Respecting Beliefs and Rebuking Rushdie

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The furore that followed the publication of Salman Rushdie's *The Satanic Verses* has provided a graphic illustration of the conflicts that may still arise in societies characterized by diverse religious beliefs. This article examines how far the rules governing a plural society should require its members to defer to beliefs that they themselves do not share. In particular, it examines whether a principle of 'respect for beliefs' can provide adequate reason for limiting freedom of expression. A strong version of the principle, which would limit substantive criticism of beliefs, is found untenable. A weaker version of the principle, which would concern itself not with the matter but with the manner in which others' beliefs are treated, has greater plausibility and moral appeal. That also, however, proves too hazardous and indeterminate a basis for setting legal limits to freedom of expression.

Freedom of expression and freedom of religion are two freedoms which seem securely embedded in the culture of modern Western societies. Their conjunction in the right of people to express themselves freely on religious matters has seemed a particularly secure and widely-held conviction. So true has this been that, for decades and with few exceptions, that particular freedom has passed virtually unchallenged both in the politics of Western societies and in Western political thought. The Rushdie affair has put an end to that easy consensus.

The publication of Salman Rushdie's *The Satanic Verses* led to world-wide protests that it constituted a gross insult to Muhammad and to other important figures in the Islamic faith as well as to Muslims themselves. That in turn led to calls for the book to be withdrawn from circulation by the publishers and for all existing copies to be pulped. There were also calls for governments to ban the book. Indeed, the book was banned in India and in Pakistan, Indonesia and very many other Muslim countries, but also in some non-Muslim countries, such as South Africa and Venezuela. Nor have the complaints been confined to

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Muslims. Prominent leaders from other religions – including the Archbishops of Canterbury and York, spokesmen for the Vatican, the American evangelist, Billy Graham, and leading rabbis in Britain and Israel – expressed their sympathy with the protests of Muslims and suggested a variety of measures to prevent a recurrence of this sort of episode. In Britain, although some members of the Government expressed sympathy for the hurt caused to Muslims, the Government officially refused to contemplate a ban and protested that, anyway, it had no power to impose one. However, some Muslim groups claimed that Rushdie could have been, and should have been, prosecuted under the Public Order and Race Relations Acts. Others sought to mobilize the English common law of blasphemy against Rushdie but these efforts came to nought, since the existing law protects only Christianity. That, in turn, has led to vigorous calls for a reform of the law of blasphemy so that its protection would be extended to other religions and so that books such as The Satanic Verses would, in future, be subject to the full rigours of the law.

The whole issue was further intensified and complicated by Ayatollah Khomeini’s notorious fatwa sentencing Rushdie to death and calling upon ‘all zealous Muslims’ to ensure that the sentence was carried out, adding that whoever was killed in the attempt would be regarded as a martyr. Various financial rewards were offered to those who successfully assumed the role of executioners. Rushdie himself was forced into hiding. His subsequent qualified apology for the distress he had caused Muslims was judged by his would-be executors to be insufficient to rectify his wrong and it seems that Rushdie’s life will remain under threat for the foreseeable future and very possibly for the rest of his days.

In this article, I want to consider the general issues raised by the Rushdie affair for a plural society. By a ‘plural society’, I mean one characterized by a diversity of fundamental beliefs and, more especially, one characterized by a diversity of religious beliefs. I shall assume that all parties to the argument accept the legitimacy of a plural society. The issue, therefore, as I shall examine it, is not one of which, if any, of a number of competing religions should be adopted by a society as the ‘correct’ one to the exclusion of all other (false) beliefs. It is not about whether a society should be committed to Christianity or to Islam or, indeed, to atheism. Rather all parties to the argument are assumed to accept that members of the society should be able to hold and to live according to their own beliefs; so the issue amongst them is simply about the way in which the society should accommodate the diversity of beliefs that they hold. In examining this issue I shall make use of the arguments and claims thrown up by the Rushdie affair, but my ultimate concern will not be to deliver a verdict on the rights and wrongs of the affair in its every detail. Instead, my interest will be in the general question of what should be required of the members of a plural society by way of deference to beliefs that they themselves do not share. In particular, I shall consider the plausibility and the implications of the claim that we should show ‘respect’ for the beliefs of others.

In examining the principle of ‘respect for beliefs’ I shall argue that, although it has some affinity with the idea of not offending people’s sensibilities, it is actually
a distinct idea with a different moral foundation and some different practical implications. I shall examine the principle both in its strong form, in which it would limit substantive criticism of people’s beliefs, and in its weaker form, in which it would constrain only the ‘manner’ in which others’ beliefs are treated. Finally, I shall consider whether the difficulties that we confront when we invoke the offence principle or the principle of respect for beliefs can be by-passed by focusing instead upon the requirements of public order.

COPING WITH CONFLICT

Now it should not be taken for granted that there must be some set of rules that is acceptable to all members of a plural society in spite of their different beliefs. Different groups of believers may all accept the legitimacy of a plural society but may disagree about the rules that should govern that society. For example, if Christians, Muslims, Buddhists and humanists each draw upon their own bodies of belief in deciding what the common rules should be, there is no guarantee that they will come up with identical sets of proposals. If no such ‘overlapping consensus’ is forthcoming, we may be stuck with a virtual ‘state of war’ between different bodies of believers. There are certainly elements of the Rushdie affair which fit that description. Ayatollah Khomeini was not interested in providing for a plural society and he did not command the allegiance of all Muslims. But many Muslims in Britain and in other Western societies accepted Khomeini’s fatwa sentencing Rushdie to death and affirmed their willingness either to carry out that sentence or to collude in its being carried out by others. In addition bookshops have been bombed and a campaign of civil disobedience has been threatened. Other Muslims have rejected Khomeini’s fatwa and are unwilling to resort to illegal tactics to achieve their aims but, even amongst those, there seems to be a general conviction that they can never give up their protests and simply accept that others have a right to subject their religion to the sort of treatment it has received at the hands of Rushdie.

How might we get beyond this state of conflict? One possibility is peace based

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3 Cf. ‘Many writers often condescendingly imply that Muslims should become as tolerant as modern Christians. After all, the Christian faith has not been undermined. But the truth is, of course, too obviously the other way. The continual blasphemies against the Christian faith have totally undermined it. Any faith which compromises its internal temper of militant wrath is destined for the dustbin of history, for it can no longer preserve its faithful heritage in the face of the corrosive influences.

The fact that post-Enlightenment Christians tolerate blasphemy is a matter for shame, not for pride…

Those Muslims who find it intolerable to live in a United Kingdom contaminated with the Rushdie virus need to seriously consider the Islamic alternatives of emigration (hijrah) to the House of Islam or a declaration of holy war (jihad) on the House of Rejection. The latter may well seem a kind of hasty militancy that is out of the question, though, with God on one’s side, one is never in the minority. And England, like all else, belongs to God.’ Shabbir Akhtar, *The Guardian*, 27 February 1989 (Appignanesi and Maitland, eds, *The Rushdie File*, pp. 240–1).
upon mere compromise. For example, Muslims might come to endure attacks upon Muhammad and the Koran, not because they believe that they are obliged to do so by some principle that supersedes their religion (what principle could that possibly be?), but only because, in practice, that is all that they can do short of leaving the society. Alternatively, the non-Muslim section of the population might agree to the prohibition of severe attacks upon Muslim beliefs, not because it believes that there is really anything wrong with those attacks, but only to assuage those who would be outraged by them and who might react violently. I describe each of these as 'mere compromise' because neither is an arrangement that both sides regard as truly right or fair. Each is no more than a *modus vivendi*, a truce, in which force of circumstances has induced one side to concede something that, it believes, it should not have to concede. That may be preferable to open conflict but it is still an unhappy state of affairs, for it does not represent a genuine consensus on what the rules of the society should be. Is there no more principled basis upon which people might defer to one another's beliefs?

What has become the standard liberal position may be regarded as a minimum starting point. All would at least agree that each should be free to hold and live according to his own beliefs, subject to the usual qualification that it does not involve his harming or infringing the rights of others. People can, of course, believe that this sort of liberal position is wrong in principle and that they are duty-bound to attempt to make everyone conform to their own uniquely right beliefs. However, I am contemplating a population whose members accept the legitimacy of a plural society and it is hard to see how, if they accept that, they cannot also accept, as a minimum, that each should be allowed to hold and to pursue his own beliefs.

The question is whether more than that minimum can be required. My right to hold and to pursue my own beliefs does not, of itself, impose any limit upon what others may say about, or do with, the beliefs that I hold. Rushdie's *Satanic Verses* cannot be said to interfere with Muslims' right to conduct their lives as Muslims, nor can Scorsese's *The Last Temptation of Christ* be said to impede the freedom of Christians to live as Christians. Yet there is a widely shared sentiment that some limit should be placed upon the treatment that may be meted out to other people's most cherished beliefs, particularly if they are religious beliefs. What can justify that sentiment? What reason can there be for a society's throwing a protective cordon around people's beliefs? If I am a Christian, I have reason to object to the vilification of Christ because, as far as I am concerned, he is the Son of God. But what reason can I give a non-Christian, which will count as a reason for a non-Christian, for refraining from what I regard as a sin? And why should I myself refrain from vilifying Muhammad, since, as far as I am concerned, he is a figure who has no divine status and who was indeed a false prophet? Clearly, whatever reason there might be for limiting freedom of expression out of concern for people's beliefs, it cannot be a reason that presupposes the truth of those beliefs, for that would disqualify it as a reason for all except those who already hold those beliefs.
OFFENDING SENSIBILITIES

That goes some way towards explaining why ‘offensiveness’ has become such a prominent concern both in relation to the general question of whether people’s religious beliefs should receive legal protection and in relation to the specific controversy over Rushdie’s book. People can acknowledge the offence caused by attacks upon others’ beliefs even though they themselves do not share those beliefs. The non-believer, because he is a non-believer, cannot share the Christian’s or the Muslim’s conception of the essential wrongness of blasphemy. However, he can recognize that blasphemies cause distress and offence to the devout, that the distress and offence is undesirable and that that provides a (prima facie) case for prohibiting blasphemies. He must still regard these offended reactions as, in a sense, ‘mistaken’, for they depend upon beliefs which are (for him) false; but he may regard that as a matter of no consequence since the reality of offended sensibilities is unaffected by the truth or falsity of the beliefs upon which they depend. Nor is this reasoning relevant only for atheists. In so far as different religions do not have overlapping beliefs, they will have different conceptions of what is blasphemous. As far as the Christian is concerned, an attack upon Muhammad cannot be truly blasphemous; in relation to Islam, he too is a non-believer. Thus he too must find reason for not attacking the Muslim’s beliefs in something which does not imply his own acceptance of the beliefs at issue – such as the avoidance of offence.4

As for believers themselves, the offence caused by blasphemy is not likely to be their major preoccupation. For the Christian, impugning the character of Christ and, for the Muslim, impugning the character of Muhammad is wrong as such. Each may be offended by the blasphemy but that offence is merely a by-product of the wrongful act; it is not the offensiveness of the act which explains its wrongness but the wrongness of the act that explains it offensiveness. If the Christian or the Muslim characterizes the blasphemy as a wrong to anyone, he will regard it as principally a wrong to Christ (and to God) or to Muhammad (and to Allah) rather than to himself. It would be a derogation from his faith to do otherwise.5

Even so, he has to recognize that he is in a society many of whose members do not share these beliefs and for whom these cannot provide reason for refraining from blasphemy. But he can present the distress and the offence caused to him by blasphemy as a concern that others ought to recognize whatever their own

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4 Whether the truth or falsity of beliefs is really of no consequence here is a nice question. It is arguable that, if my offence is misplaced because it stems from false beliefs, it cannot provide adequate reason for limiting your freedom. However, even if we take that view in principle, we may still regard it as of little consequence in practice, since, in religious matters, there is such radical and unresolvable disagreement about which beliefs are true.

5 Cf. ‘The Rushdie affair is, in the last analysis, admittedly about fanaticism on behalf of God.’ ‘It is true of course that God is above human insult in one sense; but there is another equally valid sense in which the believer is morally obliged to vindicate the reputation of God and his spokesman against the militant calumnies of evil. Only then can he or she truly confess the faith. For faith is as faith does.’ Akhtar, Be Careful with Muhammad!, pp. 61, 103. In taking action against Gay News for blasphemous libel in 1977, Mrs Mary Whitehouse explained, ‘I simply had to protect Our Lord’; New Statesman, 15 July 1977, p. 74.
beliefs and, in so far as blasphemy is wrong because it is offensive, he can present himself as the person who is wronged by it.

Although being offended is a disagreeable experience, it is often a fairly slight one which does not bear comparison with harms such as physical injury. Consequently, when it is weighed against values such as freedom of expression, it is often found wanting. However, the potential for offence related to religious belief is very great. The conception of certain figures and symbols as 'sacred' in Christianity and in Islam makes them special objects of reverence, and acts which treat those figures and symbols irreverently are therefore especially offensive. That is why, of all belief-related offence, that occasioned by religious belief seems the most intense.

The current English law of blasphemy has developed in a way which is very much related to the prevention of offence. At one time the purpose of the common law of blasphemy was to uphold the truth of Christianity, for it was upon that truth that the social and political institutions of England were said to be founded. Blasphemy, either against Christianity in general or against the Church of England in particular, was viewed as a form of sedition. However, during the nineteenth century, the character of the law was gradually modified so that its prime purpose became that of protecting Christians from offensive treatment of their beliefs rather than that of asserting and upholding the truth of Christianity itself. Provided they observed the 'decencies of controversy', people could attack the very foundations of Christian belief without being guilty of the legal offence of blasphemy.  

Given that the modern law does not presuppose the truth of Christianity, its protection could be extended to other religions without anomaly for, as we have seen, preventing belief-dependent offence does not presuppose the truth of the beliefs at issue. Indeed, it now seems anomalous that its protection should be confined to Christians. If its purpose is to protect people from what they find offensive, why should that protection be extended to some citizens but not to others? That seems plainly inequitable. Thus the very character of the existing English law of blasphemy might be said to intimate its own reform. That reform would bring certain complications in its train, such as what exactly is to count as a religion for purposes of law, and these difficulties have evidently played some part in persuading the current British Government not to extend the scope of the law (even though they have also decided not to abolish it). But, although 'no change' might seem an attractive political option in present circumstances, there is little to recommend it in either logic or equity.

I have examined how far a case can be made for the prohibition of blasphemy

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on grounds of offence on a previous occasion; I shall not repeat that examination here. My earlier study was prompted by the Gay News case, which was pursued in the English courts from 1977 to 1979. My conclusion then was that, while the offence caused by blasphemy deserved to be taken seriously, it was insufficient, when weighed against rival concerns, to justify blasphemy's remaining a crime. The Rushdie affair has not induced me to revise my earlier argument or its conclusion. Moreover, even if the law of blasphemy in its present form were extended to include Islam, it should not be taken for granted that a court would judge The Satanic Verses to have contravened it.

**Respecting Beliefs**

However, offensiveness is not the only ground upon which different religious groups in a multi-faith society may call for legal protection for their beliefs. The Rushdie case has served to highlight a distinct, if related, form of argument. That argument appeals to, what I shall call, the principle of ‘respect for beliefs’. This principle holds that people should behave in a way which is consistent with their respecting the beliefs of others. As with the offence principle, ‘respect for beliefs’ is a principle that is especially relevant to a plural society in which different groups of people hold fundamentally different beliefs. It holds that, in such a society, not only should people be allowed to conduct their lives in accordance with their most deeply held beliefs, they should also not have to endure attacks upon those beliefs. An attack upon the beliefs of others is a violation of one of the understandings that should underpin a society in which people are expected to live together in spite of their fundamentally different beliefs.

Like the argument from offence, the appeal to respect for beliefs does not presuppose the truth of the beliefs at issue. For example, it would require people to refrain from vilifying Christ or Muhammad not because it presumes that Christ really was the Son of God or that Muhammad really was God’s Prophet, but out of respect for those who hold Christian or Muslim beliefs. As with the offence principle, therefore, the ultimate objects of concern in the principle of respect for beliefs are not beliefs as such but the people who hold them.

The demand that we respect the beliefs of others is, as I shall argue in a moment, fraught with difficulties, particularly for liberal political philosophy. Even so, it is a principle that liberals should at least find intelligible. The idea of

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individuals as objects of respect has figured prominently in recent liberal thinking. The arrangements required for a liberal society have been worked out as those appropriate to persons capable of forming and acting upon their own views of the ends to which they should devote their lives. A liberal society is one whose members are allowed to form and to pursue their own beliefs. It stands opposed to a society in which people are compelled to live in accordance with beliefs that they themselves do not share or which, in other ways, pays no heed to the conscientious convictions of those who make up its citizens. The principle of respect for beliefs, as I have described it, can be seen as an extension of this way of thinking. It holds that the mutual respect which is required of citizens who form a plural society should be taken to include their not acting in ways which affront one another's beliefs. That, it asserts, is one of the minimum guarantees that people should be able to demand as a condition of their accepting the obligations of citizenship.


10 The following statements, prompted by the Rushdie affair, provide examples of opinions which imply a commitment to something like the principle of respect for beliefs.

'In our view, it [The Satanic Verses] is a mere collection of insults, sacrilege, blasphemy and obscenity against Islam. No individual with the slightest grain of self-respect can accept being insulted and it is a more serious matter when a whole world community is subject to outrageous abuse of its inviolable sanctities.' (Dr Mughram Ali Al-Ghamdi, chairman of the UK Action Committee on Islamic Affairs; quoted in Appignanesi and Maitland, eds, The Rushdie File, p. 113.)

'The right to freedom of thought, opinion and expression should not be practised at the expense of the rights of others. Islam should not be degraded under the banner of freedom of thought. Cursing any divine religion (Islam, Christianity and Judaism) could not be excused on the basis of freedom of thought, expression and opinion; it is a low act which deserves to be condemned by the whole world.' (Declaration of the Islamic Conference Organization, The Times, 18 March 1989.)

'The Labour Party is a secular political party in a secular state. Britain, however, is a multi-racial, multi-faith society. There must be respect and understanding for everybody from everybody. This must impose constraints and restraints on freedom of speech.' (Max Madden, Tribune, 7 April 1989, p. 1.)

'When a prophet is treated in a supercilious, dismissive or crude manner, what is at stake is not his honour – for he is dead and too big a person to be affected by insults. What is really at stake is the sense of self-respect and integrity of those living men and women who define their identity in terms of their allegiance to the prophet. Their pride, good opinion of themselves, dignity and self-esteem deserve to be protected and nurtured, especially when these are subjected to daily assaults by a hostile society.' (Bhiku Parekh, New Statesman and Society, 24 March 1989, p. 33.)

'The laws of this country [Britain] were made before the Muslim peoples arrived ... Now they must adapt to us. Others must respect our faith.' (Pir Mahroof Hussain, quoted in New Statesman and Society, 2 June 1989, p. 14).

'Faith is something to be respected and revered: not to be used as an opportunity to humiliate.' (Keith Vaz, The Independent, 29 July 1989, p. 11.)

'One would think that, in a plural democracy, we should all generate respect rather than hatred for opposed yet conscientiously held convictions ... It can never be right to defend, in the name of liberalism, works that demean and humiliate human nature and tradition in any of their established forms.' (Akhtar, Be Careful with Muhammad!, p. 7.)
Before seeing how well this principle stands up to scrutiny, let me say a little about how it differs from an injunction not to offend people's sensibilities. These two will often be closely allied for it is likely that people will be offended when they find their beliefs being treated disrespectfully.\(^{11}\) We should not therefore expect to find the distinction between these two sorts of complaint being closely observed when people register their protests. Yet, despite their close association, neither is reducible to the other. My person or my beliefs may be treated disrespectfully even though I experience little or no offence and, equally, my offended reaction does not, of itself, establish that either I or my beliefs are being treated without due respect.

The ethical substructures from which each of these notions derives its appeal are also quite different. The notion of 'being offended' encompasses a variety of mental states which share little in common except that they are unpleasant, perhaps sometimes painful, mental responses.\(^{12}\) It is the disagreeable character of the experience that makes offence a ground for complaint and that, in turn, indicates that underlying objections, which appeal to offence, are considerations of an essentially utilitarian character. By contrast the principle of 'respect for beliefs' is an altogether more rights-based notion.\(^{13}\) Its appeal derives not from the disutility that people suffer when their beliefs are attacked, but from the premise that people are 'self-originating sources of claims',\(^{14}\) who are entitled to a certain minimum of respect from their fellows. To subject beliefs to attack, ridicule or contempt is simultaneously to subject the people who hold those beliefs to attack, ridicule or contempt, and that is to accord them less than the respect to which they are entitled.

As I have already indicated, the language of offence and the language of respect will not always indicate clearly which form of concern someone is intending to avow. Each thought might find expression in the language of the other. Thus, someone who asserts that we should treat the beliefs of others 'with respect', may turn out to believe, not that that respect is of intrinsic value, but only that it is of instrumental importance. He may believe, for example, that disrespect will cause offence or social conflict and that that is the main or the only reason why it should be avoided. Similarly, people may be offended by something, and may declare that they are offended, without intending to suggest that their offence is their reason for objecting to what they find offensive. People are offended and upset by the existence of genocidal concentration camps, but it

\(^{11}\) However, note that my offended reaction may be caused not by the fact that what you say amounts to disrespect for my beliefs, but simply by my taking exception to the substance of your remarks; for example, if you make abusive remarks about Christ, I may be offended, not because that constitutes disrespect for me as a Christian, but simply because you are abusing the Son of God.


\(^{14}\) Rawls, 'Kantian Constructivism in Moral Theory', p. 543.
would be a very odd person who cited their upset and offence as their reason for objecting to genocidal concentration camps. Analogously, people may find attacks upon their religious beliefs offensive but may hold that those attacks are wrong, not because they cause offence, but because they are intrinsically 'sinful' or because they do not accord to others the respect to which they are entitled. However, despite these 'semiotic confusions', the distinction between these two ways of condemning attacks upon beliefs remains and, in what follows, I shall give the terms 'offence' and 'respect' the specific interpretations that I have described.

Once this notion of respect for beliefs is brought to bear upon the Rushdie controversy, certain of its features become more intelligible. One reply frequently given to protesting Muslims has been that, if they believe that they will find The Satanic Verses offensive, they need not read it. Indeed, that is a reply that has been given by Rushdie himself.\textsuperscript{15} Yet Muslims seem to have been singularly unimpressed by this riposte. What is more, their own protests and demonstrations would seem to have been oddly counter-productive if their primary concern was with the offensiveness of Rushdie's writings, for by these actions they have greatly increased the number of people who have become aware of the alleged blasphemies and who have therefore been offended by them. Mosques have displayed samples of Rushdie's blasphemies and organizers are reported to have handed out photocopies of the offending passages during demonstrations. This would indeed be strange behaviour if the ground of their complaint was the offence, the 'mental pain', caused to the Muslim population. If, however, the essence of their complaint is not the offensive character of Rushdie's words but the disrespect that they manifest for the beliefs of Muslims, their conduct is altogether more intelligible and condonable. Spreading the word about Rushdie does not then amount to compounding the evil.

Another reason that Muslims have given for their being unimpressed by the invitation not to read the book, is that they do not need to read Rushdie's actual words in order to be aware of what he said and to be offended by it.\textsuperscript{16} Mere knowledge of Rushdie's themes is enough to cause them anguish. Yet this too creates a puzzle. If Muslims are offended by their mere awareness of what Rushdie said, what would be the point of banning The Satanic Verses? By now virtually all Muslims in Britain must know about it and banning the book would not erase Rushdie's remarks from their consciousness. It is difficult therefore to see how a case can be made, merely on grounds of preventing offence, for banning the book. (It is, of course, easy to see how a case might be made for banning future books of this sort on grounds of offence.) However, more sense can be made of the call for the book to be suppressed if we introduce the idea of respect for beliefs. The suppression of the book might be demanded by Muslims as a

\textsuperscript{15} Appignanesi and Maitland, eds, The Rushdie File, p. 28.

\textsuperscript{16} For example, 'You are aggrieved that some of us have condemned you without a hearing and asked for the ban without reading the book. Yes, I have not read it, nor do I intend to. I do not have to wade through a filthy drain to know what filth is. My first inadvertent step would tell me what I have stepped into.' (Syed Shahabuddin, in Appignanesi and Maitland, eds, The Rushdie File, p. 47.)
gesture of respect for them and their faith and an acknowledgement of the respect that should be shown to their beliefs by members of the majority society who do not share them.

There is one further way in which respecting beliefs might be held to score over preventing offence. Offence can be a highly idiosyncratic reaction. What offends some people does not offend others and some people seem generally more easily offended than others. Should the freedom enjoyed by members of a society be at the mercy of such a subjective and erratic phenomenon? Might not the fault sometimes lie with those who take offence rather than with those who purportedly give it? The dangers of idiosyncratic or unreasonable reactions may seem to disappear when we are concerned with large groups of people, as in the case of offence felt by the adherents of a religious faith, yet groups may also be very uneven in their propensity to feel offence. Imagine a society characterized by two religions. One of these has roots deep in the society's past but, with the development of secularity, its adherents have had to become accustomed to attacks upon their fundamental beliefs and have, in consequence, developed a degree of 'mental resistance' to them. The other religion is relatively new to the society. Its adherents are not similarly used to secular assaults upon their beliefs and consequently react with much greater hurt and indignation when their beliefs are questioned or attacked. Should the law give greater protection to the new than to the old religion? If our only concern is to prevent offence, it should. Yet it seems unjust that the adherents of the old religion should have to put up with a greater amount of ridicule and contumely merely because they have become more resigned to it. If people's most cherished beliefs are to receive legal protection, should not that protection be extended to all believers equally—as would be required by the principle of respect for beliefs—rather than be dependent upon the contingencies of their mental states?

One final point should be made about the different implications of preventing offence and respecting beliefs: if our purpose is to prevent offence, that provides some justification for singling out religious beliefs as of special concern. As I explained earlier, the sacral element in religious beliefs makes people particularly susceptible to offence in relation to them. That is why there seems something disingenuous about the atheist's riposte that he is just as liable to be offended as the theist and therefore should receive the same protection. However, if our guiding concern is securing respect for beliefs rather than preventing offence per se, it is not at all clear that religious beliefs can claim a unique status. If the rules are to remain neutral between the different contents of people's beliefs, should non-religious or irreligious beliefs receive any less respect than religious beliefs? Might not identical claims to respect be made for moral or political beliefs?

17 In some measure this difficulty might be handled by subjecting offence to a test of reasonableness; see Jones, 'Blasphemy, Offensiveness and Law', p. 147, and Report of the Committee on Obscenity and Film Censorship (the 'Williams Report'), Cmnd 7772 (London: HMSO, 1979), pp. 122–5. However, not everyone would accept that 'reasonableness' is an appropriate test to apply to offence; see, for example, Feinberg, Offense to Others, pp. 35–7.
Clearly, we do not think that all of a person's beliefs are equal candidates for respect. We would not ordinarily suppose that my beliefs about whether it will rain tomorrow, or about the likelihood of a team's winning a football match, impose strong obligations of respect upon others. It is not easy to specify what it is that makes some of a person's beliefs more demanding of respect than others, beyond the general observation that it has something to do with the centrality of a belief to a person's life and being. But, however one makes the distinction, it is quite implausible to suppose that the principle of respecting beliefs should issue in an injunction to respect only religious beliefs. Thus I shall continue to focus on religious beliefs for the remainder of this article, not because I suppose that they have a unique claim to respect, but only because they are central to the Rushdie affair and because conflicts of religious belief have proved particularly difficult for plural societies to handle.

How strong a case is there, then, for embracing the principle of respect for beliefs? One thing I have not done so far is to specify the precise scope of the principle and that might seem to be an essential preliminary to subjecting it to examination. Just how demanding is it? What precisely does it forbid? Rather than simply stipulate an answer to these questions in a more or less arbitrary fashion, I would prefer to let one emerge from an examination of the general idea of the principle. However, I shall begin by assuming that the principle takes a fairly strong form – strong enough to forbid challenges and criticisms designed to undermine the beliefs of others. Is that a principle we should accept?

Little progress can be made in answering this question by invoking distributive values such as justice or equality, even though it is those values that have dominated recent liberal political philosophy. Justice and equality are concerned with how freedom and protection should be distributed amongst people rather than with what freedoms and protections there should be and, prima facie, a system of laws which extends the kind of protection at issue here to everyone's beliefs seems neither more nor less just than one which gives that protection to no one's beliefs. Where then are we to look for an answer?

Firstly, there is the entire phalanx of arguments that may be invoked in defence of freedom of expression. I cannot review all of these here, so I will confine myself to a few brief comments. Much has been made of the rights of Rushdie as an author in a way which implies that creators of literature, because they are creators of literature, have some special claim to freedom. That is not perhaps the most persuasive of defences since it has the appearance of a mere prejudice which elevates the interests of a small group of literati above those of many millions of Muslims. Much has also been made of the requirements of a democratic society. Now the phrase 'democratic society' can be variously interpreted but, if it refers to the prerequisites of a democratic political process, it is

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not immediately obvious that restrictions upon blasphemy will seriously impede
the operation of that process. However, I concede that it is difficult and perhaps
impossible to state, a priori, which opinions will be relevant to a political process
and which will not, so that some headway may be made in defending Rushdie by
reference to democracy.

For my money, the most persuasive defence of freedom of expression in
religious matters is the kind of argument developed by Mill in the second chapter
of *On Liberty*.19 If we are serious about wanting to possess true beliefs, and
presumably anyone who professes a ‘belief’ must be concerned that it is a true belief,
we must be willing to live in the kind of society that allows the truth of beliefs to
be examined. That is a society in which all beliefs are open to question and none
is immune from scrutiny. It is unnecessary for me to restate the arguments for
freedom of expression and discussion so ably marshalled by Mill. His is the kind
of non-distributive concern for liberty that has been unduly neglected in recent
liberal thinking and which is of first importance for the Rushdie affair. It serves
to show how we each have an interest, not only in our own freedom of expres-
sion, but also in one another’s freedom of expression. Of course the concern here
is not quite the same as Mill’s. He feared the imposition of a uniformity of belief
either by governments or by the pressure of social opinion; we are contemplating
a society of diverse beliefs in which each body of belief is insulated from critic-
ism and challenge by the rivals that exist alongside it. But the ideal of a society
in which ‘mutual respect’ requires rival bodies of belief not to speak to one
another is as vulnerable to Mill’s criticisms as a society in which only one body
of belief is respected.

I concede that Mill’s argument about the need to test beliefs may not persuade
someone whose beliefs depend entirely upon claims of revelation.20 Such a per-
son may hold both that the truth of his beliefs is utterly beyond question and
that ordinary standards of argument and evidence are entirely irrelevant in
matters of religious belief. However, the fact that some people take that view
does not entail that they rightly take that view. Actually, belief in revealed truths
is rarely based upon what has been directly revealed to the believer himself. Nor
should we overlook the central places occupied by argument and scholarship in
both the Islamic and the Christian traditions. Some of those who have spoken
up on behalf of Muslims in the Rushdie affair have done so by suggesting that
truth is not really at issue in religious beliefs and that it is misplaced to allow our
response to the diversity of religious beliefs to be guided by a concern for the
pursuit of truth. But that sort of argument is unlikely to be welcomed by Mus-
lims themselves, who would regard their own beliefs (rightly) as beliefs about
what is supremely true. Rather than rushing to sever any connection between
religious belief and truth, Muslims are more likely to regard the sceptical

19 For a contrary view, see Susan Mendus, ‘The Tigers of Wrath and the Horses of Instruction’,
20 For an examination of the significance of revelation for the Rushdie affair, see Preston
relativism implicit in that proposal as itself part of the unfortunate fall-out of secular liberalism.

However, a strong version of the principle of respect for beliefs is open to a second objection that is even more decisive than the strictures set out by Mill. In its strong form the principle would seem to require us to treat an individual's beliefs as a well-defined territory over which he has a sovereign right. Just as he may be said to possess an inviolable right over his person and over his property, so too he may be said to possess an inviolable right over his beliefs. Indeed, on this view, his beliefs are virtually a part of his 'property' and that is why it is incumbent upon a society to ensure that they are protected.

There are two reasons why this way of viewing and valuing people's beliefs must collapse into incoherence. The first is that the contents of people's beliefs overlap and conflict. That observation is as important as it is pedestrian and it is especially important in relation to religious beliefs. The very existence of different religious faiths, and of differences within religious faiths, must mean the existence of conflicting bodies of belief. Christianity impugns the truth of Islam and Islam impugns the truth of Christianity. Likewise Protestantism and Catholicism stand in contradiction to one another (although not of course in every detail). How are we to decide whose beliefs are to be privileged and therefore protected? Who should we regard as the victim and who as the assailant in this conflict of beliefs? Clearly those questions are incapable of receiving neutral answers. The only way of honouring the principle that no one's beliefs should be subjected to attack, either explicitly or implicitly, would be to require, absurdly, that no one should ever give voice to a belief.

This strong version of respect for beliefs is also at odds with itself in a second way. It may have some intuitive appeal as long as a person's beliefs are purely self-directed, that is, as long as they are beliefs only about the believer himself and how he ought to live. But as soon as those beliefs become beliefs about others as well, it becomes nonsensical for him to insist that the content of those beliefs is properly of concern to no one but himself. Yet it would be a very odd set of fundamental beliefs that had relevance to no one but the believer. Typically, fundamental beliefs are about what is true of the world or humanity at large and about the right or the good way for people generally to conduct their lives. Christianity and Islam, for example, are comprehensive bodies of belief about the nature of existence, about man's place in it and about the proper conduct of human life. It would, therefore, be singularly perverse for those who hold Christian or Muslim beliefs to insist that what their beliefs are beliefs in is a matter which is somehow private to Christians or Muslims and properly of concern to no one but them. On the contrary, they must, and do, insist that the content of their beliefs is of importance to everyone.

The distinction that is in danger of being overlooked in respect for beliefs is that between (i) a belief's being mine in the trivial sense that it is what I believe and (ii) a belief's being mine such that what I believe in comes to belong exclusively to me. My beliefs are obviously 'mine' in the first sense, but that does not make them 'mine' in the second sense. Propositions, ideas, theories, theologies and the like
cannot be appropriated and removed from the public domain simply by some individuals coming to believe that they are true. ‘The market-place of ideas’ is a happy metaphor but it should not mislead us into supposing that adopting ideas, like buying goods, amounts to acquiring a right of private ownership over their content.

Finally, although what constitutes treating another’s beliefs ‘with respect’ is a contestable matter, it is not infinitely malleable. On almost any view of what constitutes respecting a person, it is hard to take seriously the complaint that conducting a sober examination of the truth of another’s beliefs amounts to not treating him, or his beliefs, with respect. Arguably, it is more insulting to have one’s beliefs treated as though their truth or falsity were of no consequence; for that is to have one’s beliefs not taken seriously as beliefs. That is a trap into which some varieties of multi-culturalism seem to fall. There are many reasons for both tolerating and promoting cultural diversity and there is nothing illogical about supporting and encouraging diverse forms of music, dance, literature and life-style, each of which has its roots in a particular culture. Now cultures are often caught up with beliefs, particularly with religious beliefs. Again there are many reasons for tolerating all of those beliefs. However, it would be odd to find amongst them the claim that a world characterized by different religious beliefs is the best of all possible worlds and that nothing should be allowed to diminish that diversity. Different religious beliefs are rival religious beliefs. They represent rival claims to the truth. ‘Beliefs aim at truth’, as Bernard Williams puts it.21 For that very reason, to treat the truth of someone’s beliefs as a matter of no consequence is already to have ceased to take them seriously as beliefs. But to seek to immure people’s beliefs so that they will never be threatened or changed is effectively to do just that. It is to treat the continuance of those beliefs as of greater moment than their truth. It is to hold that it matters less that people should live lives grounded in falsehoods than that their existing beliefs, and the ways of life grounded in them, should remain undisturbed. At least those who challenge beliefs signal in so doing that they take them seriously as claims to truth. By contrast, those who seek to ‘protect’ beliefs so that they become, in effect, exhibits frozen in a social museum run the risk of reducing them to mere objects of curiosity which make no demands for serious consideration upon those who do not already hold them. No doubt those who wish to extend this protection to others’ beliefs are generously motivated but their efforts may ultimately be more patronizing than the attempts of others to refute them in the ordinary rough and tumble of argument.

Earlier I connected respect for beliefs with the liberal idea of respect for persons. If a strong version of respect for beliefs is untenable, and if indeed some of the reasons for rejecting it are reasons traditionally associated with liberalism, what is amiss in making that connection? After all, liberalism’s propensity to treat beliefs, particularly religious beliefs, as essentially ‘private’ matters may itself have encouraged people to embrace the principle of respect for beliefs. The

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logic that I previously suggested ran from (1) respecting persons to (2) the right of individuals to form and to pursue their own beliefs and then to (3) their having the right not to have those beliefs attacked. The step from the first to the second notion – that is, from respect for persons to the right to form and pursue one's own beliefs – is not without complications, but I shall not examine those here. More to the point is the step from the second to the third – from the right to form and pursue one's own beliefs to the right not to have those beliefs criticized. Of course, in strict logic one does not entail the other – my being free to form and pursue my own beliefs does not require that others abstain from questioning and criticizing those beliefs. Even so, there might still seem to be some affinity between these two notions. If my beliefs are reckoned to be of sufficient moment to be the subjects of guaranteed freedom, does that not imply that they constitute a territory which others should 'keep off'? Lord Scarman, for example, has argued, in the context of the law of blasphemy, that article 9 of the European Convention on Human Rights, which provides for freedom of religion, also 'by necessary implication ... imposes a duty on all of us to refrain from insulting or outraging the religious feelings of others'.

However, the apparent affinity between these two notions is, I believe, misleading. Why should people be free to form and pursue their own beliefs? That question can be answered in many ways, but the answer which seems fundamental to the deontological liberalism at issue here is that individuals' lives are their own; they should therefore be free to conduct their lives as they see fit. Thus the reason why I should be free to live in accordance with my beliefs is not that those beliefs come to acquire a peculiar sanctity merely because I adopt them. Rather I should be entitled to shape my life according to my beliefs because it is my life. In other words, in so far as there is something like a notion of ownership at work here, it is ownership over my life rather than ownership over certain propositions that I have come to believe in. That is why my right to live according to my beliefs entails that others are duty-bound not to prevent my so living but does not entail that they are duty-bound not to challenge the beliefs to which I devote my life.

**Respect, Decency and Manner**

Are we then to conclude that the principle of respect for beliefs is entirely without merit? Are people to be free to speak, write and behave without having any

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22 I have examined some aspects of this relation in 'Liberalism, Belief and Doubt', in Richard Bellamy, ed., Liberalism and Recent Legal and Social Philosophy (ARSP, Beliefs 36) (Stuttgart: Steiner, 1989), pp. 51–69.


24 This may also explain why liberalism tends to concern itself much more with some sorts of beliefs than with others, an unevenness of concern which would seem odd if what mattered were beliefs as such. Why all the Angst about moral and religious beliefs? Why not an equal concern with people's beliefs about the natural world or about art? Part of the answer would seem to be that moral and religious beliefs are 'life-shaping' and are therefore more directly relevant to the kind of rights that the deontological liberal wants to assert.
regard for the beliefs of others? My previous arguments have shown that a strong version of the principle of respect for beliefs is untenable. Can the principle receive a less demanding, and therefore more plausible, interpretation? Both sides in the Rushdie affair are to be heard espousing the value of freedom of expression, and both are also to be heard exhorting us to treat the beliefs of others with respect, albeit with varying degrees of enthusiasm.\textsuperscript{25} That implies an interpretation of ‘respect’ which is not seriously at odds with, or which is at least in some way reconcilable with, freedom of expression. What might that interpretation be?

Some of Rushdie’s defenders may mean by ‘respecting another’s beliefs’ no more than the liberal idea of allowing people to live according to their own beliefs. If that is all that respect for beliefs requires, it provides no reason for limiting free expression. Indeed, it is sometimes suggested that exceeding that minimal liberal position would entail ‘imposing’ others’ beliefs upon people.\textsuperscript{26} However, others who have spoken in defence of Rushdie clearly do intend their injunction to respect others’ beliefs to imply something more than the minimal liberal position, even though that ‘something more’ would leave substantial room for freedom of expression. Likewise, many of Rushdie’s critics declare their acceptance of the right of freedom of expression and complain only that Rushdie has abused, or exceeded the limits of, that right.\textsuperscript{27}

\textsuperscript{25} For example, ‘For Unesco, as a world-wide forum for dialogue and understanding, freedom of creation, of opinion and of expression, with respect for convictions, beliefs and religions, is essential … It is every person’s duty to respect other people’s religions; it is also every person’s duty to respect other people’s freedom of expression.’ (Freddy Mayor, Director-General of UNESCO, in Appignanesi and Maitland, eds, \emph{The Rushdie File}, p. 125). ‘Western emphasis on freedom of speech and tolerance is essential to civilisation. But reverence towards the traditions and ideals which other peoples hold dear is also an essential part of a healthy and happy society.’ (H. B. Dehqani-Tafti, Bishop of Iran, Letter, \emph{The Times}, 1 March 1989.)

\textsuperscript{26} For example, ‘censorship is wrong and any calls for censorship by any fundamentalist religious leaders should be resisted. Not because of any lack of respect for anyone’s sincerely held personal faith. But because it cannot be right to have one set of views imposed on everyone else by force, punishment and the censor.’ (Diane Abbott, Letter, \emph{The Guardian}, 16 February 1989, in Appignanesi and Maitland, eds, \emph{The Rushdie File}, p. 111.) ‘It is important that their [British Muslims’] spiritual values should be respected … They, in turn, however, must not seek to impose their values either on their fellow Britons of other faiths or on the majority who acknowledge no faith at all.’ (Editorial, \emph{The Independent}, 16 January 1989.)

\textsuperscript{27} For example, ‘It is not civilised to insult the religious sanctities of any people. We do not object to anyone writing critically about Islam – there are hundreds of such books in our libraries – but as you see these \emph{Satanic Verses} belong to an entirely different genre.’ (Spokesman for the Islamic Council, in Appignanesi and Maitland, eds, \emph{The Rushdie File}, p. 78.) ‘That Rushdie has insulted us is evident … Of course, the rights of the individual, notably to free expression, are inalienable. Those of the community, notably the respect of its beliefs, are no less so.’ (Moncef Marzouki, in Appignanesi and Maitland, eds, \emph{The Rushdie File}, p. 182.) ‘Islam and Muslims are not against freedom of expression but they are against freedom to insult and injure the religious beliefs and sentiments of any community.’ (Drs S. M. Khalil, I. Mojahid, and M. S. Khan, Letter, \emph{The Independent}, 3 March 1989.) ‘The Muslims did not object to anybody disagreeing with Islam but only to somebody insulting it. Whether this right to insult exists, is the issue.’ (Shoaib Qureshi and Javed Khan, \emph{The Politics of Satanic Verses} (Leicester: Muslim Community Studies Institute, 1989), p. 27.)
How then might we set a limit to the demands of respect for beliefs so that these fall short of prohibiting all serious challenges to people’s beliefs? There are a number of possibilities.

Some of the antagonists in the Rushdie affair seem to want to place some subjects ‘off-limits’ altogether. Some matters, which religious believers regard with special reverence, should simply not be open to challenge. There are two difficulties with that view.

Even though it is only some aspects of a person’s beliefs, rather than all of a person’s beliefs, that are placed beyond the pale of criticism, that would still run into the objections that I have already outlined. Should any matter be placed beyond challenge and inquiry? If some aspects of a person’s beliefs are of special importance to him, is it not also especially important that the truth of those aspects be open to scrutiny? And can it really be an act of disrespect merely to question what another asserts, however tenaciously that belief is held?

Secondly, how are we to decide which matters are off-limits and which are not? It is not easy to see how there could be a single criterion that could be applied across all religions, and it would clearly be unacceptable to let each religion, or each sect of each religion, determine for itself the schedule of subjects which should be excluded from public discussion. Moreover, even the faithful may regard this approach as unnecessarily severe. Their own understanding of the demands of ‘respect’ is often less one of what should, and what should not, be open to challenge and criticism and more one of how that challenge and criticism should be conducted.

That takes us on to a second possibility. Every subject, it might be said, should be open to challenge and critical scrutiny, provided that that challenge and criticism respects the ‘decencies of controversy’. It is not criticism or questioning that is objectionable; it is the conduct of criticism and challenge in a way which exceeds the bounds of ‘decent’ or ‘civilized’ or ‘respectful’ discussion.28 A standard of that sort has long been a part of the English law of blasphemy.29

28 ‘No freedom can be absolute and, in a democratic society, the individual, whether a writer, an artist or an ordinary man in the street, must voluntarily restrain his freedom to stay within the universally accepted bounds of civilised conduct. If he does not, then he is asking for restriction to be imposed upon him. Some argue that writers and artists are a special category and must enjoy unrestricted freedom of expression. This notion must be challenged. No one who has read the book can deny that Mr Rushdie has trangressed all boundaries of decency and propriety in The Satanic Verses and for that he must be condemned.’ (M. Akbar Ali, Letter, Daily Telegraph, 9 March 1989, in Appignanesi and Maitland, eds, The Rushdie File, p. 217.) ‘This book is not a threat to Muslims. It is a threat to decency. One cannot and should not malign or publish libellous statements against leaders of any faith. Islam can withstand any controversy and criticism. No religion should tolerate blasphemy.’ (Shaikh Mohommed, Letter, The Independent, 20 January 1989.) ‘Freedom to criticise one religion from the basis of another is not under threat … Muslims accept criticism but they will not tolerate vilification of the Prophet Mohamed. They in turn may criticise the beliefs of Christians but would never insult Jesus … Criticism will be met, as it has been in the past, by “the ink of the scholars”. But why should vilification be allowed? Surely it is not beyond the capability of intelligent people to distinguish between useful religious debate and deliberate distortion and insult.’ (M. Hosain, Letter, The Independent, 1 June 1989.)

29 In R. v. Ramsay and Foote [1883], Lord Coleridge declared, ‘I now lay it down as law, that, if
Once again, however, that proposal presents us with two difficulties: one technical, the other political. The technical problem is that of drafting a law that will indicate to people, with reasonable precision, what they may say and what they may not. Phrases like 'decent' or 'civilized' leave everything to interpretation. A law stated in those terms would make it almost impossible for people to know in advance whether their statements were permitted or prohibited; they could be sure only after the court had decided. Nor would it be easy to infer from its past decisions what the future decisions of a court would be.

The political problem is how we are ever to achieve a reasonable degree of consensus on what it is acceptable and what it is unacceptable for people to say, remembering that we are legislating for a society of people with different sets of beliefs. The problem here is not merely that different individuals may have different views on what decency requires. It is also that different faiths, and different varieties of the same faith, may have different conceptions of the limits imposed by 'decency'. In other words, rather than 'decency' providing a criterion that people can recognize and embrace independently of whatever beliefs they hold on religious matters, it may itself be a belief-dependent notion and so vary according to belief. Fundamentalists, for example, be they Muslim or Christian, are likely to possess a more severe view of what decency requires than those who are, in religious terms, 'liberals' or 'modernists'.

All of this may seem to make the attempt to exclude certain matters of substance from criticism seem hopeless as well as undesirable. However, there is a third possibility which might seem more promising. That option turns upon a distinction between the matter and the manner of what is said. Broadly, it holds that people should not be prevented from saying things merely because others dislike the 'matter' of what they say, but that they may be prevented from saying things in an objectionable 'manner'. Thus, your taking exception to the substance of my opinions is not an acceptable reason for my being silenced; but I may be prevented from expressing those opinions in an unnecessarily disrespectful way.

This is another distinction that has been frequently invoked in relation to the English law of blasphemy. Stephen, for example, characterized the law as follows:

Every publication is said to be blasphemous which contains any contemptuous, reviling, scurrilous or ludicrous matter relating to God, Jesus Christ, or the Bible, or the formularies of the Church of England as by law established. It is not blasphemous to speak or publish opinions hostile to the Christian religion, or to deny the existence of God, if the publication is couched in decent and temperate language. The test to be applied is as to the manner in which the doctrines are advocated and not as to the substance of the doctrines themselves.30

the decencies of controversy are observed, even the fundamentals of religion may be attacked without the writer being guilty of blasphemy (15 Cox C. C. 231, at 238). However, he was not the first to interpret the law in that way.

30 Stephen's Digest of the Criminal Law, 9th edn (1950), article 214. This formulation of the law was endorsed by Lord Scarman in R. v. Lemon [1979], 2 WLR 281, at 315.
There is much that is attractive about dealing with this issue in terms of the distinction between matter and manner. For one thing, it seems to offer a more workable distinction than appeals to ‘decent’ or ‘civilized’ discussion. Secondly, it would appear to offer us the best of both worlds. Freedom of expression would be limited but in a quite unobjectionable way. No opinion would have to remain unstated, no subject would be excluded from open discussion and none would be exempt from critical scrutiny. All that would be proscribed would be attacks upon beliefs that were formulated in an unnecessarily abusive manner, and there would seem little reason to champion unnecessary abuse. Thirdly, the very phenomenon of treating other people’s beliefs ‘disrespectfully’ often seems to be a question of manner rather than matter. As I argued above, subjecting another’s beliefs to sober and serious examination can hardly be represented as treating those beliefs, or their holders, disrespectfully. It is when matters of special reverence are subjected to ridicule, contempt, vilification, and the like, that people are most likely to object. If the demands of respect concern the manner rather than the matter of one’s treatment of another’s beliefs, the principle of respect for beliefs will provide a secure normative underpinning for that distinction.

Does, then, this distinction between matter and manner provide an acceptable and workable standard for setting the boundary between freedom of expression and respect for beliefs? The distinction clearly has some merit. A sceptical academic treatise and an abusive vulgar lampoon may both deny the existence of God, but, although they agree in their matter, there would be a clear difference in their manner and a difference that is likely to be significant for those whose beliefs are under attack. The problem is that applying the distinction between matter and manner is rarely as straightforward as that. More often form and substance are so interrelated that it is not possible to treat one as a dispensable feature of the other. Manner and meaning are not wholly separable. Nor need a forceful and contemptuous manner be without justification. If strong and colourful prose enables an argument to hit its target more effectively, and if we believe that a religion or cult deserves to be targeted, then we are likely to feel that this more effective medium is justified. Religions are many and various and have been responsible for many of the worst, as well as some of the best, episodes in human history. Moreover, the exponents of religion have themselves not always been notable for the temperateness of their language. Those who possess a religious faith may be amongst the most reluctant to forsake the full armoury of language in opposing doctrines that they believe to be bogus and harmful or in condemning conduct that they regard as evil.31

31 Cf. ‘Religion is a luxuriant growth. Alongside major historical traditions is a tangled mass of lesser and newer ones, not always easily identifiable, fiercely competitive, some of them much given to litigation, and with beliefs that range from the profoundly impressive to the suspiciously barny. Where does one draw the line? Is Ron Hubbard, for instance, a candidate for posthumous inviolability? And if not, why not? And what might be the consequences of protecting the reputation of religious founders who, in any sane and tolerant society, would deserve to be ridiculed?’ (The Archbishop of York (commenting on a proposal to extend the law of libel to the founders of religious faiths), Letter, The Times, 1 March 1989.)
Nor is it clear that this distinction has actually been followed in English law or that it would be acceptable to those who want some legal restriction placed upon blasphemy. It is quite obvious that it was the matter, and not merely the manner, of James Kirkup’s poem that led to the successful prosecution of *Gay News* and its editor in 1977. The same is true of many earlier cases of blasphemous libel, even though judges who presided over those cases claimed to be applying the distinction between matter and manner.\(^{32}\) It is also difficult to apply the distinction to Rushdie’s work. For one thing, it is hard to know quite what should count as matter, and what as manner, in a novel. For another, it is quite clear that it is what Rushdie was understood to have suggested about Muhammad, the Koran and other important aspects of Islam, and not merely how he stated those thoughts, that was found objectionable.

**PUBLIC ORDER**

Finally a word is needed about public order. The maintenance of public order is typically considered an uncontroversial obligation of governments; it is also widely regarded as an acceptable reason for curtailing freedom of expression. Even Mill was prepared to concede that the urgent need to prevent a riot should take precedence over freedom of expression. A government might claim that it is obliged to proscribe what members of its population find offensive or disrespectful simply to prevent disorder, violence and social conflict. That seems to have been part of the motivation for banning *The Satanic Verses* in India and Pakistan, where people have already died in demonstrations against the book. In Britain there have been suggestions that the sort of issue raised by the Rushdie affair might be most satisfactorily handled in terms of the maintenance of public order and the avoidance of social conflict. Thus, for example, in his response to the Rushdie affair, the Chief Rabbi of Britain has proposed that the law should prohibit ‘the publication of anything likely to inflame, through obscene defamation, the feelings or beliefs of any section of society, or liable to provoke public disorder and violence.’\(^{33}\)

Yet there is reason to be deeply unhappy with this sort of proposal. If the prospect of violent and disorderly reactions is sufficient reason to curtail a freedom, that freedom is placed at the mercy of others’ willingness to react in violent and disorderly ways. The reader they are to respond violently, the more they can curtail the freedoms they find objectionable. The more aggressive and intemperate a group, the more protection it will receive; the more stoical and pacific a group, the less protection it will receive. That cannot be right.

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\(^{33}\) Letter, *The Times*, 9 March 1989 (in Appignanesi and Maitland, eds, *The Rushdie File*, pp. 215–16). Similarly, though rather more opaque, the Archbishop of York has suggested dealing with the issues raised by the Rushdie affair by developing ‘that aspect of the present law of blasphemy which focuses on the shaking of the fabric of society when widespread sensibilities are offended. Implicit in this is the belief that stable societies contain a sacral element, and that it is unwise to allow this sense of sacredness to be undermined by scurrilous attack.’ (Letter, *The Times*, 1 March 1989.)
If we are to distinguish between justified indignation and mere bully-boy tactics, we have to have some way of distinguishing between justifiable and unjustifiable (or excusable and inexcusable) disorder. If disorder occurs, or is likely to occur, we need some way of determining whether the responsibility for that lies with the speaker or writer (was he being unreasonably provocative?) or whether it lies with those who have resorted to disorder and violence (were they responding in an unreasonable way?). That, in turn, requires us to return to questions of what, all things considered, constitutes unjustified offence or what, all things considered, constitutes intolerable disrespect for people’s beliefs. We cannot therefore satisfactorily evade the issues that I have raised in this article by making public order our concern.

It may be, of course, that a violent reaction is likely to occur, even though it would be unjustified, and that a government may feel unable to prevent or contain it except by disallowing what the reactors find objectionable. That government may then judge that it is duty-bound to maintain the public peace even though that entails preventing people saying what they ought to be free to say. However, it is still important to distinguish between (i) cases in which the fault lies with the speaker and in which a government merely prevents him from saying what he has no right to say, from (ii) cases in which the fault lies with the reactors and in which a government feels compelled to override people’s rights of free expression only as the lesser of two evils. Clearly, more is required to justify government action in the second case than in the first.

CONCLUSION

What, then, are we to conclude? In spite of the difficulties that the notion of respect for beliefs encounters, it is not a principle that is wholly without appeal. I have shown that, in any very strong form, the principle is unsustainable. If we interpret the principle less demandingly, so that it is concerned with the manner rather than the matter of statements, it is still not without its problems and difficulties. However, the objections that it encounters in this weaker form are, perhaps, less imposing and less conclusive. If the principle is concerned more with the way something is said than with the substance of what is said, it does not run into the simple contradictions that characterize its stronger version, nor does it collide so readily with the concerns that underlie freedom of expression. Moreover, there is reason to object to remarks which are intentionally or gratuitously disrespectful, whether they concern religion or any other subject, and, of course, a whole range of terms and phrases exist in our language whose very purpose is to insult, humiliate, belittle or wound.

There can then be cases in which someone’s disrespectful treatment of another’s beliefs is properly condemned. Whether we should translate that moral condemnation into legal condemnation is another question. Suppose that we do encounter a case in which people’s complaints of disrespect are well founded and in which the author of the disrespectful remarks can claim no

34 Note that, even if we judge that the speaker was speaking improperly, that need not be sufficient to condone a violent or disorderly reaction.
countervailing justification for them. Are these 'wrongs' really of sufficient moment to warrant bringing in the engine of law? If we draw only upon the idea of respect for beliefs, and do not allow that to be supplemented by claims about the religious wrongness of the author's words, is he guilty of very much more than bad manners or gross discourtesy? And, given the problems of definition that a law on this matter would face, and given the risk of serious and justified criticism being suppressed along with scurrilous and gratuitous insult, do we really want to have these matters decided upon by judges and courts? The conflicting interpretations that have been offered of Rushdie's *Satanic Verses* serve notice that these are likely to be 'hard cases' and ones which judges and lawyers will be poorly equipped to handle. My worries about translating the more modest version of the principle of respect for beliefs into law are of this more practical kind. They indicate that the safest course, as far as law is concerned, is to err on the side of freedom of expression.

However, if we do abjure resort to law, we can still insist that those who avail themselves of the right of free expression are under a moral obligation to exercise it responsibly. That does not mean that it must never be exercised in a way which people will judge disrespectful. Clearly, if people are wrong, it is usually desirable, as well as justifiable, for others to tell them so, even if they themselves find that exceptional. Even if people are not wrong, it may be no bad thing, as Mill argued, that from time to time, they should have to confront challenges to their most cherished beliefs. But to recognize that is not to endorse indiscriminate abuse. Strong, derisive, colourful, hurtful language may, on occasion, all things considered, be justified. But it may also, on occasion, all things considered, be unjustified.

The position that I am arguing for here then is that, legally, people should be entitled to do what, morally, they may be unjustified in doing. People ought not gratuitously to vilify the most cherished beliefs of others even though, legally, they should be prevented from treating beliefs in that way – just as people should not call for the banning of books whose content they dislike, even though, legally, that is a call that they should be free to make. I would therefore be loath to see law, in the wake of the Rushdie affair, used to limit freedom of expression in the name of respect for beliefs. I would also want public bodies to withstand the use of other sorts of coercive tactics such as attempts to prevent books being held by public libraries. However, if we can demand a certain minimum of robustness from readers, we can also demand it of authors. That does not mean, of course, that they should have to endure threats of assassination or other forms of physical assault! But they cannot expect to be spared the vigorous protests of those who strongly object to their works; for example, provided it does not form the prelude to something more sinister, I can see nothing wrong with people burning their own privately purchased copies of books to manifest their disgust at their content. Whatever the moral and practical limitations of the principle of respect for beliefs, it is a notion that should not be wholly dispensed with and those who wield the pen should not feel themselves wholly free to disregard it.