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BLASPHEMY IN A SECULAR WORLD**

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Honors Thesis

CENSORSHIP AND *THE SATANIC VERSES*: POLICING BLASPHEMY IN A
SECULAR WORLD

by
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Submitted to Brigham Young University in partial fulfillment
of graduation requirements for University Honors

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ABSTRACT

CENSORSHIP AND *THE SATANIC VERSES*: POLICING BLASPHEMY IN A SECULAR WORLD

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Free speech is currently a hotly debated topic in the world of arts. This thesis traces the history and abolition of blasphemy law in England in light of its relationship with censorship in English literature. I examine the Rushdie Affair and its legacy, particularly in comparison to the *Gay News* trial. Building on previous scholarship, I examine the arguments that hate speech laws serve as a replacement for blasphemy law. I conclude with the suggestion that hate speech laws be amended to include a clause specifying that works of artistic merit cannot be prosecuted under such laws, mirroring the language of a similar exception under obscenity law.

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Introduction

In July of 2020, several prominent writers, thinkers, and academics—ranging from Martin Amis to Noam Chomsky to Gloria Steinem—published an open letter in *Harper's Magazine* warning that “the free exchange of information and ideas, the lifeblood of a liberal society, is daily becoming more constricted” (Ackerman et al.). The letter was a reminder that the debate around free speech is currently one of the most urgent and pressing in the world of arts and ideas. Although most modern Western democracies enshrine the right to free speech in their legal codes, there are exceptions to this right, which vary from nation to nation. Many of these exceptions take the form of laws against hate speech or threatening language directed at a group or individual group based on an aspect of their identity, such as race or gender.

One specific identity that frequently comes up in discussions around speech is religious identity. As most Western nations have tended to become both more secular and more ethnically and religiously diverse, the conversation surrounding when or how to police speech or writing that offends religious sensibilities has become increasingly complicated. Incidents like the 2015 Charlie Hebdo attack, during which two Islamist gunmen murdered twelve staff members at the satirical magazine's headquarters in Paris for publishing depictions of Mohammed, repeatedly draw attention to the different perspectives concerning whether individuals should be able to publish texts that are offensive to religious communities and remind us of the urgency of finding ways to balance these different points of view. These different points of view also frequently clash in the literary world, as publishers, politicians, readers, and authors weigh in on whether certain novels are too potentially offensive to significant religions to be

published. In the realm of literature, the United Kingdom has frequently been ground zero for debates over policing blasphemy in literary publishing. Unlike in the United States, where the First Amendment prevents federal legislation against blasphemy, blasphemy laws remained part of England's criminal code until 2008, when they were superseded by broader legislation against hate speech and outlawed in both England and Wales—they remain in force in Scotland and Northern Ireland. Although the blasphemy law has effectively been abolished, there is still tension and uncertainty concerning what is off-limits when it comes to writing and publishing potentially offensive material that deals with religion. This question is especially potent in the arts world, where novels, music, and movies often push the limits of socially acceptable discourse. Even in supposedly secular societies, artists, publishers, lawmakers, and religious leaders continue to struggle to prioritize the competing values of free speech and protecting what many in the community consider sacred.

In England, the so-called “Rushdie Affair” is an excellent case study for analyzing attempts to balance the values of free speech and protecting the sacred in a modern, secular society. At the heart of this pivotal episode in modern literary history was the 1988 publication of Salman Rushdie's novel *The Satanic Verses* and subsequent widespread protests in Britain and beyond calling for the book to be censored. Most notoriously, amid the uproar the Ayatollah Khomeini of Iran issued a fatwa, or special decree in Islamic law, calling for Rushdie's death. This thesis will focus on the Rushdie Affair and its aftermath, starting by locating the publication of *The Satanic Verses* within a specific moment in British history, both in relation to the secularization of the public sphere and traditional legal mechanisms for prosecuting works deemed blasphemous.

Then, I will discuss how, in contrast to the 1978 case *Whitehouse v. Lemon*, the last English blasphemy trial prior to 1988, legal mechanisms failed to provide a solution to the controversy of the Rushdie Affair. Additionally, after outlining the end of England's blasphemy laws, I will draw on recent scholarship to connect the social mechanisms used to punish Rushdie's blasphemy to modern mechanisms used to prevent offensive writing from being published today. Finally, I will suggest that the arguments used to allow for the publication of controversial works deemed obscene, such as *Lady Chatterley's Lover* and *Ulysses*, apply to the publication of blasphemous works. More specifically, I will conclude by arguing that, in order to protect the right to examine religion freely, hate speech laws should be revised to include exceptions for artistic works with potential artistic benefit. This exception, or a similar legal change, could be crucial in determining how successful future efforts to censor literary works will be in secular societies.

Context: Blasphemy & Secularization 1600-1970s

Modern English blasphemy law originated during the 1600s, in the wake of religious wars between Protestants and Catholics. It was based on older heresy laws, and was similarly designed to stop critics and heretics from criticizing the Christian church. (Webster 22). The main, original intent of this Seventeenth-Century law was to help keep the peace in the country, and going against the established religion of the land through "blasphemy was akin to treason" (Sandberg and Doe 2). According to the "floodgate theory," threats to the Church were also seen as threats to the State that could potentially destroy the moral fabric of society (Webster 23). This relationship between blasphemy and morality was also seen in the development of laws against obscenity, which was originally treated as part of the blasphemy law before becoming its own criminal libel

offense during the 18th century (Levy 534). Blasphemy law was used several times over the years, especially until the end of the nineteenth century (Webster 22). One prominent trial during this time was that of Edward Moxon, for publishing Percy Shelley's *Queen Mab* in 1840. Others were prosecuted for "disrespectful references to God or Jesus or the Church" or for rebelling in matters of doctrine, showing that this law had as much to do with theology as it did with respect for a state-sanctioned religion. In 1883, Lord Chief Justice Coleridge helped to redefine blasphemy law, emphasizing that secular viewpoints could be expressed legally, as long as it was done in a respectful manner. In 1921, John William Gott was prosecuted for publishing writings critical of Christianity, including describing Jesus as a "circus clown" in 1921. After Gott's prosecution, however, trials for blasphemy all but ceased.

In 1949 Lord Alfred Denning, a lawyer and judge gave the inaugural Hamlyn lecture, one of a series of annual lectures related to a legal topic. His lecture focused on freedom under the law. During a section on freedom of religion, he stated, "the reason for this law was because it was thought that a denial of Christianity was liable to shake the fabric of society, which was itself founded on Christian religion. There is no such danger to society now and the offence of blasphemy is a dead letter" (Denning 46). This further cemented the idea that blasphemy law was an outdated and functionally obsolete offense.

While blasphemy law lay dormant, a related offense, that of obscenity, was decriminalized in certain situations. Like blasphemy, obscenity was illegal for a while, and it was also seen as important for protecting social order and morality within society. In the 1959 Obscene Publications Act, however, there was an exception added that specifically included literary and similar works, stating "a person shall not be convicted

of an offence against section two of this Act . . . if it is proved that publication of the article in question is justified as being for the public good on the ground that it is in the interests of science, literature, art or learning, or of other objects of general concern.”

This act also included a provision stating that, if such works went to trial, experts could testify to the work’s artistic merit. This showed that the legislators believed that the powers of literature and art sometimes trump laws regarding decency and that art should not be censored in the way that regular everyday language is.

Similar arguments about artistic merit were made by the judges in the cases of *Lady Chatterley’s Lover* and *Ulysses*, two novels that Rushdie mentions when he laments the omission of artistic merit in conversations surrounding *The Satanic Verses* (Rushdie 115). Joyce’s *Ulysses* was originally marked as obscene when it was first published in 1922 but was finally able to be published in England 1936. *Lady Chatterley’s Lover*, English writer D. H. Lawrence’s novel about an unhappily married woman having an affair was initially banned after its 1928 publication for its crude language and sexual content. After a full, unexpurgated version was published in 1960, Viking Penguin was unsuccessfully sued for publishing it under the 1959 Obscene Publications Act. They won the right to publish the full novel using the aforementioned public good defense. The lawyers used arguments related to the text’s literary merit and the importance of considering the novel as a whole. Due to the Obscene Publications Act, they were able to “[call] a parade of academics, theologians, educators, politicians and literary reviewers, who testified to the novel’s literary, ethical, and pedagogical value” (Fellion and Inglis).

In regards to blasphemy, the idea that this was an outdated and obsolete law was be challenged during the case of *Whitehouse v. Lemon*, in which a literary work was

successfully prosecuted for blasphemy, suggesting that the policing of texts that offended religious sensibilities remained a governmental prerogative. In 1976 *Gay News*, a biweekly British periodical with a readership of about twenty thousand, published a poem entitled “The Love That Dares to Speak Its Name” by James Kirkup, a minor English poet and professor of literature at the University of Foreign Studies in Tokyo (Levy 536–38). The poem proved controversial because of its explicit descriptions of gay sex between Jesus Christ and Herod’s guards, Pontius Pilate, John the Baptist, and various apostles. Accompanying the poem in *Gay News* was a graphic illustration by Tony Reeves of Jesus lying in the tomb. Kirkup, who was bisexual, claimed that the poem was written to demonstrate his attempts to reconcile his sexuality with his faith (Fellion and Inglis).

Blasphemy charges against the poem were filed by Mary Whitehouse, a leader of British conservative organizations concerned with decency in media, including Clean-Up TV, the National Viewers’ and Listeners’ Association, and the Nationwide Festival of Light (Fellion and Inglis). She won the criminal prosecution, based on the arguments her lawyers made that the poem would be seen as grossly offensive to religious feelings and that it was important to have respect for the sacred. During their arguments, they also invoked the floodgates theory of morality by asserting that the decision in this case would set the standard for the rest of the century. Alan King-Hamilton, the judge presiding over the trial, implicitly supported the blasphemy charge, asking the jury to consider a series of questions about the poem, such as “Did it shock you when you first read it?” “Could it shock anyone who read it?” and “Could you read it to an audience of fellow Christians without blushing?” When the jury returned a guilty verdict, the publisher of *Gay News*

was fined £1,000, its editor, Denis Lemon, was fined £500, and they together were ordered to pay for the prosecution's legal expenses. Lemon also received a nine-month suspended prison sentence. Kirkup himself avoided prosecution for his poem because he lived outside the country (Fellion and Inglis).

The Gay News case was controversial for multiple reasons. Although homosexuality had been decriminalized with the 1967 Sexual Offenses Act, strong stigmas remained. Many felt that the publishers were only targeted because of the poem's homosexual content. Some saw it as an attempt to uphold heteronormativity or, as Levy describes it, as "an effort to prevent Jesus from being kidnapped by the gays" (549). In response, Whitehouse and Judge Hamilton insisted the real issue was blasphemy, not Jesus' sexuality (Levy 538-9). The defense lawyers leaned into the argument that the real issue at stake was that of Jesus' sexuality, and they attempted to persuade King-Hamilton to turn the trial into an obscenity case rather than a blasphemy one. This move would likely have changed the outcome of the trial, since obscenity in literature had been legalized prior to the trial, in the Obscene Publications Act of 1959. However, King-Hamilton resisted their attempts to turn the trial into an obscenity case, and the defense ultimately lost.

In the aftermath of the trial, appeals to overturn the ruling failed. The legal issue at question during the appeals was how to define the intent to blaspheme (Fellion and Inglis). In the original trial, King-Hamilton had stated that the Kirkup and Lemon's intentions did not matter, and the appeals focused on determining whether or not that was true. If Lemon did not intend to blaspheme, the prosecution could be overturned. Despite the efforts of the defense lawyers, the Court of Appeals and the Law Lords decided that

intent was defined as intent to publish rather than intent to blasphemy. Since it was obvious that *Gay News* had intentionally published the poem, they lost the appeals. This was critical because it meant that blasphemy was defined not by whether someone meant to profane against sacred beliefs but if they deliberately published a text that ended up doing so. This appeal was also an important step in the conversation surrounding blasphemy law because, when the accused took their appeal to the House of Lords in 1979, Lord Leslie George Scarman, one of the more liberal Law Lords who ruled on the case, introduced the idea of expanding blasphemy law. In his opinion, he stated:

I think that there is a case for legislation extending it to protect the religious beliefs and feelings of non-Christians. The offence belongs to a group of criminal offences designed to safeguard the internal tranquility of the kingdom. In an increasingly plural society such as that of modern Britain it is necessary not only to respect the differing religious beliefs, feelings and practices of all but also to protect them from scurrility, vilification, ridicule and contempt. (Fellion and Inglis)

On the other hand, some argued against expanding the laws. Lord Edward Willis, who introduced a bill to abolish blasphemy after the *Gay News* trial, argued that blasphemy law should not be expanded to include all religions because doing so would discriminate against individuals with “no particular religious beliefs” (Levy 551). This line of argument ties into the idea that blasphemy charges are outdated in a secular society, where many individuals have no religious beliefs at all, because it does not protect their lack of beliefs.

The question of if, and how, to reform blasphemy law continued to be debated for many years, but parliament faced various issues in seeking to address the problem. These included the difficulty of defining religion in the context of blasphemy and the question of whether such laws were appropriate in a secular age. In 1981 and 1985 the Law Commission, an independent commission set up by parliament to review British laws and recommend changes, issued reports on the issue of blasphemy. They identified reasons to keep some sort of statute against blasphemy. These included protecting religious beliefs and feelings, society, individual feelings and public order (The Law Commission). They also identified reasons to abolish it, including that it undermined free speech, and should not be a part of the criminal code. Too narrow of a definition would fail to protect certain religions; on the other hand, too broad of a definition would make the law an all-encompassing net that would censor works that would not be considered blasphemous in the ways that the law was typically understood. The Law Commission ultimately recommended that the law be abolished without replacement, as extending the protection of blasphemy to all religions would be too complex. It was also important to realize that different religious communities had different ideas of what they saw as blasphemous. While depictions of Jesus Christ have long been part of the Christian tradition, many Muslims find all artwork depicting Mohammed offensive.

The Rushdie Affair: Publication and Controversies 1988-late 90s

In addition to understanding the development of blasphemy laws in the years preceding the Rushdie Affair, it is important to understand this literary controversy in the context of England's rapid secularization. Charles Taylor's seminal work *A Secular Age*, published in 2007, identifies different ways to define secular society. One way is as a

culture in which public spaces “have been allegedly emptied of God, or of any reference to ultimate reality” (2). Another definition focuses on a generalized “falling off of religious belief and practice, in people turning away from God, and no longer going to Church” (2). Both of these definitions provide a useful framework for discussing the relationship between religion and censorship in England’s recent history. They help us to understand how the country was moving towards secularization in the late twentieth century but still at times subject to the will of believers.

In terms of both of these definitions, there is little doubt that in most ways England was behaving like a secular nation when *The Satanic Verses* was first published in 1988. Historian Callum G. Brown argues that the turning point for Britain becoming secular was in the 1960s, although he acknowledges that “For most scholars, Christian religion in Britain, Europe and North America has been in almost constant decay for at least a century, and for some sociologists and historians for even longer—for between two hundred and five hundred years” (3). Brown uses the metrics of church attendance, baptisms, church weddings, and confirmations to show this religious decline. For example, despite a booming population, confirmations in the Church of England steadily declined over the twentieth century, with 181,154 in 1900, 142,294 in 1950 97,620 in 1980, and a mere 59,618 in 1990 (191).

Yet, while Britain’s populace was certainly becoming more secular, the Church of England’s remained firmly in place as a state church. And, although activity in traditional Christian denominations was in steep decline by century’s end, other religious groups experienced growth and seemed to be thriving. As Brown would write eleven years after the fatwa against Rushdie was issued, “one of the hallmarks of Britain in the year 2000 is

the recent growth of ethnic diversity, largely through immigration, and the rise of a multi-faith society in which Christianity has been joined by Islam, Hinduism, and the Sikh religion, amongst others” (2). In the years leading up to the Rushdie Affair, varying religious groups were increasing in membership in the United Kingdom, as immigrants from all over the world, including Rushdie’s birth country of India, relocated there. Data from the Office of National Statistics put immigration numbers for individuals entering the United Kingdom at 211,000 in 1964 (James). After dipping to 206,000 and 195,000, respectively, in 1969 and 1979, immigration increased again to 250,000 in 1989, a large number arriving from the Indian subcontinent. This is a reason why, as Paul Kearns wrote about the controversy around blasphemy in 2008, “A central concern has focused on the vibrant faith of Muslims, and the need for the protection of Islam from vilification. Emphasis has thus shifted from one God to another, and the preservation of law and order in a religiously-plural society” (27).

The issues of blasphemy, secularization, and multiculturalism came to a head during the so-called “Rushdie Affair” in England, an ideal case study for understanding the abolition of England’s blasphemy law and the ways in which writing that offends religious sensibilities is policed in modern Western democracies. Before Rushdie—a signatory, incidentally, of the aforementioned *Harper’s* letters—published the UK edition of *The Satanic Verses* on September 26, 1988, he was already one of the most celebrated writers in the country, having won the 1981 Booker Prize for his novel *Midnight’s Children*. Extending the magical realism of his earlier work, *The Satanic Verses* weaves together various narratives and temporal and geographic settings to explore the concepts of immigration and religion. While it was hardly the first time Rushdie had satirized the

religions of his native Indian subcontinent, this new novel received immediate and unprecedented backlash from English Muslims over passages they deemed blasphemous. Among their objections were how the novel features a Mohammed-like character named Mahound, a derogatory name for the prophet frequently used by Christians of past ages. It also includes a scene where prostitutes take on the known names and personalities of Mohammed's wives. Even worse, a passage where a devil reveals he has been providing Mahound with prophecies for inclusion in the Qur'an insinuated that Muslim holy scripture did not truly come from Allah, thereby casting doubt on the very foundations of Islam.

Muslim protests against the novel came swiftly after its initial publication in England. In early October 1988, Syed Faiyazuddin Ahmad, a member of the Islamic Foundation in Leicester, distributed photocopies of the aforementioned offensive passages to other Islamic groups in England ("A Chronology"). Subsequently, various Muslim groups focused on campaigning against the novel through letter-writing and phone calls to the publisher, Viking Penguin. Their demands included retracting all published copies, thwarting the eventual release of a paperback edition, and forcing Rushdie to issue an apology. Syed Pasha, General Secretary of the Union of Muslim Organizations in London, wrote to Prime Minister Margaret Thatcher on October 20 asking for the book to be censored and Rushdie prosecuted. On November 11, Thatcher denied his request and, on December 23, a subsequent appeal to Patrick Mayhew, attorney general, was also denied. Meanwhile, Abdul Hussain Chowdhury, a Muslim cleric and leader of the British Muslim Action Front, launched a separate legal campaign hoping that a charge of blasphemy could halt all distribution of the novel (Rushdie,

Joseph Anton 157). This effort also came to a halt, however, because English blasphemy law was seen as only covering offenses against Christian beliefs or the Church of England. At that time, judges and legal scholars generally agreed that writing could be prosecuted as blasphemous only if it included “anything that contains contemptuous, reviling, scurrilous or ludicrous matter relating to God, Jesus Christ or the formularies of the Church of England as by law established” (“Blasphemy”). On April 10, 1990, England’s High Court upheld a lower court’s decision not to move forward with the British Muslim Action Front’s attempt to prosecute Rushdie for blasphemy (“Bid to Prosecute”).

While Pasha and Chowdhury explored legal avenues, local leaders of other Muslim organizations began mobilizing adherents within their circles. These efforts were often bankrolled by wealthy businessmen, including many in Saudi Arabia and Iran (Malik). When their initial judicial efforts to get the book retracted failed, Muslim leaders escalated their strategies, leading marches against the novel. One such march held on January 14, 1989 in the heavily Pakistani Midlands town of Bradford culminated in protestors burning copies of the book and effigies of the author (“A Chronology”). The controversy also spread outside England. Beginning on October 5, 1988, less than two weeks after its UK release, *The Satanic Verses* was banned in India. Subsequent bans followed in Pakistan, Saudi Arabia, Egypt, Somalia, Bangladesh, Sudan, Malaysia, Indonesia, Qatar, and South Africa (Appignanesi and Matiland 28). A protest in Pakistan led to several deaths on February 12, 1989.

The most crucial, and famous, turning point, however, came two days later, on Valentine’s Day of 1989, when the Ayatollah Khomeini, the supreme leader of Iran,

issued his fatwa calling for faithful Muslims to kill Rushdie and all those who aided in the publication of the novel. Hossain San-ei, leader of the 15 Khordad Foundation, an Iranian group involved in the 1979 Iranian revolution, offered a bounty for killing Rushdie. This bounty would be raised multiple times over the next years, reaching \$2.5 million. Suddenly, the Rushdie Affair was no longer a local and literary controversy but a geo-political one. Rushdie immediately went into hiding, under protection from the English police, where he would remain for the next decade.

Unfortunately, this did not stop the wave of violence related to the book's publication. On March 29, 1989, Abdullah al-Ahdal and his assistant were killed in a mosque in Brussels. He was an imam and leader of Belgium's Muslim community who had angered other Muslims when in a TV interview he shared his opinion that *The Satanic Verses* shouldn't be banned. On April 9, two London bookshops were firebombed for selling the novel ("A Chronology"). In July 1991, Ettore Capriolo, the Italian translator, was stabbed outside his apartment in Milan, but he survived his attack (Reid). Nine days later, Hitoshi Igarashi, the Japanese translator of the novel, was stabbed to death near his office on the campus of Tsukuba University. Both of the assailants were never identified. Two years later, in July 1993, a literary event in Turkey turned into a massacre when participants refused to turn the novel's Turkish translator, Aziz Nesin, over to an angry mob. Thirty-seven writers and intellectuals who had attended the event were killed when the mob set fire to the hotel the event was being held at, but Nesin survived by escaping through a fire department ladder. Reports suggested that the "rioters emerged from several mosques after Friday prayers" ("40 Killed"). As late as October

1993, William Nygaard, the novel's Norwegian publisher, was shot for his involvement with *The Satanic Verses*.

During the decade that Rushdie would ultimately spend in hiding, various scholars and thinkers blamed him for brazenly venturing into a taboo area. One of the main points of contention, however, was how to respond to the outrage, including whether to allow a paperback copy to appear. Prominent figures taking a stand on the issue of free speech ranged from writers such as Ian McEwan and Roald Dahl to politicians like Margaret Thatcher. Two important early books that tackled the relevant issues from opposing perspectives were Fay Weldon's 1989 *Sacred Cows* and Richard Webster's 1990 *A Brief History of Blasphemy*. Weldon, a well-known English novelist, critiqued the Islamic reaction to the novel, arguing that religious sensitivities should not be allowed to curtail free speech. Webster, a bookseller who had previously taught some courses at the University of East Anglia, was virtually unknown at the time, this being his first published book, but his attempt to use a historical perspective on blasphemy to argue for more respect for others' beliefs quickly garnered widespread attention. His perspective was unique because he was sympathetic to the Muslim opposition to the text and located the controversy within a wider struggle between the East and West. He opposed publication of a paperback edition of the novel, arguing about free speech that "with this freedom comes responsibility" (62).

In addition to these arguments, which focused more broadly on blasphemy and religious tolerance, many weighed in on the role and function of art, wondering whether imaginative works should be exempt from laws concerning free speech in general and blasphemy in particular. Rushdie frequently expressed his disappointment that critiques

of the novel failed to include any mention of the work's artistic merits. He would most fully expound on this idea in his 2012 book *Joseph Anton*. This memoir, whose title is taken from the Conrad- and Chekhov-inspired codename Rushdie used while in hiding, tells the story of his decade in police custody waiting for the fatwa to be lifted. Written in the third person, Rushdie explains how "he hoped for, he often felt he needed, a more particular defense, like the quality defense made in the cases of other assaulted books" (115) like those of D. H. Lawrence, James Joyce, and Vladimir Nabokov. Rushdie wanted the novel to be taken seriously and appreciated as art; he was annoyed that conversations about it focused solely on the controversy rather than its aesthetic qualities. In his 1990 essay "In Good Faith," which was published by the British literary magazine *Granta*, Rushdie mounted a defense of the text for the first time in a year (393). In this essay, he offered explanations for many of the criticisms leveled at the novel, emphasizing that his text was "a novel, a work of fiction, one that aspires to the condition of literature. It has often seemed to me that people on all sides of the argument have lost sight of this simple fact" (393). He specifically used his atheism as a defense against the charge of blasphemy, arguing that "as somebody says in *The Satanic Verses*, 'where there is no belief, there is no blasphemy'" (405).

Coming to his fellow writer's defense in 1996, the renowned Czech dissident novelist Milan Kundera argued that the novel is a place where moral judgment is suspended and that giving in to the fatwa would amount to a death sentence for the genre. According to Kundera, European cultures had long vigorously defended novels as a realm where difficult topics can be explored, but looking back on the ways the Rushdie Affair had developed to this point, Kundera worried they now considered some topics too

taboo even for fiction. Ali Mazrui, on the other hand, echoed some of Webster's thoughts. In an article published in *Third Text*, a peer-reviewed journal addressing global issues related to art, this influential Kenyan-born American professor of political science at the University of Michigan suggested that Rushdie had erred in publishing the novel and that writers should be thoughtful in what they publish because "the global village has made our responsibilities as writers greater" (35).

The End of the Rushdie Affair and the Abolition of Blasphemy

In *Joseph Anton*, Rushdie describes how the publication of a paperback issue of the novel in Delaware in 1992 was the crucial factor in determining whether or not *The Satanic Verses* would continue to be published or would fade away after all the hardcover copies were sold (200). He chronicles the back and forths that ensued between him and Penguin as he urged them to commit to publishing a paperback. Eventually, the publisher sold the novel's rights back to Rushdie, leaving it him how to proceed with a paperback (318). Eventually, after multiple attempts to find a new publisher were in vain, George Craig of HarperCollins agreed to quietly finance a consortium to produce and distribute a paperback edition of the novel. Importantly, no publisher or individual ever publicly participated in doing so (320). Through the consortium, a paperback edition was finally published in America and the UK three and a half years after the release of the hardcover—rather than a traditional publishing credit, the publisher was credited as "The Consortium."

It took even longer for Rushdie to be able to come out of police custody. For almost ten years after Ayatollah Khomeini's June 1989 death, diplomatic dialogues, public appeals, and other efforts did nothing to convince the Iranian government to

overturn Khomeini's fatwa. Finally, in September 1998, ten years after the first legal declaration was issued, Iran's government declared it void. First, President Mohammed Khatami declared that the fatwa was "completely finished" on September 23, and two days later the Foreign Minister, Kamal Kharrazi clarified that "The Government of the Islamic Republic of Iran has no intention, nor is it going to take any action whatsoever, to threaten the life of the author of 'The Satanic Verses' or anybody associated with his work, nor will it encourage or assist anybody to do so" (Crossette). At last, Rushdie was able to emerge from hiding.

Yet another decade would pass before English legislators would take definitive action on how to handle blasphemy in the modern world. An important intermediate step came in the debates over how to protect hateful and profane language that led to the 2006 Racial and Religious Hatred Act. This parliamentary act outlawed abusive language based on someone's racial heritage and religious beliefs. This language could take the form of threatening words said in public, written material, publicly performed plays, audio-visual recordings. It was crucial that the language be considered to stir up hatred, and speech that was uttered at home and only witnessed by others in the home could not be prosecuted. Additionally, language in section 29J specifically included a provision protecting language that attacked religious beliefs or the sacred, ensuring that the Racial and Religious Hatred Act would not be used to prosecute blasphemous language. It stated:

Nothing in this Part shall be read or given effect in a way which prohibits or restricts discussion, criticism or expressions of antipathy, dislike, ridicule, insult or abuse of particular religions or the beliefs or practices of their adherents, or of

any other belief system or the beliefs or practices of its adherents, or proselytising or urging adherents of a different religion or belief system to cease practising their religion or belief system.

This alone might have been enough to protect sacrilegious language, but in March 2008, an amendment to the Criminal Justice and Immigration Act ended the common law offense of blasphemy officially through Section 79 (“Racial and Religious Hatred”). In one simple line, “The offences of blasphemy and blasphemous libel under the common law of England and Wales are abolished,” the centuries-old practice of prosecuting individuals who shared sacrilegious writings or speeches was ended.

Some would imagine that this would quash the debate surrounding acceptable speech, but this has not proven to be the case. Commentators have noticed how the Racial and Religious Hatred Act seems to have been a replacement for blasphemy law. In 2008 Paul Kearns, a law professor at Manchester University wrote, “in England, blasphemy law has now been superseded, in effect, by incitement to religious hatred” (25). Over the past decade, other critics have increasingly connected the Rushdie Affair to laws regarding hate speech and social pressures against those who use offensive speech. In his 2015 book, *From Fatwa to Jihad*, Kenan Malik, a British writer and lecturer on identity and multiculturalism, suggested that “the argument against offensive speech is the modern secularized version of the old idea of blasphemy, reinventing the sacred for a godless age” (156). He built on Webster’s suggestion that the fatwa has been “internalized.” For Malik, one of the negative consequences of the Rushdie Affair is contemporary society’s focus on multiculturalism and identity politics. He and other commentators have credited the Affair with creating a unique British Muslim identity and

have connected the reaction to the novel with modern events such as the Charlie Hebdo shootings. Before the Rushdie Affair, British Muslims did not have a strong religious identity. During the Affair, many felt that their beliefs and practices were under attack for the first time, and this encouraged many of them to see Islam as an important part of who they were. Protests, such as the march on Bradford, also mobilized British Muslims into various local groups capable of advocating for their rights within society. Malik does not see this as an entirely positive development, suggesting that it contributes to fractures in society and does not lead to true equality.

Accordingly, despite the abolition of blasphemy law, some still fear that hate speech legislation like the Racial and Religious Hatred Act could potentially be used to stifle freedom of expression, while others believe that the laws are not stringent enough. In their article on the abolition of blasphemy law in England, scholars Russell Sandberg and Norman Doe write, “Some of the same criticism made of the blasphemy laws can now be made in respect of the Racial and Religious Hatred Act 2006,” as “acts that previously may have resulted in a blasphemy prosecution may now be pursued under a range of different pieces of legislation” (27). This summarizes the fears that there are still ways offended parties could take legal action against works they deem blasphemous. An additional complication is the blurred lines that sometimes exist between religious and ethnic groups. Muslims, in particular, are often seen as an ethnic group in addition to being a religion. As Professor Nasar Meer wrote in a 2008 article, “we can view Muslim identity as a quasi-ethnic sociological formation” (66) that is both partially chosen and partially thrust upon individuals from certain geographic and cultural backgrounds. For example, Salman Rushdie was seen as a Muslim because of his family’s background and

Indian heritage even though he generally considered himself an atheist. Some may see language that reviles the sacred as also reviling a specific racial or ethnic identity. By conflating these two categories of offensive speech, these critics seem to suggest, one could use hate speech laws to prosecute blasphemous writing.

The fears that hate speech laws could function as a replacement for blasphemy laws is especially concerning because these hate speech laws are not dormant. Unlike blasphemy laws, which were infrequently invoked in the modern age, these hate speech laws have been used as recently as 2018 when Chelsea Russell, from Liverpool, was prosecuted for using a racial slur in a social media post (“Woman Guilty”). Although her conviction was later overturned, and these laws have not been used to censor literary works, it is only a matter of time before someone attempts to use them to censor another work like Rushdie’s.

Comparing Kirkup and Rushdie: How to Address Blasphemy in the Modern Age

As these conversations continue in a different form to this day, understanding the 1978 *Gay News* case of *Whitehouse v. Lemon* is important because there are a number of similarities between that case and Rushdie’s which suggest that, had the blasphemy laws been written differently, attempts to censor *The Satanic Verses* may have succeeded. The first similarity between the two is that both Rushdie’s novel and Kirkup’s poem were written by members of a marginalized community seeking to shed a spotlight on overlooked issues. Kirkup was writing as a bisexual man who sought to reconcile his orientation with his religious beliefs; Rushdie was writing as an immigrant exploring his English identity.

One of the most important things the novel was doing at a crucial moment in time was exploring the experiences of immigrants in England. A key thread of *The Satanic Verses* is one of the protagonist's failed assimilation into English culture. Although the character Saladin Chamcha, an Indian Muslim who immigrates to England as a teenager, proudly describes himself as a "British citizen first class" (164) and renames "himself Saladin after the fashion of the English school" (45) (his original name is Salahuddin), he is treated horribly. At a crucial moment, he is arrested for being an illegal immigrant (which he is not) and forced to eat his own excrement (160). Poignantly, some of these moments of cultural conflict are based on Rushdie's own experiences, such as one where a young Saladin smuggles a chicken into his hotel room when he first arrived to England with his father (*The Satanic Verses* 43; *Joseph Anton* 21). Paradoxically, the community that Rushdie was trying to explore and give voice to in the novel is the one who ended up being most offended by his writing. This is similar to how Kirkup's attempts to create a space for himself within Christianity ended up offending the Christians whose theology he borrowed to make his argument.

In some ways, religion is just used as a backdrop to explore larger issues of identity and belonging in both of the aforementioned literary works. This is important because the intent, arguably, was not to offend and blaspheme in the case of either Kirkup's poem or Rushdie's novel. Importantly, the arguments in *Whitehouse v. Lemon* at the time proved that intent to publish, not to blaspheme, determined whether or not someone could be prosecuted. This suggested that it was the effect of writing, rather than the author's intentions, that determined whether there was a basis for censorship. Though blasphemy laws have changed, some of those same sentiments still linger in society. If

we are going to censor well-intentioned authors, based simply on how their writing is interpreted by readers, this could lead to unforeseen, and sometimes harmful, outcomes.

Another major similarity between the two cases is that both allegedly blasphemous texts are also sexually explicit. In fact, the argument could be made that both are more obscene than blasphemous, a case the defense attempted to make in the *Gay News* trial. But the real incendiary issue was what these texts' sexually explicit passages said about holy men. The content of these offensive passages is a reminder of the relationship between blasphemy, obscenity, and morality, that condemnations of sacrilegious writing often go hand-in-hand with moral policing. Writing that offends religious sensibilities and dogmas often follows a different moral code, and that is one of the stakes of conversations around blasphemy.

Aside from what they reveal about the moral codes and norms of a society, conversations around blasphemy are also linked to questions of truth and doubt. A critical passage in *The Satanic Verses* casts doubt on the entire origin myth of Islam:

This is what he has *heard* in his *listening* , that he has been tricked, that the Devil came to him in the guise of the archangel, so that the verses he memorized, the ones he recited in the poetry tent, were not the real thing but its diabolic opposite, not godly, but satanic . . . *it was me both times, baba, me first and second also me.* From my mouth, both the statement and the repudiation, verses and converses, universes and reverses, the whole thing, and we all know how my mouth got worked. (123)

Creating doubt about whether Mohammed was a true vessel of scripture and the Qur'an divinely inspired is an important part of what made *The Satanic Verses* so dangerous, or,

in the eyes of some, blasphemous. As Suleri suggests, doubt is at the very heart of the novel (617). The ambiguity introduced in passages like the one above threatened believers by undermining the stories and practices they held as sacred. As Kundera suggested, the novel was not dangerous because it was a direct attack on Islam but because it planted seeds of doubt. Rushdie seems to acknowledge this himself when the narrator of the novel asks one of the protagonists “What is the opposite of faith? Not disbelief . . . Doubt” (92). By raising difficult questions through exploring an alternate history of the founding of Islam, Rushdie took his blasphemy a step further than Kirkup’s.

Besides this, the main difference, of course, between the two cases is the recourse available to the aggrieved parties. Mary Whitehouse was successful in her case because blasphemy law did protect Christian feelings and holy figures; blasphemy law only protecting Christian beliefs is the reason why there was no legal solution to the Rushdie Affair. Crucially, these differences extended outside of the courtroom as well. Numerous writers, including Webster, have noted instances where social pressure and individual decisions were used to stop blasphemous works about Christianity from even being created during this time. These include Queen Elizabeth II, Prime Minister James Callaghan, and the Archbishop of Canterbury, Donald Coggan, preventing Danish filmmaker Jens Jorgen Thorsen from entering Britain to make a film about Jesus’ sex life in 1976 (Webster 27). This demonstrates that even without a recourse to law, empowered individuals can still find ways to censor works that offend them. Although blasphemy laws were critiqued for being unfair, the truth is that letting society police free speech always leads to lopsided outcomes. While social media campaigns and other methods are

frequently touted as a way for the unempowered to censor art they do not agree with, the results of these moves are often impermanent. Authors may lose a publishing deal or speaking opportunity, but there is usually another one around the corner.

In the modern age, social pressure has often been used to censor novels, showing that Rushdie's struggle to get a paperback copy of *The Satanic Verses* published was not a unique case but rather a model for how transgressive writing is dealt with in contemporary publishing. Although it was entirely legal, many publishers turned down the opportunity because they were afraid of the violence that would ensue. Some of these same dynamics reappeared in 2008 in the controversy surrounding *Jewel of Medina*, Sherry Jones' novel about Muhammad's wives (Kalder). Random House had initially sent Denise Spelberg, a professor of Islamic history, a proof of the novel in the hopes that she would provide a quote for the cover, but she instead complained about the book and how it would be received. Fears over publication of the novel causing violence led to Random House deciding to delay its publication. Although Jones could not have faced any legal repercussions for publishing the novel, her free speech was still endangered by the social climate created both by the Rushdie Affair and by laws such as the Racial and Religious Hatred Act. This situation, and others like it, show how the abolition of blasphemy law is not enough to solve this complicated issue.

This brings me to my proposed solution, that legislation be added to the Racial and Religious Hatred Act to specifically protect artistic works deemed to be in the public interest, echoing the language used in the 1959 Obscene Publications Act. Specifically, such works would be of artistic benefit to society—experts in that specific field would generally agree that it had artistic merit. Blasphemy law has not even been dead for two

full decades yet, and there were more than five decades between John William Gott's prosecution and the *Whitehouse v Lemon* case. There is a chance that the offense of blasphemy could be revived in some sort of altered format. The line between blasphemy and racism can also be thin enough that someone could make compelling arguments for elements of a text like *The Satanic Verses* to be responsible for inciting racial violence. Social pressure leading to the censorship of works like *Jewel of Madina* also shows that those who value free speech and the ability to critique religion need to do something to ensure that novels continue to be seen as works of art free from prosecution.

Language echoing the Obscenity Act's protection of works "for the public good . . . in the interests of science, literature, art or learning, or of other objects of general concern" could perhaps be added to the Racial and Religious Hatred Act. The first reason why that would be necessary is that there is value, as Kundera argued, in reserving fiction as a place where taboo topics can be discussed. He examined *The Satanic Verses* in the context of profanations, or bringing something out of its sacred sphere in order for it to be examined. This is an important aspect of literature that allows for the wrestling with established ideas in ways that can lead to new perspectives. Michiel Bot, a professor of law whose articles have been published in the leading journal of law and literature, elaborates on this idea with his examination of Arnold Grunberg's *The Jewish Messiah*, suggesting that profanations in literature can be used as a tool to counteract the effects of works like Adolf Hitler's *Mein Kampf*. In this particular novel, the author ventures into untouchable territory to examine and critique the hateful ideology that led to genocide in Europe during the first half of the last century. Bot also examines ways in which novels are governed by a "social contract not to take offense," while emphasizing the importance

of subverting various kinds of sacralization. The eminent English literary critic John Sutherland has also argued for the importance of novels as a place where taboo topics can be explored, stating that “fiction . . . is the only place nowadays where you are likely to find any grown-up discussion of race” and that a benefit of fiction is that “it need not pull its punches” (192, 198). Novels and other works of art are able to discuss and present controversial issues without taking a stance, which allows them to “go where journals and politics do not dare” (195). It is important to preserve novels as a place where different perspectives on issues such as religion and racism can be discussed without this causing large political controversies.

Moreover, a literary exemption could be important because certain aspects from *The Satanic Verses* also prove that the novel was not supposed to be read literally; however, these elements of the text could not prevent the controversy from happening. These include the magical realist elements of the novel. All of the controversial elements are taken from either dream sequences or retellings of historical events—none of it is set in the normal, present day. The aforementioned section of the novel focused on Mahound’s writing of the Qur’an is bookended by quotes indicating that it took place during a dream. Indeed, the entire novel is essentially set in a type of fantasy world, as the opening event involves the two main characters Gibreel and Saladin surviving an airplane crash; we literally meet them as they are “tumbling from the heavens” (3). We also find out that Gibreel is schizophrenic, which makes the sequences about Mahound not only dreams but those of a mentally ill man (429). Other magical realist elements include the two protagonists’ shapeshifting. Gibreel sports an angelic halo and Saladin begins growing horns (133). Many of those who voiced outrage over *The Satanic Verses*

were naive of these qualifying contexts for its most inflammatory passages. The case of *Lady Chatterley's Lover* shows the importance of reading works in context as something that may seem striking, pointless, and offensive can actually be seen as having great literary merit in the wider context of a work of art. In particular, the passages that were seen as graphic or sexually explicit contributed to realistic, psychologically interesting characters. Outside of context, they seemed offensive and gratuitous, but within context, they added to the work as a whole. In a similar vein, many offensive elements in the text were not said by Rushdie or his demonic narrator but by entirely fictional characters—they only truly make sense in context. These include descriptions of Mahound, who is described as a shrewd “businessman” (93) and his followers who are insulted as “that bunch of riff-raff” and “*goons*—fucking clowns” by other characters (101). While these quotes could be criticized as blaspheming against a prophet or showing prejudice against an entire religion, Rushdie included them to show the obstacles Islam faced during its early years. In *Joseph Anton*, he defends these types of passages by stating his interest in showing the persecution early Islam faced, adding that “it is impossible to portray the persecution of a new faith without showing the persecutors doing some persecuting” (274)

In a 2009 BBC documentary entitled *The Satanic Verses Affair*, Dr. Essawy articulated a suggestion to put an end to some of the controversy surrounding the Rushdie Affair: “Put a health warning on the book, to say that this is a novel and has nothing to do with historical events” (*The Satanic Verses Affair*). While this is an idea that makes sense, and is similar to pre-emptive attempts to avoid libel lawsuits by stating that the characters and events are fictional, this should be a given in a democratic society like

England. If an exception for artistically beneficial works were added to hate speech laws, it would accomplish this task for future works. Publishers would not have to take responsibility for doing so or attempt to guess what the societal response to the text will be—it would simply be a given that literary texts are seen as artistic rather than truthful depictions of history and people.

As far as literary merit is concerned, in addition to the aforementioned discussion of immigration, critics have written about the important postcolonial themes in the text. Lubabah Chowdhury, professor of English at Brown University has suggested that “The Satanic Verses is a novel about ‘good’ immigrants” (82). Suleri and others have noted the importance of this postcolonial novel’s examination of the issues of faith and belief. She suggests that “Rushdie has written a deeply Islamic book” outside the mainstream of English literature at the time (606). It is an important novel because of the ways that Rushdie uses blasphemy as “an enabling conceit” to write about the feminization of Islam and other aspects of gender and societal changes that were important at the time (615).

On the other hand, some commentators believe that artistic merits are not enough to warrant books like this to be published; like non-fiction books, they should also be censored, whether through law or by making wise publication decisions. The case of *The Jewel of Madina*, mentioned above, illustrates this. In the vein of Richard Webster who wrote about respecting your enemy’s flag, some have seemed to argue for increased self-censorship. Notably, Ali Mazrui suggested, “The British riot and kill over soccer; Muslims riot over God. The world of sports and the world of books should take these factors into consideration” (39). He also argued that “the world has shrunk to such an extent, that there are languages that are transnational, and that books published in one

part of the world could have repercussions of a practical kind on other societies. So it just adds an additional dimension of social responsibility . . . the bigger the constituency, the bigger the social responsibility” (40). However, the Rushdie case seems to work against his argument as it shows that it is impossible to consider everyone’s feelings at once. We cannot fully expect writers to censor themselves completely because we have different ideas of what is okay. Rushdie was very adjacent to the Muslim community and part of it in many ways and even he could not foresee all of that turmoil that would ensue from the novel’s publication.

Finally, in an echo of some of the arguments found in the 1981 Law Commission report, there is always the belief that blasphemy is already dead. The law has completely decriminalized it and so nobody will attempt to use it to censor literature. However, I would suggest that staunch believers may use hate speech laws to get around this issue. When blasphemy was criminalized, editors, publishers, and individual citizens alike frequently found ways to stop works that could be prosecuted from ever being created in the first place—such as in the case of Jens Jorgen Thorsen’s film. One could hope that the opposite could also be true. Adding an exception to the already existing laws on offensive speech against racial groups could allow social mechanisms to follow in the paths. Knowing that there is no legal recourse could prevent people from taking action and instead encourage them to let these literary works exist and not do anything about it.

Both the Rushdie Affair and *Whitehouse v Lemon* show that it is important to try and find answers to these questions in the eye of the storm, so to speak. Once these questions are applied to real literary works, the consequences can be unexpected. It is

good to set precedents, both legal and social, while there is still room for hypothetical debates that do not affect specific artistic works or their creators.

Conclusion

In conclusion, some of the questions raised by the Rushdie Affair still have not been answered. The question of blasphemous speech still lingers even though the law against blasphemy has been abolished. *Whitehouse v. Lemon* and the Rushdie Affair show the importance of considering a variety of perspectives, and both situations demonstrate the way that secularism and multiculturalism push against and try to counterbalance each other. Secularism, by nature, does not prioritize protecting the religious beliefs and figures. Multiculturalism often breeds religious diversity and can lead to the growth of groups in society who are offended by sacrilegious works. In a society that is both secular and multicultural, there are individuals who question and criticize religion, and there are others who hold it dear—there is no way to treat blasphemous art in a way that makes both groups completely happy. Some would do away with any type of restrictions on speech, but having some limits, such as those found in the Racial Hatred Act can be important for a functional society. Overall, though, it is important to make an exception for artistic works that preserves them as a space where difficult topics can be explored in innovative ways from and from all perspectives.

This issue is important because it is not purely an English issue—current events continue to show that the violence of the Rushdie Affair is not behind us yet. In 2020, a French history teacher was decapitated by a man angry that he had shown the Charlie Hebdo cartoons in class, proving that blasphemous art is still a sensitive topic for believers (Nossiter). In France, the prime minister, Michael Valls, speaking out against

Michel Houellebecq, the author of *Submission*, a novel critiqued by many to be Islamophobic shows that social, rather than legal, mechanisms continue to be the way that many such texts are policed in Western Europe, potentially leading to a situation in which publishers are afraid to publish potentially controversial texts, such as *Jewel of Madina* (Doyle).

The response to these various forms of literature reminds us of the importance of treating all the same under the law—in this case, balancing the competing needs of artists and religious individuals. Although it may not seem so on the surface, Richard Webster suggests that the desires and feelings of writers are not so far off from those of religious believers. He argues that, “The more closely we examine liberal rhetoric, the more it seems that we are indeed dealing not with a battle between religion and secular liberalism but with a clash between two forms of essentially religious ideology” (53). In support of this, he notes ways in which Rushdie “suggests quite directly and unequivocally that for him, at least, the art of the novel had been adopted as a substitute for religious faith—a faith which he is, by implication, prepared to defend with all the zeal shown by the Bradford Muslims in defending their faith” (53).

Adding an explicit artistic exception for offensive speech could potentially be an important way of balancing the needs of both writers and religious believers. It is a compromise that places constraints and affordances on both groups. However, the process of secularization is still ongoing, and immigration and changing trends in religious belief and practice continue to evolve and affect England’s demographics. Christianity was the dominant belief system there at the start of the last century, but this is changing. Therefore, offensive speech about religion is an issue that needs to be

continually revisited as standards in society change, and all parties need to stay open to making adjustments while also prioritizing certain things they should budge on— including the right for artistic works art to explore difficult topics.

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