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Anti-blasphemy laws don’t work in Muslim countries, and they won’t work here

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In the wake of the violence sparked around the world by the anti-Islam video entitled Innocence of Muslims, the debate about the need for anti-blasphemy laws has re-emerged.

The Organisation of Islamic Cooperation (OIC), a peak body for Islamic countries which comprises 56 member states, has renewed its call for such laws. In his recent address to the UN Assembly last week Indonesian President Susilo Bambang Yudhoyono - whose country is a member of the OIC - demanded that Western countries criminalise blasphemy, and the call has resonated with some in the Muslim community in Australia. Islamic Association of Australia president Muhammad Wahid was reported as backing the need for laws that prevent the “mocking of religion”.

But how could such a law function if it were introduced in Australia? This question is particularly pertinent given that Australia is a religiously plural country, which has more than 200 different nationalities. These are split between at least five different major religions in Islam, Buddhism, Judaism and Christianity (of which the ABS records eight denominations) which all have their own claims to immutable truth.

The simple answer: it could not function at all. Why? There are two fairly instructive reasons.
First, there are a number of examples in countries that have such laws that illustrate they simply do not work, in that they are subject to manipulation and abuse that often disadvantages minorities.

Just over a month ago in Pakistan, a 14 year-old mentally-impaired Christian girl, Rimsha Masih, was charged under the country’s blasphemy laws for allegedly burning several pages of the Qur’an for fuel. Subsequently, she was imprisoned in an adult prison. The charge was levelled against her by a neighbour. However, it was later claimed by a witness that a local Imam planted the pages in the girl’s bag, fuelled by a desire to drive the local Christian population out of town. The case is ongoing and continues to divide the community, but thankfully the young girl has been released from custody.

Further, in an intriguing twist, a group of Muslim rioters that were directed to protest against the anti-Islam video and subsequently ransacked a Hindu temple in the district of Hindu Goth in Karachi on September 21 have had a case brought against them using the same blasphemy law. The victims filed a case under Section 295A, which covers the “outraging of religious feelings”. However, at present the authorities are reported as “simply considering the case” and none of the rioters have been apprehended. Justice it seems is not as swift for those who are in the minority.

Similarly in Egypt, a prominent Muslim television preacher last month burnt a copy of the Bible as part of a protest against the anti-Islam video outside the American Embassy in Cairo and was charged with blasphemy. Rather than express remorse for his actions and concern over being charged, the preacher explained that he would do it again, effectively positioning himself as a martyr.

It’s clear that such laws, rather than prevent insensitive activities, encourage bad behaviour as they take a momentary incident and drag it out over a long time to the detriment of the entire community.

Second, creating “niche laws” also comes with other attendant problems. A good example of this is the burqa ban implemented in France. Several individuals who were protesting over a month ago against the incarceration of the Russian anti-Putin rockers Pussy Riot were detained in Marseille for wearing balaclavas, as the law bans all face coverings in public. This is an unintended outcome of a reactionary law that targeted Muslims, but has ultimately curtailed everyone’s freedom of expression.

We cannot afford to legislate for every perceived injustice. We already have vilification laws that include religion which should be used judiciously or we run the risk of tying ourselves in knots like the French.

Indeed, as the late Indonesian President and scholar Abdurrahman Wahid said of
blasphemy laws:

[They] narrow the bounds of acceptable discourse in the Islamic world and prevent most Muslims from thinking 'outside of the box', not only about religion, but also about vast spheres of life, literature, science, and culture in general.

This is good advice. Not just for Muslims, but for all of us.