

# Freedom of Expression and Religious Harassment: An Artist's Perspective

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In 2003, Malaysia's Instant Café Theatre (ICT) staged a political satire, a revue called "The 2<sup>nd</sup> First Annual Bolehwood Awards". The show was sold out, playing to packed house night after night. In one of the skits, a character responded to the claim by an Islamist leader that the Islamic state was not to be feared – the Islamic state promised a kind of paradise on Earth. "A paradise", joked that character, "where our hands and heads would grow back if chopped off". A Muslim member of the audience was so offended by this that he wrote a letter to the press condemning the play as blasphemous. The letter was published in *Utusan Malaysia*, a leading Malay language daily, on 11 July 2003. The writer chose to go by a pen name, "The Real Malay Critic"<sup>2</sup>. Within a week, the Kuala Lumpur City Hall revoked the license for the show and announced that it would not issue any performing licenses to ICT.<sup>3</sup>

The year before, the Ulama Society of Kedah submitted a complaint to Kuala Lumpur City Hall regarding the Malaysian staging of "The Vagina Monologues". City Hall was swift to react. Amid cries that the play was vulgar and 'un-Islamic', City Hall refused permits for a second run of the play. The decision by City Hall was supported by people who were offended that the Malaysian version critically examined verses from the Qur'an and Hadith (the recorded traditions of the Prophet Muhammad), and that the word 'vagina' was used in the title.<sup>4</sup>

I remember these two incidents very clearly, because they happened at a time when I was trying to break into the Malaysian arts scene.

As an artist, freedom of speech is dear to me. The very nature of great theatre is that it pits together memorable characters in conflict, and very often this conflict is in values, beliefs or aspirations. The unfolding of the conflict unsettles not only the characters onstage, but the audience watching them. This is the delight of theatre, and many great plays have simultaneously delighted and offended both the performers and the audience.

But as a Muslim, I do know that I am also hurt and offended when people make awful remarks about Muslims and Islam. I have a problem, however, with the formulation and assumptions behind the phrase 'religious harassment'. Because to me, criticising a religion is different from assaulting the security and basic rights of its adherents. Besides, Islam's positions on several issues are not as clear-cut as people assume.

Take for example the crime of blasphemy in Islam. On the surface, the literature developed by classical Islamic jurists more than 1,000 years ago seems pretty unanimous that only the death penalty is fit for someone who blasphemes. But upon closer scrutiny, it is clear that these jurists also took great pains to narrow the definition of blasphemy. First of all, they painstakingly tried to delink

blasphemy from the sin of apostasy, because the latter did not involve as many political implications.

After that, they tried to pull apart the components of blasphemy. If a person insulted God, they thought, only the rights of God have been violated. Thus they debated as to whether the punishment should be death or a lesser form of worldly punishment, since God would know if the offender genuinely repented. However, an insult to the Prophet Muhammad was a violation of the rights of Muhammad, and needed to be treated differently.<sup>5</sup>

They then tried to define exactly what constituted so grave an insult as to require the death penalty. They referred to a famous *hadith*, which relates that a Muslim approached Muhammad and said, “Muhammad, they tell me you’re a liar and a fake and that the Qur’an is false. What do I do?” To which Muhammad replied (and I’m paraphrasing here), “Tell them you have faith in Islam and tell them to go to Hell.” So the jurists even tried to distinguish between attributing a lie to the Prophet and actually insulting him.<sup>6</sup>

In this sense, the classical jurists tried to find numerous safeguards and justifications to interpret as broadly as possible freedom of religion and speech within their own socio-historical contexts, while narrowing as much as possible the definition of blasphemy. Modern Islamic jurists have gone a step further – they say that in the era of the nation-state, blasphemy and apostasy can no longer be considered political crimes, and thus should not carry capital punishment.<sup>7</sup>

When read in this light, Islamic jurisprudence makes a lot of sense. However, it is not often that we are exposed to this kind of

scholarship on Islam. In Malaysia especially, several books on Islam are routinely banned by the Home Ministry. In fact, the Ministry regularly releases a list of books that have been banned under the Printing Presses and Publications Act. In the past, banned titles have included Karen Armstrong’s “A History of God” (although the bans on some of Armstrong’s books were reversed after her visit to Malaysia upon the invitation of the Malaysian Government), “Sea Sale: SpongeBob Square Pants” and “Divine Secrets of the Ya-Ya Sisterhood”.<sup>8</sup>

Why? Apart from the fact that there are several secular laws that restrict freedom of expression and information in Malaysia, the self-designated custodians of Islam in Malaysia do not tolerate views on Islam that differ from those of the state. It is not only ‘liberal’ titles that get banned – books by hardcore fundamentalist or conservative Muslim authors are also routinely banned.

Thus, I go back to my initial discomfort about the concept of ‘religious harassment’. Even if we were to say that some speech or idea is a harassment of Islam, whose and which Islam are we talking about?

Is it the ‘Islam’ of those in positions of social and political power? Even in communities where Muslims are the minority, a hierarchy often becomes entrenched in which the minority community dares not question the most powerful within its ranks.

Is it textual Islam we are talking about? Textual Islam in all its wonderful diversity and pluralism of ideas?

Is it Islam as defined by forces that hold deep and irrational prejudices against Islam, for example the Jerry Falwells, Pat Robertsons

and the Hindutva fundamentalists of the world?

Is it the lived experiences of Muslims we are talking about? Muslim women who wear the *hijab*? Muslim women who do not wear the *hijab*? Gay Muslims? Devout Muslims who pray five times a day and fast faithfully every year? Relaxed Muslims who pray only occasionally and fast only when the fancy takes them? Muslims who drink alcohol but do not eat pork? Muslims who refrain from drinking alcohol but have romantic relationships with non-Muslims?

Or is it political Islam we are talking about? Specifically, is it an authoritarian, chauvinistic political Islam we are talking about?

Herein lays the danger of proposing to limit freedom of speech in instances where it results in 'religious harassment'. Who defines religious harassment? Right now, religious chauvinists are still holding power in the institutions of most religions. And this observation is not limited to Islam alone: the problem is not religion, the problem is fundamentalism.

So how do we deal with fundamentalists? If we silence or repress them, we martyr them and create a new generation of more rabid and resilient fundamentalists.

If we ignore them, they will strategise around us in our sleep and take over our lives when we wake up.

If we appease them, we surrender power to them, and we accelerate their ascent to power. Conceding freedom of expression in situations of 'religious harassment', to me, falls under this category of responses.

Our only option, I believe, is to engage with them as equals. Respect and defend the fundamentalists' right to free expression, association, information and assembly. But never derogate on our own right to openly and frankly criticise their beliefs.

Speaking from my own experiences as an artist and human rights advocate, I have witnessed first-hand the value of the last option. In some of my trainings on human rights and gender, I inevitably encounter young Muslims who have been brought up to believe in a version of Islam that is quite different from mine. In fact, many participants in these workshops had been overwhelmingly Islamist in orientation. And when I introduce modules on human rights and gender, I know that a lot of these ideas confront the values and sentiments of these participants. Many of them are unsettled to the point of wishing to defend their beliefs during the workshop.

As a human rights trainer, I was mentored by the late Toni Kasim,<sup>9</sup> who taught me to design workshops precisely for such discussions to take place. Let the participants defend their beliefs, she taught me, let other participants respond, but moderate the discussion so that no one makes any personal threats or attacks. And it's true - no matter how emotional things got in the past, the participants invariably stayed until the end, because they became committed to discussing ideas instead of launching into personal attacks.

Toni also taught me to ask participants to evaluate the workshop after it is over. In response to the question "What did you like about the workshop?", virtually everyone, religious or secular, invariably said: "I really liked that my freedom of speech and freedom of opinion was protected."

So to me, 'religious harassment' is not formulated from an ethic of equality and non-discrimination. It is a red herring, a strategy and process that is premised on a power struggle – either between religionists and secularists, or among religionists, where the power struggle could be inter-religious or intra-religious. Thus, any legislation to outlaw 'religious harassment' actually plays into this power struggle and serves to reinforce the power structures within and among religious communities, instead of categorically defending the basic rights of adherents to

any religion. Freedom of speech should only be limited when it calls for a threat to the security and basic rights of the person, and existing laws and principles already cover this adequately. However, everyone should be free to criticise a religion or a belief as much as they like. What should be stressed is also that offended followers of any religion can and should also maximise their freedom of speech to defend themselves, counter-criticise or merely sharpen the debate, because it is only in this way that societies learn to embrace diversity.

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<sup>2</sup> Khoo, E., Tikamdas, R. and Wong, E. (eds.) *Freedom of Expression in the Arts*, National Human Rights Society (HAKAM), Kuala Lumpur, 2003, p. 87.

<sup>3</sup> *Ibid.* p. 89.

<sup>4</sup> Letter to the editor, *The Vagina Monologues are anti-Muslim propaganda*, Kakiseni.com, 27 February 2002, available from: <http://www.kakiseni.com/articles/columns/MDEzNg.html/all>, last checked on 22 July 2008.

<sup>5</sup> Kamali, H. *Freedom of Expression in Islam*, Ilmiah Publishers Sdn. Bhd. Kuala Lumpur, 1998, p. 231.

<sup>6</sup> *Ibid.* p. 228.

<sup>7</sup> *Ibid.* p. 250.

<sup>8</sup> Silverfish Books, *Banned books – the saga continues*, 31 October 2006, available from: <http://www.silverfish-books.com/2006/10/banned-books-saga-continues.html>, last checked on 22 July 2008.

<sup>9</sup> Women's Candidacy Initiative 2008, Candidate Profile: Zaitun Mohamed Kasim (aka Toni Kasim), available from: <http://www.wci2.org/index.php/candidate-profile>, last accessed on 22 July 2008.