

Reflections on Blasphemy and Secular Criticism¹

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For many years now there has been much talk in Euro-America about the threat to free speech, particularly whenever its Muslims have raised the issue of blasphemy in response to some public criticism of Islam. The most recent crisis was the scandal of the Danish cartoons. A decade and a half after the Rushdie affair, the old religious denunciation of “blasphemy” had reared its head again among Muslims in Europe and beyond, seeking to undermine hard-won freedoms. Or so we were told. There were angry protests and some violence on one side, many affirmations of principle and expressions of contempt on the other.² The affair was discussed largely in the context of the problem of integrating Muslim immigrants into European society, and related to the “global menace” of Islamists.³ Coming after the attack on the World Trade Center and the London bombings, the cartoon scandal was made to fit neatly into a wider discourse: the West’s “war on terror,” a conflict that many see as part of an intrinsic hostility between

¹ An early version of this paper was first given at the Humanities Institute, Stanford University, as the Presidential and Endowed Lecture in October 2006

² The Western press has made much of the irrational violence of Muslims responding to the publication of the cartoons, but it has rarely noted the political atmosphere in which Muslims live in Europe generally and in Denmark particularly. According to a Danish researcher respectable members of parliament from a variety of Danish parties made the following statements to the national press in the 2001 elections: “Muslims are just waiting for the right moment to kill us” (Mogens Camre, Progress Party); “Certain people pose a security risk solely because of their religion, which means that they have to be placed in internment camps” (Inge Dahl Sorensen, Liberal Party); “If you try to legislate your way out of these problems [concerning Muslim organizations], it is a historical rule that rats always find new holes if you cover up the old ones” (Poul Nyrup Rasmussen, Social Democratic Party). Quoted in P. Hervik, “The Emergence of Neo-Nationalism in Denmark, 1992-2001,” in M. Banks and A. Gingrich (eds.), *Neo-Nationalism in Europe and Beyond: Perspectives from Social Anthropology*, Oxford: Berghahn, 2006.

³ “The prolonged and violent demonstrations against the Danish cartoons,” wrote George Packer, *New Yorker* staff writer, “were a staged attempt by Islamists to intimidate their enemies in their own countries and in the West.” (“Fighting Faiths: Can liberal internationalism be saved?” in *The New Yorker*, July 10 & 17, 2006, pp. 95-6.)

two civilizations, Islam and Europe.⁴ Thus the Danish press and many Danish politicians began to criticize Islamic studies scholars for disregarding this fundamental antagonism. It was argued that these scholars had intentionally avoided certain civilizational topics, such as the ways in which Islam is an obstacle to integration and is a potential security threat.⁵

⁴ The London *Guardian* columnist Gary Younge writing at the height of the cartoon affair, provides a telling example: “In January 2002 the [British political weekly] *New Statesman* published a front page displaying a shimmering golden Star of David impaling a union flag, with the words ‘A kosher conspiracy?’ The cover was widely and rightly condemned as anti-semitic. It’s not difficult to see why. It played into vile stereotypes of money-grabbing [sic] Jewish cabals out to undermine the country they live in. Some put it down to a lapse of editorial judgment. But many saw it not as an aberration but part of a trend – one more broadside in an attack on Jews from the liberal left. A group calling itself Action Against Anti-Semitism marched into the *Statesman’s* offices, demanding a printed apology. One eventually followed. ... I do not remember,” Younge goes on, “talk of a clash of civilisations in which Jewish values were inconsistent with the western traditions of freedom of speech or democracy. Nor do I recall editors across Europe rushing to reprint the cover in solidarity. Quite why the Muslim response to 12 cartoons printed [in Denmark] last September should be treated differently is illuminating. There seems to be almost universal agreement that these cartoons are offensive. There should also be universal agreement that the paper has a right to publish them. ... But the right to freedom of speech equates to neither an obligation to offend nor a duty to be insensitive. There is no contradiction between supporting someone’s right to do something and condemning them for doing it.” This passage appears in the debate between Philip Hensher and Gary Younge, in “Does the right to freedom of speech justify printing the Danish cartoons?” *The Guardian*, February 4, 2006. Hensher maintains: Yes, Younge: No.

⁵ “For example, parts of the Danish press as well as Danish politicians have recently argued that Islamic Studies scholars are acting as political agents because they intentionally choose to disregard certain topics, such as social processes in which Islam can be seen as an obstacle to integration and/or a potential security threat.” From *Research on Islam Repositioned*, theme statement for seminar sponsored by Danish research network *Forum for the Research on Islam* (FIFO), May 14th-15th 2007. And yet, according to the first Europol report on terrorism published in 2007, it emerges that of 498 acts of terrorism that took place in the European Union during 2006, Islamists were responsible for only one; the largest number (136) was carried out by Basque separatists, and it was only one of these Basque attacks that resulted in loss of life. On the other hand, over half of those arrested on suspicion of terrorism are Muslim. See Europol, *EU Terrorism Situation and Trend Report*, The Hague, 2007 (www.europol.europa.eu). Almost the entire media in Europe has ignored these figures while playing up “the threat of Islam.” What accounts for this curious silence/volubility?

The attitudes displayed in the cartoon affair by Muslims and non-Muslims were quite remarkable. This paper is not, however, an apologia or a critique; it is an attempt to think through the idea of blasphemy in more complicated ways. In what follows I look at blasphemy from various angles, and treat it as the crystallization of a number of moral, political, and critical problems in liberal European society. So I will have less to say about traditions of Islamic thought and behavior than about the modern condition we all inhabit. When I do refer to that tradition it will be to try and raise questions about liberal modernity and secularity.

Blasphemy and the clash of civilizations

The conflict that many Euro-Americans saw in the Danish cartoons scandal was between the West and Islam, each championing opposing values: democracy, secularism, liberty, and reason on the one side, and on the other the many opposites – tyranny, religion, authority, and unreason. The idea of blasphemy clearly belongs to the latter series, and is seen by secularists as a constraint on the freedom of speech guaranteed by Western principles and by the pursuit of reason so central to Western culture. Pope Benedict's Regensburg lecture in 2006 emphasized the idea of a civilizational confrontation between Christianity, that reconciles Greek reason with biblical faith, and Islam that encourages violent conversion because it has no faith in reason.⁶

Blasphemy has a long history in Christianity, in which it has been described as an insult to God's honor, as the sin that can be committed in many ways. It became a crime in common law only in the seventeenth century, at a time when national courts were taking over from ecclesiastical courts and the modern state was taking shape. Common law did not distinguish between heresy (the holding of views contrary to faith) and blasphemy (the utterance of insult against God or His saints) as medieval canon law had

⁶ Lecture of the Holy Father, "Faith, Reason and the University: Memories and Reflections." September 2006. http://www.vatican.va/holy_father/benedict_xvi/speeches/2006/september/documents/hf_ben-xvi_spe_20060912_university-regensburg_en.html. In contrast, the distinguished Catholic philosopher Charles Taylor speaks of "the unbridgeable gulf between Christianity and Greek philosophy". See "Introduction" to *The Secular Age*, Cambridge, Mass.: Harvard University Press, 2007.

done. So from the seventeenth century on the crime of blasphemy was entangled with the question of political toleration and the formation of “secular modernity” – otherwise known as “Western Civilization.” Over the next two centuries differences of legal opinion arose as to whether public statements lacking defamatory intent or expressed in moderate language were liable to criminal prosecution. It was felt that scholarly debate and discussion needed protection, even if they appeared to be “irreligious.” This led to increasing legal attention being given to the language (style and context) in which “blasphemy” appeared, *regardless of how disruptive of established truth it was.*

The tendency to emphasize manner of expression – to see blasphemy in terms of form rather than content – had, however, some interesting legal implications: vulgar working class speech was less protected than the polite speech of the middle and upper classes. A scholar who has studied blasphemy trials in nineteenth-century England calls them “class crimes of language on account of the class bias they indicate.”⁷ That an exceptionally large number of them took place during a period when a modern class system began to appear is itself of some significance. For this reason I am inclined to say that rather than simply indicating class bias the identification of blasphemy helped to constitute class difference. But most important, I want to suggest that we see blasphemy in these cases not as instances of the suppression of free speech but as the shape that free speech takes at different times and in different places because there is no such thing as free speech in the abstract.

Free speech, it is said, is central to democracy. Consistent with the standpoint of Pope Benedict, and many of the defenders of the Danish cartoons, it is often claimed that democracy is rooted in Christianity and is therefore alien to Islam. There is a widespread conviction that Christian doctrine has been receptive to democracy because in Christendom (unlike Islam) church and state began as separate entities. But it must not be forgotten that the Byzantine state-church was the space in which central Christian doctrines were formulated and fought over, that even in the Middle Ages and well beyond the separation between religious and political authority was far from complete,

⁷ See Joss Marsh, *Word Crimes: Blasphemy, Culture, and Literature in Nineteenth-Century England*, Chicago: University of Chicago Press, 1998. Marsh deals with over two hundred blasphemy trials all of which had a strong class component.

and social inequality was generally regarded as legitimate. This is not to say that all those who sought to maintain inequality were Christian and that their opponents were always non-Christian. The struggle for equal rights was ideologically and socially complicated.

Many Euro-Americans, including most recently Francis Fukuyama, have traced “democracy” through “political equality” to the Christian doctrine of “the universal dignity of man,” in order to make the claim that it is a unique value of Western civilization.⁸ In Medieval Latin, however, *dignitas* was used to refer to the privilege and distinction of high office not to the equality of all human beings. Christianity does have a notion of universal spiritual worth (as, for that matter, does Islam) but that has been compatible with great social and political inequality. In the nineteenth century some writers (e.g. the very influential George Grote⁹) began to trace the concept and practice of modern democracy not from Christianity but from classical Greece. Pre-Christian Athens certainly had a concept of equal albeit restricted citizenship and rudimentary democratic practices that included the right to speak freely in the political forum, but it had no notion of “the universal dignity of man.” In European Christendom it was only gradually, through continuous conflict, that many inequalities were eliminated and that secular authority replaced one that was ecclesiastical.

There is a story told by writers of whom Marcel Gauchet is a much-cited example:¹⁰ Christianity is the seed that flowers into secular humanism, destroying in that process its own transcendental orientation, and making possible the terrestrial autonomy that now lies at the heart of Western democratic society. (This contrasts with Muslim societies that remain mired in their religion.¹¹) Christianity of all “religions” gives birth to

⁸ Francis Fukuyama, *The End of History and the Last Man*, “Afterword” to Reprint Edition, New York: Free Press, 2006. See also the dialog between an American non-religious post-modern philosopher and an Italian Christian post-modern theologian in which both agree on the fundamental link between Christianity and democracy: Richard Rorty/Gianni Vattimo, *The Future of Religion*, edited by Santiago Zabala, New York: Columbia University Press, 2005.

⁹ George Grote, *History of Greece*, London: Routledge, 2001.

¹⁰ Marcel Gauchet, *The Disenchantment of the World: A Political History of Religion*, Princeton: Princeton University Press, 1997.

¹¹ It is remarkable how little knowledge is thought to be necessary by writers when dealing with Christianity’s alter, Islam: “The difference [of Christianity] from Islam is glaringly obvious. The Koran’s revelation is itself the literal and indisputable presence of

a plural, democratic world; of all “religions” it begets unfettered human agency. The elemental *human dispossession* that characterizes all religion is paradoxically overcome by and through a unique religion: Christianity. This story of “Western Christianity” as a parent metamorphosed into its offspring (modernity), as transcendence become worldly (secularity), as the particular thinking the universal, is remarkable for the way it mimics the sacred Christian narrative in which Jesus incarnates the divine principle, dies and is reborn to take his place at the right hand of the Father, a narrative whose telos is redemption for all humankind. Transcendence thus remains in our redeemed world, our secular “European civilization,” although now it has a different content as well as a different place. Santiago Zabala, surveying the post-metaphysical trend in Euro-American philosophy, puts it a little differently. Secularization, he writes, is not merely produced by a Christian past but is also a testament to the enduring presence of Christianity in its post-Christian mode (European civilization).¹²

How, given the present political climate, are we to understand stories that recount the flourishing of a distinctive European Civilization with Christianity as its historical foundation in conflict with another called “Islamic”? As part of a political discourse its function is to facilitate hostile action against Muslims under the rubric of “defense,” but its logical implication is that the absence of “democratic traditions” in Islamic civilization

the transcendent in immanence and thus dispensed with interpreters, lest it succumb to the uncertainties of internal judgment or to an outbreak of subjective values. No clergy, no Reformation. Christianity, by contrast, linked orthodoxy’s austerity to an opening for heresy.” (Gauchet, p.80) The notion that Islamic history lacks authoritative interpreters of the Qur’an and distinct traditions of scriptural interpretation, that it therefore contains no opening for heresy and no reformation, may be a sad reflection of scholarly ignorance but it serves the purpose of distinguishing “our” civilization that has had potentiality and “theirs” that lacks it.

¹² “If the task of philosophy after the death of God – hence after the deconstruction of metaphysics – is a labor of stitching things back together, of reassembly, then secularization is the appropriate way of bearing witness to the attachment of modern European civilization to its own religious past [i.e., Christianity], a relationship consisting not of surpassing and emancipation alone, but conservation too. Contrary to the view of a good deal of contemporary theology, the death of God is something post-Christian rather than anti-Christian; by now we are living in the post-Christian time of the death of God, in which secularization has become the norm for all theological discourse.” See Zabala’s Introductory essay to Richard Rorty and Gianni Vattimo, *The Future of Religion*, New York: Columbia University Press, 2005, p. 2.

explains Muslim resort to the coercive notion of blasphemy and their refusal to grasp the supreme importance of freedom. This appears self-evident. But is it?

From a sociological point of view, populations that belong to “European civilization” are highly differentiated by class culture and religious doctrine, by language and region. They have often been riven by internal conflict in which warring parties have used the same principle of critical public speech to attack each other, and in which alliances have sometimes been made with Muslim princes. There have always been important movements that have sought to censor public communication in the West, to restrain and control democratic tendencies, in the name of freedom or equality or stability. The entire history of European countries in the Americas, Asia, and Africa (with all its denials and repressions of the indigenous populations they ruled over) has been an integral part of “European civilization.” Hannah Arendt persuasively argued that the racist policies of European imperialism were essential to the development of racism – in particular, of modern anti-Semitism – in totalitarian Europe. It is not easy, therefore, to understand what exactly is being claimed when “democracy” and “free speech” are said to be intrinsic to “European civilization” inequality and repression are attributed to “Islamic civilization.”

True, democratic institutions are now more firmly established within Western post-Christian states than in Middle Eastern ones,¹³ and the legal systems of Muslim-majority countries were not, until they imported Western law, built around the idea of legal equality and *universality*. But instead of regarding the concern with the particular as opposed to the universal as a *lack*, as an absence that leads to political intolerance and to the infliction of social indignities, we might examine more closely the forms in which the universal drive to freedom appears in liberal societies. Thus one form of universalization central to liberal politics and economics, is the *substitutability* of individuals: in the arithmetic of electoral politics, each voter counts as one and is the exact equivalent of

¹³ The Middle East is not, of course, equivalent to “the world of Islam” – or even to “Muslim-majority countries” since most Muslims live outside the Middle East. And yet in the Western imaginary Muslim countries of the Middle East are seen as “the central lands of Islam,” just as “Christianity” is usually taken to mean Latin Christianity and does not refer to the important (and continuous) Christian communities in Muslim-majority countries.

every other voter – no more, no less, and no different. Each citizen has the same right to take part in the political process, and to be heard politically, as every other.

Substitutability is more fundamental for liberal democracy than *electoral consent* from which Western governments are said to derive their legitimacy, because such consent is dependent on counting substitutable votes.

Substitutability is more than a principle of electoral politics. It is also a social technique essential to bureaucratic control and to market manipulation, both being ways of normalizing (and therefore constraining) the individual. This is why statistical modes of thinking and representation – the construction of political and economic strategies on the basis of proportions, averages, trends, etc. – are so important to liberal democratic societies. The fact that individuals have equal value and so may be substituted for one another is, however, what helps to undermine the liberal notion of personal dignity, because to count the individual as a substitutable unit his/her uniqueness must be discounted. Thus even when we use Western criteria of democratic virtue, “liberal European civilization” emerges as highly contradictory. Contradiction does not in itself signify a pathology, but it does complicate the idea of a conflict between two civilizations one of which supposedly upholds human dignity and the other doesn’t.

A word on my use of the term “liberal” in this paper: I am aware that liberalism is a complex historical tradition, that Locke is not Constant and Constant is not Mill and Mill is not Rawls, that the history of liberalism in North America is not the same as that in Europe – or, for that matter, in parts of the Third World where it can be said to have a substantial purchase. But as a value-space, liberalism today provides its advocates with a common political and moral language in which to identify problems and to dispute. Such ideas as individual autonomy, freedom, national self-determination, limitation of state power, rule of law, and religious toleration belong to that space, not least when they are debated. It is precisely the contradictions and aporias in the language of liberalism that make the public debates among liberals possible, in a space that is vigorously defended against those who would introduce a radically different language.

Democracy and freedom are central to “Western Civilization,” and the universal right to free speech is central to democracy. Or is it? How does the idea of cultivating elite sensibilities (quality) implied by “civilization” fit with the idea of mass equality

(quantity) implied by “democracy”? This question was raised in nineteenth century Britain when the extension of the suffrage was debated. Thus Mill argued for a system of plural voting that would give greater weight to the educated (“more civilized”) classes to balance the working-class majority.¹⁴ But the problem has remained unresolved. Answers at a philosophical level are plentiful, however, in which mutual trust, amicability, and self-reliance are made essential to democracy. For this reason Zabala, whom I cited earlier, believes that secularity provides the key: “It was Dewey’s merit that we achieve full political maturity only at the moment when we succeed in doing without any metaphysical culture, without the culture of belief in non-human powers and forces. Only after the French Revolution did human beings learn to rely increasingly on their own powers; Dewey called the religion that teaches men to rely on themselves a ‘religion of love’ (the complete opposite of a ‘religion of fear’) because it is virtually impossible to distinguish it from the condition of the citizen who participates concretely in democracy.”¹⁵

This talk of representative democracy having its ethical roots in secularized Christianity is not uncommon today but it is not as scrupulously thought through as Max Weber’s more famous attempt to link capitalism to Christianity. Careful scholar that Weber was, he preferred to speak of “an elective affinity” rather than a generative relation.

It is worth recalling, incidentally, that the French Revolution was not simply an event introducing solidarity, democracy, and freedom into the modern world. Revolutionary armies themselves sought to promote liberty, equality, and fraternity by conquest. The Revolution inaugurated the Age of Modern Empires, unleashing modern warfare, nationalism, racism, and genocide (of, notably, American Indians, European Jews, Gypsies) around the world. All of this is certainly part of “Christian” Europe’s history. Of course it is not the sum still less the essence of Western history, but it is a

¹⁴ See J. S. Mill’s *Representative Government*, especially Chapter VIII, 1861. (John Stuart Mill, *Three Essays*, London: Oxford University Press, 1973. A great opponent of extending voting rights at the time was Robert Lowe. For his arguments see the chapter entitled “Robert Lowe and the Fear of Democracy” in Asa Briggs, *Victorian People*, Harmondsworth: Penguin Books, 1965.

¹⁵ Zabala, *op. cit.*, p. 6.

part. Is it not also part of its inheritance? The distinguished philosopher Richard Rorty has talked about rehabilitating the idea of “the European *mission civilisatrice*” with reference to its democratic values – its unique attachment to equality and freedom.¹⁶ But he does not explain who will decide what really represents “European values,” and how they will be maintained. Nor does he address the problem, identified by Hannah Arendt among others, of the capacity of modern states to eliminate minorities and to wage wars all on the basis of decisions arrived at democratically. As perceptive commentators have noted, *actually existing democracy* is as capable as any non-democracy of legislating repression at home and depriving the liberty of weaker peoples abroad, whether by military means or economic. What kind of *mission civilisatrice* should one expect from Europe?

Free speech and the concept of the human

The charge of blasphemy is said to be an archaic religious constraint and free speech a principle essential to modern freedom. But if the West is a civilization with Christianity as its historical foundation, does the concept of blasphemy have any place in it now that it is secularized? Are there any connections between the idea of blasphemy and the prohibitions established by secular law? Do prohibitions – whether “religious” or not – tell us something about the idea of “the human” defined by them? How does blasphemy relate to worldly criticism?

There is nothing new or remarkable in saying that there are emotional dimensions to communication, especially to the giving and taking of provocation. But if one were to go beyond the contrast between formal civilizational principles – freedom on one side, unfreedom on the other – and go beyond the simple notion of emotion as an obstacle to rational communication, one might ask just how affect articulates valued behavior and speech. For affect is not merely contingently related to speech, energizing utterances in defense or attack: it *constitutes* speech and action. How one speaks and behaves when one is in love, for example, or when one is guilty over what one has done or said to another, or how one abstains from some speech out of reverence for the gods (or for certain human beings) – these are not just speech-events to which emotion is attached but

¹⁶ Zabala, *op. cit.*, p. 72.

distinctive ways in which body-mind-emotion articulates value in relation to other persons. Although this is not a new point, it tends to be forgotten by universalists who are quick to dismiss some of the reactions of those who objected to the cartoons as merely irrational.

If blasphemy indicates a limit transgressed does criticism signify liberation? Let's bear in mind that the term "criticism" embraces a multitude of activities. To judge, to censure, to reproach, to find fault, to mock, to evaluate, to construe, to diagnose – each of these critical actions relates persons to one another in a variety of affective ways. Thus to be "criticizable" is to be part of an asymmetrical relation which may or may not reflect unequal power. One should be skeptical, therefore, of the claim that "criticism" is aligned in any simple way with "freedom."

Modern societies *do* of course have legal constraints on free communication. Thus there are laws of copyright, patent and trademark, and laws protecting commercial secrets, all of which prohibit in differing degree the free circulation of expressions and ideas. Are property rights in a work of art infringed if it is publicly reproduced in a distorted form by someone other than the original author with the aim of commenting on it? And if they are infringed, then how does the sense of violation differ from claims about blasphemy? My point here, I stress, is not that there is no difference, but that there are legal conditions that define what may be communicated freely, and how, in liberal democratic societies, and that the flow of public speech consequently has a particular shape by which its "freedom" is determined.

There are other laws that prohibit expression in public and that appear at first sight to have nothing to do with property: for example, indecency laws and laws relating to child pornography, whose circulation is prohibited even in cyberspace. The first set of laws, you might say, has to do with the workings of a market economy and so with property whereas the second is quite different because it deals with sexual propriety. But although it is the laws relating to the latter whose infringement evokes the greatest passion, both sets of constraint are clues to the liberal secular ideal of the human, the proper subject of all freedoms and rights. Both sets of limits articulate different ways in which property and its protection define the person. In a secular society these laws make it possible to demarcate and defend one's self in terms of what one owns, including,

above all, one's body. Thus our conceptions of "trespassing" on another's body and of "exploiting" it are matters of central concern to laws regulating sexual propriety. They also relate to slavery, a non-liberal form of property, for modern law holds that one cannot transfer ownership of one's living body to another person or acquire property rights in another's. Freedom is thus regarded as an inalienable form of property, a capacity that all individual persons possess in a state of nature, in the living body. There are, of course, exceptions to this principle of absolute ownership in one's body, some old and some new. For example, suicide – destroying oneself – is not only forbidden but also regarded by most people in liberal countries with horror, even though the person is said to be the sole owner of the body she inhabits and animates. This exception to self-ownership is often explained by secularists in terms of the humanist principle of "the dignity of human life," a principle that is not seen as conflicting with the brutality of war. Warfare is presented, regretfully, as a mode of killing and dying in the name of one's nation or of universal human redemption ("we may make terrible mistakes but the overall intentions should remain humane").

Apart from this old contradiction there is now a considerable area of legal and moral confusion regarding the ownership of donated human organs and human tissue taken as samples for medical research.¹⁷ This confusion adds to the growing sense that the sacred conception of the self-owning human, the foundation of freedoms in modern society, is under threat.

In theory, the self-owning liberal subject has the ability to choose freely, a freedom that can be publicly demonstrated. The reality is more complicated. Famously, there are two subject positions – one economic and the other political – whose freedom is invested with value in liberal democratic society both of which are linked to a conception of the freely choosing self and the limits that protect it. Thus as a citizen the subject has the right to criticize political matters *openly and freely*, and to vote for whichever political candidate she wishes – but she is obliged to do so *in strictest secrecy*. There is a paradox in the fact that the individual choice of candidates must be hidden to be free, while the critical speech to be free must be exercised in public; the former takes it for

¹⁷ R. Alta Charo, J.D., "Body of Research – Ownership and Use of Human Tissue," *New England Journal of Medicine*, vol. 355, October 12, 2006.

granted that the citizen is embedded in particular social relationships, the latter assumes that he is an abstract individual with rights. As an economic individual, the subject is free to work at, spend, and purchase whatever she chooses, and has the right to protect her property legally. Marx was surely right when he pointed out that in modern liberal societies the freedom of the producer is a precondition for the growth of capital – or, as we might put it today, unrestricted consumption is a source of corporate power. What he failed to point out, however, is that *that* power in turn serves to limit the liberty of the citizen.¹⁸ Social constraint (and as Freud has made us aware, even psychological constraint) lies at the heart of individual choice. It seems probable, therefore, that the intolerable character of blasphemy accusations in this kind of society derives not so much from their attempt to *constrain*, as from the theological language in which the constraint is articulated. Theology invokes dependence on a transcendental power, and secularism has rejected such a power by affirming human independence. But that authenticity is secularism's formal claim. In fact, as I have just suggested following others who have written on this topic, constraint and dependence is massively present in our secular world. The subject is not autonomous. His body, his sentiments, his speech are not entirely his own.

So my main concern is not to make the banal argument that free speech is never totally free. It is to ask what the particular patterns of restriction can tell us about liberal ideas of the *free* human. The self-owning individual is a famous liberal idea, and although there are some limits to what one may do to oneself there is greater latitude in relation to one's material property. The ownership of property doesn't only establish immunity in relation to all those who don't own it. It also secures one's right to do with it what one

¹⁸ “With the emergence of capitalism as a system of power dominated by huge conglomerates that dispensed radically unequal rewards, its anti-democratic culture became steadily more obvious. Marx had been only half-right: capitalism not only deformed the worker qua worker but also qua citizen. In its structure, ideology, and human relationship capitalism was producing human beings unfitted for democratic citizenship: self-interested, exploitive, competitive, striving for inequalities, fearful of downward mobility.” Sheldon Wolin, *Politics and Vision*, Expanded Edition, Princeton: Princeton University Press, 2004, p. 597.

wishes – so long as no damage is done to the rights of others.¹⁹ The right to choose how to dispose of what one owns (one’s body, one’s affections, one’s speech are all *personal property*) is integral to the liberal subject. It is worth reflecting on the fact that in liberal society rape, the violent subjection of a person’s body against his/her wishes for the purpose of sexual enjoyment, is a serious crime whereas seduction – the mere manipulation of another person’s sexual desire through calculated speech – is not. In the latter case no property right is violated. Compare this with ancient Greece where seduction was a more serious crime than rape because it involved the capture of someone’s affection and loyalty away from the man to whom they rightly belonged.²⁰ What this indicates is not only that the woman’s viewpoint did not matter legally in the ancient world, but also that in liberal society seduction is not considered a violation – except where minors are concerned. In liberal society seduction is not merely permitted, it is positively valued as a sign of individual (sexual) freedom.²¹ For every adult may dispose of his/her body, affections, and speech at will so long as no harm is done to the property of others. That is why the prohibition of seduction between adults – like the curtailment of speech – is regarded as a constraint on natural liberty itself.

¹⁹ Here is an interesting example: In 1967 the founder of Penguin Books decided that a book just put out by his publishing house was offensive to Christian sensibilities, and that it should therefore be destroyed. He did just that. (See Richard Webster, *A Brief History of Blasphemy*, The Orwell Press, 1990, p. 26.) No one protested, no one had the right to protest. My point here is simply that the sanctity of property – in this case property in the means of communication – gives one the legal power to control the form and content of public expression.

²⁰ “Greek laws were not lenient towards adultery, and *moikheia*, for which we have no suitable translation except ‘adultery,’ denoted not only the seduction of another man’s wife, but also the seduction of his widowed mother, unmarried daughter, sister, niece, or any other woman whose legal guardian he was. The adulterer could be prosecuted by the offended father, husband or guardian; alternatively, if caught in the act, he could be killed, maltreated, or imprisoned by force The adulterer was open to reproach in the same way and to the same extent, as any other violator of the laws protecting the individual citizen against arbitrary treatment by other citizens.” K. J. Dover, “Classical Greek Attitudes to Sexual Behaviour,” in M. Golden and P. Toohey (eds.), *Sex and Difference in Ancient Greece and Rome*, Edinburgh: Edinburgh University Press, 2003, pp. 117-8.

²¹ For an excellent discussion of the freedom promised by images typically used in consumer advertising, see John Berger, *Ways of Seeing*, Harmondsworth: Penguin Books, 1972, especially the final section that deals with “Publicity.”

In a detailed account of the legal disputes over the perpetuity of copyright in late eighteenth-century England, Mark Rose has demonstrated how the idea of incorporeal property (the literary work) emerged through the concept of the author as proprietor: “First, the proponents of perpetual copyright asserted the author’s natural right to a property in his creation. Second, the opponents of perpetual copyright replied that ideas could not be treated as property and that copyright could only be regarded as a limited personal right of the same order as a patent. Third, the proponents responded that the property claimed was neither the physical book nor the ideas communicated by it but something else entirely, something consisting of style and sentiment combined. What we here observe, I would suggest, is a twin birth, the simultaneous emergence in the discourse of the law of the proprietary author and the literary work. The two concepts are bound to each other.”²²

This genealogy of modern authorship makes it clear that the law of copyright is not simply a constraint on free communication but a way of defining how, when, and for whom literary communication (one of the most valued forms in secular liberal society) can be regarded as truly free and creative. A person’s freedom to say whatever he or she wants, especially where this has to do with artistic truth, depends on a particular notion of property. It implies a particular kind of property-owning subject whose freedom of speech rests on the truth of what is spoken (created). Historians of literature have begun to trace the strong Romantic roots of the concept of “the literary work.”²³ It remains to be investigated to what extent “freedom of speech” in general also has those roots. A genealogy of that right has still to be traced that will show it not as the expression of progressive reason but as the outcome of an imaginative enterprise that was given a Romantic justification. The Romantic Movement, it will be remembered, infused the French Revolution – the Rights of Man and Citizen inscribed liberty, the Revolutionary wars promoted it – and propelled the drive for freedom as autonomy.

²² Mark Rose, “The Author as Proprietor: *Donaldson v. Becket* and the Genealogy of Modern Authorship,” *Representations*, 33, 1988.

²³ See Martha Woodmansee, “The Genius and the Copyright: Economic and Legal Conditions of the Emergence of the ‘Author’,” *Eighteenth-Century Studies*, Vol. 17, No. 4, 1984.

The main point I want to make here, however, is that blasphemy (like other forms of verbal transgression) may be seen not simply as a bid for free speech against irrational taboos but as violence done to human relations that are invested with great value, as violence therefore to the limits that define particular kinds of freedom. I will take up this point again and at length in my final section.

How do Muslims think of blasphemy?

What *are* Islamic ideas of blasphemy? Obviously not all Muslims think alike, but questions about Islamic ideas of blasphemy are aimed at a moral tradition. But even that tradition contains divergences, tensions, and instabilities that cannot be equated with an entire “civilizational people.” Nevertheless, I will draw on aspects of that tradition in order to explore further some liberal ideas about freedom. Thus one of these is the assumption that the Islamic tradition is rooted in a more restrictive system of ethics, that it does not allow the freedom (especially the freedom of speech) provided and defended by liberal society. Although there is something to this, the simple notion of liberty that is either present or absent seems to me unsatisfactory here.

It is true that Islamic religious regulation restricts the individual’s right to behave as he or she wishes through public prohibition so that the line between *morality* and *manners* (a crucial distinction for the worldly critic) is obscured and the space of free choice narrowed. The worldly critic wants to see and hear everything: nothing is taboo, everything is subject to critical engagement. If speech and behavior are to be constrained, it is because they should conform – willingly – to civility. Good manners take the place of piety, the private and the public are clearly separated. But the situation on the ground is more complicated than the simple binary (the presence or absence of free choice) allows. Consider the following social-legal situation.

The law in a liberal democracy guarantees the citizen’s right to privacy on which her moral and civic freedom rests. But with the emergence of the liberal welfare state new tensions arise between the abstract ideal of equality under the law and the particular ways in which the law is applied. The idea that morality is properly a “private” matter and that what is private should not be law’s business has, paradoxically, contributed to the passing of legislation intended to deal with “private” trouble cases that force

themselves into the legal arena. The legislation has given judges and welfare-administrators greater discretion in matters relating to the family (custody, childcare, divorce, maintenance, matrimonial property, and inheritance.) The sentiment guiding this move is that a more humane way of dealing with conflicts is called for, in which different personal beliefs, emotions, and circumstances can be taken into account. The individuality of the person must be respected, which means it must be fully identified. So discretion and private hearings are necessary. Displays of sensibility and hysteria (inscriptions of emotion on the body) must be observed and assessed. Justice, consequently, becomes individualized. Thus the intervention by social workers into (“private”) family life in cases of suspected incest or child-neglect or spousal-abuse is a function of “public” law authorizing bureaucratic action in “private” domains. In short, although religious morality (piety) is not allowed to impose norms of proper speech and behavior on the individual (as would be the case in Muslim ethics) these legal developments re-draw the boundaries of individual freedom. The subject’s right to relate to her own children is circumscribed by the welfare agency’s right to inspect and intervene in that relationship. New sensibilities regarding what is decent – and therefore also what is outrageous – are created. The breaching of “private” domains in this way, incidentally, is disallowed in Islamic law although conformity in “public” behavior may be much stricter. Thus, the limits of freedom are differently articulated in relation to spaces designated “private” and “public,” and different kinds of discourse are made socially available to distance what is repugnant, whether transcendent or worldly.

This brings me to the Islamic vocabulary that overlaps in some respects with *blasphemy* (the category applied to an outrageous “religious” transgression) in the Christian tradition.

Although the Arabic word *tajd_f* is usually glossed in English as “blasphemy,” and is used by Christian Arabs to identify what in European religious history is called “blasphemy,” Arabic speakers in the case of the Danish cartoons did not (as far as I am aware) employ it. The theological term *tajd_f* has the particular sense of “scoffing at God’s bounty.”²⁴ Of course there are other words that overlap with the English word

²⁴ See Lane’s *Arabic-English Lexicon*. See also Kazimirski’ *Dictionnaire Arabe-Français* (1875) gives “Blasphémer Dieu, et faire nargue de ses bienfaits.”

“blasphemy” (for example: *kufir* “unbelief,” *ridda* “apostasy,” *fisq* “moral depravity,” and *ilh_d* “heresy, apostasy”) but these were not, to my knowledge, used in response to the Danish cartoons. As accusations against non-Muslim journalists, they would, in any case, be inappropriate. When the World Union of Muslim Scholars made its statement on the Danish cartoons affair, for example, it used the word *is_’ah* not *tajd_f*. And *is_’ah* has a range of meanings, including “insult, harm, and offense” that are applied in secular contexts.²⁵ One of the cartoons, it will be recalled, depicts the Prophet Muhammad as a suicide bomber – a figure at once absurd and barbaric. The World Union states that it has waited a long time so that the efforts exerted by numerous Islamic and Arab organizations, and by several states, would elicit an appropriate apology, but to no avail. Therefore “the Union will be obliged to call upon the millions of Muslims in the world to boycott Danish and Norwegian products and activities.”²⁶ The freedom to campaign against particular consumer goods is opposed to the freedom to criticize beliefs publicly: One social weapon faced another, each employing a different aspect of the modern idea of freedom. If physical violence was sometimes used by some of those who advocated a boycott, this should not obscure the fact that a commercial boycott is always a kind of violence, especially if it is infused with anger, because it attacks people’s livelihood. The European history of boycotts (the refusal to purchase commodities) and strikes (the withholding of labor), with all their accompanying violence, has been a story of the struggle for modern rights. And yet in the present case European commentators described the two differently: the one as an innocent expression of freedom, the other as a vicious attempt at restricting it, and thus as yet another sign of the conflict between two civilizations having opposed political orientations.

In liberal democratic thinking the principle of free speech cannot be curtailed by the offense its exercise may cause – as long as it is not defamatory. More interesting is the argument that it was even a good thing that pious Muslims felt injured, because being

²⁵ In this respect it overlaps with such words as *shat_ma*, *sabb*, *istih_na*.

²⁶ *Bay_n al-ittih_d hawl nashr suwar mas_’a li-rras_l* [Statement of the (World) Union (of Islamic Scholars) About the Publication of Images Insulting to the Prophet] Cairo, 1/23/06.

www.qaradawi.net/site/topics/article.asp?cu_no=4143&version=1&template_id=116&parent_id=114

hurt by criticism might provoke people to re-examine their beliefs – something vital both for democratic debate and ethical decision-making. This point, in contrast to the first, valorizes the consequence of free speech rather than the act itself. The criticism of questionable (religious) beliefs is presented as an obligation of free speech, an act carried out in the knowledge and power of truth. Western post-Christian society thus agrees with Christianity that *the truth makes one free* (John 8.32).

That this is not an Islamic formulation emerges from an examination of the widely discussed trial of Nasr Hamid Abu Zayd, a professor in Cairo University, for apostasy (*ridda*) because he had advocated a radically new interpretation of the revealed text of the Qur'an.²⁷ Of course both *truth* and *freedom* are greatly valued in the Islamic tradition, but they are not tied up together quite as they are in Christianity. (It may be pointed out in passing that the many cases of apostasy in the contemporary Middle East that have received much publicity in the West are actually relatively recent and closely connected with the formation of the modern state, a modern judiciary, and the rise of modern politics. In this context one may recall the burst of blasphemy trials in nineteenth century England to which I referred earlier.) A question worth considering, however, is whether these trials should be seen simply in terms of the suppression of freedom: What do they tell us about the liberal idea of the human subject?

In a book that deals with the Abu Zayd case,²⁸ Islamist lawyer Muhammad Salim al-ʿAwwa, emphasizes that the shariʿa guarantees freedom of belief. “Freedom of belief

²⁷ The book that got Nasr Hamid Abu-Zayd declared an apostate (and hence no longer legally married to his wife) was *Mafh_m al-nass: Dir_sah fi 'ul_m al-Qur'_n* [Understanding the (sacred) text: A study of the sciences of the Qur'an], Beirut: al-Markaz al-Thaqafi al-ʿArabi, 1990. Two interesting articles on Abu Zayd's methodology should be noted: Charles Hirschkind, “Heresy or Hermeneutics: The Case of Nasr Hamid Abu Zayd,” *Stanford Humanities Review*, vol. 5, no. 1, 1996, and Saba Mahmood, “Secularism, Hermeneutics, and Empire: The Politics of Islamic Reformation,” *Public Culture*, vol. 18, no. 2, 2006. Mahmood deals with Abu Zayd among other liberal Islamic reformers.

²⁸ A detailed account of the case is given in Kilian Bälz, “Submitting Faith to Judicial Scrutiny through the Family Trial: The ‘Abu Zayd Case’,” *Die Welt des Islams*, New Series, Vol. 37, No. 2, 1997. A more interesting account is provided in Chapter 1 (“The Legalization of *Hisba* in the Case of Nasr Abu Zayd”) of Hussein Agrama's PhD dissertation *Law Courts and fatwa Councils in Modern Egypt: An Ethnography of Islamic Legal Practice*, The Johns Hopkins University, 2005. Extended extracts from the

means the right of every human being to embrace whatever ideas and doctrines he wishes, even if they conflict with those of the group in which he lives or to which he belongs, or conflicts with what the majority of its members regard as true...”²⁹ He goes on to say that no one may press to reveal the religious beliefs of another – that is to say, the shari‘a prohibits the use of inquisitorial methods.³⁰ However, the right to think whatever one wishes does not include the right to express one’s religious or moral beliefs publicly with the intention of converting people to a false commitment. Such a limitation may seem strange to modern liberals (although not to Kant),³¹ for whom the ability to speak publicly about one’s beliefs is necessary to freedom. It is, after all, one aspect of “the freedom of religion” that is guaranteed by a secular liberal democracy. However, al-‘Awwa is aware of this and cites two Qur’anic verses that seem to guarantee freedom of religion: *l_ikr_ha fi-dd_n*, “There is no compulsion in religion” (2:256), and *faman sh_’a falyu’min wa man sh_’a falyakfur* “let him who wills have faith, and him who wills reject it” (18:29). But for the community what matters is the Muslim subject’s social practices – including verbal publication – not her internal thoughts, whatever these are. In

judgments in the court of first instance, the court of appeals, and the court of cassation, are given (in French translation) in “Jurisprudence Abu Zayd,” *Egypte/Monde Arabe*, no. 34, 1998. The original Arabic judgments are contained in Muhammad Salim al-‘Awwa, *al-haq fi al-ta’b_r*, [The right to free speech.] Cairo: Dar al-Sharuq, 1998.

²⁹ Al-‘Awwa, p.23. See also Ahmad Rashad Tahun, *Hurriyat al-‘aq_da fi-shshar_’a al-isl_miyya*, Cairo, 1998, who is more concerned with the political issues – especially with the unity of the *umma* – than al-‘Awwa is.

³⁰ In a recent article Baber Johansen has traced Ibn Taymiyya’s position on the question of coerced confession. “Whereas the torture of witnesses played an important role in Roman law and in late medieval judicial practice of Europe,” Johansen observes, “it is unknown in Muslim legal doctrine.” But Ibn Taymiyya took an unusually political view of the law’s role, and in so doing advocated the legal admissibility of coerced evidence. See: “Signs as Evidence: The Doctrine of Ibn Taymiyya (1263-1328) and Ibn Qayyim Al-Jawziyya (D. 1351) on Proof,” *Islamic Law and Society*, vol. 9, no. 2, 2002. (Citation on p. 171.)

³¹ In “What Is Enlightenment” Kant makes what may appear to be a similar distinction when he speaks about “public” and “private” reason. However, the latter depends on the concept of the state in relation to which an arena for the conduct of public debate is circumscribed. Al-‘Awwa has no such argument. His concern is simply with the representability of personal belief as an inner condition.

contrast, the Christian tradition allows that thoughts can commit the sin of blasphemy and they should therefore be subject to discipline: thoughts are subject to confession.³²

According to al-‘Awwa, publishing one’s thoughts changes their character, makes them into publicly accessible signs: “To publish something,” he quotes an old saying, “is to lay oneself open to the public.”³³ It is one thing to think whatever one wishes, he argues, and a different thing to seduce others into accepting commitments that are contrary to the moral order. In a well-known book published in Lebanon in 1970 responding to the accusation of apostasy against the Syrian philosopher Jalal Sadiq al-‘Azm for his famous *Naqd al-fikr al-d_n_* [“The Critique of Religious Thought”] (1969), Shaykh ‘Uthman Safi makes a similar distinction but without reference to Islamic religious authorities. His approach instead is to make an explicit distinction between “natural, innate freedom” and freedom as defined and limited by the law. The individual may give free rein to his thought and imagination, accepting or rejecting as he wishes within the limits of his contemplation. “When these possibilities of freedom that the human being enjoys remain within his soul, the law, especially, cannot interfere with them except when the belief is moved from secrecy to broad daylight [*min as-sirr ila al-jahr*].”³⁴ When, in the Abu Zayd case, the highest court of appeal in Egypt distinguished between the immunity enjoyed by private belief and the vulnerability of published statements to the charge of *kufir* (apostasy, blasphemy, infidelity), they were saying that the legal *meaning* of the latter was not to be decided by its *origin* in the intention of a particular author but by its *function* in a social relation. The effect of his making them public was therefore his responsibility.

The modern view assumes that the crucial relationship in this matter is between two things: a person on the one side and the written or spoken words he/she asserts and

³² “It is to be noted that according to the definition (1) blasphemy is set down as a word, for ordinarily it is expressed in speech, though it may be committed in thought or in act. Being primarily a sin of the tongue, it will be seen to be opposed directly to the religious act of praising God. (2) It is said to be against God, though this may be only mediately, as when the contumelious word is spoken of the saints or of sacred things, because of the relationship they sustain to God and His service.” *The Catholic Encyclopedia*, New York: Robert Appleton Company, 1907, Vol. II, p. 595.

³³ Al-‘Awwa, p.13.

³⁴ Al-Shaykh ‘Uthman Safi, *‘Ala H_mish “Naqd al-fikr ad-d_n_”* [A Footnote to “The Critique of Religious Thought”], Beirut: Daru-ttali‘a li-ttaba‘a wa-nnashr, 1970, p. 87.

believes to be true (assents mentally to) on the other, but these statements are – like all empirical statements – subject to criteria of verification. Furthermore, belief has an ambiguous status – at once internal and external. It is the internal sense that most modern Westerners have taken as being primary, although it is generally recognized that it is possible to externalize them. Thus when Kilian Bälz writes that “belief is a spiritual affair which is not readily accessible to investigation in the court room,”³⁵ he is re-stating the secular idea of “religious belief” understood as a private spiritual matter. But the view that “religious belief” is not readily accessible in a courtroom should be understood, I suggest, as a claim of immunity rather than of principled skepticism about the court’s practical ability. It is quite different, in other words, from the classical shari‘a tradition in which Islamic jurists adopt the principle of epistemological skepticism, insisting that the judge cannot distinguish with absolute certainty a truthful utterance from a lie when that is unsupported by sensory experience. Although divine revelation, together with the tradition of the Prophet and the consensus of jurists *do* provide Muslims with “indisputable and certain knowledge” (*ilm yaqin*), jurists held that this certainty relates to the legal and ethical rules they establish and not to the truth of what claimants say are facts in a given case.³⁶ A secular state, by contrast, has to determine whether a particular doctrine or practice belongs to a “religion” and therefore qualifies the believer or practitioner to equal treatment with members of other “religions.”³⁷ Hence belief *must* be externalizable as doctrine (“I hold the following things to be true”), whether voluntarily or by force.

The issue in this case is not the correctness or otherwise of “belief” in this sense, but the legal and social consequences of a Muslim professor’s teaching a doctrine that was said to be contrary to Islamic commitment.³⁸ (The Arabic word used commonly for “belief,” *i’tiq_d*, derives from the root *‘aqada*, “to put together.” This root gives the word *‘aqd*, “contract,” and its many cognates, and thus carries a sense of social relationship. Its primary reference in classical Arabic is to the bond in which the believer is committed to

³⁵ Bälz, p. 143.

³⁶ Johansen, *op. cit.*

³⁷ See the excellent ethnographic study by Winnifred Fallers Sullivan, *The Impossibility of Religious Freedom*, Princeton: Princeton University Press, 2005.

³⁸ *Ibid.* pp. 12-13.

his/her God.³⁹) In the classic shari‘a position, the strength of personal conviction is said to be a matter between the individual and his God (*baynahu wa bayna rabbih*). Disbelief incurs no legal punishment; even the Qur’an stipulates no worldly punishment for disbelief. In the classical law, punishment for apostasy is justified on the grounds of its political and social consequences, not of entertaining false doctrine itself. Put another way, in so far as the law concerns itself with disbelief it is not as a matter of its propositional untruth but of a social relationship being broken (“being unfaithful”). Legally, apostasy (*ridda, kufr*) can therefore be established only on the basis of the functioning of external signs (including public speech or writing, publicly visible behavior), never on the basis of inferred or forcibly extracted internal belief.⁴⁰

In contemporary Egypt conviction of a Muslim for apostasy in a court of law has consequences for civil status, because the shari‘a (the “religious law”) has become the law of personal status there. A legal consequence is the automatic dissolution of an apostate’s marriage if it was contracted according to the shari‘a. There are also social consequences, among them the concern that an apostate who is responsible for teaching Islamic thought may suppress the truth through the unrestrained publications of spoken and written signs. (This point should not be confused with the judgment of the Court of Appeal in the Abu Zayd case when it declared that an attack on Islam is an attack on the foundations of Egypt as a Muslim state. *That* consequentialist argument – as well as claims that the feelings of Muslims are offended – is quite different.)

The crucial distinction made in liberal thought between *seduction* and *forcible subjection* (legally permitting the former and penalizing the latter) is here absent – at least in al-‘Awwa’s argument. To seduce someone is to connive at rendering them unfaithful, to make them break an existing social commitment. Even in medieval Christendom, the

³⁹ This is not dissimilar to the pre-modern meaning of the word “belief” in English and its equivalents in other European languages: See chapter 6 of Wilfred Cantwell Smith, *Faith and Belief*, Oxford: One World, 1998, for an interesting etymology of the word.

⁴⁰ There has been considerable disagreement in modern Islamic history over the criteria for determining apostasy, as well as whether and if so then how it should be punished. Thus one of the medieval collections of *hadith*, by Bukhari, records a statement by the Prophet Muhammad that apostates must be killed; but another canonical collection, that by Muslim, declares this statement to be inauthentic. The debate has continued in modern times.

term *infidelitas* could be used not only in relation to personal departures from Church doctrine but also, in a secular sense, to breaking a contract.⁴¹ “Unfaithfulness” in this worldly sense now has a quaint ring about it in modern liberal society and relates only to sexual seduction.

But is the concern about seduction entirely absent in secular liberal society? It is, of course, absent in the way Muslims typically express it. Nevertheless, among some secular liberals too there is concern over the impact of published or broadcast material on young listeners (or viewers). That concern, however, is not with protecting them against *false* religion but with ensuring that whatever is published will not distort the correct formation of their subjectivity, and especially of their ability to choose freely, because that is the precondition of moral autonomy. Thus in the recent “Islamic veil” affair in France, French liberals explained that even if Muslim pupils wanted to express themselves by wearing this religious symbol, they shouldn’t be allowed to do so in public schools: “An attitude of enquiry, and of open-mindedness to knowledge is incompatible with the peremptory assertion of an identity more fantasized than freely chosen (*une identité plus fantasmée que librement choisie*), especially at an impressionable age. ... Many of the pupils are minors and it is unrealistic to maintain that they know clearly who they are and what they do.”⁴² Only when they have learnt how to negotiate the endless world of signs *properly* – to distinguish clearly between “reality” and “fantasy” – do they acquire the status of moral adults.⁴³ And moral maturity is demonstrated by the exercise of free choice.

So how clear is the liberal distinction between seduction and free choice? As a

⁴¹ Dorothea Weltecke, “Beyond Religion: On the Lack of Belief During the Central and Late Middle Ages,” *Religion and Its Other. Secular and Sacred Concepts and Practices in Interaction*, edited by J. Feuchter, M. Knecht, and H. Bock, Berlin, (to appear in 2008).

⁴² Henri Peña-Ruiz “Laïcité et égalité, leviers d’émancipation” in *Le Monde diplomatique*, February 2004, p.9. I have discussed this affair in some detail in “Trying to Understand French Secularism,” in Hent de Vries and Lawrence E. Sullivan (eds.) *Political Theologies : Public religions in a post-secular world*, New York : Fordham University Press, 2006.

⁴³ But given the UN Declaration (“The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions”) it is not clear who, in these cases, has the right to oversee their formation.

consumer and as a voter the individual is subjected to a variety of allurements through appeals to greed, envy, revenge, vanity, etc. What in other circumstances are identified and disapproved of as moral failures are here simply essential to the functioning of a particular kind of economy and polity. Numerous studies have described how television as a medium of communication seeks to shape viewers' choices of commodities and candidates.⁴⁴ (In film generally seduction is central even where no political or commercial message is intended.) To seduce is to incite someone to open up his or her innermost self to images, sounds and words offered by the seducer and to lead him/her unwittingly to the desired end. It is hardly news that the implications of "manufacturing consent" in liberal society have not been fully addressed.

In Islamic theology, seduction is a notion of great concern – and not merely in the sexual sense. The Qur'an contains numerous words that can be glossed as "seducing" and "deluding" – among them, the verbal roots *fatana*, *r_wada*, *gharra*. *Fatana* (from which comes the familiar noun *fitna*) always has the sense of "temptation and affliction as a testing," of "persecution"⁴⁵, treachery or social strife." But the temptation referred to by this term in the Qur'an is not sexual. (Even in modern Arabic *fitna* is not used exclusively in a sexual sense; it can also mean enchantment and fascination generally.) It is the word *r_wada* that is used in the Qur'an to refer explicitly to "sexual seduction." *Gharra* refers to delusion through attachment to fancies, to the act of deceiving oneself. The nominal form *ighr_* can be glossed as "excessive attachment, self-love, desire, incitement," but it also connotes "social unrest and instability." Muslim theologians and jurists assumed that seduction in all its forms was necessarily dangerous not only for the individual (because it indicated a loss of self-control) but for the social order too (it could lead to violence and civil discord). They were wrong, of course, because they didn't know about capitalist democracy, a system that thrives on the consumer's loss of self-control and has learnt to employ political seduction while maintaining overall political control.

⁴⁴ Raymond Williams was one of the earliest to address this problem seriously. See his *Britain in the Sixties: Communications*, Harmondsworth: Penguin Books, 1962, and *Television: Technology and Cultural Form*, London: Fontana, 1974. A recent popular work on this topic is Benjamin Barber, *Consumed: How Markets Corrupt Children, Infantilize Adults, and Swallow Citizens Whole*, New York: Norton, 2007.

⁴⁵ A typical sentence: *wa-l-fitnatu ashaddu min al-qatli* (2:191), "persecution is worse than killing."

So under what circumstances can one say that one is choosing what one truly believes – and that therefore, in *choosing*, one is expressing one’s true beliefs? When can one say that it is in expressing one’s beliefs *because one must*, that one provides evidence of what one’s true beliefs are? According to Susan Mendus,⁴⁶ John Locke propounded his theory of political toleration on the basis of the psychological principle that belief can never be determined by the will. This principle rests on a new psychology of the will that was beginning to emerge in seventeenth-century Europe, as well as a new understanding of “belief.” In the Middle Ages a contrary doctrine prevailed. Thomas Aquinas, for example, took it for granted that belief (a commitment, a holding dear) could indeed be willed. It was this modern psychology that allowed Locke to insist that the Prince’s attempt to coerce religious belief – including belief in the salvational implications of religious practices – was irrational. All that force could secure was an insincere profession of faith. Of course, the Prince might have other reasons for imposing conformity on his subjects than those aiming at their salvation – such as upholding law and order – that would not render his coercive efforts necessarily irrational. The presumption that political attempts to coerce belief are irrational because impossible has been the focus of an interesting debate that is summarized by Mendus. The Muslim position as expounded by ‘Awwa is different from Locke’s. Since, according to the latter, it is impossible to coerce belief, the mind becomes the site of true religious belonging, and physical force as the arm of civil government should therefore confine itself to civil interests – the protection of life, limb, and property – only. According to the former, religious *belonging*, as distinct from religious belief, *can* be forced (or seduced) but it is illegitimate to do so. This accords, incidentally, with the central Islamic tradition about Christians and Jews, whose understanding of divine revelation is considered to be distorted (the Qur’an is perfect) – *but who are not therefore required to abjure their error*. What matters finally is belonging to particular ways of life in which the person does not own himself.

Mendus’s view is that Locke was right to make the presumption about the impossibility of coercing religious belief, and she defends him against his critics on this

⁴⁶ S.Mendus, *Toleration and the Limits of Liberalism*, Humanities Press, 1989.

point by making what she regards a critical distinction within the individual's consciousness – a difference between *sincere* and *authentic* belief – that she borrows from Bernard Williams. This allows her to argue that a forcible conversion (brain-washing) may at most obtain *sincere* belief, not an *authentic* one. But the conditions cited by Mendus – beginning with the so-called “acceptance” condition – are, I think, questionable. Thus her claim that the alternatives of deliberate reticence (not saying what one really believes) and insincerity (affirming what one doesn't believe) must *always* exist as possibilities in order to determine whether a belief is really authentic or genuine, seems to me unconvincing. The alternatives at issue must surely signify something more than abstract possibilities; they must appear to the person concerned as *real* options, within a given social-psychological situation, from among which he can actually choose. But if that is so, then, certain kinds of religious act are ruled out a priori: “bearing witness” in public where one feels *one has no choice* but to speak the truth – in anger, say, or in compassion – would have to be identified as “inauthentic.”⁴⁷ Should the impossibility of remaining silent about what one believes to be morally right in such situations be taken to mean that the belief is inauthentic?

It is hard to avoid the conclusion that talk of philosophical criteria determining “authentic belief” is little more than a way of devaluing moral passion, of disregarding the way passion constitutes moral actions so as to render the matter of choice irrelevant. One consequence of that devaluation is that it becomes difficult for the secular liberal to understand the passion that informs those for whom, rightly or wrongly, *it is impossible to remain silent when confronted with blasphemy*, for whom blasphemy is neither “freedom of speech” nor the challenge of a new truth but something that seeks to disrupt a living relationship.

It is important to note that passionate reaction to “blasphemers” is typically directed not at the latter's disbelief but at their violent act. I stress that I make no claim to know the real motives of all those who shout about blasphemy. My argument is that we

⁴⁷ “Here I stand: I can do no other,” the words attributed to Luther, were probably never uttered, although they express very well the sentiment of his actual statement at the Diet of Worms. (See O. Chadwick, *The Reformation*, Harmondsworth: Penguin Books, 1972, p. 56.) At any rate what he said on that famous occasion would have to be described as sincere but inauthentic. This doesn't seem right, however.

will not understand “blasphemy” if all we see in it is the threat to freedom, even though historically the charge of “blasphemy” has usually been accompanied by powerful punitive apparatuses.

Blasphemy as violence

Of course there is no place for blasphemy as a religious crime – as “treason against God”⁴⁸ – in a secular liberal society: The crime of treason can only be committed against the sovereign nation-state. But is there a place for blasphemy as a distinctive mode of understanding and addressing our world – a world in which verbal and physical violence are variously constitutive? Is it possible to think worldly matters in theological language, to trace the genealogies of contemporary public discourse in that language, to explore possibilities without belief or disbelief?

Archbishop of Canterbury Rowan Williams is a distinguished theologian whose writings have often proved thought provoking for non-Christians such as myself. Recently something he said helped me to understand the conceptual and emotional structure of blasphemy a little better. A year after the London bombings by young British Muslims in protest against the war in Iraq, Williams delivered a sermon at York about contemporary terrorism: “People of faith,” he declared, “have had to try and come to terms with the horrible fact that there are those who want to serve their God and their idea of justice by organised slaughter and suicide. They want to display strength; they want to secure their vision by force and *to clothe suicide with the spiritual power of martyrdom*. ... [T]his represents a condition of spiritual weakness that is both pitiable and terrifying. For the person who resorts to random killing in order to promote the honour of God or the supposed cause of justice, it is clear that God is not to be trusted. God is too weak to look after his own honour and we are the strong ones who must step in to help him. Such is the underlying blasphemy at work.”⁴⁹

In Williams’ eyes suicide bombers were not simply misguided, they were blasphemers, and they were blasphemers because their action implied they believed that

⁴⁸ Leonard W. Levy, *Treason Against God: A History of the Offense of Blasphemy*, New York: Schocken Books, 1981.

⁴⁹ www.archbishopofcanterbury.org/sermons_speeches/o60709.htm

God was dependent on them. One may note in passing that “promoting the honour of God” is not, to my knowledge, a reason given by Muslim suicide bombers. Unlike the Christian concept of the Godhead (who is a Person) Muslims insist that God is *not* a person – and therefore honor or dishonor cannot accrue to him. Justice, however, *is* often given as a reason, and although these young men might have been misguided in believing that their cause was just, and although they certainly used cruel means in promoting it, it is not immediately clear why *that* should make the action “blasphemous.” But from Williams’ perspective it was blasphemy – a horrific violation of sacred truths. He reasons that if the blasphemer’s belief were really true, “it would mean that all we had to hold on to was our own power, the fantasy of being in total control that fuels every kind of pathological violence, domestic or public.” The blasphemy here consists in the violence based on delusions of absolute control. So perhaps Williams would think of the War on Terror as blasphemy, both because it attempts at securing absolute control through secret surveillance of all citizens, and second, because it involves the use of total violence (including torture) as an instrument for re-shaping the world.

There is a more intriguing question that the sermon evokes: How has violence come to be regarded as a scandal in “religion” but not in “secular” life? Why has critique sought a *justifiable* place for inflicting violence outside of “religion”? Why, in other words, is death-dealing as such not what matters but how it is motivated, played out, justified? What notion of the responsible person and of the act of lethal violence does this imply? What, to be specific, accounts for the fact that when terrorists, invoking a transcendent cause, murder civilians (however few), this appears to us more shocking than when military aircraft bomb the population of whole cities for worldly reasons? Is this because in the first case there is the *intention* to kill civilians and in the second merely the *knowledge* that civilians will be killed as a consequence of one’s action? If so, we should note that in this descriptive contrast the killer is first situated *within* his action (where the question is essentially a moral-legal one) and then placed *external* to it (where the issue emerges as a matter of technical assessment). The comparison, in other words, is not between equivalents.

Christianity has a long history of reflection on violence,⁵⁰ whether intended to be lethal or not,⁵¹ specifically on the theological concepts of “just war” and “proper punishment” that have long been the object of humanist theorizing. One may wonder why Archbishop Williams did not take up this ambiguous aspect of violence as blasphemy – as the breaking of moral limits.

There is, however, something more interesting in the sermon than this question. The essential shock-effect of suicide bombing, he lets us understand, is due not merely to its destruction of innocent human life (that’s the stuff of war) or to its being a crime of murder (that is common enough in peace) but to its status as a performative: suicide bombing is blasphemous not because of its violence but because it *says* something about the sacred and what it says is a travesty. It “pretends,” as Williams puts it, “to clothe suicide with the spiritual power of martyrdom”. A sign – whether verbal or visual – evokes horror when it turns out to be *profoundly* deceptive – when it undermines the basis on which one’s moral world, and therefore one’s identity, is built. The condemnation that attends the act of blasphemy – including humanist apprehensions of blasphemy – is nurtured by a theology that has its own modes of decipherment, its own disavowals, its own apprehension of how destruction is related to truth.

The French historian Alain Cabantous once noted that when Jesus claimed for himself a divine nature, this was condemned as blasphemy, and that the blasphemy led to his death, and the death was followed by resurrection. “In this one respect,” he writes, “blasphemy *founded* Christianity.”⁵² Cabantous doesn’t say this, but every new tradition whether it is called religious or worldly is founded in a discursive rupture – and that

⁵⁰ For the beginning of that history, see the classic work by Adolf Harnack, *Militia Christi; The Christian Religion and the Military in the First Three Centuries*, (Translated and Introduced by David Gracie), Philadelphia: Fortress Press, 1981 [1905]. The pacifist C. John Cadoux gives a rather different account in *The Early Christian Attitude to War* (London, 1919) published after the experience of the First World War.

⁵¹ Thus in the early Middle Ages, Latin Christianity considered all killing a sin (for which penance was prescribed), even when it occurred in a battle that was sanctioned by the Church. This understanding changed when “intention” became critical to certain domains of Christian thought, as in Abelard’s theology of penance, and Bernard of Clairvaux’s celebration of “the new knighthood” that became an important element in the ideology of the crusades.

⁵² Alain Cabantous, *Blasphemy: Impious speech in the West from the seventeenth to the nineteenth century*, New York: Columbia University Press, 2002, p. 5.

means, through violence.⁵³ He might have observed, however, that the blasphemy was not perceived as such by *believers*. From a Christian point of view, that charge of blasphemy was merely an expression of disbelief. And although that disbelief eventually led to Christ's death, the violence done to him must have been part of a divine plan. Did Christ *want* his unbelieving listeners to take what he said as blasphemy because his crucifixion was essential to the project of human redemption? His claim to divinity *was*, after all, outrageous in the context of Jewish religious life, as it would be of Muslim. The Passion with which this blasphemy was played out was essential to the narrative that bound his death (and resurrection) to the life and death of all human beings, and that inaugurated a *particular* universality. Part of that universality was the guilt and punishment imposed through the centuries on Jews – which became in a sense the paradigm of violent justice.

So strictly speaking what founded Christianity was not blasphemy itself but a new narrative of sacrifice and redemption – a story of martyrdom (witnessing) that would be, for believers, the door to eternal life. The truth, said Jesus to his followers, will set you free. The unredeemed human condition is lack of freedom; free speech – truthful speech – releases the human subject from his/her servitude. The Truth must be spoken publicly even if those who do not possess the Truth regard it as blasphemy. A modern New Testament scholar writes: “In spite of the opposition of those who are unbelievers, of those who criticize the apostle [John], the Christian may speak freely because he knows Him who conquers all opposition, because he knows that wonderful communion with God which transcends everything in the world.”⁵⁴ Islamic tradition does not speak of freedom in this way.

⁵³ Hent de Vries has made precisely this argument by drawing on Derrida as well as Benjamin in his excellent *Religion and Violence* (Baltimore: Johns Hopkins University Press, 2002) But in my view it does not follow that, just because it sometimes seeks to overcome a greater by a lesser violence, every blasphemous utterance is a new founding. Blasphemy may itself be an *obsession*, in which the act simply serves as the re-instantiation of an established genre, the re-application of a style *that has no foundation* – or it may simply be the performance of gratuitous cruelty conducted from a position of superior power.

⁵⁴ W. C. Van Unnik, “The Christian's Freedom of Speech in the New Testament,” *Bulletin of the John Rylands Library*, Volume 44, 1962, p. 487.

Why does the Christian today (as well as non-believers brought up in a *Christian civilization*) recognize blasphemy in the suicide bomber's act? What makes for the horror it evokes? Here is a tentative answer: Unlike later cases of blasphemy that carried the ultimate punishment, death in this case did not follow accusation but preceded it. And in itself the death did not convey the truth of life eternal, it expressed the banality of profane violence. In Christian – and post-Christian – eyes, I suggest, suicide bombing is seen as a caricature of the crucifixion. The bomber brings death to other human beings by suicide (soldiers kill but hope to live). He does not get others to kill him but kills himself, and he does not promise immortality to believers but to an abstract community (the *umma*), and what the internal beliefs of its members are is of no concern to him. His is therefore a gratuitous act of cruelty, whereas the cruelty of the Crucifixion story is integral to a redemptive martyrology. For Williams, to call something “blasphemy” is to denounce its factitious claim to martyrdom. But for liberals inhabiting a secular society acts of self-immolation for a sacred purpose are entirely barbaric, just as the violation of sacred words is merely an absurdity.

The willful destruction of signs – the assault on images and words that are themselves invested with the power to determine what counts as truth – has a long history. Like iconoclasm and blasphemy, secular critique also seeks to create spaces for new truth, and like them it may do so by destroying spaces that were occupied by other signs.

Historical notes on the idea of secular criticism

Let me elaborate a little on the idea of criticism that is said to be everything that the idea of blasphemy rejects. The language of blasphemy has no place for rational criticism, it provides instead for anathematizing (cursing and expressing loathing). The modern responsible citizen and modern knowledge-producing disciplines (like anthropology) are equally dependent on reasoned critique. Both are secular in their fundamental assumptions about the world, and both find in the claims of blasphemy nothing more than intolerance, closed-mindedness, and irrationality. All of this is familiar enough. But to understand how intolerant, closed-minded, and irrational the idea of blasphemy is one must turn to how secular criticism liberates us for the world.

In an essay entitled “Secular Criticism,” Edward Said wrote that “Criticism...is always situated, it is skeptical, secular, reflectively open to its own failings.”⁵⁵ Leaving aside for the moment the important idea of situatedness, I would merely add three things: First, criticism’s *secular* character is often based on the assumption that the distinction between the *real* world and a *representational* one is essential, and – like the difference between “maturity” and “childishness” – it is easily identified. Second, since criticism employs *judgment* it seeks conviction (in the transitive sense as well as intransitive) especially when confronted with doubt. Finally, secular criticism regards itself as liberatory although extra-discursive conditions have to be right for the liberation to be achieved. So: *What is critique?*

That, of course, is the title of a well-known late essay by Michel Foucault.⁵⁶ In it Foucault sought to equate critique with the Kantian notion of Enlightenment, and thus to present it as the singular characteristic of the modern West: “it seems that between the lofty Kantian enterprise and the small polemico-professional activities that bear the name ‘critique,’ there was in the modern West (dating, roughly, from the fifteenth to the sixteenth century) a certain manner of thinking, of speaking, likewise of acting, and a certain relation to what exists, to what one knows, to what one does, as well as a relation to society, to culture, to others, and all this one might name ‘the critical attitude.’” (p.382) It is not clear whether Foucault wishes us to understand that “the critical attitude” is specific only to the modern West, or that the critical attitude distinctive of the modern West is quite different from what is found elsewhere (able to think for the first time of “the transcendent”). At any rate, it is clear that in Foucault’s view to be enlightened is equivalent to adopting a critical attitude, and to engage in critique as the West has done for over two centuries is equivalent to living in Enlightenment. This seems to me somewhat surprising coming from a genealogist, because it sets aside the need to think through the various historical determinants whose effect – in different circumstances –

⁵⁵ Edward W. Said, *The World, the Text, and the Critic*, Boston: Faber and Faber, 1983, p.26.

⁵⁶ Michel Foucault, “What is Critique,” [Lecture originally given at the Sorbonne on 27 May 1978], in James Schmidt (ed.), *What Is Enlightenment? Eighteenth-Century Answers and Twentieth-Century Questions*, Berkeley & Los Angeles: University of California Press, 1996.

has been a diversity of “critiques.” Neither the concept nor the practice of critique has a simple history and that genealogy has yet to be written. What follows is a set of disparate historical notes in which I focus on criticism as the kind of free speech that lies at the center of the Danish cartoons affair.

The word “criticism” has its origin in the Greek verb *krino*, meaning “to separate,” “to decide,” “to judge,” “to fight,” “to accuse.” It seems to have been first used in the juridical sphere, where both the act of accusing and the giving of a verdict were called *krino*, and thus referred to the ability to differentiate, to ask probing questions, and to judge. In this worldly arena the semantic beginnings of what we now call “critique” did not aspire to conquer universal truth but to resolve particular crises justly and to correct particular virtues within a particular way of life.⁵⁷

Criticism could also take the form of “free and open speech (*parrhesia*)” in the political forum. Critical preaching, especially associated with the Cynic philosophers of the Fourth century B.C., was directed at everyone, and its aim was to teach people how to assess critically their own personal mode of life.⁵⁸ Christianity drew on this tradition of free and open speech, transforming the word *parrhesia* in the process to its own end. Criticism and the open call to the Truth has remained an important part of popular preaching throughout the Christian era.

In the late medieval period preaching in public places was practiced by the secular orders (Friars) who censured particular ways of living and advocated others. At an academic level the idea of critique was employed in a number of university disciplines but it was not until the theological disputes of the Reformation that it denoted the same

⁵⁷ See Reinhart Koselleck, *Crisis and Critique*, Cambridge, Mass.: MIT Press, 1988, p. 103, fn. 15. My colleague John Wallach informs me: “The verb is *krino*, which could signify ‘to separate, to discern, to judge.’ Related nouns are *krisis* (turning point--potentially between life and death) and *kriterion*, i.e., means for judging, as well as the designation for a ‘judge.’ Courts were known as *Dikasteriai*, places where judgments of justice were laid down. Judges on Greek juries were called *dikastai*. The Greek goddess of Justice was Dike. Dike derives from the verb *dikazo*, which signified ‘to judge, to decide, to establish as a penalty or judgment.’ Some relate it to the verb *deiknumi*, which signifies ‘to show, make manifest, prove,’ etc. There was no verb equivalent of what English speakers have recently made into a verb (from its origins as a noun), viz. ‘critique’.” (Personal communication.)

⁵⁸ See Michel Foucault, *Fearless Speech*, Los Angeles: Semiotext(e), 2001, pp. 119-133.

notion regardless of whether it was applied to classical texts, the Bible, or social life. So to the question: “What is critique?” the answer would then have been: “The evaluation and interpretation of the truth of Scripture.”

At first the criticism aimed only at the production of an authentic text and at its meaning, but eventually, as it began to be concerned with the reality represented in the texts, it assumed what would be called historical criticism. A major figure that exemplifies this development is Pierre Bayle.⁵⁹ For this seventeenth-century skeptic critique was the activity that separated reason from revelation by the systematic exposure of errors and by the rhetoric of ridicule. In effect, Bayle tried to analyze and dissolve each theory in its own terms, and to demonstrate that everything confidently accepted on the grounds of reason could be undone by critical reasoning. The use of critique here turned out to be as much an argument for the necessity of faith as it was an attack on the absolute reliability of reason. This was not the old theological use of reason to underwrite revelation, but a new secular demonstration that if critique is pushed far enough it collapses. Politically Bayle’s extreme skepticism was premised on the notion of an egalitarian “republic of letters” in which one could engage equally with others instead of submitting to authority. In the newly emerging discipline of experimental philosophy criticism took a prudent middle position between skepticism and credulity. In this seventeenth-century culture of knowledge-production, social trust and gentlemanly authority became – as Steven Shapin has shown – the basis of reliable testimony and restrained criticism.⁶⁰

German Idealism at the end of the eighteenth century was strongly influenced by Immanuel Kant. For Kantians, political revolution appeared as the alternative to philosophical criticism; freedom for philosophical critique thus became a means of forestalling political revolution. It was Kant who replaced the model of the “republic of letters” by another model: the “court of reason.” This followed not only from his direct philosophical concern with *judgment* but also (indirectly) from his view that truth was no longer guaranteed by freedom from political and ecclesiastical constraint but by the

⁵⁹ See Richard Popkin, *The History of Scepticism*, (Revised and expanded edition), New York: Oxford University Press, 2003, especially chapter 18.

⁶⁰ Steven Shapin, *A Social History of Truth; Civility and Science in Seventeenth Century England*, Chicago: University of Chicago Press, 1994.

progress of rational science. To the “court of reason” was given the important task of imposing peace on the apparently unending war of doctrines. For Enlightenment philosophers prior to Kant, critique had been rooted in a secularized metaphysics (in the idea of Human Reason) and directed against ecclesiastical and state pretensions. For Kant critique became the process of epistemological self-correction by strict reference to established rational limits and the fixed boundary between private faith and public reason. But his formula for critique as an inquiry into the preconditions of scientific truths cut it off from politics as well as from faith. In Kant’s political philosophy it is *law* not critique that ends the chaos of metaphysics and that holds the corrosive effects of skepticism in check. And its concern is no longer with mundane life but with epistemology.

It was only when the Romantics returned to problems of aesthetics that the dominance of Kantian discourse was challenged. The most prominent figure here is Hegel who took critique to be immanent in reality: thought and reality should not be separated as transcendental reason and phenomenal object respectively, as Kant had separated them. They were, Hegel maintained, both dialectically opposed parts of the real – as contradictory parts of a developing self, and of the world in process of becoming. The Kantian discipline of epistemology was thus set aside. From here emerged the famous Marxian dictum that critical theory was itself a part of social reality. However, Marx’s Hegelian premise that the existing world was characterized by contradictions led him to the anti-Hegelian conclusion that their removal depended not on new philosophical interpretations but on the practical transformation of reality itself. The reality to be transformed was political-economic not moral.⁶¹ In a rapidly industrializing world critique and revolutionary violence thus no longer appeared as alternatives but as complementary forms of class struggle, and the critical politics this called for was that of organized working-class movements.

In the twentieth century Neo-Kantians again limited the concept of critique to epistemology with the intention of opposing Hegelianism and Marxism. Critique or

⁶¹ Later, however, the Communist Party would take up the practice of auto-critique. The most moving example of this that I know in literature is Arthur Koestler’s *Darkness at Noon*, translated by Daphne Hardy, London: Jonathan Cape, 1940.

criticism now becomes a weapon directed at ideological politics and radical intellectuals. Among this group of philosophers criticism again becomes the criterion of universal reason, a principle that is held to be crucial for the natural *and* the human sciences. They define a scientific *fact* as one that can be criticized – and that can therefore be falsified. Because religious values are immune to rational critique, because they are based on *faith* they are neither neutral nor objective, and they cannot therefore have the authority of scientific facts.⁶² To the extent that a “belief” is presented as a candidate for truth it must be held provisionally – that is to say, it must not be taken too seriously. For falsificationists like Popper a more direct connection was reaffirmed between epistemology (what are the criteria of valid knowledge about the world) and politics (how one can legitimately use power to make or re-make the social world).

My final example is of secular critique as modern theology. The example is the Regensburg Lecture by Pope Benedict in 2006, whose opening salvo against Islam evoked predictable anger from Muslims across the world. What he believed he was doing in this lecture is not of concern to me here. What *is* interesting is the way he links his discursive attack against Islam to his critique of European reason. According to Benedict, Islamic theology separates the concept of God from reason (making him utterly unpredictable, therefore irrational) whereas Christianity maintains their inseparability in its harmonization of Hellenic rationality with the status of the divine: “In the beginning was the *logos*, and the *logos* is God, says the Evangelist.” Thus Benedict. This fusion explains why Christianity seeks to lead the individual to the Truth through reasoned persuasion and why Islam, in contrast, uses force to convert non-Muslims and to punish people for holding false beliefs. The inner rapprochement between Biblical faith and Greek philosophical inquiry that constituted Christianity “was an event of decisive importance not only from the standpoint of the history of religions, but also from that of world history – it is an event that concerns us even today.” Hence his critique of the successive waves of de-hellenization in European thought – from the Reformation via Kant and liberal theology to scientific positivism – by which, so he claims, the inner bond

⁶² Karl Popper’s *Logic of Scientific Discovery* (London: Routledge and Kegan Paul) is the famous statement of his falsification theory. His *The Poverty of Historicism*, (London: Routledge & Kegan Paul, 1957) was an influential critique directed at the scientific claims of Marxian historicism.

between faith and reason is ruptured. In spite of his polemic against what he takes to be Islamic doctrine (and therefore, arguably, against Muslim immigrants in Europe), and in spite of his assertion that Europe is fundamentally Christian, Benedict's critique is not merely political: It is aimed, in a very modern way, at reaffirming the identification of reason with divinity. His critique of de-hellenization is aimed at what he regards as a dangerous restriction of reason's scope – and he calls therefore for an unrestricted pursuit and enunciation of the Truth. The Truth must be presented publicly even if those not possessing it regard the offer of Truth as blasphemy. This is how Benedict concludes his university lecture: “This attempt...at a critique of modern reason from within has nothing to do with putting the clock back to the time before the Enlightenment and rejecting the insights of the modern age. ... The scientific ethos, moreover, is – as you yourself mentioned, Magnificent Rector – *the will to be obedient to the truth*, and, as such, it embodies an attitude which belongs to the essential decisions of the Christian spirit.” Thus while for Kant critical reason appeals to transcendental law (while paradoxically insisting on the autonomy of the subject), Benedict gestures to a Christian life of obedience that accepts *logos* as at once persuasive *reason* and divine *authority*. The Christian obeys not because she thinks it is reasonable to do so but because the authority of received Truth compels her to obey. The apparent contradiction between reason and authority in this argument might be resolved if reason ceased to be regarded as a matter of autonomous intellection (the knowing subject confronting “reality”) and becomes instead embedded in a relationship, a way of life. In this shift critique too changes its character. But if *logos* is a dialog, it is not clear from this lecture who the interlocutors are, and how open-ended (and mutually influencing) the dialog is allowed to be.

In presenting these notes on thoughts about critique I have tried to underline the very different understandings people have had of it in Western history that can't be captured by the familiar distinction between secular criticism (freedom) and religious criticism (oppression). Perhaps these notes should be supplemented, however briefly, by some remarks about the practice of critique. After the public freedoms established by the French Revolution, the progress of rational critique emerged as the opposite of physical violence. Historically this opposition has not been easy to maintain because critique has also legitimized violence in several ways. The practice of critique has been entangled

with legitimate violence in the policing of society, in the penal system of the state, and in the conduct of war. It is itself a weapon that can violate the sense of self and sociality that people have.

The practice of criticism is now a sign of the modern, of the modern subject's relentless pursuit of truth and freedom, of his/her agency. It has become a *duty*, closely connected to the right to free expression and communication. Particularly in the universities, critique of one kind or another has become essential to useful knowledge-production, but that *professional* critique has less to do with the right of free speech than with the reproduction of intellectual disciplines (whence the class dimension of modern blasphemy to which I referred earlier). Jon Roberts and James Turner have described the emergence of the modern university in the United States together with its "secular" culture from the last quarter of the nineteenth century. They recount how the marginalization or exclusion of formal "religion" from the American university was accompanied by an emphasis on research, professionalization and specialization, and how that, in turn, led to a fragmentation of the traditional map of knowledge that had until then been articulated in a theological language. It was in this situation that the humanities eventually emerged out of the traditions of moral philosophy and philology, and restored a new coherence to knowledge while according it a distinctive "religious" aura. One consequence was that a less sectarian, less doctrinal idea of religion became part of a liberal culture, and therefore part of its understanding of criticism. "This new edition of liberal education had two key elements," they write. "The first was to acquaint students with beauty, especially as manifest in 'poetry' broadly conceived. ... A second element thus entered the humanities: a stress on continuities linking the 'poetry' of one era to that of succeeding periods and ultimately our own." Hence there developed a sharper sense of imparting the moral essence of European civilization to students in higher education through the study of great literature, and the recognition that *literary criticism* was the disciplined means to that end. The *literary* discipline that was thus constructed called for the production of public speech that was carefully regulated.⁶³ This is one aspect of secular criticism. But there is another.

⁶³ *The Sacred and Secular University* (Princeton: Princeton University Press, 2000, p.102.

Over the last few centuries, modern powers have encouraged and used the developing sciences to normalize and regulate social life – and therefore legitimized a particular kind of disciplinary criticism. That is why perhaps critique that is integral to the growth of useful knowledge – and therefore of modern power – is part of a process whose major lineaments have not been effectively reduced to doubt, a process that is rarely itself the object of public critique. So while the freedom to criticize is represented as being at once a right and a duty of the modern individual, its truth-producing capacity remains subject to disciplinary criteria, and its material conditions of existence (laboratories, buildings, research funds, publishing houses, personal computers, etc.) are always provided and watched over by corporate and state power to ensure that citizens can be *useful*. In this context, where critical knowledge is produced by disciplinary power, the phrase “truth makes one free” strikes an oddly uncomfortable note.

In short, critique is not *necessarily* aware of its own failings, even when it regards itself as worldly. On the contrary, it is partly sustained by the patterns of trust and authority that prevail among members of scholarly communities, and partly constrained by corporate and state power. In that sense critique is based partly on faith and partly on accommodation, a state of affairs in which its own failings are suppressed. It is not entirely correct to say, therefore, that criticism is the expression of modern Enlightenment. It is more accurate to say that modern Enlightenment has produced a particular *concept* of critique: an abstract universalized concept. Every critical discourse has conditions of existence that define what it is, what it recognizes, what it aims at, what it is destroying. There is no such thing as a trans-historical attitude of worldly criticism that is “open to its own failings,” or that is distinctive of the last five centuries of secular modernity. It matters greatly whether critique presupposes a republic of letters (where open-ended questions are exchanged) or a court of reason (by which conviction is authoritatively secured), it matters by what criteria “its own failings” are recognized as such, and who sets them. Finally, it matters whether critique is directed against others or against oneself (the confession of sins, auto-critique, speech under analysis). But always, the person who practices critique is a specific kind of subject – a scandal monger, a satirist, a critical philosopher, an experimental scientist, a religious preacher, a literary critic, a psychoanalyst, a pope. His formation, and the form of society in which he can

flourish, are essential pre-conditions of the many ways critique is performed.

Blasphemy as the breaking of taboo

What, then, was the impulse that drove the Danish cartoons affair if it was not Truth? Muslim immigrants in secular Europe responded, it was said, to a legitimate act of worldly criticism in violent religious terms. They claimed threateningly that the cartoonist had blasphemed. In fact it was simply that a Muslim taboo had been broken. Appeal was made to the court of reason. Many secularists responded vigorously. “Your Taboo, Not Mine” declared Andrew Sullivan defiantly in a *Time Magazine* article on the cartoon affair⁶⁴ – dismissing the limits Muslims sought to put on the enlightenment right to free speech. What are we to understand by the frequent use of the term taboo in the conflict over the Danish cartoons?

The category of taboo as applied to the behavior of Muslim immigrants in Europe serves, paradoxically, at once to confirm and deny *difference*. Angry Muslim responses to the publication of the cartoons are seen by secularists as attempting to re-introduce a judgment that was once a means of oppression in Europe, while they see themselves critiquing, in the name of freedom, the power to suppress human freedom. For the worldly critic, there can be no acceptable taboos. When limits are critiqued, taboos disappear and freedom is expanded. However, *this* criticism didn’t merely liberate ideas from taboos, it also re-enforced the existing distinction between the paradigmatically human (“Judeo-Christian” Europeans) and *candidates* for inclusion in humanity (Muslim Europeans) who do not as yet display the values of freedom, equality, and tolerance.

An important study that bears on this topic is a book by the anthropologist Franz Steiner published posthumously half a century ago.⁶⁵ In it Steiner provides a genealogy of the reception and use of this term, noting that the *word* “taboo” was first encountered by European mariners in Polynesia in the latter part of the eighteenth century – where it signified the limits set by chiefly power – and subsequently misunderstood by many post-Enlightenment writers as the primitive

⁶⁴ Andrew Sullivan, “Your Taboo, Not Mine: The furore over cartoons of Muhammad reveals the zealot’s double standard,” *Time*, February 7, 2006. See also the more interesting (but flawed) piece by Christophe Boltanski, “La représentation du prophète est devenue taboue,” *Libération*, 3 February 2006.

⁶⁵ Franz Steiner, *Taboo*, London: Cohen and West, 1958.

encounter with the sacred. The *problem* of taboo, Steiner argues, was a Victorian invention and obsession, because the notion of taboo is compounded of quite disparate ideas and practices. He gives two reasons for its extraordinary prominence in nineteenth century European thought and society: on the one hand, “the secularization of modern religion” and on the other the multiplication of taboos in Victorian social life.

The increasing application of Reason to what had previously belonged to Religion still left certain recalcitrant areas (attitudes, behaviors) that appeared irrational. In fact – so Steiner claims – this “irrationality” was the product of the wider process that had deprived these attitudes and behaviors of the frame that had originally given them their sense. It was in this context, he suggests, that the category “taboo” acquired an indispensable explanatory function for modern secular subjects: by being represented as the fear of offending an imaginary power (a sacred power), “taboo” could account for the irrational prohibitions of pre-modern “religion.” To critique taboos was thus to attempt to free the human subject from his religiously maintained infancy. In this story it is not the viciousness of restraint on speaking freely that is the object of primary attention but the virtue of criticism as liberating speech.

In addition to this conceptual analysis, Steiner advances a historical narrative that he thinks explains the Victorian obsession with taboo. The nineteenth century witnessed a dynamic, industrializing society, in which new groups and classes sought to establish and defend new lines of linguistic and behavioral demarcation and to suppress even the memory of old ways of life. The rapid changes in society continuously generated elaborate tactics of suppression and invention. The changes incited some people to assault the new – but inevitably temporary – demarcations by which attempts were made (more often than not unsuccessfully) to fix, generalize and protect cultural values.

If Steiner’s account has any validity for late nineteenth-century Europe (and I believe it has) then it must apply, also, at the turn of the twentieth century to Europe undergoing even more rapid change. The *problem* of blasphemy, one might say adapting Steiner, is a European obsession. For a secular society that doesn’t acknowledge the existence of such a thing as blasphemy it is quite remarkable how much public discourse there is about it – and about those who complain of it or claim to be affronted by it. Quite remarkable, too, is the obsessive need to

repeat again and again the words and images that secularists think will be regarded as blasphemy. Who, one might wonder, are these defenders of worldly criticism trying to convince? Alternatively: Whose *conviction* (criminalization) do they seek? It is too simple, I think, to claim – as some Danish commentators have done – that the publication of the cartoons merely sought to overcome the crippling fear that Europeans had of criticizing Muslims.⁶⁶ But there is certainly something complicated going on beyond the courageous demonstration of political freedom, something that has to do with the attempt at re-assuring the limitless self.

Since its auto-destruction through war at mid-century, Europe has undergone enormous transformations. It lost its imperial possessions, imported Asians, Africans and West Indians (many of whom had fought in Europe's wars) to re-build its economies, and attempted to construct a supra-national European union. Legally it proscribed discrimination on the basis of race, gender, and sexual orientation. And yet, although public *declarations* of these principles of liberty and equality have been frequent, the attempt to eliminate the unequal conditions in which the principles are applied has not been very effective. Perhaps more important, the principle of democratic freedom has often been given priority over the encouragement of civility and decency.

Nevertheless, Europe remains divided in the way Europeans understand their collective identity, and the entry of the more Christian East European countries to join the more secular West Europeans has aggravated the problem. This was made evident both in the responses to the vote for the European Constitution and to the question of Turkey's entry. For even post-Christians have been trying to re-articulate their "Christian heritage" – and talk of "Judeo-Christian civilization" is one consequence of that. Thus although they have rejected any formal

⁶⁶ A mere two weeks before the publication of the cartoons, the Danish newspaper *Politiken* printed an article titled "A profound fear of criticizing Islam," which suggests that white majorities in Europe felt beleaguered by the presence of Muslim minorities. See Randall Hansen, "The Danish Cartoon Controversy: A Defence of Liberal Freedom," *International Migration*, vol. 44, no. 5, 2006, p.8. The publication of the cartoons is therefore to be seen as an attempt to overcome a constraint on liberal freedom. Apparently there were no such feelings when the very newspaper that published the Muhammad cartoons previously rejected cartoons thought to be offensive to Christian sensibilities. See G. Fouché, "Danish paper rejected Jesus Cartoons," *Guardian*, 6 February 2006. The decision not to publish the Jesus cartoons was a concession to the sensibilities of a Christian majority: therefore it was not coerced. *The point I want to make here has to do with the variable conditions that determine the use of "free speech" and not with bias, as though there was an abstract standard of "free speech."*

reference to Christianity in the E.U. Constitution, they have helped to delay indefinitely Turkey's entry – on grounds that are not formally religious but that clearly display an extreme discomfort at “the alien character of Islam.” The notion of a Europe defined by a Christian heritage is without doubt very strong, for Christians as well as post-Christians, but what that heritage consists of – what limits it articulates and who controls it – are questions neither generally agreed upon nor widely debated.

When Sullivan speaks of taboo he is referring to the notion of a civilization whose liberties he considers to be now endangered – not by the increasing control of the media by corporate capitalism or by the new laws put in place by the security state but by the different appearances, sensibilities and memories of African and Asian immigrants and their offspring. But perhaps more important is this: There seems to be little awareness of how liberty is shaped in and through actively maintained social relationships, of how relationships that are more than simple calculations of individual advantage *must* recognize and maintain limits.

Increasingly, European Muslims are being asked to assimilate as a solution to the perceived problem of “civilizational difference” – not unlike the way European Jews were required to assimilate prior to 1933. Most Europeans feel they relate productively to Islamic traditions, and so assimilation or expulsion are the only alternatives offered European Muslims. Although the majority of Muslims are now born in Europe they show their difference in different forms. One of these (but only one) is a re-appropriation and transformation – by *some* of these Muslims – of the Islamist movements that emerged on the southern shores of the Mediterranean. This European form of “Islamism” aims not at establishing an Islamic state in Europe (recognized as a practical absurdity) but at securing their Islamic heritage in the face of a hostile majority, at demanding political rights from the states of which they are citizens and at negotiating their identity with the society at large.⁶⁷ Apart from those who may be described as Islamists in this sense, there are small groups of *salafists*, doctrinaire traditionalists who seek to minimize their exchange with the surrounding non-Muslim population; they are pious exiles in a

⁶⁷ This is ably shown in Amel Boubekeur, “L’islamisme comme tradition,” in Samir Amghar (ed.) *Islamismes d’Occident*, ligne de repères, 2006. For further details see Amel Boubekeur and Samir Amghar, *Les partis islamistes du Maghreb et leur liens avec l’Europe*, Centre for European Policy Studies (CEPS), Brussels, 2006.

heathen land, suspicious and inward looking. And finally, of course, there are even smaller numbers of *jihadists*, ready to use violence in a religious cause regardless of whether their victims are military or civilian, adults or children, Muslims or non-Muslims. There is little contact between the “Islamists” and the other two, but secular Europeans who are used to thinking in terms of a clash of civilizations tend to categorize all of them together. Hence the EU officially rejects any connection with Islamist NGOs and charitable or humanitarian associations.

The situated character of Muslim demands and complaints adds greatly to the anxiety of many Europeans not so much because of security considerations (this European Islamism is not political in the sense that Middle Eastern Islamist parties are) but because Islam should have no place in European public life. There is place for varieties of belief as well as unbelief in secular Europe – even for different adjustments to the state of self-declared religious institutions – but not for the figure that negatively helps to define “European identity”: Islam. Why is Christianity so important for a largely non-believing and non-practicing European population? In the European imaginary Christianity is the parent of Reason and Islam as the embodiment of Unreason.

There is a paradox here, for while Europe claims to be entirely oriented to a continuously new future, its “civilization” is presented as an immutable heritage from the past, especially a Christian past. Liberal Europeans have repeatedly said that modernity – their modernity – consists precisely in the continuous re-creation of individual experience and political-economic futures through the exercise of auto-critique, yet in the case of their relationship to European Muslims a limit seems to have been reached, a limit that is insupportable. *Their* conception of criticism is motivated by the dark face of religion, *ours* by secular debate, democratic openness, and joyous satire; their anger undermines freedom, ours informs its defense; they seek to impose limits (in the idea of blasphemy), we overcome them (by secular critique).

Worldly criticism is held by many Europeans to be an unassailable right. But all is not well, for although the rights-bearing subject is assumed to be free (and worldly criticism is part of her freedom) and required to authenticate herself, she is at the same time subjected to the normalizing effects of uncontrollable powers: the security state and the neo-liberal market. When she speaks it is in someone else’s words, when she is silent it is someone else’s silence. The future holds out promises and also denies them.

As Steiner argued, limits to possible forms of action are articulated by fundamental social values. Perhaps another way of putting it is that all values are necessarily defined by limits. And of course all limits are invested with potential violence, even (especially) the value of limitless self-creation. Certainly the violent language and the riots that greeted the Danish cartoons are evidence of one kind of concern about limits. But so too, in even more terrifying ways, are the modern wars (pre-emptive and humanitarian) that seek to establish a moral order in the world, or to make liberal democracy safe within its own bounded spaces. The real problem of blasphemy in Europe lies, I suggest, not in the resurgence of religious passions into the public sphere, nor in the threat posed to the principle of free speech by Muslim immigrants and their offspring. It lies in the *repression* of the particular contradictions in which Europeans now live and the anxiety that that generates, in the drive to break all limits while at the same time being obliged to maintain them.

Here is a final thought: What would happen if religious language were taken more seriously in Europe, and the endorsement of a War on Terror (together with the associated discourse of Islamophobia) were to be denounced as “blasphemy,” as the flouting of fundamental moral limits for the sake of unlimited freedom? What if this were done without any “religious” belief or disbelief – *and yet done in all seriousness*, as a way of rejecting with passion the aspiration to totalized global control and the hatred of stubborn foreign identities that the war involves? Europe’s proscription of theological language in the political domain makes this use of the category “blasphemy” inconceivable, of course. But does this impossibility merely signal a justified reluctance to politicize “religion,” or is it the symptom of a moral incapacity?

“Free Speech, Blasphemy and Secular Criticism” in Talal Asad, Wendy Brown, Judith Butler, Saba Mahmood, *Is Critique Secular? Blasphemy, Injury and Free Speech* (Berkeley: Townsend Center for the Humanities, 2009) p. 38. CrossRefGoogle Scholar. 35. Stanley Fish, “Jerry Falwell’s Mother, or, What’s the Harm?” in *There’s No Such Thing As Free Speech And It’s A Good Thing Too* (New York: Oxford University Press, 1994) p. 126. Google Scholar. Blasphemy in a secular state. 31. seems merely nominal when one observes the significance that the secular laws place on the “Jewish Heritage”. Apart from the provision in its Proclamation of Independence defining the State of Israel as a “Jewish State”,⁸ a 1980 law of the Knesset provides that²⁵

Talal Asad (2008), “Reflections on Blasphemy and Secular Criticism”, in Hent de Vries (Ed.), *Religion: Beyond a Concept*, (Fordham University Press), at 29. 26 *R v Taylor* (1677), quoted in Mortensen, *supra* note 24, p 411; It is striking to note that the punishment was not that articulated and included a number of measures against the “offender.”