

Legislating Religious Correctness

Religious vilification laws converge with the Islamist vision of a blasphemy-free society.

by Daveed Gartenstein-Ross

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ON SEPTEMBER 6 AND 7, Pastor Daniel Scot, who last year was found to be in breach of Victoria, Australia's Racial and Religious Tolerance Act, met with human-rights lawyers and policymakers in Washington, D.C. In these meetings, Scot described his experience defending himself in Victoria's courts against the charge of inciting hatred against Muslims. Many of the people and groups with whom Scot met hope his visit will serve as a springboard for a campaign against the religious vilification laws that have been increasingly considered, and adopted, in Western countries.

Scot, a diminutive 55-year-old bearded Pakistani with speckles of white in his black hair, was forced to flee Pakistan for Australia in 1987. As a devout Christian who says that he's filled with evangelistic zeal, Scot had never shied away from debating Muslims on theological matters. Unfortunately for him, in 1986 Pakistan adopted a vague and open-ended blasphemy law, section 295-C, which prohibited any speech that directly or indirectly defiled the Prophet Muhammad. Punishments included the death penalty and life imprisonment.

According to Scot, he came under official pressure to convert to Islam near the end of his time in Pakistan, and was charged with blasphemy when he refused. When he fled to the safety of Australia, he didn't imagine that he'd again face legal penalties because of his faith.

UPON HIS ARRIVAL DOWN UNDER, Scot noticed many Australians converting to Islam. This prompted him to begin lecturing about the faith. "I wanted to help these people learn what's in the Koran so they could make an informed decision rather than an ill-informed decision," Scot explained in an interview. But just as Pakistan imposed penalties on improper religious speech in 1986, Victoria did so too, on January 1, 2002, when its Racial and Religious Tolerance Act went into effect.

The Act prohibits conduct "that incites hatred against, serious contempt for, or revulsion or severe ridicule of" a class of people based on their religious beliefs. Its force was brought to bear against Scot and another pastor, Danny Nalliah, after three Australian converts to Islam covertly attended a seminar they held in March 2002, took notes, and

then filed a legal complaint.

Although many controversial ideas were put forward in the seminar (Scot contended that the Koran makes offensive jihad obligatory and that Islam places women in an inferior position), the presenters made clear that they weren't attacking Muslims as people. A transcript reveals that Scot admonished the audience to remember that "we are not here learning how to fight with Muslims, we are learning here how we can love Muslims and help them to see the truth." Despite this, the Victorian Civil and Administrative Tribunal determined in December 2004 that Scot and Nalliah had violated the act. Their case is currently under appeal.

A number of U.S.-based organizations believe the time is ripe to stand against the spread of religious vilification laws in the West. The Australian states of Queensland and Tasmania have adopted laws similar to Victoria's Racial and Religious Tolerance Act. A religious vilification law is in force in Sweden, and such legislation is being considered in Britain. Further, it isn't uncommon in Europe for people to be taken to court for criticizing Islam. In France, actress Bridgette Bardot was fined last year for lamenting the "Islamization of France" and the "underground and dangerous infiltration of Islam." Italian author Oriana Fallaci faces trial next year over charges that she defamed Islam in her book *The Force of Reason*.

The Becket Fund for Religious Liberty, an international law firm that defends the right of free expression for all faiths, has submitted a pair of letters to Australia's attorney general arguing that Australia will violate international law if Victoria's Racial and Religious Tolerance Act is used to punish religiously-motivated speech in Scot's case. The Becket Fund's position is that the government shouldn't put itself in the role of referee over religious debate by determining which religious criticisms are "legitimate" and which are out of bounds. In an interview, Roger Severino, legal counsel for the Becket Fund, outlined why the Fund chose to oppose Victoria's religious vilification law.

First, Severino contended, the act converts secular courts into religious review boards. "If you believe in the separation of church and state, you shouldn't let the government determine what a reasonable interpretation of a faith is," he stated. This is exactly what happened in Scot's case. When Scot was accused of violating the act, the court was put in the unusual position of having to parse the Koran and *hadith* (neither of which it had an expert knowledge of) to determine whether Scot's interpretations of Islamic law were reasonably accurate.

Which dovetails with Severino's second criticism: The act is contrary to freedom of speech and freedom of conscience. "If you believe in freedom of conscience," Severino said, "someone should be able to discuss their beliefs freely with respect to other religions." Many observers fear that the act could have a chilling effect on religious debate, with people being forced to consider the possibility of legal liability before commenting on theological matters.

Finally, Severino argued that the Act subverts its own purposes. The act was intended to promote religious harmony, but appears to have done the opposite. Scot was charged with violating the act because three Muslim converts covertly attended his seminar--essentially, as spies. "They took offense, but they went there to be offended," Severino said. Severino says that because such spying "has now taken off" in Australia, a law intended to foster religious harmony seems instead to have produced acrimony.

FATHER KEITH RODERICK, the Washington representative of the human rights group Christian Solidarity International, has another objection to religious vilification laws. "The way the laws are being used is to protect Islam from criticism and silence those who wish to challenge it," he says.

While religious vilification laws are neutral on their face (and indeed, some Muslims have been prosecuted for religious hate speech), there is a remarkable convergence between these laws and the Islamist vision of a blasphemy-free society. Iqbal Sacranie, secretary-general of the Muslim Council of Britain, published an op-ed in the *Telegraph* in December 2004 arguing in favor of Britain's proposed religious vilification law--in large part, he claimed, because European writers have a history of "taking liberties" in their discussion of Prophet Muhammad. Sacranie analogized the proposed law to the *Satanic Verses* affair, and then stated: "Is freedom of expression without bounds? Muslims are not alone in saying 'No' and calling for safeguards against vilification of dearly cherished beliefs."

Similarly, Syed Mumtaz Ali, president of the Canadian Society of Muslims, argues on that group's website that Canadian Muslims should be protected from blasphemous speech:

In the context of the special cultural/religious needs of the Muslim community in respect of their beliefs about blasphemy, it indeed behoves [sic] a broad-minded people like Canadians to accommodate their (Muslim community's) needs . . . Surely it will be worthwhile to rise above the pettiness and the "terminal meanness" of linguistic, regional, racial and narrowly defined cultural considerations.

One suspects that as religious vilification laws spread, the liberal proponents of these laws will end up unwittingly empowering those who believe that their religion should be above condemnation.

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