied with the ruling, this trial was a step toward more open and frank discussions between the British government and Muslim advocates, as England's court system gave this minority group an equal opportunity to present their case and Muslims marshaled their best arguments in their appeal to England's court system.

### **Visions of Ecstasy**

In December of 1989 the British Board of Film Classification banned a film on the basis that it violated the blasphemy laws, revealing a fundamental inconsistency as lawmakers refused Muslim requests to censor Rushdie's book in the name of freedom of expression, while still condoning censorship on behalf of Christianity. This eighteen-minute film depicted the erotic visions of St. Theresa of Avila, including scenes where the 16<sup>th</sup> century Spanish nun St. Theresa was shown licking the wounds and embracing a crucified Christ.<sup>141</sup> The British Board of Film

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<sup>140</sup> Ying Hui Tan, "Law Report: Blasphemy laws found not to cover Islamic religion; Regina v Bow Street Magistrates' Court, Ex parte Choudhary: Queen's Bench Divisional Court (Lord Justice Watkins, Lord Justice Stuart - Smith and Mr Justice Roch) 9 April 1990," *The Independent*, April 10, 1990.

<sup>141</sup> "Nigel Wingrove v. the Censors," *The Guardian*, March 22, 1996.

Classification banned the film on the grounds that it showed contempt toward the divinity of Christ through presenting him as living man and not as a symbol.<sup>142</sup> Since this ruling occurred near the height of the Rushdie controversy, many viewed the ban as a contradictory and hypocritical judgment, given that this film was censored to protect Christianity and yet the law refused to protect Muslim sensibilities from Rushdie's book. It seemed of little consolation to British Muslims that many of the same organizations that were against censoring Rushdie's book also opposed the ban of *Visions of Ecstasy*.<sup>143</sup>

The film's Director Nigel Wingrove appealed this ban to the European Commission of Human Rights, on the basis that this censorship violated his basic right to freedom of expression. On March of 1994, the Commission in Strasbourg ruled that a ban on the *Visions of Ecstasy* film violated article 10 of the convention, which guaranteed freedom of speech.<sup>144</sup> The commission's ruling allowed the case to be brought to the European Court of Human Rights. Since the film had been initially banned under the blasphemy laws, the Commission's ruling cast doubt on the validity of these laws. It is hard to tell whether the *Visions of Ecstasy* appeal would ever have been brought to court, had there not been so much publicity surrounding censorship due to *The Satanic Verses*.

However, in November 1996 the European Court of Human Rights upheld the ban on this film on the grounds that the blasphemy law in England supported article nine of the European

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<sup>142</sup> Tom Dewe Mathews, "Arts: Visions of redemption; Nigel Wingrove, a Soho-based dealer in 'sleaze epics', is taking on British film censors – and the blasphemy laws," *The Independent*, March 27, 1996.

<sup>143</sup> Owen Bowcott, "Theresa video faces blasphemy test," *The Guardian*, December 4, 1989.

<sup>144</sup> Clare Dyer, "Challenge to Blasphemy law is given European backing," *The Guardian*, March 9, 1994.

Convention on Human Rights, which promoted freedom of religion.<sup>145</sup> The fact that all religions were not considered equal under this law did not detract from the aim of the law to protect Christian beliefs.<sup>146</sup> Rushdie spoke against the blasphemy laws at the trial in defense of the *Visions of Ecstasy* film, as “a weapon by which the orthodox have sought to silence the unorthodox” and disagreed with the court’s ruling.<sup>147</sup> Although the court upheld censorship of the film *Visions of Ecstasy*, this trial emphasized the need to abolish the blasphemy laws since these laws gave British authorities the ability to make decisions banning works of art based on the law, even though it conflicted with the fundamental value of freedom of expression.

However, in the midst of the judicial controversy, Lord Mackay of Clashfern, the Lord Chancellor visited the court in Strasbourg in an effort to emphasize the need for “member states to be able to manage their own national character, traditions, religious beliefs and moral standards.”<sup>148</sup> This was an example of how some British governmental authorities were still acting in a contradictory way from the secular values they promoted. Many other officials did not support this action, in particular John Wadham, director of the National Council for Civil Liberties, who wrote in an opinion piece that this action does not reflect favorably on a country proud of its tradition of having a free judiciary system.<sup>149</sup> The ruling over the *Visions of Ecstasy* film in general brought about another wave of discussion pointing out that abolishing the blasphemy laws was way overdue.

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<sup>145</sup> Paul Magrath, “Banning of film under blasphemy law upheld; Law Report: 28 November 1996,” *The Independent*, November 28, 1996.

<sup>146</sup> Ibid.

<sup>147</sup> Madeleine Bunting, “Rushdie Rails at Censors,” *The Guardian*, March 28, 1996.

<sup>148</sup> Patricia Davies, “Archaic blasphemy law faces last judgment,” *The Independent*, November 25, 1996.

<sup>149</sup> John Wadham, “Letter: Review of blasphemy law is overdue,” *The Independent*, November, 27, 1996.

Sara Maitland, one of the editors of *The Rushdie File* book and a proponent of free speech, questioned the basis of a law that protected the Christian faith in today's secular society. She also believed the film did not mock God or St. Teresa and so was not blasphemous. Maitland maintained that Great Britain's society valued Christian sensibilities higher than anyone else's even though they claimed multiculturalism and democratic tolerance. She asserted that there was true hypocrisy in protecting the sensibilities of the conservative Christians in Great Britain; that the faith of any Christian should be questioned if they put their religious sensibilities over the freedoms of anyone else in the secular state.<sup>150</sup>

### **The Debate over the Abolition**

Around the time of the High Court case (April 1990), members of Parliament continued their debate over possible blasphemy law changes. These legislative debates over the blasphemy laws were largely in response to *The Satanic Verses* and the hostile reactions of British Muslims. Without *The Satanic Verses* controversy, it is likely that the archaic Blasphemy Law of 1698 and various common law offenses of blasphemy would still exist in England today. In March of 1990, a member of the Labour party Bob Cryer introduced a Blasphemy Bill, which proposed to get rid of the offenses of blasphemy and blasphemous libel and "place all faiths on an equal basis", defending the right to read any book published within the law.<sup>151</sup> Cryer was very opposed to censorship of any type in the name of tolerance, fearing an increase in censorship due to pressure from British Muslims. MP Harry Greenway of C. Ealing North district, also introduced a bill requesting an extension of the blasphemy laws that would include all major

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<sup>150</sup> Sara Maitland, "Visions of Blasphemy; Christians don't need special protection – they need to grow up, says Sara Maitland," *The Independent*, November 27, 1996.

<sup>151</sup> "The Day in Politics: Cryer bill to scrap offence of blasphemy given first reading," *The Guardian*, March 8, 1990.

religions.<sup>152</sup> In September of 1990 there was intense discussion over a motion to abolish the blasphemy laws on the grounds that they are incompatible with a liberal democracy. Some politicians argued that it would be dangerous to remove the blasphemy laws altogether. Others pushed for some check on slanderous free speech, arguing against Rushdie and claiming he crossed the line protecting free speech with his slanderous book.<sup>153</sup> While the majority in Parliament did not promote extending the blasphemy laws, there was still a general sentiment that there should be a law in place to prevent slander against the major religions in Great Britain.

As years passed, the argument to extend the blasphemy law continued to shift, and many leaders increased demands to create an alternative law to equally protect the identity of major religions in Great Britain.<sup>154</sup> Great Britain was already subject to the United Nations treaty, the International Human Rights Law, and article 20 (2) of the International Covenant on Civil and Political Rights, which prohibited advocacy of racial or religious hatred that may incite discrimination or violence.<sup>155</sup> Nearby Northern Ireland had also signed the International Human rights law and had instituted a law banning religious hatred.<sup>156</sup> Therefore there were suggestions that Great Britain abolish the blasphemy law and adopt a new law similar to Northern Ireland's, which prohibited racial hatred.<sup>157</sup> Many continued to argue that absolute freedom of speech

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<sup>152</sup> Ibid.

<sup>153</sup> Nikki Knewstubb, "Liberal Democrats at Blackpool: Rushdie threatens 'grotesque,'" *The Guardian*, September 18, 1990.

<sup>154</sup> "Letter: Need for laws to protect religious identity," *The Independent*, November 21, 1990.

<sup>155</sup> Simon Lee, "Protecting both gods and books; Abolish blasphemy law and make incitement to religious hatred a crime, says Simon Lee," *The Independent*, March 9, 1990.

<sup>156</sup> Ibid.

<sup>157</sup> Walter Schwarz, "Runcie blasphemy shift," *The Guardian*, March 23, 1990.



cannot exist in society; laws must protect the general public safety so extreme behavior or racial hatred does not cause violence.<sup>158</sup>

While censorship had been prevalent throughout Britain's history, it was over 100 years ago when the first bill to abolish blasphemy was presented. The majority of Great Britain's political leaders were mindful of their country's religious history when considering a change in this law, but there was a general reluctance to abolish the law of blasphemy for fear of joining "the drift of secularization."<sup>159</sup> However, many acknowledged that blasphemy laws should have been abolished a long time ago, as British society had become much more secular and diverse and thus the law should be more accommodate such diversity.

### The Muslim Backlash

Muslim leaders used their frustration over the blasphemy laws as a platform to express their general frustration with Britain's public failure to accept and respect their culture. In June of 1990, Muslim imams and other Islamic experts of the Muslim Institute in London produced a forty-page *Muslim Manifesto*. The director of this institution, Dr. Kalim Siddiqui, represented a hard-line opinion within the Muslim community. The Manifesto maintained that British Muslims were being asked to "accept subservience" and the "total disintegration of their identity."<sup>160</sup> This Manifesto developed in reaction to two events where Muslims had used arguments and appeals and yet failed to make their case to British authorities. First the High Court's ruling in April 1990 refused to extend the blasphemy laws to the Islamic faith, and then the Secretary of State for Education's rejection of British Muslims' request to receive state

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<sup>158</sup> Keith Vaz. "It's the author who holds all the cards: One year after the Islamic death sentence on Salman Rushdie Keith Vaz says writers must take responsibility for their words," *The Guardian*, February 14, 1990.

<sup>159</sup> Lee, March 9, 1990.

<sup>160</sup> Iqbal Wahab, "Manifesto urges Muslims to oppose integration," *The Independent*, June 11, 1990.

funding on a basis similar to the funding granted Jewish schools for the Islamic School in north London.<sup>161</sup> In producing their *Muslim Manifesto*, Muslim advocates' used these issues as examples of unequal treatment under British law.

A few months after the *Muslim Manifesto* appeared however; Muslims did succeed in preventing the government from censoring a pro-Muslim film entitled *International Guerillas*. While the British Board of Film Classification had originally banned *International Guerillas* because it contained violent scenes involving a depiction of *The Satanic Verses* author Rushdie, in August 1990 the Video Appeals Committee reversed this decision. This was a government action that many Muslims considered long overdue justice. The Board had initially judged this film blasphemous because it had a powerful enactment of a death wish for British citizen, Rushdie, who was guilty of no crime. The film depicted Rushdie violently killing Muslims, but then later the avenging Muslim heroes chased him down and a "divine thunderbolt" struck him down.<sup>162</sup> Although speaking out against the film as a "distorted, incompetent piece of trash," Rushdie agreed with this ruling based on his opposition to censorship of any kind.<sup>163</sup> The fact that this film was not censored showed that British authorities were making an effort to remain both objective in their judgments of censorship and tolerant of the Muslim minority. Due to *The Satanic Verses* controversy and Muslim public statements like the *Muslim Manifesto*, many inside and outside of government were now scrutinizing Great Britain's use of its censorship authority even with regard to seemingly minor works of art.

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<sup>161</sup> Ibid.

<sup>162</sup> Nick Cohen, "Plea by Rushdie helps to quash banning of video; Nick Cohen reports on the arguments that led to the lifting yesterday of the ban on the film 'International Guerillas,'" *The Independent*, August 18, 1990.

<sup>163</sup> Ibid.

Not all Muslim leaders supported the representations in the *Muslim Manifesto*, reflecting some differences of opinion within the British Muslim community over their identity in Great Britain's society. Instead these Muslims promoted a more moderate approach; while Great Britain should change the blasphemy laws, Muslims should also adjust some of their ways in an effort to integrate better into society. Dr. Mowlander Abdur Rahim, director of the Birmingham Islamic Centre attacked the "isolationist" approach of the *Muslim Manifesto* on the grounds that Muslims can integrate and contribute to British society while keeping their identity.<sup>164</sup> He also asserted that Muslims could improve their behavior and learn important values from British society. Dr. Rahim believed that society could only progress with increased Muslim integration.<sup>165</sup>

#### Final Stages of Abolition

Even after the blasphemy laws were questioned in the 1994 European Human Rights Court case, these laws still proved to be somewhat effective in protecting the Christian religion from ridicule, contempt or derision. In some cases, the media was restricting its own behavior reflecting its awareness of the blasphemy laws. In 1995 when *The Last Temptation of the Christ* was to be broadcast on British TV, the television station showing the film admitted that it had "adjusted" the film before its broadcast "in order not to fall afoul of the blasphemy laws."<sup>166</sup>

For many years government leaders publicly expressed the need for Great Britain to have a law that protected the public against religious hatred. In October 1997, the Runnymede Trust Commission on British Muslims created a report urging promoting the government to create a law, which protected religious hatred instead of trying to find a way to extend the blasphemy

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<sup>164</sup> Wahab, June 11, 1990.

<sup>165</sup> Wahab, June 11, 1990.

<sup>166</sup> Farrah Anwar, "Prime Cuts: The Last Temptation of Christ," *The Guardian*, June 15, 1995.

laws.<sup>167</sup> Then on May 15, 2002 the House of Lords appointed a Select Committee in order “to consider and report on the law relating to religious offenses.”<sup>168</sup> Clearly amidst the ongoing debate over the blasphemy laws, there was a concerted effort among law officials to stifle religious hatred as a way to prevent future intolerance in Great Britain.

After the attacks on September 11<sup>th</sup> in 2001, lawmakers began a series of attempts to pass a bill in Parliament prohibiting attacks against someone on the basis of religion. In October 2001 Home Office Secretary David Blunkett announced that his department intended to add religion to the racial-incitement laws.<sup>169</sup> Blunkett, based his decision on the need “to ensure attention-seekers and extremists cannot...stir up tensions in our cities and towns.”<sup>170</sup> There was much dissention over the addition of this law, with opponents saying it would stifle free speech. Member of Parliament Oliver Letwin disagreed with Blunkett’s decision because he believed a law preventing criticism over religion in Great Britain would only stifle “the perfectly legitimate interplay of passionate religious debate,” in Great Britain, whereas racial hatred must be outlawed, since a person’s race could not be altered.<sup>171</sup> In November 2001 this prevention of inciting religious hatred was passed as a measure of an anti-terror bill in the House of Commons, but not in the House of Lords.<sup>172</sup> Protecting against the offense of religious hatred was finally

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<sup>167</sup> Alan Travis, “Religious debate: Straw shelves law on ‘Islamophobia,’” *The Guardian*, October 23, 1997.

<sup>168</sup> Business, “Religious Offenses Committee,” United Kingdom Parliament Publications and Records,

[http://www.parliament.uk/parliamentary\\_committees/lords\\_religious\\_offences.cfm](http://www.parliament.uk/parliamentary_committees/lords_religious_offences.cfm).

<sup>169</sup> Paul Handley, “Faith & Reason: Blasphemy is Tolerable, but not Religious Hatred; Christians Feel Confident Still But Muslims Sense they are Misunderstood. That is why Views differ over how to Frame the new Law on Incitement,” *The Independent*, October 6, 2001.

<sup>170</sup> Ibid.

<sup>171</sup> Patrick Wintour, “War in Afghanistan: Terror bill: Blunkett wins key vote: 21 Labour MPs rebel against hate clause,” *The Guardian*, November 27, 2001.

<sup>172</sup> Ibid.

passed in the 2005 Racial and Religious Hatred Act, one of the first major steps within British law toward protecting the Muslim religion.<sup>173</sup> Although the controversy over *The Satanic Verses* was the main catalyst for debates over the blasphemy laws, it took additional events such as that of the attacks of September 11 to emphasize the need for British lawmakers to work out issues of religious tension with its growing British Muslim population.

In August of 2005 a Labour thinktank announced that government should end the preferential status of the Church of England. This group argued that instead of extending the blasphemy law privileges to all religions, equality would be better established between all religions by abolishing these privileges altogether. This group even suggested that there should be an official ceremony that would symbolize Britain's transformation as a "multi-faith society."<sup>174</sup> This group's public statements showed Great Britain's evolving religious transition as some parts of the population tried to establish a British identity as a secular society.

In March 2008, Parliament reacted to a new egalitarian public consensus as it passed an amendment to the Criminal Justice and Immigration bill abolishing all the laws that had protected only the Christian religion from criticism. While it had been twenty years since the Church of England first acknowledged that abolishing the blasphemy laws was appropriate, the Church still wanted to make sure that the reasons for abolishing the law were not seen as a secular. Church leaders did not want the act of abolishing the blasphemy laws to reflect negatively on the Christian faith. Although blasphemy would no longer be punished under the law, Christian leaders cautioned that it did not mean that people should have the freedom to

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<sup>173</sup> "Racial and Religious Hatred Bill," United Kingdom Parliament Publications and Records, <http://www.publications.parliament.uk/pa/ld200506/ldbills/031/2006031.pdf>.

<sup>174</sup> Alan Travis, "Call to end state's link with Church," *The Guardian*, August 19, 2005.

“insult religious beliefs or believers.”<sup>175</sup> Following seven decades of declining parishioner attendance, church leaders did not want the abolition of blasphemy laws to be perceived as a blow to the already weakened faith of Christianity.

The abolition of all of Great Britain’s blasphemy laws occurred on May 8, 2008 with the official enactment of the Criminal Justice and Immigration Act.

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<sup>175</sup> Alan Travis, “National: Archbishops question timing of plans to abolish blasphemy laws: Church seeks reassurance about motive for move: Amendment to be debated in Lords this week,” March 4, 2008, *The Guardian*.

### Conclusion

The abolition of Great Britain's blasphemy laws in May of 2008 marked the end of an era in British history. To many observers, this action took far too long for a democratic world power that had for most of the twentieth century espoused human rights rhetoric and signed international treaties pledging to uphold principles of a free society. However, a review of some of the social and political events during this time period reveals why Britain's society and lawmakers struggled for so many years to abolish these archaic laws. The offense of blasphemy as adjudicated for hundreds of years of British common law history gave the Christian religion, as sanctioned by the state, legal protection from public criticism and ridicule. Moreover, this law represented one of the last official ties of the secular British government with the Church of England.

The Muslim protests over Salman Rushdie's novel, *The Satanic Verses* caused a collision of values between the modern-day population of Great Britain and the growing population of Muslims. What started as a democratic society's refusal to ban a controversial book turned into a debate about a religious minority's right to tolerance and protection from religious hatred, and resulted in an extraordinary reversal of historic British allegiances. This peaceful, but often contentious political debate over the course of many years may indeed have a long-term positive consequence for Britain's diverse society. During the debate about Great Britain's archaic blasphemy laws, British lawmakers listened to the social and cultural concerns of a vocal religious minority, and addressed the issue of government censorship to protect the Christian religion, a power that had been used historically at the government's discretion.

As a byproduct of the Rushdie affair, British Muslims realized that they could capitalize on their community's solidarity in the wake of the controversy over *The Satanic Verses* to pursue

broader social reforms within Great Britain's society. British Muslims had resisted integrating the values of their devout faith and culture with those of the secular British society, and Islamic religious leaders and scholars struggled to explain the inevitable conflicts. Interestingly, Muslim persistence using a variety of judicial and political means at their disposal forced British lawmakers to review censorship practices and blasphemy law enforcement in the context of their own free speech principles. British Muslim advocates initiated a general movement to unite the Muslim communities in discussion over how to address their frustrations after years of government intolerance and arrogance.

When many other countries with large Muslim populations banned *The Satanic Verses*, the fact that Great Britain refused to censor this offensive book added to the long-suppressed anger that Muslims felt about the inflexibility and unresponsiveness of British laws. Although the Muslim arguments focused on an extension of the blasphemy laws to include the Islamic faith so that the government would ban *The Satanic Verses*, the ultimate outcome was a long overdue public airing of Muslim grievances that resulted in beneficial social and political change. The controversy over the blasphemy laws and censorship drew attention to the subtle hypocrisies in many actions of the British government.

In the introduction, I suggested that book burnings can foreshadow future outrage and violence over conflicting fundamental values. In this controversy, however, it was fortunate that both sides were able to find a reasonable resolution within the existing British legal system. During the almost twenty years of debate following the blasphemy laws, both British lawmakers and British Muslim advocates worked steadily toward the goal of developing a better understanding of each other's positions and integrating their values into British society. The abolition of Great Britain's blasphemy laws was an historical milestone because it represented



British acknowledgement that centuries of tradition and ties to religion do not justify unequal laws. This artistic work of fiction caused a clash of two insulated cultures and culminated in a peaceful political solution as British society re-aligned its laws in accordance with its democratic principles. It also revealed hope for peaceful solutions in future conflicts between Western and Muslim cultures.

In recent years clashes between Muslim and secular cultures have occurred throughout much of Europe and the world; unfortunately the outcome has often not been peaceful and has not resulted in a positive political change. In 2004 Dutch film producer Theo Van Gogh was murdered in an Amsterdam street for creating a film about the cultural denigration of Islamic women entitled "Submission," which he produced with Somalian activist Ayaan Hirsi Ali. It was in part due to this tragic and violent incident that the government in Holland realized their failure to communicate with and assimilate Muslim communities into their society. The Dutch government perhaps had not had the same opportunities as the British government to engage in a rational and productive debate over faith-based differences in a growing, increasingly dissatisfied religious minority.

It seems very likely that without *The Satanic Verses* controversy, British blasphemy laws would still be in effect; it is also likely that the tension between British society and the British Muslims would have worsened or even turned to violence as has happened in other countries such as Holland. Having publicly and rationally discussed cultural differences and having abolished its one-sided blasphemy laws, Great Britain's society is in a better social position than many countries in the world as they move into the twenty-first century. Their improved tolerance and respect of Muslims and other minority groups hopefully will continue to evolve in a positive direction. Moreover, British Muslims accomplished a significant milestone in their

efforts to communicate peacefully and assimilate their faith-based culture with more traditional British communities.

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