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Does "Islamophobia" curtail free speech?

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IEA Discussion Paper No.112

DOES 'ISLAMOPHOBIA' CURTAIL FREE SPEECH?

Rumy Hasan
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From H.G. Wells to Rushdie

In August 1938, a group of Indian Muslims in London ceremoniously burned a copy of H. G. Wells' 1922 book *A Short History of the World* on the grounds that the celebrated author had insulted Islam and its Prophet by proffering this opinion¹: 'He [Prophet Mohammad] seems to have been a man compounded of very considerable vanity, greed, cunning, and self-deception, and quite sincere religious passion ... Regarded as literature or philosophy the Koran is certainly unworthy of its alleged divine authority' (Wells, 2006: 195). This attempt at suppression of free speech by colonial subjects was not given any epithet at the time. However, by the time Muslims in Bradford – who were British citizens – half a century later in January 1989 burned copies of Salman Rushdie's *Satanic Verses*, again on the grounds of insult to the faith and Prophet, the epithet 'Islamophobia' had gained currency. It was taken to mean hatred and disrespect of Islam or anything that offended reactionary Muslim groups. To their credit, the governments in 1938 and 1989 did not succumb to censorious demands and allowed the books to remain published and sold by book sellers.

With a rising Muslim population and increasingly assertive activists in the UK, recourse to invoking 'Islamophobia' to ward off anti-Islam sentiments became more prevalent; the corrective demanded was nothing short of censorship, that is, curtailment of freedom of speech with respect to Islam, although it has never been made clear what the threshold of acceptable criticism is. For those Islamic organisations invoking Islamophobia, however, it is reasonable to think that the threshold is very low, and would-be critics and satirists have increasingly abided by this demand and resorted to self-censorship. A telling example of this was provided at the end of 2013, by writer and ex-Monty Python Michael Palin who lamented on BBC Radio

1 'Mr Wells and Mohammed', *The Manchester Guardian*, 13 August 1938.

4: 'religion is more difficult to talk about. I don't think we could do *Life of Brian* anymore. A parody of Islam would be even harder.'²

2 Glennie, A. 'You can't parody Islam, says Palin: Monty Python star believes religious sensitivities have increased so much it would be impossible to make *Life of Brian* today', *The Daily Mail*, 30 December 2013, (<http://www.dailymail.co.uk/news/article-2530920/You-parody-Islam-says-Palin-Monty-Python-star-believes-religious-sensitivities-increased-impossible-make-Life-Brian-today.html#xzz42LoV41fU>).

Runnymede Trust Report, 1997 and The Parekh Report, 2000

An important milestone in the normalisation of the epithet was the publication, in 1997, of a report by the Runnymede Trust's Commission on British Muslims and Islamophobia entitled *Islamophobia: A Challenge for Us All*. It provides the following definition:

The term Islamophobia refers to an unfounded hostility towards Islam. It refers also to the practical consequences of such hostility in unfair discrimination against Muslim individuals and communities, and to the exclusion of Muslims from mainstream political and social affairs. (Runnymede Trust, 1997: 4)

Conventionally, a 'phobia' is an irrational fear, and 'unfounded hostility' seems to approximate to this. But the report does not allow for well-founded hostility or a *rational* basis for a fear. Accordingly, its thrust is that *any* hostility towards Islam and Muslims is deemed unfounded and, ipso facto, Islamophobic. It is this reasoning that makes the term so problematic and misplaced in grappling with the realities in their multitudinous forms. The report does, however, make this important admission:

The term is not, admittedly, ideal. Critics of it consider that its use panders to what they call political correctness, that it stifles legitimate criticism of Islam, and that it demonises and stigmatises anyone who wishes to engage in such criticism (ibid.).

If the term is not ideal, it was irresponsible to use it and a more suitable alternative – such as anti-Muslim prejudice/discrimination – should have been adopted. While reference is made to legitimate criticism of Islam, there is no clarification of what this is and indeed what it is not. Indeed,

the term was repeatedly and uncritically invoked in another influential Runnymede Trust commission, *The Future of Multi-Ethnic Britain*, led by Bhikhu Parekh, published in 2000. For example, it asserts that: 'Recently, Muslims have emerged as the principal focus of racist antagonisms ("Islamophobia") based on cultural difference' (Parekh, 2000: 31).

On one point of principle, Muslim organisations had a legitimate argument: whereas the blasphemy law only protected the beliefs of the Church of England, on the grounds of fairness and equality, it was reasonable for them to make the demand that other religions should also come within the law's ambit. Notably, while traditional Christian faith has been declining in Britain, for most ethnic minorities, religion is deeply important and invariably the primary marker of identity. This contradiction was understood by successive governments and in 2008, rather than extend protection to other religions, the blasphemy law of England and Wales was finally and sensibly repealed.

Racial and Religious Hatred Act 2006

However, especially after 9/11, the Labour government wished to placate incessant demands from some Muslim activists and organisations for protection of their religion by outlawing 'religious hatred' which was deemed to be akin to racial hatred. Given that most Muslims vote Labour, there was a vested political interest in doing so.³ This led to the Racial and Religious Hatred Act of 2006, which came into force on 1 October 2007, and created an offence in England and Wales of inciting hatred against a person on the grounds of their religion.⁴ The Act defines religious hatred as 'hatred against a group of persons defined by reference to religious belief or lack of religious belief'. '[A]cts intended to stir up religious hatred' include 'use of words or behaviour or display of written material'. The key section of the Act is 29B (1):

A person who uses threatening words or behaviour, or displays any written material which is threatening, is guilty of an offence if he *intends* thereby to stir up religious hatred. (emphasis added)

The insertion of 'intends' stemmed from protests against the Bill, particularly by comedians and entertainers, who argued that the law would severely curtail freedom of expression. Defenders of the legislation countered this by asserting that this would not be the case, given that the threshold at which religious offence became incitement would be high. They also pointed to section 29J, which provides protection for freedom of expression:

3 For example, at the 2017 general election, 85% of Muslims voted Labour (British Religion in Numbers, 2017, (<http://www.brin.ac.uk/religious-affiliation-and-party-choice-at-the-2017-general-election/>))

4 329779 CH1 (https://www.legislation.gov.uk/ukpga/2006/1/pdfs/ukpga_20060001_en.pdf)

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

It appears that 29J sets a limit on the effect of 29B (1). Thus, 'ridicule, insult, and abuse' of a religion is precisely what advocates of blasphemy legislation deem to be tantamount to hatred – and indeed some of those from ethnic minorities, with a history of displaying intolerance to any slight to their religions will view it as such. No matter, the government pushed ahead with the Bill as the fulfilment of a manifesto commitment and the placation, above all, of Islamic organisations. The Act is, in fact, the extension of 'race' to include 'religion', which explains why it is termed the Racial and Religious Hatred Act. In line with this thinking, religion was included as a protected characteristic in the Equality Act 2010.

All-Party Parliamentary Group on British Muslims definition, 2018

Yet, these protections have not been sufficient for those who consider 'Islamophobia' to be a clear and present danger; accordingly, their push to have a specific legal protection against the purported offence continued. In November 2018, the All-Party Parliamentary Group on British Muslims (APPGBM) provided a working definition of 'Islamophobia': 'Islamophobia is rooted in racism and is a type of racism that targets expressions of Muslimness or perceived Muslimness' (APPGBM, 2018: 11).⁵ Though the definition is imprecise, it is suggestive of an aversion to free speech in relation to 'Muslimness'.

Without proper scrutiny or consultation, this definition was swiftly adopted by the Labour Party, the Liberal Democrats, Plaid Cymru, the Mayor of London and many local councils. Importantly, there was little consideration of how such a vague and highly contentious definition would affect freedom of expression. Like the Runnymede Report, the APPGBM's report does not distinguish between what it considers to be legitimate and illegitimate criticism of Islam but, as with Runnymede, the sentiment is that pretty much all criticism of Islam is illegitimate. The definition was, however, not accepted by the Conservative government led by Theresa May and so is not included in the statute books.

The belief that 'Islamophobia is rooted in racism' is an assertion without compelling evidence. Moreover, it is a category error given that Islam is

5 For the problems relating to the APPGBM's inquiry and report, see the introduction in Webb (2019: 2–12).

not a race – indeed, it has adherents of all races across the globe. Recourse to this reasoning stems from a term that came to prominence in the 1980s, that of ‘cultural racism’ wherein the argument was that dislike or hostility to minority cultures was a manifestation of racism. But this conflation of culture with race is another category error. Similarly, the term ‘Muslimness’ is nebulous and subjective. Thus, for example, for the House of Saud, Muslimness has long applied only to those practising the Wahhabi interpretation of Islam. And for all sects of Sunni and Shia Islam, the Ahmadi are excluded from expressing Muslimness.

The APPGBM and Muslim organisations did not provide demonstrable evidence of Muslims being systematically oppressed because none such exists. This helps explain why Muslims are largely satisfied with their situation in the UK. For example, an extensive ICM Poll of British Muslims for Channel 4 conducted in 2015 found that a large majority of British Muslims feel a strong sense of belonging to Britain (86%) – higher than the national average (83%); an overwhelming majority feel that they are able to practise their religion freely in Britain (94%); and 88% think that Britain is a good place for Muslims to live.⁶ Indeed, if the country was a hotbed of ‘Islamophobia’, countless millions from across the Muslim world would not wish to settle here.⁷ Similarly, many thousands – perhaps the majority of whom are Muslim – pay people smugglers significant sums of money to illegally cross the English Channel from France in rubber dinghies with risk to life and limb.

An important indicator of potential oppression is that of the long-running contentious issue of the incidence of ‘stop and search’ by the police. In England and Wales, from April 2020 to March 2021, per 1,000 people, this is 7.5 for Whites; 52.6 for Blacks; and 17.8 for Asians (29 for Bangladeshis and 19.3 for Pakistanis – these two being overwhelmingly Muslim).⁸ Thus, black people are subjected far more to stop and search but this and other forms of possible discrimination against them have never been termed *Blackophobia*. Similarly, during the IRA terror campaign

6 ‘C4 survey reveals What British Muslims Really Think’, Channel 4, 11 April 2016 (<https://www.channel4.com/press/news/c4-survey-and-documentary-reveals-what-british-muslims-really-think>)

7 For example, a Gallup opinion poll of December 2018 found that 34 million people would like to migrate to the UK. A significant percentage are likely to be Muslim. (<https://news.gallup.com/poll/245255/750-million-worldwide-migrate.aspx>)

8 gov.uk, ‘Stop and search: Ethnicity facts and figures’, 27 May 2022 (<https://www.ethnicity-facts-figures.service.gov.uk/crime-justice-and-the-law/policing/stop-and-search/latest#by-ethnicity>)

of the 1970s and 1980s, there was considerable anti-Irish sentiment in Britain (as evidenced in Hickman and Walter, 1997) yet there was never any recourse to labelling this as *Irishphobia*.

Freedom of speech as a fundamental right

Furthermore, there was no recognition that the APPGBM definition breaches laws and conventions that protect freedom of expression. Freedom of expression as a fundamental right is set out in Article 19 of the UN Universal Declaration of Human Rights and in Article 10 of the European Convention on Human Rights (incorporated into UK law in Schedule 1 of the Human Rights Act 1998).⁹ Likewise, the Parliamentary Assembly of the Council of Europe made clear in Resolution 1510 (Freedom of Expression and Respect for Religious Beliefs), passed in 2006, that:

[T]here cannot be a democratic society without the fundamental right to freedom of expression. The progress of society and the development of every individual depend on the possibility of receiving and imparting information and ideas. This freedom is not only applicable to expressions that are favourably received or regarded as inoffensive but also to those that may shock, offend or disturb the state or any sector of the population, in accordance with Article 10 of the European Convention on Human Rights.¹⁰

As noted above, section 29J of the Racial and Religious Hatred Act 2006 makes explicit reference to religion.

⁹ Human Rights Act 1998 (<https://www.legislation.gov.uk/ukpga/1998/42/data.pdf>)

¹⁰ 'Freedom of expression and respect for religious beliefs', Resolution 1510 (2006) (<https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=17457&lang=en>)

Organisation of Islamic Countries at the United Nations

The epithet Islamophobia has been an effective means to prevent Islam and Muslims from being subjected to critique, criticism, satire and 'antipathy, dislike, ridicule, insult or abuse' in the manner that Christianity has been at least since the Enlightenment. At a global level, such prevention has precisely been the aim of the Organisation of Islamic Cooperation (OIC) at the UN, and with success. On 15 March 2022, the UN General Assembly adopted a resolution by consensus that proclaimed 15 March as the International Day to Combat Islamophobia. 'Islamophobia has emerged as a new form of racism that includes, among others, discriminatory travel bans, hate speech and the targeting of girls and women for their dress.' 'The text called for expanded international efforts to create a global dialogue that will encourage tolerance and peace centred on respect for human rights and the diversity of religions and beliefs.'¹¹

It is of course the case that freedom of expression is severely restricted in the Muslim world – for example, there is not one Muslim-majority country in the top 50 in the Reporters without Borders Press Freedom Index 2021.¹² Hence, for the OIC, curtailing free speech, including press freedom, is not only unproblematic but indeed desirable.

There is, however, a glaring lacuna and contradiction in the OIC's reasoning and evidence, that is, they studiously refrain from labelling as Islamophobia

11 'General Assembly Unanimously Adopts Texts on Combating Islamophobia, Protecting Rangelands, Tackling Difficulties for Widows, Bicycles as Public Transportation', United Nations General Assembly, 15 March 2022 (<https://www.un.org/press/en/2022/ga12408.doc.htm>)

12 '2021 World Press Freedom Index', Reporters Without Borders (RSF) (<https://rsf.org/en/index>)

the systematic repression of Muslims in Kashmir by the Indian state (and in India as a whole Muslims are increasingly treated as second class citizens by the Hindu nationalist BJP government); by the repression and ethnic cleansing of Rohingya Muslims by the Myanmar state; and of the appalling treatment of Uighur Muslims in Xinjian province by the Chinese state. This is puzzling as these are unambiguous and very serious examples of 'Islamophobia' in the sense of anti-Muslim hatred and the targeting of Muslims *qua* Muslims. Clearly, geopolitical considerations are at play here that help explain the deafening silence of the OIC.

Concluding remarks

There is plenty of anecdotal evidence to support Michael Palin's view that self-censorship exists with respect to Islam, and it is undoubtedly the case that the fear of being labelled 'Islamophobic' has contributed to this. While the offence of blasphemy has been abolished, the Racial and Religious Hatred Act, despite its protection for freedom of expression, is, nevertheless, regressive. Without proper scrutiny or debate, the epithet 'Islamophobia' has seamlessly become accepted as a valid phenomenon and term in mainstream society. This is doubtless considered a success for those Islamic organisations and campaigners that easily take offence, and their apologists, but it is decidedly harmful to free speech, the bedrock of a free society. Furthermore, they – like the OIC – refrain from highlighting egregious examples of anti-Muslim hatred and oppression that does exist in the three countries highlighted.

In March 2006, following the outcry in many parts of the Muslim world over the publication of the Danish Cartoons, including of the prophet Mohammad, 12 writers, of whom Salman Rushdie was one, wrote Manifesto: *Together Facing The New Totalitarianism* published in the French satirical magazine *Charlie Hebdo*. Two paragraphs are particularly apposite for this paper:

We refuse to renounce our critical spirit out of fear of being accused of "Islamophobia", a wretched concept that confuses criticism of Islam as a religion and stigmatisation of those who believe in it.

*We defend the universality of the freedom of expression, so that a critical spirit can exist in every continent, towards each and every maltreatment and dogma.*¹³

The present author, who has long admired the courage and principled stance that Rushdie has shown on free speech, also agrees that 'Islamophobia' is 'a wretched concept' that has curtailed free speech.

As this paper was going to press, Salman Rushdie was attacked and very severely injured at a public meeting in New York, although the motive for the attack has yet to be established.

13 BBC NEWS | Europe | Full text: Writers' statement on cartoons:
<http://news.bbc.co.uk/1/hi/world/europe/4764730.stm>

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