Debating the Freedom of Expression, Tolerance, and Secularism in Demagogical Times

Azmi Bishara
It is difficult to conduct a fruitful dialogue on concepts when politicians deploy them as slogans or cliches in their rhetoric. More difficult still is doing this in a charged climate and a toxic public sphere that allows all kinds of demagogies to flourish, whether because of electoral competition between the right and the extreme right in France, or because of global conflicts and tensions such as the ones permeating the Mediterranean basin that both bridges and separates Muslims with Europe.

Such is the state of the debate on notions such as the freedom of expression, pluralism, secularism, and profanity against the sacred, in the present moment.

The gruesome murder of Samuel Paty, a French teacher, on 16 October, at the hands of Abdullah Anzorov, a Chechen immigrant, is only the latest occasion that has triggered this debate in an atmosphere that precludes a meaningful debate. However, this event has taken on new dimensions, because of the involvement of French President Emmanuel Macron.

In a speech on 2 October, two full weeks before Paty’s murder, Macron proclaimed that Islam was in crisis everywhere, a misuse of terminology. Macron repeatedly abused scholarly language, seeking to appear as a philosopher-intellectual, as though this is a requirement of leadership in France. In reality, however, Macron is just another politician trying to master the game of power and seize opportunities for political expediency, addressing the French with a rhetoric designed primarily to avoid shedding votes to the extreme right. Macron did not weigh his words carefully, conflating the critique of radicalism with the critique of Islam, and the crisis of some Muslims with a supposed crisis of all of Islam. His words are addressed to the French, but Muslims can hear them too. These Muslims are not impressed by his mixing of terms, nor with his condescending preaching. The man after all is the head of a state and it is not his job to evaluate Islam, Christianity, or any other faith. Macron did well, lately by correcting what was said and explaining what was misunderstood,

In the history of the complex relations between the northern Mediterranean and its south and east over the past few decade, there have been several instances of certain individuals, frenzied provocateurs in my opinion, who have shown exceptional obsession with the display of aberrant forms of secularism, or of free expression, through insulting the Muslim prophet. The practice of insulting or smearing the Arab prophet with tales and stories narrated outside the historical and cultural context of his legacy to produce a repelling image is a fringe tradition in European culture, which is not particularly a secular tradition. For the most part, it was accumulated through various stages of conflict and war. But in the circumstances of the contemporaneous public space, the social media and communications revolution, and the rise of mass culture in European and Muslim societies, this practice has taken on different dimensions that set it qualitatively apart from slurs read by a limited number of people.

No doubt, the freedom of expression is a cornerstone of liberal democracy based on accepting pluralism. In my opinion, however, the roots of pluralism have been wrongly attributed by some liberal theorists, such as John Rawls, to religious tolerance and the lessons of religious wars. Rather,
these are the roots of modern states and their acceptance of a degree of religious pluralism, but not of democratic pluralism. And even if it were valid to attribute it genealogically to those roots, the logic that sustains freedom of speech is the same that sustains modern liberal democracy, which is not based on religious tolerance, but is based on: First, moral equality between citizens as entities capable of forming judgments on good and evil, and on their self-interests. Second, their right to participate in legislating the laws they must obey, and their right to self-determination (through elections and other practices between elections), which cannot be exercised without guaranteeing the freedom of expression. Third, limiting the discretionary power of the authorities, which also is not possible without the freedom of expression and criticism (as well as mutual oversight between the branches of power).

At any rate, no matter the differences of views on this matter, there is a difference between democratic pluralism and tolerance derived from certain religious traditions. This is an issue that is hard to tackle without a longer treatise, but we shall see that the distinction is crucial and that democratic pluralism is no substitute for religious and other forms of tolerance, which is represented not only in respecting different opinions, but also respecting other people's dignities, without this being imposed or precluded by the laws of the state.

True, democratic pluralism enshrines pluralism of faiths, opinions, tastes, and political parties, and protects their right to express themselves in the public sphere, while remaining neutral vis-à-vis them. But democracy is not neutral when it comes to democratic principles per se. Not only that, but liberal democracies generally put some limits on the freedom of expression, despite their neutrality. To be sure, they generally criminalize defamation, regardless of the legal definition thereof, which unjustly inflicts moral and tangible injury on people.

Democracies also intervene to set apart what is permissible or not when it comes to inciting violence or murder. Some states that have a history of racial discrimination do not tolerate racial incitement, and generalized attacks against an entire people, culture, or other (yet this usually does not cover Islam and Muslims).

In France, it is illegal to deny the Holocaust. Intellectuals and researchers have been prosecuted because they denied this major crime against humanity, and media campaigns were unleashed against those who for dared to even debate it. Macron himself, in a speech on 19 February at the Quatzenheim Jewish cemetery in eastern France, sought to equate anti-Zionism with anti-Semitism, as a prelude to delegitimizing the expression of a valid position with which many Jews agree against a colonial religio-nationalist movement engaged in racist practices, and the colonization of an inhabited land after expelling its population. In other words, Macron's defence of the freedom of expression is selective; he should have stopped at defending that freedom, which is a defence of democracy, but that is not his intention. His intention is to fight a political battle.

There are limits to the freedom of expression set by France's democratic system. Political forces and intellectual movements differ over these limits. When it comes to insulting the sacred religious
beliefs of others, this is permissible in most liberal democracies, which do not recognize limits to hurting feelings of people, given the difficulty of defining that injury. Furthermore, the offence of insulting religious sentiments could be abused as a pretext to prohibit legitimate ideas.

In all cases, even if democracy did not ban insults to the founder of a faith that counts more than 1.5 billion followers, who revere him and see him as a role model, such insults should not be seen as ordinary examples of the freedom of expression. They may be allowed by the norms of freedom of expression in liberal democracies, despite offending millions of their citizens and non-citizens, while being labelled a fringe, unacceptable act. But this does not mean that permitting such insults and expressions thereof in the public sphere, are tolerated as ordinary acts. Indeed, they are not ordinary acts, but extreme and exceptional phenomena that must be treated as such.

In other words, while it is true that French democracy does not outlaw such insults, this does not exempt it from the responsibility of raising awareness against them, and combatting them in education and the media as a negative act, in parallel with the justification of permitting this act on the grounds that banning it could set a precedent of repressing the freedom of expression, and become a slippery slope towards further repression in the future. However, it is definitely not acceptable for French democracy to encourage or boast of such acts.

To be sure, such a direction is not related to secularism or enlightenment. French enlightenment, whose ideas many of us in our formative years learned, was for the most part not hostile to religion, but hostile to religious establishments and their intervention in politics and involvement with the monarchy, and accused the clergy of promotion of ignorance to manipulate the peasants and the masses, as the figures of 18th century enlightenment called ‘philosophers’ would say. But the movement directly hostile to religion was marginal in the enlightenment movement and did not seek to mock Christ or Prophet Muhammad.

Debating religion, beliefs and religious texts and institutions is among the foundational practices of enlightenment and rationalism. But mocking prophets in the public domain is a provocation, nothing more. While deliberate provocation may be acceptable in arts and literature in the culture of a given country, this often targets the sacred beliefs of one’s own culture. However, mocking the sacred beliefs of other peoples, and imposing the parameters of what is permissible or not on another culture, is something that causes friction because it overlaps with the question of identity, dignity, and other matters, especially when the relationship between the two cultures involved is compounded and involves a history of dominance.

It is the right of those whom I ask to understand this distinction, to also expect a reciprocal respect from the followers of other cultures to themselves respect other religions, and not to accept insults to be thrown from atop of their pulpits against them. This is one of the many facets of tolerance. In my opinion, this is distinct from pluralism and respecting the freedom of expression. Tolerance at times also requires that a person to hold back on his opinion without being forced to do so; even in a free environment.
French secularism, albeit it took on extreme manifestations in France after the Third Republic with regards to the expression of religion and its role in the public sphere, like other secularisms does not allow the state or its institutions to impose a specific religion or belief. It also rejects any state interference in issues of creed and everything related to the conscience.

The essence of the secular state is its neutrality in religious affairs. In my view, the discussion raging in France around religion and expression of it in the public sphere should be settled in favour of allowing it, because it is a form of the freedom of expression while preventing it contradicts the principle of secularism, unless it becomes an ideology imposed from above. It is neither just nor possible to prohibit religion from the public sphere and the majority of democratic states do not. Simultaneously, democratic states prevent the use of religion by organised political groups to intimidate or excommunicate those who disagree with them, or to force a way of life upon people. Indeed, the state should be protected from any attempts that try to use it force or ban religious beliefs or other ideologies. Movements and religious groups that disagree with this are in essence anti-democratic and are demanding of democracy something they do not accept themselves. However, the majority of Muslims living in these democratic states have integrated and the religious among them practice their religion and work and play a role in the society they live in just like those around them.

French democracy, like other democracies, has the right and an obligation to protect its society and defend it from those who carry out heinous crimes in the name of religion or any other ideology such as the recent Nice attack. Those who follow or research these events will see that extremist groups who carry out attacks against civilians are the ones who are in crisis, or their communities may be in crisis. But it is not the role of the head of state to decide if Islam or Judaism or Christianity per se are in crisis. I do not recall any Muslim head of state, regardless of the type of his regime, stating that Confucianism is in a crisis because of what China is doing to the Uighurs, or that Buddhism is in a crisis over the ethnic cleansing and crimes against humanity against the Rohingya, or that Judaism is in crisis because of the treatment of Palestinians perpetrated in the name of Judaism and justified by biblical promises. What would be said if the Palestinians and Arabs, and specifically their heads of state, had attacked Judaism and the Torah based on people using them to justify the oppression of Palestinians? The logic governing the behaviour of the French President was not secular; Muslim societies may well be in a crisis, indeed many crises, like other societies. Yet that is no justification for the president to give a diagnosis of the state of Islam.

Islam is a great religion followed by over 1.5 billion humans. Its civilisation is extremely diverse and it is incorrect to insert it in such a trivial way and with sweeping generalisation in a political narrative by a president in the context of fighting extremism and terrorism, or in the context of competing for votes with the extreme right in France.

There is no doubt that the murder of Samuel Paty was a heinous crime that should be condemned without hesitation and without any “ifs or buts”, which amount to justification of the crime. The state
Debating the Freedom of Expression, Tolerance, and Secularism in Demagogical Times

of Muslims anywhere in the world is not responsible for behaviour of the young man who decided to kill the teacher. And it is unacceptable to justify his actions by what Muslims go through around the world. He is responsible for his crime so long as he was aware of what he was doing, and he was. He didn’t seek advice from “the Muslims” nor was “Islam” responsible for it. Islam is certainly innocent of his crime.

The response to words, should be words, and mockery should be met with mockery, even if this was in the public sphere and not in a classroom. It may even be that those with enough confidence in themselves refuse to respond to these words given that not everything said deserves to be answered. It was always my opinion that even the cartoons that were published once to mock the prophet of Islam in a Danish newspaper did not deserve the attention they got. The prophet deserves to be defended, but the cartoonist doesn’t deserve people’s time and effort demonstrating against him. Furthermore, there are countless reasons in Muslims countries for people go out and protest other than the cartoons of a little known cartoonist. Nobody, not even the readers of his publication, would have known about him were it not for these protests. To rephrase, those who insult the sacred beliefs of others do not deserve protests but should be ignored. This is how the people of great civilisations should act instead of going onto the streets in their thousands whenever an unknown person insults their sacred beliefs to demonstrate and turn the author into a star or celebrity.

On the other hand, just as the state can help raise awareness against racism and condemn it, so too should the state also raise awareness about such actions of insult and provocation and the dangers of what they do instead of simply describing their actions as freedom of expression. It is not correct that the state should remain neutral in issues of freedom of expression, even if an act is technically permissible.

Yet the events in France show the state going beyond the boundary of simple neutrality. It attempted to show solidarity with the victim by portraying the insulting cartoons as examples of freedom of expression. In a cynical ploy, the offending pictures were elevated from being within a small, closed space into the public sphere and projected onto government buildings. Regardless of what the intentions behind that were, the ensuing result is encouraging people to insult each others’ sacred beliefs and turn this from a fringe practice into a mainstream, typical practice in freedom of expression, thus provoking many in the Muslim world.

Even the secular French citizen can understand that religion and its essential symbols make up part of the cultural and civilisational identity of religious and non-religious people around the world, and that the overwhelming majority of these people oppose religious extremism, the killing because of things said, the excommunication of people and even political violence in general. However, they do not understand the deliberate insults against their religious symbols and consider this to be deliberately insulting their dignity. Even someone with limited intelligence must see that promoting this kind of “expression” on government buildings will set off a chain reaction from which no good will come. It is most important to come out of this vicious cycle as soon as possible.