

Literature and Self-Censorship

In a Post-Rushdie World

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Abstract

In this thesis I examine the current limitations for literature with respect to freedom of speech and self-censorship. I draw a line from the obscenity trials of James Joyce's *Ulysses* and D. H. Lawrence's *Lady Chatterley's Lover*, through the controversies of religion and cultural belonging around Salman Rushdie's *The Satanic Verses* and Monica Ali's *Brick Lane*, and up to the more recent court cases of Åsne Seierstad's *The Bookseller of Kabul*. I demonstrate that there are now essentially two ways in which literature challenges the limits for freedom of expression in the West. The first is literature that is offensive to religion, particularly Islam. I examine how the politics of outrage has led to an increased likelihood that writers will self-censor and avoid religious themes. I then look at the legal limits between freedom of speech and rights of privacy by examining the lawsuit against Seierstad, filed by one of the individuals she portrayed in *The Bookseller of Kabul*. Although the book is a work of non-fiction, it is written in literary form, and I examine how this begins to erase the border between fiction and non-fiction.

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1 Introduction

1.1 The New Wine

On November 26th 2013 Yahya Hassan, a young Danish poet of Palestinian descent, recites for an audience of 225 people at the H.C. Andersens School in Vollsmose, Odense (Brovall). Danish police had recommended a change of venue due to security concerns, but the Danish Minister of Culture intervened and demanded that the event was allowed to proceed as scheduled. Under a temporarily imposed no-fly zone and the watchful eyes and sensitive noses of strategically placed snipers, bomb sniffing dogs, metal detectors, and an otherwise zealous police force, the verses of the budding young poet are presented to a diverse audience. The lines are crisp, at times razor sharp. The voice is loud and the delivery is strong, like an imam reciting from the Koran, but that is not at all what he is doing. It is more like a redress, an unyielding attempt to set the record straight and present a candid portrait of the speaker's own experiences growing up as the son of a violent father in an immigrant family in Denmark.

The security had been put in place for a reason. Hassan had offended the sensibilities of many. First and foremost his father, who had been described as rough, even violent, but also an entire community of immigrants that felt Hassan's story, through the descriptions of religiously strict, old-fashioned, and patriarchal family structures, put both their religion and the immigrant community in an unfavorable light. Some were apparently so offended that they resorted to death threats. The story quickly received mass coverage in the press, and as a result of this, the collection of poems became a massive sales success. Since the original publication of 800 copies in October 2013 it reached 100 000 copies sold by the end of November of the same year. To understand how towering this number really is one must take

into account that it happened in a country where a debut collection of poems by an unknown author rarely is reprinted beyond the 500 to 1000 original copies.

The forced enactment, by the Danish government, of this small literary event, could perhaps be seen as a typical Danish line of no compromise, perhaps a needed stance for the government to take, in the wake of other controversies of years past. Denmark had in fact become the scene of several freedom of speech and censorship debates, the most famous being the so-called ‘cartoon crisis’ that arose from the publication of 12 editorial cartoons in *Jyllands-Posten* on September 30th 2005. Critics saw the cartoons, various depictions of Muhammed, as anti-Islam, racist, blasphemous and extremely offensive.

Jytte Klausen’s thorough study of the crisis, aptly titled *The Cartoons that Shook the World*, sheds light on the modern day problem of free speech and censorship in more than one way. The study, although well illustrated throughout, does not reprint the cartoons. Initially though, the attention of the reader is drawn away from the otherwise solid nature of the work. The decision not to reprint the cartoons is the sole topic of concern for both the publisher and author’s introductory statements. The argument made by the publisher, Yale University Press, despite claiming to be “an institution deeply committed to free expression,” is that “the overwhelming judgment of the experts was that the republication of the cartoons by Yale University Press ran serious risk of instigating violence; many of the most senior experts advised that publishing other illustrations of the Prophet Muhammad in the context of this book about the Danish cartoon controversy raised similar risk” (vi). The short author’s note expresses only a saddened agreement with the publisher’s decision not to reprint “the cartoons and other hitherto uncontroversial illustrations featuring images of the Muslim prophet,” an agreement she apparently has succumbed to despite having been urged by “Muslim scholars, friends, and political activists and leaders [...] to include the cartoons in the book with the purpose of encouraging reasoned analysis and debate on the cartoon episode” (vi).

Both the author and publisher express some kind of hope/fear dichotomy with respect to whether or not the study can in fact be an integral part of the debate without the cartoons included. Obviously, an informed reader can find the cartoons online in just a few minutes,

but that is not in any way the core part of the problem. The “other hitherto uncontroversial illustrations” that the author had intended to include are not possible to obtain by a quick search online. One can certainly also argue that, as a consequence of not publishing the cartoons, the study received a lot less attention than it likely would have with its full range of intended illustrations included, and therefore did not elevate and affect the “reasoned analysis and debate” as much as the author hoped. It is of course possible to argue that the study, without the cartoons included, would be less controversial and therefore able to reach a larger public, but, as we shall see, the problem with the study goes beyond the problem of it, possibly, being insufficiently illustrated.

The decision not to reprint the cartoons, in *The Cartoons that Shook the World*, could be seen as an act of respect and awareness of asymmetries, but it is hard to look past the likelihood that it, at least to a certain extent, was made out of fear. The individual, or individuals, making the decision on behalf of the publisher, did perhaps not fear for their own lives and safety, but they acted still, at the very least, out of a fear that groups or individuals who were against the publication of the cartoons, would again resort to violence of the type that had resulted in at least 200 lives lost world wide. The decision they made is therefore, unquestionably, positioned in the middle of a focal point of the modern freedom of speech debate, and that is the dichotomy between consequence ethics and the freedom ideal. This is further enhanced by the fact that Yale University Press, as quoted earlier, explicitly claimed to be deeply committed to free expression. From an isolated consequentialist viewpoint the decision is easy to defend. Reprint the cartoons and people die as a direct result of it. Do not reprint the cartoons, and the radicals of this debate pay little or no credence to this scholarly work, most likely none, as its potential for igniting (or being a tool for instigating) politically motivated rage, is drastically reduced.

But what are the consequences of such actions in a larger context, or in a longer time perspective? What are the long-term consequences when writers are censored or silenced out of fear? How far can we go in pleasing those that oppose our ideals of freedom? Historically, over the last couple of hundred years and up into the last half century the book as a medium has had a very important role in society. Literature, and perhaps particularly the novel, has to

various degrees taken part in the public debate and concerned itself with social and political issues. The concept of aesthetics can be traced back to the middle of the eighteenth century with Alexander Baumgarten's *Aesthetica* (1750 and 1758) and Johann Georg Hamann's *Aesthetica in nuce* (1762), and the concept of literary autonomy has its roots in Immanuel Kant's theory of aesthetics from *Critique of Judgment* (1790). Autonomy aesthetics ('art for art's sake') would certainly argue that art should have its own rules and norms, different from those of society, and be explained and valued by aesthetic terms or attributes alone. Ella Wheeler Wilcox would likely have disagreed with this view. The opening lines of her 1914 poem "Protest" touches on the importance of protesting injustices, and places it in a historical context:

To sin by silence, when we should protest,
Makes cowards out of men. The human race
Has climbed on protest. Had no voice been raised
Against injustice, ignorance, and lust,
The inquisition yet would serve the law,
And guillotines decide our least disputes.
The few who dare, must speak and speak again
To right the wrongs of many. [...] (154).

Her "Protest" beckons us to raise our voices against injustice and ignorance as well. It also illustrates the important position literature has had, and perhaps still can have, in the public sharing of ideas in any society. But is it really still possible for literature to have the same prominent position in the public debate as it once had? And, again, should it?

"Protest" does not however tell us what injustices one should protest, and which ones we should let slide, nor does it clarify that important question; what role literature can and *should* play in society. It does not answer questions as to whether or not its role should be just as an illustrator, a mirror for society to view and critique itself, or as a fighter on the frontiers of freedom of thought and freedom of expression. Ultimately, there are some very large questions that can be raised in the wake of the decision made by Yale University Press to not reprint the cartoon in Klausen's study. A number of those questions are of a political nature, and/or too large to be addressed here, but when they bear on, or have some significance towards the role of and room for literature in society, they cannot be ignored. *The Cartoons*

that Shook the World is not primarily concerned with literature, but some of the problems the cartoons encountered regarding free expression are of a similar nature to those that certain literary works have encountered, none more so than Salman Rushdie's *The Satanic Verses*. The seemingly insignificant difference between viewing the cartoons on paper within the text that discusses them and finding them online with "little effort", can perhaps justify the decision not to reprint. But, as Klausen's study goes on to uncover, the cartoons that were actually used by the Danish Imams on their December 2005 trip to Cairo with what has been known as the *Akkari-Laban Dossier*, a 43 page dossier which helped to instigate the violence, included three that were not among the original 12 made by the Danish cartoonists and published in *Jyllands-Posten*. And herein lies part of the problem:

One was a blurry photograph of a man wearing pig ears and a snout. In the context it was assumed to be a cartoon depicting a Muslim as a pig, an animal that observant Muslims are not allowed to eat and consequently could only be interpreted as a particularly lowly insult. The image was subsequently identified as a picture of a contestant in a French pig-squealing contest and had no relation to attacks on Muslims in Europe. The origin of the other two drawings is uncertain, but one (anonymous) report is that they originally appeared on a right-wing U.S. web site. One shows the Prophet as a pedophile rapist. Another depicts a prostrate praying Muslim being mounted from behind by a dog. The folder has a note to the effect that these pictures were not published by *Jyllands-Posten*, but if one leafs through the folder and just looks at the pictures, this is not obvious (91).

Failure to include illustrations in *The Cartoons that Shook the World* led to several important outcomes. The prevention of further violence was possibly one of the consequences, but a failure to promote a genuine and thorough understanding of the entire debacle was certainly another corollary. This is a genuine problem for *The Cartoons that Shook the World* as an academic contributor to the debate, and the problem is connected with how the root of the issue is communicated. It also has considerable bearing on the conclusions the author aims to reach. The missing illustrations have direct ramifications with respect to how the study is viewed as an argumentative text in the public debate. Those favoring a careful approach, guided by an awareness of the sensibilities of others, would likely have applauded the decision not to reprint. Although some European newspapers reprinted the cartoons, the majority of Western newspapers (including all major US papers) chose not to. Free speech

enthusiasts in the West on the other hand, saw it as a sign of weakness, and the problem was further intensified when many viewed the conclusions Klausen draws in her study as overly apologetic. Among them was Ezra Levant, who in a review wrote that:

The Cartoons documents the terrorist links of the imams, but then dismisses it, saying ‘most families have ... bad apples.’ And here is where Klausen's book falls down. Hardly a page goes by where she doesn't inject ideological clichés into her research, often with the flimsiest of relevance. She mocks Western leaders who warned of weapons of mass destruction in Iraq; she uses the phrase ‘so-called war on terror.’ Those are legitimate opinions, but what are they doing in a scholarly book about the cartoons? Even more dissonant is her personal attacks against critics of radical Islam, such as Ayaan Hirsi Ali (Levant).

According to Levant it gets even worse: “And then there is pure fiction. ‘The Rushdie Affair is widely regretted among Muslim leaders in Europe and in the Islamic nations,’ she writes. Really? That ‘affair’ began with Ayatollah Khomeini's fatwa, which continues to this day - as does Rushdie's need for security. Has Iran's President Mahmoud Ahmadinejad renounced that death sentence?” Klausen’s study documents the events of the controversy very well, but it does appear to be overly apologetic in some ways, particularly with respect to her willingness to excuse the deliberate actions of the Danish Imams on their ‘recruitment trip.’

A debate over the problem that the illustrations were not included can in fact be entirely separated from a value-based discussion over the finer points of free expression. It does not need to immerse itself in consequentialism versus freedom ideals; the ‘should’ and ‘should not’s’. From an academic point of view it comes down to the question of whether or not it is even feasible to shed the proper light on this issue without showing the reader what is being discussed. And more importantly, without showing the reader how the original publication was grossly misrepresented, by the Danish Imams that produced the *Akkari-Laban Dossier*, to deliberately create a crisis. When reading the two prefaces, from the publisher and the author, it is very clear that they both would have wanted to include all the illustrations, but that they were omitted due to a fear of possible consequences. This in itself could be taken as an admission that the quality of the published work would likely have been improved with the illustrations included.

In the context of this thesis, however, when literature and not art or illustrations is the contextual focus, it is important to note that there have been few reported incidents of violence aimed at researchers or journalists quoting from offensive texts, such as Salman Rushdie's *The Satanic Verses*, when writing about them from a scholarly or lettered perspective. When we take the political angle into consideration, this makes sense. If a 'text', in a very wide sense that would include the cartoons from *Jyllands-Posten* as well, is deliberately used (or abused) to gain attention in a political context, then why kill or hurt the journalists or intellectuals that contributes to heighten the attention you are seeking? Certainly many journalists have been killed; most infamously in recent years are of course the journalists that have been beheaded by e.g. groups like ISIS, but these deaths cannot be linked to the cartoons or to blasphemy directly. These killings have mostly taken place in conflict zones, after journalist (and other Westerners) have been kidnapped. Very rarely, if at all, have there been attempts on the lives of journalists in the West, that can be linked directly back to them *quoting* from offensive texts in their work. I am certainly not aware of any such incidents occurring in recent years in the western world, even after searching extensively for evidence of such. In the case of *Jylland-Posten*, the editor in chief Carsten Juste, book review editor (and the writer of the editorial that was printed with the cartoons) Flemming Rose, and the cartoonists, Kurt Westergaard in particular, there have been both threats made and acts of violence attempted, with the attacks on and plots to kill Westergaard receiving the most attention:

The most serious threat to Flemming Rose, Carsten Juste, and the cartoonists came from where it all started: their backyard. In June 2008, Rose visited an imprisoned twenty-eight-year-old man of Tunisian origin known as K.S. who had been arrested in the plot to kill Westergaard. The same man had reportedly also discussed targeting Rose. He was friendly with Raed Hlayhel, the radical cleric from Århus, who had issued a call for retribution against *Jyllands-Posten* during a Friday sermon in the spring of 2006 and promised martyrdom to those who carried out Allah's revenge (Klausen, 58).

Since the Salman Rushdie case, which resulted in both murders and attempted murders of individuals connected to the publication of the novel, there have been a few marquee incidents where one of the originators of literary or visually offensive material have been

killed as a result of ‘publication’. The Dutch filmmaker Theo van Gogh was murdered in 2004 by Mohammed Bouyeri, a Dutch-Moroccan Muslim, and more recent and notable of course, the attacks on Charlie Hebdo in Paris. This last tragedy further illustrates this point, as the cartoons from Charlie Hebdo were widely reprinted in the days following the shootings, but without major secondary incidents unrelated to the original attacks. This does not however translate directly into a guarantee that there would not have been any protests arising from the reprinting of the cartoons in *The Cartoons that Shook the World*, had the publisher chosen to do this.

1.2 Das Beckwerk and the Rights of Individuals

Just a few years after the initial controversy over the cartoons there was another case of interest in Denmark with respect to freedom of speech and literature. In September 2008 posters picturing the Danish artist Thomas Skade-Rasmussen Strøbech, who now went by the name Thomas Altheimer, could be seen all around the capital Copenhagen. The posters were promoting a book called *Suverænen*, or *The Sovereign*, that had just been published by Gyldendal. The author of the book, Claus Beck-Nielsen, was a former collaborator of Altheimer who also had adopted a different name and now referred to himself as Das Beckwerk, more an institution than a person. Altheimer was living in Vienna at the time, and found out about the posters through a telephone call from his eight-year-old daughter. When he some days later received a copy of the novel, Altheimer found the dust jacket of the book also featured his picture (McPheeters).

Beck-Nielsen and Altheimer had travelled together and cooperated on a number of artistic projects. In *The Sovereign* Altheimer is presented as a fictional character, but the distinction between fiction and reality is difficult to make. The novel is about a performance art project the two cooperated on in 2004, and it includes a wide range of actual names, places and events from the life of Altheimer, such as his home address, the names of his

children, and letters and blog posts. Having known Altheimer quite well in the past Beck-Nielsen had the necessary knowledge to introduce facts into his fiction, but he went even beyond that. In the epilogue Beck-Nielsen examines Horne, the childhood village of Altheimer, where he had “gone door to door, baffling Altheimer’s childhood neighbours with questions about his adolescence” (McPheeters).

Immediately after having read the novel Altheimer decided to sue his former collaborator. The lawsuit was filed in 2009, and on the 17th of March 2011 the Danish High Court released its ruling, dismissing all of Altheimer’s claims, after which Altheimer declared that the publishing house Gyldendal now owned his identity (“Nu ejer Gyldendal mit liv”). During those two years Altheimer had switched lawyers three times for various reasons, and filmed the entire debacle. The footage was turned into the 2012 documentary *I Am Fiction*. It has been suggested that the entire incident was a bit of an artistic sham: “The frank depiction of emotional conflict, coupled with the men’s history together, led some to question the veracity of the case, and to wonder whether or not the whole thing – *The Sovereign* included – was an elaborate bit of performance art” (McPheeters). Judging with the clarity of retrospect the likelihood of this is slim, and in any case the court ruling was very much real. Altheimer had sued Beck-Nielsen and Gyldendal for identity theft, claiming a right to privacy and a right of ownership to his own name and image.

The lawsuit cited both Danish law and the Declaration of Human Rights. The case represented something quite new for the Danish legal system. It was the first time the courts had been asked to draw the lines between reality and literary fiction. Having put considerable weight to previous rulings from the European Court of Human Rights, the three-judge panel decided that the rights of freedom of artistic expression should outweigh the right of privacy, as long as an artist dealt with topics of political and social interest. In other words, writers are free to use other people’s lives and stories in their novels without getting permission, as long as it is not for pure entertainment purposes. Although the European Court of Human Rights to a certain extent does protect the rights of individuals, there are limits to this protection. And this limit does not always compare favorably with the limits of the individual that feels

his or her integrity or personal life has been violated. Hence there will certainly be future controversies and future court battles around this question.

The three cases briefly touched upon in this introduction all happen to be of Danish origin, and all have both preexisting conditions and ramifications that go way beyond Denmark. Literature has always challenged limits, and those limits are not static. The limits have been, and will continue to be, defined by elements both internal and external to literature. There are limits of genre, style, and language, and there are limits of a larger kind, set by society in some way or form. Those limits are both judiciary and of a more, for lack of a better word, 'ethical' nature, meaning that they in some way or form defy society's norms (or norms held by individuals within a society). Virtually all the 'external limits' challenged by literature touch upon the right to freedom of expression and censorship in some sort or form.

In this thesis I will examine some of the factors that define these limits, how these limits have changed during the last century, and what the 'new' or current borders of literature may now be. As illustrated by these three introductory examples, the external factors that define the challenges faced by literature still center on the rights to write and publish a story. There are judiciary concerns, in particular with respect to the right of privacy, but there are also very real concerns that authors will choose to avoid themes that are likely to offend. This is true with respect to religious sensibilities, and especially with respect to Islam. This somewhat new 'right to not be offended' has at least partially grown out of the shadows of the Rushdie case, and the newness of it is that it has been individualized to a greater extent. Whereas writers that offended by obscenity in the past, like Joyce, Lawrence, and Nabokov, faced prosecution from the state, Rushdie faced the possibility of murder by any 'pious' Muslim, a 'duty' given to them by Khomeini. Kenan Malik has described this phenomenon with clarity with respect to London suicide bomber Mohammad Sidique Khan, based on a video surfacing two months after the 7/7 bombings: "The jihad has, for him, become an individual journey rather than something that is part of a collective movement. Unlike political activists of the past, today's jihadist does not submit himself to the will of the collective; each decides for himself what that will is"(119). Suicide bombings are the

ultimate way to express such outrage, but there are many more ways for the individual to express his or her anger than was the case just 25-30 years ago.

In the wake of this there is a very real possibility that writers, in a post-Rushdie world, have chosen to self-censor. Referring to the last two and a half decades as ‘post-Rushdie’ is in actuality a reference to time since the 1988 publication of *The Satanic Verses*, a novel that had significant implications for literature and censorship. In ‘The Age of Terror,’ a label adhered by many to the time after the 9/11-attacks of 2001, terrorism has been on the agenda and the East vs. West conflict has hardened in many ways. One result of this has been a radicalization among a small, but very visible, minority of Muslims. According to Rushdie, *The Satanic Verses* didn’t challenge Islam in particular. One of the major themes in the novel is religion and fanaticism in general, but he wrote about “the Islamic religion because that is what I know the most about” (qtd. in Appignanesi, 39). It was a reading of the novel that was not shared by many of the Muslim voices that took center stage in the months after the publication of *The Satanic Verses*. Another point Rushdie made in early interviews on the topic was the unlikelihood of it offending very many people: “It is very hard to be offended by *The Satanic Verses*, it requires a long period of intense reading. It’s a quarter of a million words” (ibid, 28). As we shall see, his assumption that you actually had to do the work of reading the novel to be offended was apparently fallacious.

It does not seem coincidental that no other writers have even attempted to walk the same path since, and it is a legitimate question if this is the result of terrorism doing its dirty work of instilling fear? There are, however, a lot of minority voices in literature that have criticized elements of Muslim culture and communities, perhaps a logical result of the Rushdie affair. A central problem for this thesis will be to examine what the limits of literature are, or perhaps should be, with respect to religion? Is it acceptable for literature to question, challenge, and even ridicule religion and religious practices? Nigel Warburton certainly thinks so: “The idea that religious beliefs but not others should receive special protection is bizarre: all types of belief should be open to scrutiny, criticism, parody, and potentially ridicule in a free society. Indeed, some views cry out for ridicule [...]” (50). Whether bizarre or not, clearly there are a lot of people in society that are in stern

disagreement with him. The second central problem I will examine is what the limits of privacy are within literature when it begins to erase the borders between fiction and reality. In respect to the rights of privacy for individuals I will attempt to answer the seemingly very simple question: Who owns the rights to a story? Examining this question from a legal standpoint will also shed light on a central mode of defense for literature, the claim that ‘this is just a novel, this is just fiction.’ This is a defense that has been used, and that still seems to be a part of legal interpretations in some countries.

In order to examine the major and minor questions of this thesis, I will begin by describing the historical relationship between freedom of speech and literature, in particular by looking at some cases that have been important in transforming the space for literature, both legally and in society in general. It is also necessary to look at how society has changed in the same timeframe, e.g. by the Internet, and by the gradual abolishment of blasphemy laws in many European countries. In the third chapter I will take a closer look at the Rushdie affair and its legacies. I will examine the cultural differences, both in general, but also with respect to minority cultures in Europe, and Britain in particular. Further focal points will be Khomeini’s fatwa and its outfall, the text of *The Satanic Verses* in itself, and why it is viewed as blasphemous by Muslims, and what the eventual impacts of the novel have been in a long perspective.

In Chapter 4 I will examine the relationship between minority cultures in the West, using London as example, by taking a close look at Monica Ali’s *Brick Lane* and the controversies that followed both the publication of the book and the adaptation of the novel to a feature film. In Chapter 5 I will examine the rights of individuals with respect to privacy, particularly in connection with literature that intentionally or unintentionally obfuscates the bounding lines between reality and fiction. Here I will use Åsne Seierstad’s *The Kabul Bookseller* as the prime example. The novel, originally published in Norwegian, became an international phenomenon. It travelled through the Norwegian legal system, from the lowest to the highest level. Norway has ratified the European Human Rights as national law, as have Britain and most other European countries, and the verdict is based on previous verdicts at

the European Human Rights Court. They clearly have validity for the understanding of the legal limits of English literature with respect to rights to privacy as well.

2 Literature and Censorship

2.1 Freedom of Speech

“Offence, however deeply felt, is not a proper object of legislative concern,” writes Jeremy Waldron (105). Perhaps it is just that simple, in a legislative manner, but for literature it certainly is not. If we substitute the word literature for the word legislative in that sentence, it makes little or no sense. But how literature has, can, and should walk that line, which has been, is, and will continue to be, an object for legislative concern, is not at all easy to define. In this chapter I will briefly examine the history of literature with respect to freedom of speech. I will look at a few legal cases that were important milestones, such as the case against James Joyce’s *Ulysses* and the case against D. H. Lawrence’s *Lady Chatterley’s Lover*. Charles Rembar, the US First Amendment rights lawyer who successfully won cases defending *Lady Chatterley’s Lover*, Henry Miller’s *Tropic of Cancer*, and John Cleland’s *Fanny Hill*, entitled his account of these trials *The End of Obscenity*, which is essentially what those cases represented in the US. In the late 20th and early 21st century the Internet has changed communication in many ways, and this will also be addressed, and finally I will look towards the last part of the 20th century to examine how, through the politics of outrage, a new environment driven by a ‘right not to be offended’ has taken a position against literature and art deemed offensive.

Defining the role of literature within a freedom of speech argument is a very complex enterprise. There are obvious concerns, such as those connected to history and differences between cultures, but the variety of censoring influences, both external and internal (which are obviously also linked to cultural differences) is equally important. Literature, as a fine art, has always been, and is still, dependent on a certain space for free expression. It has also, to various degrees in a historical and cultural perspective, been an important proponent of the

rights and freedoms that define such a space. Societies with a high degree of censorship rarely provide a proliferate environment for a diversity of reflective and interesting literary texts, at least not literature that has a discernible position in the public space in those societies. Article 19 from the United Nations Universal Declaration of Human Rights states that “Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.” But even among the most unrelenting freedom of speech enthusiasts there is usually a recognition that there has to be some limits to freedom of speech. If there were no limits then one can say or write anything with impunity, and in the end nothing will really matter. American philosopher Thomas Scanlon points out that “what people can say can cause injury, disclose private information, can disclose harmful public information. It’s not a free zone where you can do anything because nothing matters. Speech matters” (qtd. in Warburton, 4). One of the most well known formulations on the need for some limits to speech (although commonly delivered in paraphrased form) came from Judge Oliver Wendell Holmes’ opinion in the 1919 US Supreme Court decision in the case of *Schenck v. United States*, in which he stated that “[t]he most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre and causing a panic” (*Schenck v. United States*, 249 U.S. 52). The case itself centered on whether or not Charles T. Schenck had the right to speak out against the draft two years earlier, during the First World War. In his opinion Wendell Homes established what has become known as the “clear and present danger” doctrine that allows for limitations put on the first amendment rights of US citizens under certain conditions:

The question in every case is whether the words used are used in such circumstances and are of such a nature as to create a clear and present danger that they will bring about the substantive evils that the United States Congress has a right to prevent. It is a question of proximity and degree. When a nation is at war, many things that might be said in time of peace are such a hindrance to its effort that their utterance will not be endured so long as men fight, and that no Court could regard them as protected by any constitutional right (*Schenck v. United States*, 249 U.S. 52).

There is an important parallel to be drawn here with regards to literature and how it has been interpreted historically in judicial processes. As we can see from the opinion of Wendell Holmes, the legal system, and not only in the US, is clearly focused on the intent of a speech act, and also the context. We see this in the ‘quality defense’ (which I will return to later in this chapter) that was used in legal processes in several countries, in defense of books that had been banned for obscenity, and it can also be inferred from the ruling in the Danish case of *Alzheimer vs. Gyldendal and Beck-Nielsen*, where one of the premises was that freedom of artistic expression should outweigh the right of privacy, as long as an artist dealt with topics of political and social interest.

The relations between censorship and literature are as old as the written word, and the battlegrounds and conflicts have been many. The list of writers, literary and others, who have paid the ultimate price for their ideas or art, is long. Of the more well known is perhaps Giordano Bruno and André Chénier. Bruno was infamously executed for supporting a heliocentric view of the universe, although the Roman Inquisition likely had even more trouble with his pantheism (Warburton). The Bruno example, referring to his belief that the earth revolves around the sun as the reason for him ending his mortal days in the flames of the inquisition, has often been used in free speech arguments as an example of the fallibility of ‘certainties’ such as the geocentric worldview held by the church at the time. During the final days of The French Revolution’s ‘Reign of Terror’ in 1794, André Chénier was guillotined for potent iambs published in *Journal de Paris* a few years earlier.

Censorship in totalitarian regimes forces writers and dissidents to make certain choices. They can self-censor, in order to stay out of trouble all together, or they can circulate their writings in secret, under the government radar, or go into hiding themselves. The risk of being legally executed for opinions or writings is virtually non-existing in the western world. The risk of being murdered by fanatics that take offence of your utterances is still very real, however, the list of murdered writers is unfortunately longer, and, as already touched upon, with more recent additions. The desire to silence opinions or voices of ones dislike is certainly on the list of possible motives for such acts.

“The man of taste will read only what is good; but the statesman will permit both bad and good,” wrote Voltaire (31). Censorship can take many forms. From the perhaps benevolent association with ‘good taste’, to the undoubtedly malevolent totalitarian state enforced censorship. It can be argued that, since the Age of Enlightenment the most direct forms of censorship, such as bowdlerization, book burning, and persecution of writers, have been vilified in western society, at least to a certain extent. The subtle forms of censorship, ultimately much more complex and difficult to define, are clearly not a thing of the past. “Any writer or journalist who wants to retain his integrity finds himself thwarted by the general drift of society rather than by active persecution” wrote George Orwell in “The Prevention of Literature” (1). Clearly this is not a new phenomenon. Ray Bradbury’s famous 1953 novel *Fahrenheit 451*, a title that refers to the supposed auto-ignition point of book paper, tells the story of a dystopian American society that has outlawed books. Although widely perceived as a criticism of state censorship, the author claims the culprit in the novel is the people. Reading the novel from such a perspective is radically more interesting, as self-censorship and apathetic acceptance of non-judicial censorial ‘pressure’ arguably represent greater threats to freedom of speech in today’s western world. While on the topic of the ignition point of paper, the burning of books has a lengthy history as well, even before the notorious 1497 Bonfire of the Vanities in support of Girolamo Savonarola, books (and other objects) have been burned as symbolic acts. Although arguably in itself a form of free expression and worthy of protection as such, the burning of books is rarely viewed as a valuable contribution to open and constructive debates.

Haig A. Bosmajian has documented how United States Postal Inspector Anthony Comstock and the New York Society for the Suppression of Vice led a charge in the late nineteenth and early twentieth century to attempt to suppress obscene materials by “metamorphosing them into that which is dreadful, insidious, and dangerous: leprosy, disease, devil. Comstock relied on the fear of leprosy when he wrote: ‘There seem to be a criminal indifference and recklessness on the part of many writers and publishers as to what results from the dissemination of their leprous products’; the distribution of ‘unclean stories’ is a kind of ‘devil seed-sowing’; dealers selling such ‘dirty books’ are venders of ‘filth’

(195). Comstock even attacked classical works of literature that he judged obscene, stating, “garbage smells none the less rank and offensive because deposited in a marble fount or a gold or silver urn. So these foul stories and unclean tales of ancient writers find no justification on the moral world simply because clothed in smooth verse or choice rhetoric” (qtd. in Bosmajian, 195). His words of ‘uncleanliness’ and ‘disease’ would, as we shall see later, be emulated by others much later in the 20th century in the campaign against Salman Rushdie’s *The Satanic Verses*. Comstock’s campaign led to a ‘Clean Books’ crusade in the 1920s, and, as a consequence, the United States Postal Office burned five hundred copies of James Joyce’s *Ulysses* in 1922 (ibid, 195). As mentioned initially, the *Ulysses* case would eventually prove to be an important milestone with respect to literature and censorship on the grounds of obscenity, and I will return to this a little later in this chapter.

Since World War II, before which Nazi Germany infamously burned massive amounts of ‘un-German’ books (Goldstein), and after which the Allies answered by burning Nazi literature in an attempt to ‘denazify’ Germany (“Read No Evil”), there have been little or no state sanctioned or direct censorship in the Western world. There are however certain views which it is illegal to promote, in particular holocaust denial, which is outlawed in 15 European countries, as well as Israel. In an April 19th 2007 framework decision on racism and xenophobia, the European Union established “publicly condoning, denying or grossly trivializing crimes of genocide, crimes against humanity and war crimes as defined in the Statue of the International Criminal Court” as illegal in all member states (1). In order to escape the problem of coming in conflict with constitutional provisions that ensured freedom of speech in certain countries, the existing laws in individual member states were allowed to take precedence over this. Denmark was one such country. The United Kingdom was another, and legislation aiming to pass such laws in the UK has been rejected twice. In this respect the de facto position of The United States is perhaps hard to comprehend, as citizens’ rights to promote views that can, rightfully so, be perceived to be extremely offensive are sternly protected. It is a bit of a paradox then, that the willingness to self-censor in the US seems greater than that in many European countries. This became apparent in the case of Yale University Press’ decision to not reprint the cartoons in Jytte Klausen’s study (a

decision that most likely no Danish publishing house would have reached at the same time), as well as in the US media's seemingly collective decision to not reprint the Charlie Hebdo cartoons that were deemed offensive to Islam, although they were repeatedly and widely reprinted in European newspapers.

2.2 The Rogue Internet

Holding unpopular opinions *can* be uncomfortable, even in a relatively free and open society. Advocating unpopular opinions almost always is, especially in a modern society with a punitive and unflagging Internet. In the age of the Internet the dissemination of dissenting thoughts and minority arguments have become progressively easier, and the act of curtailing the spread of such thoughts and material much harder. This is perhaps best illustrated by the efforts of the Beijing government and “The Great Firewall of China”. In this cat and mouse game the Chinese government has banned a variety of words to prevent dissidents from referring to events such as the Tiananmen Square massacre of June 4th 1989. This desire to curtail references to this elephantine and embarrassing ‘incident’, illustrates the difficulty of limiting the spread of information on the Internet. All likely or possible ways of writing out this date have been banned. As dissidents started referring to the date as 5/35 (May 35th) the various ways of writing this “date” were also banned. On June 4th 2012, the 23rd anniversary of the massacre, the Shanghai stock exchange index dropped 64.89 points. Whether it was just a freak incident, “divine intervention”, market manipulation, or the work of hackers, it led to the banning of the phrase “Shanghai Stock Exchange” as well. Other notable words that have been censored include the word ‘censorship’ itself. Chinese netizens began, with a certain degree of irony, to use the word ‘harmonious’ as a euphemism for censorship, but after a while that word was banned as well. The netizens’ response was to start using the word ‘river crab’ instead, simply because it was a homophone for harmonious. And certainly so the story will continue. Internet censorship is not unique to China either. *Silence*, a 2008 report published by Privacy International and the GreenNet Educational Trust reported that

“at various levels countries such as Argentina, Australia, China, Egypt, and Zimbabwe all practice [Internet] censorship in one form or another” (Alford, 7).

In a greater freedom of speech context many new and, at times surprising, situations have arisen with respect to the spread of information and opinions via the Internet. It has drastically altered public speaking. The relative anonymity and ease with which individuals, trolls or not, can push insults, slander, and even defamatory statements about others into the public domain, is a cause for concern for anyone partaking in a public exchange of ideas. The sheer number of voices further hampers any attempts to exert judicial control. When The British Parliament gave judges the “power to develop a right to privacy in 2000, the judiciary rejected England’s tradition of open justice with a breathtaking disdain for the past. The judges did not allow a free press to report what it knew, and punish editors only if they unjustifiably infringed on the rights of others. Instead, they engaged in pre-publication censorship” (Cohen, xi). When English Premier League player Ryan Giggs attempted to silence a beauty queen with a super-injunction, forbidding newspapers to report her story of the star’s infidelity, the Internet had its own solution:

Few in authority realized that their manageable world, where gatekeepers controlled the news and judges and politicians held gatekeepers to account, had gone. Word of Giggs’ injunction reached Twitter. Account holders, some hiding behind pseudonyms, linked him to the beauty queen. His lawyers did what their predecessors would have done. Tweeters were publishing in defiance of a court order, so the lawyers’ job was to identify and punish them. They announced that they would take legal action against Twitter, and compel it to reveal the identities of users who had placed themselves in contempt of court. Stuck in the last century, they did not understand how ridiculous their threats sounded (xiv).

The solution to various sorts of state sanctioned censorship often seems to be the Internet. As Cohen plainly puts it: “if the Web has a soul, then a loathing for censorship stirs it” (xv). But the Internet is a double-edged sword. The, at times unbounded, freedoms the Internet offers, come with a price. And that price is often paid outside of and beyond the digital world. It can be financial, as Saul Levmore puts it: “one cost of Internet anonymity is that a successful site must monitor and censor in order to inhibit what might become overwhelming noise. A complete bar on anonymity is costly both because of enforcement cost and because anonymous provocateurs may attract a valuable audience” (59). This also touches on the

problem with anonymity, a problem that is not likely to be solved in the near future. Another cost of the freedom to express opinions on the Internet is suffered by individuals who are the object of the distain of others. It is a cost that is not easily measurable, but to illustrate it by examples is not that difficult. On December 20th 2013 Justine Sacco, a 30 year old senior director of corporate communications at IAC tweeted “Going to Africa. Hope I don’t get AIDS. Just kidding. I’m white!” to her 170 followers, just before boarding a plane heading from Heathrow to Cape Town (Ronson). By the time her 11-hour flight had traveled the entire length of Africa her tweet had become the number one worldwide trend on Twitter. Someone even went to the Cape Town airport, at the request of several Twitter users, took a picture of her as she arrived, and posted it on Twitter. Sacco was vilified as a racist and became the target of the Internet mob, in this case ‘the Internet mob’ was more a result of a massive number of individuals policing Sacco’s lack of political correctness rather than instances of trolling. As Sacco discovered, the power of the mob can be intense, and the effects of it often surprising: “I cried out my body weight in the first 24 hours. [...] It was incredibly traumatic. You don’t sleep. You wake up in the middle of the night forgetting where you are’ She released an apology statement and cut short her vacation. Workers were threatening to strike at the hotels she had booked if she showed up. She was told no one could guarantee her safety. (Ronson). She eventually lost her job at home, and has since struggled not only to find new employment, but also even to reenter society in a manner that resembles the life she had before. Jon Ronson goes on to compare the Internet’s power and potential for public shaming to previous centuries’ public shaming through pillory and whippings. Others, like Saul Levmore, have compared the Internet to the bathroom wall: “when the offensive graffitist uses the bathroom wall as he runs up against the medium’s constraints; the Internet now provides a superior medium for one who wishes to spread juvenile or malicious speech” (53). It is well established that the Internet is effective as a tool for spreading hostile and defamatory statements. It is equally clear that the effect of such statements can be self-censorship to avoid further malignant slander. This is something that has particular relevance to all individuals who have a public profile, and writers of literature are not exempt.

The extent to which writers choose to self-censor cannot be known, but it is more than likely that Nick Cohen has a good point when he asserts that “between the fatwa and the present [...] Western culture changed, and not for the better. The change can fit into one sentence. No young artist of Rushdie’s range and gifts would dare write a modern version of *The Satanic Verses* today, and if he or she did, no editor would dare publish it” (42). This idea of self-censorship, on behalf of both writers and publishers, can perhaps also be interpreted as what is referred to as ‘soft censorship.’ It is a term more commonly used with respect to the influence corporate interests can have over news media through the application of financial pressure. Publishing houses are not NPOs, and always have had a ‘corporate mission’. It is clear that controversies can sell, but controversies that come with a large security risk, and, subsequently, a large cost connected to the protection of individuals and property, might not be worth it. This is especially true in the US as, where possible liability lawsuits, were something to happen, could eventually topple over an entire publishing house.

Martha Nussbaum, in “Objectification and Internet Misogyny” points out that the Internet is often particularly offensive to women, and that this often happens through a process of objectification. She identifies various forms that this objectification can take, eventually ten forms, and continues to the result such objectification can have: “given that the objectified is a human being, objectification confers a spoiled, or stigmatized, identity, and is thus a species of shaming” (73). She continues:

All societies inflict shame on relatively powerless groups, asking them to blush for what they are. Penalties based on the idea of shame are one common manifestation of this tendency: people are asked to wear a sign, or a symbol, identifying them as bearers of a stigmatized identity, or placed in an undignified position (i.e., in the stocks or pillory) for public viewing. Shame justice is justice by the mob: the dominant group are asked to take delight in the discomfort of the excluded and stigmatized (73).

This has been a problem *of* and *for* literature, since long before the days of Hawthorne’s *A Scarlet Letter*, and continues to be so well into the new, digital information age of the 21st century. I will explore this problem further in later chapters as the role and position of female writers will be a central topic. The Internet has given anyone and everyone a public voice, with the potential to reach and influence millions. The reach of most posts, blogs, chat rooms,

and commentary section opinions is limited, but the 21st century mob does not usually gather in the town square any longer. For all its positive uses and advances, there is certainly a negative aspect to the Internet.

As touched upon earlier, a considerable part of the problem is connected to the ease with which users can remain anonymous on the Internet, and consequently feel a lot freer to post comments that can be both offensive and in breach of law. For Saul Levmore the Internet is probably not the medium that has the highest density of anonymous and offensive communications (51). In his mind it is likely outdone by high school bathroom stalls. But there are some considerable differences between the two mediums, and if one looks beyond the adolescent ‘posters’ of comments, the Internet is more likely to be a medium of choice. Practically any and all Internet sites that are driven by user-generated content (UGC) will have problems with anonymous users communicating something that will be hurtful or offensive to others, and at times even legally defaming, and hence a criminal act. As pointed out earlier, it is hard (and perhaps not even desirable) to solve the problem with anonymity, so the site owners usually attempt to moderate the content instead. In the US it is a federal offence to communicate threats electronically, either online or via e-mail. The U.S. Code on Interstate communications § 875 (c) states: "Whoever transmits in interstate or foreign commerce any communication containing any threat to kidnap any person or any threat to injure the person of another, shall be fined under this title or imprisoned not more than five years, or both." There is no requirement of intent. Whether or not the accused person had actual plans to go through with the threats makes no difference, just sending or posting them is enough for a felony to have been committed. In legal terms the Latin phrase *mens rea*, usually translated as ‘the guilty mind’, refers to the element of intent. The term comes from the expression *actus reus non facit reum nisi mens sit rea*, “meaning the act is not culpable unless the mind is guilty” (Martin). Clearly there is a lot at stake for those who choose to post threatening remarks online, but the Internet trolls are out there, whether guilty in mind or action. The ease with which anonymity is achieved and maintained, at least until there is a criminal investigation and thereby the resources to track IP-addresses, combined with the mass number of instances and the resources it takes to investigate each one, makes it fairly

easy to get away with threats. Any person who expresses views that are likely to be offensive to some individuals or groups, are odds-on to be the recipient of threats of some kind. Public figures are particularly at risk, and writers are particularly at risk. In the little over 25 years that have passed since the publication of *The Satanic Verses* it is very clear that if there is one type of offensive speech that is almost guaranteed to draw threats of some sort, it is the type that is offensive to religion, and perhaps in particular to Islam.

2.3 James Joyce and the Quality Defense

In his autobiography *Joseph Anton*, written in the third person perspective and titled from his *nom de guerre* from the time spent under state protection, Salman Rushdie recalls his pleas to friends asking what they could do to help. “Defend the text” (115) was his answer.

The attack was very specific, yet the defence was often a general one, resting on the mighty principle of freedom of speech. He hoped for, he often felt he needed, a more particular defence, like the quality defence made in the cases of other assaulted books, *Lady Chatterley’s Lover*, *Ulysses*, *Lolita*; because this was a violent assault not on the novel in general or on free speech per se, but on a particular accumulation of words (literature being, as the Italians had reminded him at Queluz Palace, made up of sentences), and on the intentions and integrity and ability of the writer who had put those words together. *He did it for money. He did it for fame. The Jews made him do it. Nobody would have bought his unreadable book if he hadn’t vilified Islam.* That was the nature of the attack, and so, for many years, *The Satanic Verses* was denied the ordinary life of a novel. It became something smaller and uglier: an insult (115).

From the onset of the Rushdie case, there was no doubt that *The Satanic Verses* found itself on a battlefield of people with an agenda. The affair began in India, where Syed Shahbuddin and Khurshid Alam Khan, two Muslim members of the Indian parliament, began campaigning to have the book banned there in late September 1988 (Pipes, 19). As with so many of the later protesters, they had not read the book, and acted against it based on what they had read about it in two magazine articles. In multicultural Britain, the dynamics of the politics affecting the situation can be illustrated by Rushdie’s recollections of a phone conversation with British-Indian Member of Parliament for Leicester East, Keith Vaz in

which Vaz reportedly said “that what had happened was ‘appalling, absolutely appalling,’ and promised his ‘full support.’ A few weeks later he was one of the main speakers at a demonstration against *The Satanic Verses* attended by over three thousand Muslims, and described that event as ‘one of the great days in the history of Islam and Great Britain’” (15). It was perhaps not equally clear at the time, but nevertheless just as accurate that an aging and weakened Ayatollah, in declaring the fatwa, was doing so to show a sign of strength, find a way to exert influence, and to put himself back on the international stage. The same conclusion has been reached by many: “Khomeini’s move grew out of the decline of the revolution he led, the war against Iraq ended but not won, and a bitter conflict underway in Tehran between the ‘pragmatists’ (desiring a freer economy with more trade links to the West) and the ‘radicals’. By rekindling the fervour of the revolution Khomeini sought to shift the balance of power, ensure a ‘radical’ successor, and unite disparate Muslim sects and communities (Ranashina, 46). Journalist Robin even claimed “as the international furore grew, Khomeini declared that the book had been a ‘godsend’ that had helped Iran out of a ‘naïve foreign policy’” (209).

Peter Childs also touches upon the political nature of the fatwa when he comments “Ayatollah Khomeini’s fatwa, [...] placing Rushdie under a death sentence, supported the interpretation that he had unforgivably blasphemed against Islam. By contrast, the Al Azhar Seminary of Cairo, the Muslim religious ruling body, has at no time passed any decree on *The Satanic Verses*” (397).

But are the lines Rushdie draws, backwards in time to classical works by Lawrence, Joyce, and Nabokov, valid? Is it feasible to compare *The Satanic Verses* (and its reception) to these three works, and others, that were attempted or even successfully blocked from (further) publication for violating obscenity laws or failing to comply with “common standards of decency”? From a legal standpoint it most certainly is not. This distinction in the law is a thing of the past in the UK. In the multitude of criticism showered upon *The Satanic Verses*, the voices coming from the direction of fellow writers seem to be the most hurtful for Rushdie. The English novelist John le Carré for one, did not support the “literary merit” defense: “Are we to believe that those who write literature have a greater right to free speech

than those who write pulp? Such elitism does not help Rushdie's cause, whatever that cause has now become." (261) The most interesting part of this quote is the second, *whatever that cause has now become*. For what seemed unclear to le Carré at the time, still seems unclear as we continue to read Rushdie's thoughts some twenty plus years later: "He did not say whether he would also have been against the use of "literary merit" in defence of, say, James Joyce's *Ulysses* or D. H. Lawrence's *Lady Chatterley's lover*" (261). Again we return to the literary merit defense, and the question of its validity, even though there is no real basis for this defense, or the writer's belief in its validity, in the autobiography *Salman Rushdie*. But Rushdie's plead for a defense of the text can perhaps be read differently. Not as a plead to keep the text from being barred, but rather to defend it as a great work of literature; a work that is so much more diverse (and, as I will elaborate on in the next chapter, polyphonic in nature) than what it was reduced to by the masses that tossed it on the fire.

In Paul Vanderham's important study of the case of *Ulysses, James Joyce and Censorship*, we are presented with an account of the evolving nature of the quality defense through a comparison between the legal and literary arguments made in the cases against Flaubert's *Madame Bovary* and *Ulysses*. Vanderham contends that the argument over *Madame Bovary* centered on whether or not the novel condemned adultery. The prosecution drew the inference that it failed to do so, whereas the defence attorney countered with another moral argument, that the effect of *Madame Bovary* "was 'l'excitation à la vertu par l'horreur du vice' (the encouragement of virtue through the horror of vice)" (9). It was nevertheless an argument fought on moral grounds, and whether or not *Madame Bovary* was a novel of quality was not contested. This "common ground" Vanderham finds, "prevailed through the Victorian period and into the twentieth century. It forms the basis of the early trials of *Ulysses* in *The Little Review*" (9), *The Little Review* being the American literary magazine that published *Ulysses* as a serial from March 1918 to December 1920. But, according to Vanderham, through the 1932-33 *Ulysses* case something changed, and the common ground disappeared:

Thus, while the government levelled a traditional moral charge against Joyce's novel, claiming that it was obscene and would therefore corrupt its readers, Morris Ernst countered

with an argument based substantially on an esthetic theory of art according to which *Ulysses*, in so far as it was a genuine work of art, could not influence its readers for ill. According to the esthetic theory, moral questions simply do not apply to literary works. Oscar Wilde expresses the idea succinctly in the preface to *The Picture of Dorian Grey*: “There is no such thing as a moral or an immoral book. Books are well written, or badly written. That is all” (9).

Judge Woolsey apparently seized the opportunity encompassed in this new aesthetic approach when he on December 6th 1933 announced that *Ulysses* was not legally obscene. Leslie A. Fiedler describes his first encounter with Joyce as a schoolboy between the two World Wars, “at a point when [Joyce] was trying to suppress his own hostility to the culture of the West as somehow unworthy, it seemed easy to grant that *Ulysses* was an attack on Christ and Caesar, Church and State,” but Fiedler, having been confused by the “well-intentioned lies contained in Judge Woolsey’s famous courtroom decision,” found it “impossible back then to grant that it might also be an even more ferocious assault on the third bastion of the elitist civilization of Europe – High Culture” (29). Assumably he meant that he found it hard to see how a highly sophisticated and literary text, with clear artistic merits, could be an attack on the cultural foundations of European society. And when the famous Woolsey decision was attached to the text of the first US Random House edition published in the wake of the case it became almost a work of literary criticism. It was presented to the readers of *Ulysses* “as a kind of inseparable preface: a piece of criticism really, aimed at convincing would-be censors that the novel ‘did not tend to excite sexual impulses or lustful thoughts’: and that though perhaps ‘somewhat emetic,’ it was ‘nowhere an aphrodisiac’” (Fiedler, 29).

Vanderham has sought out these “well-intentioned lies” or principles, and numbered the accordingly. “The first principle of Woolsey’s decision was that the judge should consult the criticism written about the book he must decide upon” (116). According to Forrest Davis, Woolsey had in fact not settled for this either, he had actually read “eleven ‘satellite’ books he said were necessary to give him completer [sic] understanding of that erudite Joyce’s classic and mythological allusions” (qtd. in Vanderham, 116). The second “well-intentioned lie” relates to intent, stating, “in determining whether a given work is legally obscene, the judge should ascertain the intent with which it was written” (121), i.e. in this case whether or

not it was written with pornographic intentions. Or in Judge Woolsey's own words: "whether the intent with which it was written was what is called, according to the usual phrase, pornographic, that is, written for the purpose of exploiting obscenity" (US v. *Ulysses*, 1-2). It is interesting to note the difference as to how literary criticism and the legal system look at authorial intent, and how these views have changed in different way and at different rate through the years. Although establishing a motive is central to criminal cases, it is still difficult to promote legal arguments that relates to the intent of the accused. Such arguments are not always met favorably in judicial processes, but in applying this second principle Woolsey not only tried to discover the position of *Ulysses* with respect to pornography and the 'satellite' books, but also with respect to "events subsequent to the writing and initial publication of the novel" (120). The point he was trying to make is that it was also important to consider the fact *Ulysses* had been an attractive commodity for individuals who dealt in pornographic material, and who wanted to add it to their list. The significance of this is based on the premise that had been argued by Random House lawyer Morris Ernst, that pornography couldn't be literature, and vice versa. Clearly, if Joyce's intention was to write pornography, he went to great and rather unnecessary pains to conceal this intention. Furthermore, arguing that *Ulysses* was not a literary masterpiece to a judge that had not only thoroughly read it, but also read eleven 'satellite works' to better understand the literary allusions within it, proved to be difficult. In the words of Judge Woolsey: "in *Ulysses*, in spite of its unusual frankness, I do not detect anywhere the leer of the sensualist. I hold, therefore, that it is not pornographic [...] and [in writing *Ulysses*] Joyce sought to make a serious experiment in a new, if not wholly novel, literary genre" (2). Clearly this was intent of an artistic nature, and it could hardly be argued that it was the work of a pornographer.

The third lie Vanderham describes is contained within this argument, and his understanding of it is derived from Northrop Frye:

[...] Woolsey's treatment of authorial intention contains a well-intentioned lie of its own, namely, that the intention of the artist is always and everywhere a tautology. Woolsey recognized that Joyce was 'undoubtedly' a 'real artist'; it followed for him that Joyce's intention in writing *Ulysses* could be adequately described as the intention to create a work of art, a new literary genre. Northrop Frye explains the tautology in a way that illustrates how it tends to exclude moral considerations from discussions of literature: 'A poet's primary

concern is to produce a work of art, and hence his intention can only be expressed by some kind of tautology.’ Significantly, Frye’s argument equates the artist’s ‘primary concern,’ with his ‘intention,’ not with his ‘primary intention’ as one might expect. It follows, for both Frye and Woolsey, that the artist’s primary intention is his/her only intention (at least the only one relevant to the critical judgment of his/her work), and that the intention is exclusively artistic – not moral (or immoral), political (or seditious), or religious (or blasphemous).

The argument made here by Frye and Woolsey has also been the basis of faulty syllogisms applied to works of other writers, and at times not always in the writer’s defense. As in the Rushdie case, beginning with one of the two articles that sparked the fury, Syed Shahabuddin’s ”You did this with satanic foresight Mr. Rushdie.”

Woolsey’s fourth well-intentioned lie, his final major principle, is that “the effect of the libeled work must be constructed as the dominant effect of the work in its entirety” (125). This very broad principle was not given as much weight in the case against *Ulysses* as the principle of authorial intentions. As noted by Vanderham, it was “considered as the basis for judging that *Ulysses*, taken as a whole, was not legally obscene” (125), which in a legal sense should be enough. Woolsey goes further and states “whilst in many places the effect of *Ulysses* on the reader undoubtedly is somewhat emetic, nowhere does it tend to be an aphrodisiac” (4). For a case that set precedence, and came to serve as a basis for the defense of other novels in the years to come, the statement that *Ulysses* was ‘nowhere obscene’ certainly was interesting. It is also worth noting that the case of *US v. Ulysses* was appealed by the US Attorney, but upheld by the United States Court of Appeals for the Second Circuit, where the three judge panel affirmed the Woolsey decision by a vote of 2 to 1. In a legal manner, the well-intentioned lies certainly had merit.

Lady Chatterley’s Lover was also subjected to legal proceedings, most notably in 1960 when D. H. Lawrence’s novel was prosecuted under 1959 Obscene Publications Act in the case *R v Penguin Books Ltd*. Richard Hoggart, at the time Senior Lecturer of English at the University of Leicester, was called as an expert witness at the trial. In his testimony he elaborated on his initial response to the book:

The first effect, when I first read it was some shock, because they don’t go into polite literature normally. Then as one read further on one found the words lost that shock. They were being progressively purified as they were used. We have no word in English for this act which is not either a long abstraction or an evasive euphemism, and we are constantly running

away from it, or dissolving into dots, at a passage like that. He wanted to say, 'This is what one does. In a simple, ordinary way, one fucks,' with no sniggering or dirt (*R v Penguin Books*).

Reading Hoggart's words, with a modern eye, it is very difficult to disagree with him. The times, and vocabulary, has changed radically over the last half century. The ban of *Lady Chatterley's Lover* in the US was challenged in court by publisher Barney Rosset and lawyer Charles Rembar in 1959, and overturned. In the trial of *R v Penguin Books Limited* a verdict of "not guilty" was delivered on November 2nd 1960. The prosecution, with chief prosecutor Mervyn Griffith-Jones leading the charge, proved to be, even in their own time, archaic and out of touch with an already changing society in post-WW2 Britain:

Poor Mervyn Griffith-Jones, a war hero awarded the Military Cross after his service in North Africa and Italy, was totally out of his depth. It was almost in desperation that, in high-Victorian style, he asked the jury: "Would you approve of your young sons, young daughters – because girls can read as well as boys – reading this book? Is it a book that you would have lying around in your own house? Is it a book that you would even wish your wife or your servants to read?" Once the words were out of his mouth, the case was lost (Sandbrook).

Many of the same mechanisms that were triggered in respect to how individuals, communities, and society as a whole view and react to a literary work were by and large the same at the time *The Satanic Verses* was published.

Clearly, a direct comparison between the novels *Ulysses*, *Lady Chatterley's Lover*, and *Lolita* (and the defense of them), and the furor of *The Satanic Verses* and the defense of the text that Rushdie pleads for, makes little sense. Even more so for *Lolita*, which was eventually published in France after being turned down by several UK publishers. I have therefore chosen not to focus on its reception. It is understandable though, in the historic context of the reception of those novels, for fellow writers certainly had come to the defense of them, like for instance E. M. Forster who as a witness during the trial responded to questions on Lawrence's position within contemporary literature and *Lady Chatterley's Lover's* literary merit. His response placed Lawrence "enormously high" and established the novel as having "very high literary merit" (qtd. in Rolph, 112).

The defense of the text that Rushdie requested was not about making it legal or illegal in a courtroom; it was more a question about literature or pulp. It was a matter of whether this novel was to be given the right to be a rich text that deserved to be read and explored from many angles, or if the novel was to be reduced to a political pawn. Rushdie came under fire for his intentions early during the controversy, and, as I will explore further in the next chapter, he wavered in his response to those charges. Clearly there are elements in *The Satanic Verses* that Rushdie must have known would cause some kind of an outrage. After all, his knowledge of the Muslim religion was much too advanced for him to be caught completely by surprise. But, as a whole, the novel bears the mark of a literary masterpiece, perhaps one of the high points in Rushdie's career. In this light, his plea for a stronger focus on the text itself is more than understandable. Especially from friends and fellow writers. The support as to his right to publish a novel like *The Satanic Verses* in the UK should have come from elsewhere. At times it did, and incidentally there were apparently larger political issues at stake than to worry about the fate of a novel, and ultimately perhaps also its author. Both the writer and the novel were at times treated as sacrificial lambs by the British government. Another problem in the wake of the Rushdie affair, as pointed out by Daniel Pipes, was that British leaders had no mandate to undertake literary criticism on behalf of the country, which is exactly what they did when Foreign Secretary Sir Geoffrey Howe went on the BBC World Service and proclaimed that "The British Government, the British people, do not have any affection for the book" (qtd. in Pipes, 32). The Foreign Secretary might have spoken for the British Government while stating this, but he certainly did not speak for the British public as a whole.

2.4 Blasphemy and the Right to Offend

According to an article published by the Pew Research Center in 2012 there are 32 countries that have laws against blasphemy, 20 that have laws against apostasy, and 87 that have laws that criminalize defamation of religion, including religious hate speech ("Laws Penalizing

Blasphemy, Apostasy and Defamation of Religion are Widespread”). In UK of the late 1980s there was a legal issue that was to become a concern with respect literature that was deemed to be offensive to religion. The archaic *Blasphemy Act 1697* was still, strangely, a matter of concern in 1988 when *The Satanic Verses* hit the streets. Although the law was repealed by *The Criminal Law Act 1967*, it was only years later, with *The Criminal Justice and Immigration Act 2008* that the common law offences of blasphemy and blasphemous libel were repealed. The problem with the almost 300-year-old Blasphemy Act and the common law precedence it had set was that it only protected Christianity, and the Rushdie affair made this distinction very visible. The common law offence of blasphemy had in fact already been a concern to some, although it had not furnished the major headlines.

Richard Webster accounts for the last time a case of blasphemy was brought before the courts. It was in 1977 when “Mary Whitehouse instituted a private prosecution against *Gay News* for publishing a poem by James Kirkup which seemingly portrayed Jesus as the object of homosexual love” (20). The prosecution was successful, but the case also served to bring new attention to blasphemy laws that had lain dormant for half a century. Several humanist organizations founded the Committee Against Blasphemy Law and campaigned heavily to abolish the offence of blasphemy, and “the cause of the abolitionists attracted even more support in 1985 when the Law Commission published its report, *Criminal Law: Offences against Religion and Public Worship*, which broadly speaking endorsed the humanist view. It described the common law offences of blasphemy and blasphemous libel as ‘unsatisfactory and archaic’” (20).

Historically, a law against blasphemy can be seen as a necessity in upholding order in a society that had been forged from and founded upon the Christian faith. This was also the foundation for the verdict delivered to John Taylor in 1676 by Lord Chief Justice Sir Matthew Hale, which incorporated blasphemy into common law. Taylor, having supposedly stated that “Christ is a whoremaster, and religion is a cheat [...],” was found guilty of blasphemy by the reasoning that it presented “not only an offence to God and religion, but a crime against laws, State and Government, and therefore punishable in this court. For to say, religion is a cheat, is to dissolve all those obligations whereby the civil societies are

preserved, and that Christianity is parcel of the laws of England; and therefore to reproach the Christian religion is to speak in subversion of the law” (Taylor’s Case, 189). About three hundred years later Lord Denning came to the opposite conclusion when he in a speech addressed the crime of blasphemy, stating: “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” (qtd. in Malik, 157).

Perhaps a large part of the problem of religion, and the offences supposedly blasphemous utterances cause, lies herein. The fabric of western society is not contingent on religion any more, but for minority communities in western countries the cultural importance of religion is still very strong, and I will elaborate on this matter in Chapter 4. But there is also the (anything but) simple matter of faith. A person with a strong religious faith and a very literal interpretation of his or her religion’s holy texts may e.g. believe that Jesus actually fed about 5000 men, not counting women and children, with two fish and five loaves of bread (Matthew 14: 15-21) and walked on water (Matthew 14: 25-26). For a non-believer it might appear perfectly legitimate to ridicule such an interpretation. For the non-believer this might be a case of little or no personal importance, but for the deeply religious it can be personal and of the highest importance. Understanding how and why religious themes can be difficult to address is not hard, and yet it is difficult to find good arguments to offer religion special protection over all other thoughts, ideas, and arguments. I will return to this in Chapter 4 as well.

The importance of dissenting voices in a free society has been noted many times. “Both teachers and learners go to sleep at their post as soon as there is no enemy in the field” (53) wrote John Stuart Mill, touching on the need of critical voices for all forms of advancements. Free speech is a precondition for a democratic and open society, but as already mentioned, there has to be limits. “There is nothing new in the insistence that free speech has to be used responsibly [...] What has changed is the perception of what it means to be responsible. We live in a plural world, so the argument runs, in which there are deep-seated conflicts between cultures embodying different values, many of which are

incommensurate but all of which are valid in their own context” (Malik, 155). On this basis, the argument is that we must be intolerant of people who put forth views that give offence to others. This is in clear conflict with Enlightenment thought. The idea was that all people should be free to argue any case according to their own conscience, and the western political traditions that grew out of the Enlightenment are based on this thought, and on the principle of free speech. But speech acts cannot be evaluated based on whether or not they offend. There are no objective criteria for experienced offence. Malik continues, “[t]oday, in liberal eyes, free speech is as likely to be seen as a threat to liberty as a shield. By its very nature, many argue, freedom of expression can damage basic freedoms. Hate speech undermines the freedom to live free from fear. The giving of offence diminishes the freedom to have one’s beliefs and values recognized and respected. In a modern pluralist society, therefore, the cost of free speech – truly free speech – is too great. One of the ironies of living in a plural society, it seems, is that the preservation of diversity requires us to leave less room for a diversity of views.” (156). Although it seems as if Malik has resigned himself to what he recognizes as the status quo, that we have to accept that the space for what constitutes acceptable public speech acts has dwindled, this is a rhetorical exercise from him, and he is clearly critical of this idea. There is perhaps another course of action, and that is to continue to work for maintaining an acceptable space for free speech by better defining the limits of what *really is* unacceptable. Malik writes, “Hate speech undermines the freedom to live free from fear.” In order to evaluate the truthfulness of that statement one needs to know what really constitutes hate speech.

What does indeed the expression ‘hate speech’ refer to? Is it just any speech act (in a very broad definition of what constitutes a speech act) that is offensive, or must it represent or advocate attacks on a person or group based on general attributes such as race, religion, gender, or sexual orientation? In *The Harm in Hate Speech* Jeremy Waldron attempts to clarify the issue, defining hate speech as “publications which express profound disrespect, hatred, and vilification for the members of minority groups” (27). Admitting that the term is troublesome for him as well, Waldron continues to point out that in many European countries

there are other terms that are used for legislative purposes, such as group libel or group defamation. But still, the question as to what constitutes it remains to be clearly defined:

What we call a thing tells us something about our attitude toward it, why we see it as a problem, what our response to it might be, what difficulties our response might cause, and so on. So it is with the phenomenon that we in America call “hate speech,” a term that can cover things as diverse as Islamophobic blogs, cross-burnings, racial epithets, bestial depictions of members of racial minorities, genocidal radio broadcasts in Rwanda in 1994, and swastika-blazoned Nazis marching in Skokie, Illinois, with placards saying ‘Hitler should have finished the job’ (34).

Drawing the line, both socially and legally is not an easy task. Waldron argues for the better application of the term ‘group libel.’ It focuses less on the feelings (hatred) and intentions of the person responsible for the speech act, and it draws the general definition closer to a legal definition. The examples mentioned by Waldron have little bearing on literature, however hate speech, in legal terms, would not normally be a barrier for literature, and a text like *The Satanic Verses* do not constitute hate speech by any reasonable legal definition. For society in general it is, as Waldron argues, a clear necessity for protection from group libel or group defamation. He asks a question as to what a society that permits group defamation would (or could) look like? Waldron paints a picture of a society that echoes pre WW2 Germany. The difference between offending and the defamation of a group is clear: “[...] the basic distinction between an attack on a body of beliefs and an attack on the basic social standing and reputation of a group of people is clear” (120). But, in a society that implicitly regulates the right not to be offended as a new norm, that difference gradually becomes exceedingly unclear. To question religious dogmas, or perhaps even ridicule or attack them does not constitute hate speech, and yet religions seem to continue to demand special protections that are not offered to any other views or opinions.

2.5 The Rage of Islam

The Jewel of Medina, a historical novel by Sherry Jones, was scheduled to be published by Random House in August 2008. The novel tells the story of Aisha, one of the wives of Muhammad. Although several of the characters in the novel are historical, it is clearly a fictionalized account. After having sent the manuscript out to a couple of experts, asking for advice as to whether or not the text could be viewed as offensive to Muslims, Random House decided not to publish it. In the statement they released we recognize the same type of fear that was detectable in Yale University Press' statement in *The Cartoons that Shook the World*:

We stand firmly by our responsibility to support our authors and the free discussion of ideas, even those that may be construed as offensive by some. However, a publisher must weigh that responsibility against others that it also bears, and in this instance we decided, after much deliberation, to postpone publication for the safety of the author, employees of Random House, booksellers and anyone else who would be involved in distribution and sale of the novel (ii).

The author was released from her contract with Random House, and when the novel was published in October that same year, Sherry Jones had her bestseller. By modern standards, the marriage between Muhammad and Aisha would be totally unacceptable, and possibly of a pedophile nature. With this in mind, it is safe to say that the author could not have presented a more positive picture of Mohammad and the story than she does in *The Jewel of Medina*. The novel tells the story of Aisha from the time she is betrothed to Muhammad at the age of six and until his death, when Aisha is eighteen or nineteen. Throughout the novel Muhammad is portrayed as a wise man, and a caring and good husband. Jones even highlighted this in an interview: "I have deliberately and consciously written respectfully about Islam and Mohammed [...] I envisioned that my book would be a bridge-builder" (Honan).

What happened to Sherry Jones' novel was a clear warning that things had gone too far. It was a sign that the fear of Islamic terror had become a force to be reckoned with in western societies. For Kenan Malik this represents a paradox. In *From Fatwa to Jihad*, he argues that Western societies have grown increasingly fearful of Islamic terror, yet Teheran

has failed to export its revolution and Islamist parties have failed to win mass support in any Muslim country.

How can we explain this paradox? Terror is an expression of the impotence of Islamism; unable to win for themselves a mass following, jihadists have become impresarios of death, forced into spectacular displays of violence to gain attention they cannot win through political means. Nothing reveals the moral squalor of radical Islam better than its celebration of the suicide bomber. Traditional political and military movements nurtured as their greatest asset the people who supported them. For jihadists people are like firecrackers to be lit and tossed away (94).

The jihadist's willingness to use suicide bombers as firecrackers is morally incomprehensible, but when our 'enemy' is a suicide bomber, when he or she does not care for a resolution, to see the other side of a conflict, what does that say about us? Kenan Malik accounts for the two main explanations for the rage of Islam. First, that it is a bloodthirsty religion by nature. Second, that the problem is not Islam, but the treatment of Muslims. "The Western hatred of Islam makes for Islamic hatred of the West" (83-4). Britain was in many ways a very racist society in the sixties, seventies, and eighties, and this must be taken into account when attempting to understand 'the rage of Islam.' But from the perspective of *The Satanic Verses* and literary criticism on the other hand, it did not create the best background for a peaceful discussion of the finer points of literature that the novel, quickly after publication was elevated to the status of Islamic enemy number one.

The conditions for free expression within literature in the West have changed since the days of Joyce's *Ulysses* and Lawrence's *Lady Chatterley's Lover*. Where there was once a boundary, both legally and morally, with regards to virtue or 'common decency', there is none any more, at least not legally. Certainly there are still enclaves of 'puritans' that take offence at 'less virtuous' literature, especially in the United States. The two fronts that have gained focus in our Post-Rushdie-and-*The-Satanic-Verses*-society are literature that is perceived as offensive to religion, particularly Islam, and literature that is perceived to be defaming to individuals, an infringement on the rights of privacy. Although not a great work of literature, *The Jewel of Medina* raises some central questions: What is the place of this text within literature? What are its pretensions as an historical document? How does it

problematize literary codes and cultural differences, in particular East vs. the West? And, ultimately, it returns us to the question: what is the place of religion within literature?

The role of literature has changed. It does not have the same significance in society and as a voice in the public debate as it once had. There are so many more competing media and channels of communication than was the case only 40 to 50 years ago. But even though the role of literature has changed, and thereby also the ‘power’ for storytelling in written form, literature, and the novel in particular, is still very much a living medium. Writing in literary form constitutes a form of storytelling that offers a lot of possibilities that other genres do not. Whereas e.g. various forms of opinions, reviews, commentaries, documentaries, news articles, and research papers (like this thesis) tend to generally be argumentative in form and carry the voice of its author(s) pretty clearly, the novel often does not. Amin Malak makes an important point when he draws on Mikhail Bakhtin’s seminal work *Problems of Dostoyevsky's Poetics* and highlights the polyphonic nature of the novel:

In attempting to gauge our response to a complex text such as *The Satanic Verses*, we need to establish, as Bakhtin taught us, that literature is a process, not a final product, and that a novel is quintessentially polyphonic; that is, it cannot be reduced to a single voice: authorial, privileged, or otherwise. Moreover, the driving energy that propels the narrative in Rushdie’s work is guided by postmodern views on history, which ‘confront the problematic nature of the past as an object of knowledge for the present’ (Malak, 405)

This is a central premise for the understanding of *The Satanic Verses* as a text, but with the outrage against the novel propelled by individuals who did not even care to read the book, or who were illiterate, it made no difference. *The Satanic Verses* controversy had a profound impact worldwide, but particularly on British society. As we shall see in the next chapter, it made a considerable number of (mostly British) politicians waver in their response. Even writers, whom you would expect to be on the barricades fighting for freedom of expression showed a new face. The journalist Christopher Hitchens later remarked: “Most bizarre of all though was the noise by a number of eminent writers and authors. John le Carré, John Berger, Roald Dahl, Hugh Trevor-Roper, and others began a sort of auction of defamation in which they accused Rushdie variously of insulting Islam, practicing Western-style cultural colonialism and condescension, and damaging race relations” (127).

3 *The Satanic Verses* and Beyond

3.1 In-between Cultures

At the eve of the 20th century, the literary work that had by far the greatest impact on the vacillations of the freedom of speech arguments worldwide was undoubtedly Salman Rushdie's 1988 novel *The Satanic Verses*. That the reception of a literary work could turn into a major diplomatic incident was both unexpected and new. In this chapter I will look at the various factors, both within and outside the text that led to massive protests in many countries, and even to several acts of violence, including murder. I will also address how the Rushdie affair changed the climate and context for future publication of works of fine art with religion as one of the major themes.

Published on September 26th 1988, *The Satanic Verses* garnished little fury in the UK during the first several weeks, but by November or December of the same year, the British protesters started to organize protests. The opposition to the book began in India, where Syed Shahabuddin, an ambitious young Muslim MP of the opposition Janata party, called for a ban on the book after reading two interviews with Rushdie in *India Today* and *Sunday*. The response was almost a given:

With a general election due within a year, Rajiv Ghandi's increasingly unpopular Congress (I) party was well aware of the electoral importance of India's 100m Muslims. On October 5, soon after the book was published in Britain, the Indian Government telexed Penguin in London announcing the ban. Within weeks it was followed by Pakistan, Saudi Arabia, Egypt, Somalia, Bangladesh, Sudan, Malaysia, Indonesia, Qatar and South Africa, which has a vociferous Muslim minority (Appignanesi, 36).

The importance of the upcoming elections cannot be underestimated, as Kenan Malik also points out: "With a general election due in November, the result of which was too close to call, no politician was willing to alienate an important Islamic organization. A ban on *The*

Satanic Verses was inevitable, whether or not anyone had read the book, and whatever its ‘literary and artistic merit’” (2-3). To rally support for the anti-Rushdie cause in India and other parts of the Muslim world was apparently not a difficult task. It seems that a ban was almost a foregone conclusion, and this happened despite the (widely accepted) fact that of all the protesters in the initial storm that followed *The Satanic Verses*, both in India, Britain, and the rest of the world, few had actually read the book. Shahabuddin was certainly no exception to this, quite the contrary. He seemingly took pride in not having read the book that he advocated a ban of: “You are aggrieved that some of us have condemned you without a hearing and asked for the ban without reading your 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” (qtd. in Appignanesi, 47). Shahabuddin’s uncompromising words are from a letter to Rushdie, entitled “You did this with satanic forethought Mr Rushdie” and printed in *The Times of India* on the 13th of October 1988. It was a response to an open letter from Rushdie to PM Rajiv Gandhi, printed in many newspapers, in which Rushdie calls Shahabuddin and Khurshid Alam Khan, another MP involved in the initial campaign to have the book banned, for “extremists, even fundamentalists [who] have attacked me and my novel while stating that they had no need to actually read it” (qtd. in Appignanesi, 43). Rushdie, while citing support from several leading Indian newspapers and magazines that initially raised objections to the ban, told Gandhi that he and his Government had much to be ashamed of, and continued with an unflattering comparison:

The right to freedom of expression is at the very foundation of any democratic society, and at present, all over the world, Indian democracy is becoming something of a laughing stock. When Syed Shahabuddin and his fellow self-appointed guardians of Muslim sensibilities say that ‘no civilized society’ should permit the publication of a book like mine, they have got things backwards. The question raised by the book’s banning is precisely whether India, by behaving in this somewhat South African fashion, can any more lay claim to the title of a civilized society (qtd. in Appignanesi, 43-44).

The two antagonists were clearly not communicating on the same level. Having labeled his opponents as Rushdie had, right from the onset, as extremists and fundamentalists, there really was little room to maneuver in for any hope of a reasoned debate. Not that it mattered,

there were not only religious sensibilities that were offended, there were also political gains to be made from showing vocal opposition to the book.

Of those that were among the early protesters against the book there were, however, actually some that took the trouble of reading it. Having received a letter from Aslam Ejaz of the Islamic Foundation in Madras in the early days of October that year, Faiyazuddin Ahmad of the Islamic Foundation in Leicester, England went out and bought the book. Ejaz had urged Ahmad to do God's work in Great Britain, so Ahmad "bought the book, read it, and was appalled. He then photocopied the offending passages and on October 3 sent these around to other Islamic organizations in the United Kingdom" (Pipes, 30). A few days later he sent similar copies to the London embassies of all Muslim states. It did not take long until the majority of those countries had issued bans on the book as well. Very few people paid any heed to Rushdie's pleas for protecting the freedoms of expression and a show of civility that one would expect in a democratic society. By now the anti-Rushdie crowd had really begun to gain the momentum. On October 28th the UK Action Committee on Islamic Affairs issued a letter further condemning "the most offensive, filthy and abusive book ever written by any hostile enemy of Islam" (qtd. in Appignanesi, 59) and called for an immediate withdrawal and pulping of all copies, a halt to all future editions, an unqualified public apology to the Muslim Community, and payment of "adequate damages to an agreed Islamic charity in Britain" (ibid).

There were also troubles in the US during the early phase of the controversy. Penguin in New York received "tens of thousands of menacing letters", and in little time it went a lot further than that: "Serious threats against the press began in December 1988, two months before the book was available locally, and were repeated at least seven times even before the ayatollah's edict. One anonymous caller announced that \$50,000 would be paid to anyone who assassinated the firm's president. On two occasions in December alone, bomb scares forced the Viking staff to evacuate its offices" (ibid, 22).

Then came the book burnings. The first instance took place in the Muslim community in Bolton, where 7000 gathered for what looked like a ritual burning of the book on December 2nd. But due to poor coverage in the press, there was not much commotion outside

the event itself. The second, and ultimately much more notorious incident, took place on January 14th in the northern English town of Bradford, “a town whose large Muslim population won it the sobriquet of ‘capital of Islam in the United Kingdom’” (ibid, 23). Although the crowd in Bradford was considerably smaller than in Bolton, only 1000 or so, the coverage in the media was astonishing: “Television news showed an *auto da fé* – the novel attached to a stake and set on fire – in loving, horrified detail. Further, pictures of the scene were splashed in the media for days, commentators opined at length on the event, and it became a major topic of discussion throughout the country. Subsequently, 8,000 fundamentalist Muslims [...] marched in London on January 29th to protest the book” (ibid 24-5). The reception of *The Satanic Verses* represented something entirely new for a modern, post-colonial work published in the UK, even before the real troubles began for Rushdie.

3.2 The Fatwa

It is believed that Ayatollah Ruhollah Khomeini, the Supreme Leader of Iran, heard about *The Satanic Verses* after a large protest in Islamabad where six Pakistanis were killed in an attack on the American Cultural Center. On 14 February 1989 Khomeini issued the following fatwa against Rushdie, delivered by a radio station newsreader on Radio Tehran just before the 2 p.m. news:

We are from Allah and to Allah we shall return. I am informing all brave Muslims of the world that the author of *The Satanic Verses*, a text written, edited, and published against Islam, the Prophet of Islam, and the Qur'an, along with all the editors and publishers aware of its contents, are condemned to death. I call on all valiant Muslims wherever they may be in the world to kill them without delay, so that no one will dare insult the sacred beliefs of Muslims henceforth. And whoever is killed in this cause will be a martyr, Allah willing. Meanwhile if someone has access to the author of the book but is incapable of carrying out the execution, he should inform the people so that [Rushdie] is punished for his actions. Rouhollah al-Mousavi al-Khomeini.

A *fatwa* is a religious edict or legal opinion within Islam and can be issued by anyone trained in Islamic law. Normally it is issued as a formal document, but this one was delivered by

radio, supposedly read from a typewritten note. In *Joseph Anton* Rushdie comments on the strangeness of this: “A *fatwa* or edict was usually a formal document, signed and witnessed and given under seal, but this was just a piece of paper bearing a typewritten text. Nobody ever saw the formal document, if one existed, but the son of the mortally ill old man said this was his father’s edict and nobody was disposed to argue with him” (135). Rushdie is likely to be wrong in implying that the fatwa possibly didn’t even originate from Khomeini.

Testimony from his daughter Zahra Mustafavi suggests that he either witnessed a news report on TV or listened to a radio news broadcast, covering the protest that turned lethal outside the American Cultural Center the day before (Pipes, 27). Whether or not the fatwa was produced in a correct manner, of even originated from Khomeini himself, makes little difference, however. The word was out, and Rushdie was a marked man. Rushdie was informed of the fatwa in a telephone call from the BBC World Service, and by the same afternoon he was put under “grade one” protection by the Special Branch and went into hiding.

By all accounts Khomeini had not read the book either, and was not at all concerned with the literary merits of Rushdie’s novel. It was a political decision more than anything else, and it created a diplomatic crisis of some magnitude: “When the [European Community] ministers assembled it quickly became clear that several member states, West Germany and France in particular, were keen to go a step further than mere condemnation. The 12 Ministers issued a joint statement undertaking to recall ambassadors from Tehran and freeze all high level visits between their countries and Iran” (qtd. in Appignanesi, 122-3). Fellow writers also began to speak out in defense of Rushdie after the fatwa was issued, among them the playwright Harold Pinter who stated that the death sentence imposed on Rushdie for writing a novel represented an “intolerable and barbaric state of affairs” (ibid, 106). To illustrate the radical view, even among some British Muslims, it is worthwhile quoting from an open letter from Inayatullah Zaigham that was printed in the *Independent* on February 17th 1989:

Himself a Muslim until recently, Salman Rushdie has committed acts of apostasy by writing what he did in his *Satanic Verses* [...]. It is a very serious crime against the Muslim Ummah [...], much more serious than high treason is against a state of which one is a citizen. [...]

Like the many secular states that provide the death penalty for high treason, several schools of Islamic thought deem the blood of an apostate a fair target (Halaal) for Muslims. [...]

As for the publishers of his *Satanic Verses*, they are accessories in his crime, of blasphemy, if not of apostasy as well. That the publishing of books is their business is not a valid defence; in the same way as the business of innkeeping is no valid defence for harbouring an outlaw. The Ayatollah's verdict against these publishers, too, is just and fair (ibid, 111-12).

On February the 18th Rushdie issued a carefully worded statement, possibly in an attempt to have the fatwa lifted: "I profoundly regret the distress that publication has occasioned to sincere followers of Islam. Living as we do in a world of many faiths this experience has served to remind us that we must all be conscious of the sensibilities of others" (ibid, 120). Rushdie's letter was not met with a favorable response; an official statement from Tehran read: "Even if Salman Rushdie repents and becomes the most pious man of time, it is incumbent on every Muslim to employ everything he has got, his life and his wealth, to send him to hell" (ibid, 122).

As the novel was translated and published in other countries the threat of violence spread automatically, and not just threats. *The Satanic Verses* was published in the US on February 22nd. The day after that CEO William Nygaard of Norwegian publishers H. Aschehough receive a letter from the Islamic Defence Council in Norway with "an urgent request not to publish" (Bedford, 10). On April 12th the Norwegian translation was published six weeks prior to the planned date. Nygaard, having already received death threats, was placed under constant police surveillance, as was the publishing house, translator Kari Risvik, and other staff members (ibid, 22-3). On July 3rd 1991 Italian translator Ettore Capriolol was attacked, stabbed several times and severely beaten, and just eight days later the Japanese translator, Professor Hitoshi Igarashi, was stabbed to death in his office at Tsukuba University by an unknown assailant. On the 2nd of July 1993 the Pir Sultan Abdal Literary Festival at the Madimak Hotel in Sivas, Turkey was besieged by hundreds of demonstrators chanting Islamic slogan and apparently demanding to have the writer Aziz Nesin, who had publicly announced his intentions to translate and publish *The Satanic Verses*, turned over, probably for summary execution. "Conference delegates are physically attacked and

prevented from leaving the building and during the course of almost eight hours the demonstrators systematically break every window, remove tiles from the roof and finally set a fire in the hotel's lobby which kills 37 and injure many others" (ibid, 128). Nesin escaped the fire, and was not among the 37 killed. A few months later, on the morning of October 11th 1993, William Nygaard is shot three times outside his home in Oslo. He narrowly escaped with his life.

These were the most well known attacks in the wake of the fatwa, but there were many other minor (and major) incidents. Bookstores were threatened and even bombed, and the bounty on Rushdie's head kept growing. Penguin CEO Peter Mayer had also received several death threats and was offered protection by the Special Branch. He declined the offer, showing a great deal of courage. At the thought of how easily he could be a target he stated that his "view was that if my number's up, my number's up. And I did not want to live like a victim" (Malik, 12). He never wavered in his commitment to *The Satanic Verses*, and he was backed by the board of Penguin all the way. He told the board "You have to take the long view. Any climbdown now will only encourage future terrorist attacks by individuals or groups offended for whatever reason by other books that we or any publisher might publish. If we capitulate, there will be no publishing as we know it," and even went further in summing up his view on the matter: "My view was, and still remains, that rights you possess that are not used are not rights at all" (ibid, 13).

Not everyone had that kind of courage. In a September 2012 interview with BBC, in relation to the publication of his memoirs *Joseph Anton*, Salman Rushdie stated that: "We're in a difficult place because there's a lot of fear and nervousness around. [...] If you look at the way in which free expression is being attacked by religious extremism, the things of which these people are accused is always the same – it's blasphemy, heresy, apostasy, insult, offence – it's this medieval vocabulary." And as he continues: "A book which was critical of Islam would be difficult to be published now" ("Salman Rushdie: *Satanic Verses* 'would not be published today'"). There is no question that *The Satanic Verses*, and events subsequent to its publication, changed the climate between the East and the West, and also between the minority communities and the rest of society in many Western countries. The questions as to

how and why this happened are difficult to answer. However, to avoid them is not only non-productive, it can even be dangerous, and it will certainly not bridge any gaps or heal wounds.

From a western viewpoint it is difficult to understand how a novel can cause so much anger and outrage. The answer lies both within and outside the covers of the book. The secular Western society of the late 20th and early 21st century tend to have a very hard time understanding the mechanisms of deeply religious societies in the Muslim world, societies that in some ways revolve around religion. The dangers of trying to understand the East from a Western perspective has recently been mapped out by Brian Winston, drawing on the academically debilitating ideas of Edward Said:

There is, though, a danger here. It lies in wait for anyone who would write about the East. As Edward Said explained: 'Anyone who teaches, writes about or researches the Orient ... either in its specific or general aspects is an Orientalist,' a term he coined in 1978 essentially to describe British and French scholarship about the Near (or Middle, as it now is) East (Said, 2003 [1978]: 2). Study of Islam in the West, for him, has been little but an exploration of the 'other' producing the Western scholarly industry of 'Orientalism', a veritable cover for racist, imperialist stereotyping (Said, 2003 [1978]). These experts and specialists, from the nineteenth century on, were to:

Keep intact the separateness of the Orient, its eccentricity, its backwardness, its silent indifference, its feminine penetrability, its supine malleability ... Thus whatever good or bad values were imputed to the Orient appeared to be functions of some highly specialized Western interest in the Orient. (Said, 2003 [1978]: 205)

Needless to say, this view has been vigorously disputed by the Orientalists [...] but the fundamental case seems self-evident. With or without Orientalist understanding, the West has been both ignorant and prejudiced about Islam (1-2)

Moving from the view that the West has been ignorant, explorative, and perhaps even prejudiced towards Islam and the East (Near (Middle) and Far) – which is a point that is hard to deny – to an argument that no Western scholar can ever research or write about the East again without being a part of this negative tradition, is intellectually crippling. Implicitly calling Western researchers for racist imperialists can even be taken as censorship by proxy. Quite contrary I will profess a view that exactly what is needed is further attempts at understanding the differences.

3.3 *The Satanic Verses* and Blasphemy

To fully understand the controversy over *The Satanic Verses* it is important to address the question of how the book is blasphemous to Muslims. From a relatively standard definition of blasphemy, as the expression of sacrilegious thoughts and ideas about God or holy texts, or other sacred elements of a religion, it is, as we shall see, logical for Muslims to view *The Satanic Verses* as a blasphemous text. The legal aspect is of course a different matter, but I will highlight some of the main problems connected to this as well. It is also necessary to attempt to understand that blasphemy as an offence can have very different implications for different people in different societies, implications that are subject to both levels of faith and other circumstances.

The main narrative of *The Satanic Verses* tells the story of Gibreel Farishta and Saladin Chamcha, two Muslim Indian actors living in contemporary Britain. At the outset of the novel, using elements of magical realism, the two fall from a hijacked plane, exploding some twenty-nine thousand feet above the English Channel, “without benefit of parachutes or wings” (3). The two men are transformed in the event. Farishta takes on the personality of the archangel Gibreel, and Chamcha becomes a personification of the devil. Both men struggle in their lives as immigrant men in Britain. Eventually they both return to India.

The novel is very complex, both due to the intertwining of three different narratives, but also because of the many more or less hidden allusions and references to real events and people. Daniel Pipes describes it as a *roman à clef* of which “few readers are likely to understand more than a fraction of the references” (54). The most controversial parts of *The Satanic Verses* are three dream sequences, narrated in a subplot and attributed to the mind of Farishta. To the average Western reader it is perhaps not very clear why the passages are deemed to be offensive. In order to understand this it is necessary to understand how sacred the text of the Qur’an is for Muslims. Pipes explains this sacredness: “In Islam, the religion’s irreducible core lies in the Qur’an (or Koran) as the exact Word of God. To doubt this is to deny the validity of Muhammad’s mission and to imply that the entire Islamic faith is premised on a fraudulent base. At the very least, to be a Muslim means accepting on faith that

God (or Allah) sent His message to mankind via the angel Gabriel who passed it along to Muhammad; and that the Qur'an is inerrant" (56). To question the authenticity of the Qur'an is not permissible, and it can be seen as an act of apostasy. Beginning with this unambiguous and absolute understanding of the Qur'an as the word of God, delivered through his Prophet Muhammad, and an understanding of the severity of questioning this, it is easier to understand how a novel that questions the validity of the Qur'an offends Muslims.

The second of the novel's nine parts, entitled "Mahound," contains the Jahilia subplot, which is arguably the most offensive part of the novel for Muslims, and the one that sparked the outrage. During the fall from the plane Farishta has his first vision, a rewritten account of the origins of Islam. It centers on Mahound, a businessman like Muhammad, in the city of Jahilia. The names are telling, as pointed out by Pipes: "Mahound is an archaic European name for the Prophet Muhammad; Jahilia, Arabic for 'ignorance,' is Rushdie's name for Mecca" (55). Mahound starts a new religion called Submission, which is the literal translation for Islam. The parallels are easy to see all the way through this narrative, which is made up from two chapters, "Mahound" and "Return to Jahilia."

Pipes explains with explicitness how Mecca had been a major center for the polytheistic Arabian religions, and how the Ka'ba in pre-Islamic times was the home of hundreds of idols, on which the town's prosperity as a religious center depended heavily. Trying to promote a monotheistic religion in these circumstances was difficult, and Muhammad struggled to win over the well to do (56-8). The Satanic verses are connected to this problem as the original verses (documented by the historians and writers At-Tabiri, Ibn Sa'd, al-Bukhari, and Yaqut) seemed to accept Lat, Uzza, and Manat as goddesses, but they were eventually changed. The Satanic verses were originally (in italics):

Have you thought upon Lat and Uzza,
And Manat, the third, the other?
These are exalted birds,
And their intercession is desired indeed (qtd. in Pipes, 57-8).

These two lines (or verses in an archaic vocabulary of poetry) opened up for an understanding of Islam as “neither as monotheistic or [sic] as radical as it had first appeared; and the shrines of Mecca would retain their economic value” (ibid, 58), to the delight of the leaders of Muhammad’s tribe Quraysh. In the Qur’an they were altered though, preserving the monotheism of Islam, to read:

Have you thought upon Lat and Uzza,
And Manat, the third, the other?
Shall He have daughters and you sons?
That would be a fine division!
These are but [three] names you have dreamed of, you and your fathers.
Allah vests no authority in them.
They follow conjecture and wish-fulfillment,
Even though guidance had come to them already from their Lord (qtd. in Pipes, 58).

It can be a tricky exercise for any scholar writing about these verses and their origin, since Muslims can take any suggestion of a ‘worldly’ explanation to the alteration to the text as an offence. The historian and Muhammad biographer W. Montgomery Watt writes his way around the problem by delicately phrasing Muhammad’s change of the text as being guided by “divine guidance as he believed” (qtd. in Pipes, 59). Rushdie is not that careful. For him it is a deliberate act of deception, guided not by the divine, but by a good opportunity for Mahound the businessman. Pipes go on to explain the seriousness of Rushdie’s suggestion: “Rushdie’s offense goes beyond the charge that Muhammad weaved and bobbed as his interests changed; his story implies that the entire Qur’an derived not from God through Gabriel, but from Muhammad himself, who put the words in Gabriel’s mouth. If this is true, then the Qur’an is a human artifact and the Islamic faith is built on a deceit. There is nothing left (61). This in itself would have been more than enough for the branding of *The Satanic Verses* as blasphemous for Muslims, but there are a couple of other sections that cause problems as well.

The very direct use of Islam in the novel, as the basis for the ‘new religion’ Submission, is a second matter of concern for offended Muslims. There is also the character Salman, Mahound’s scribe. That the character has the same name as the author is likely a

cause for confusion for many readers, and in any case it forms an allusion that it is difficult to look past completely, especially for readers without thorough knowledge of Islamic history. He is introduced as “some sort of bum from Persia by the outlandish name of Salman” (101). This Salman of Persia is in fact, as Pipes explains, a reference to “one of Muhammad’s closest companions and a major figure in Islamic history, Salman al-Farisi (‘Salman the Persian’),” and, as he continues “To make matters yet more complex, some fringe Islamic sects hold that he was actually the angel Gabriel in disguise” (62). This confusion is heightened in *The Satanic Verses*:

One night the Persian scribe had a dream in which he was hovering above the figure of Mahound at the Prophet’s cave on Mount Cone. At first Salman took this to be no more than a nostalgic reverie of the old days in Jahilia, but then it struck him that his point of view, in the dream, had been that of the archangel, and at that moment the memory of the incident of the Satanic verses came back to him as vividly as if the thing had happened the previous day. ‘Maybe I hadn’t dreamed of myself as Gibreel,’ Salman recounted. ‘Maybe I was Shaitan.’ The realization of this possibility gave him his diabolic idea. After that, when he sat at the Prophet’s feet, writing down rules rules rules, he began, surreptitiously, to change things.

‘Little things at first. If Mahound recited a verse in which God was described as *all-hearing, all-knowing*, I would write, *all-knowing, all-wise*. Here’s the point: Mahound did not notice the alterations. So there I was, actually writing the Book, or rewriting, anyway, polluting the word of God with my own profane language. But, good heavens, if my poor words could not be distinguished from the Revelation by God’s own Messenger, then what did that mean? (367).

Salman, as possibly the angel Gabriel in disguise, begins to confuse himself with “Shaitan”, and shortly makes matters even worse. When he begins to alter the holy text without Mahound noticing it is a direct implication that the holy text is not delivered from God through the archangel, but rather the work of Mahound. And before this passage from part IV “Return to Jahilia” we are offered a possible motif for the actions of Mahound when Salman notices that all the visions seemed to fit perfectly with the needs and wants of Mahound the businessman:

And Gibreel the archangel specified the manner in which a man should be buried, and how his property should be divided, so that Salman the Persian got to wondering what manner of God this was that sounded so much like a businessman. This was when he had the idea that destroyed his faith, because he recalled that of course Mahound himself had been a businessman, and a damned successful one at that, a person to whom organization and rules came naturally, so how excessively convenient it was that he should have come up with such

a very businesslike archangel, who handed down the management decisions of this highly corporate, if non-corporeal, God.

After that Salman began to notice how useful and well timed the angel's revelations tended to be, so that when the faithful were disputing Mahound's views on any subject, from the possibility of space travel to the permanence of Hell, the angel would turn up with an answer, and he always supported Mahound, stating beyond any shadow of a doubt that it was impossible that a man should ever walk upon the moon, and being equally positive on the transient nature of damnation: even the most evil of doers would eventually be cleansed by hellfire and find their way into the perfumed gardens, Gulistan and Bostan. It would have been different, Salman complained to Baal, if Mahound took up his positions after receiving the revelation from Gibreel; but no, he just laid down the law and the angel would confirm it afterwards; so I began to get a bad smell in my nose, and I thought, this must be the odour of those fabled and legendary unclean creatures, what's their name, prawns (364-5).

Mahound is constantly referred to as 'the businessman' throughout the two chapters "Mahound" and "Return to Jahilia." This only serves to heighten the implied message that Mahound/Muhammad in Rushdie's mind is a fraud, and that the holy text of the Qur'an is constructed to serve his own agenda, and thereby the entire foundations of Islam begin to crumple.

The fact that the title of the novel is taken from one of its subplots has been used to criticize Rushdie and his intentions of, in the opinion of some, having set out to deliberately offend and provoke a controversy. Pipes asks the question bluntly: "And the title too; why, in a novel primarily about Indians between their homeland and England, take the title from one of the two sub-plots? And why from the most delicate incident within the sub-plots? The Qur'anic reference was utterly obscure to all but a few orientalist; to everyone else, it was dramatic but meaningless. Why make it the title?" (71). Perhaps he already touches upon the reason when he uses the word "dramatic" to describe the title.

Rushdie was a writer of some international stature even before he published *The Satanic Verses*, but his primary audience was still Westerners, mainly in Britain. Perhaps the dramatic nature of the title was reason enough in itself for choosing it? But beyond that, I will argue that it is not very beneficial to attempt to unveil Rushdie's frame of mind when he wrote the work. The sheer number of various thoughts he must have had on this work, that was many years in the making and has so many different aspects to consider, makes it impossible to reduce down to an idea of him having written it with a simple thought of producing a bestseller by creating a controversy. From a literary perspective this question of

intentionality is secondary, but it was still the contention of Roald Dahl when he in a letter to *The Times of London* called Rushdie “a dangerous opportunist,” and claimed that Rushdie “must have been totally aware of the deep and violent feelings his book would stir up among devout Muslims. In other words, he knew exactly what he was doing and cannot plead otherwise. This kind of sensationalism does indeed get an indifferent book on to the top of the best-seller list, — but to my mind it is a cheap way of doing it” (Donadio), an accusation, coming from a fellow writer, that was hard to accept for Rushdie.

Whatever Rushdie’s motive might have been, it is more important to evaluate the right with which he wrote and published the book, and the possible rationale behind it. From a legal standpoint he certainly had the right to do so, but what about ethically? Richard Webster certainly did not think so. In *A Brief History of Blasphemy*, written only a year or so after Khomeini’s fatwa, Webster lays out his argument:

If Rushdie’s novel were indeed a book which radically questioned Western ideologies of purity and power, and if it really did not seek to subvert, not by blasphemy, but with all the tenderness, passion, affection and power of the human imagination, the tyrannies of the Judaeo-Christian tradition – of which Islam itself is ultimately a part – then the only reasonable response would be to welcome it. But the novel itself is engaged in no such enterprise. Again and again, as we have already seen, it seeks to subvert ideologies of purity in general by re-imagining, sometimes in blasphemous terms, some of the most sacred traditions of a particular ideology – Islam. And what Rushdie seems not to have understood is that when blasphemy is used in this way, there can be nothing liberating about it. For this is exactly the way in which blasphemy tends to be used by orthodox religious thinkers in order to sustain their own repressive ideologies of purity against the challenges posed by other cultures (88).

Webster is formulating his argument as a sort of response to Salman Rushdie’s essay “In Good Faith” which was printed in *The Independent on Sunday* in 1990. Early in this essay Rushdie makes an effort to establish *The Satanic Verses* as a novel that attempts to attack and unseat any and all religions in their most radical and repressive forms. In Webster’s mind this is clearly not the way to do it.

I am inclined to agree with Webster. However, this says nothing about Rushdie’s right to publish his novel. “In Good Faith” can easily be read, especially with the benefit of hindsight, as an essay written by a weary man, tired and discontent with his new life in hiding

from potential assassins (that according to the – by then deceased – Ayatollah Khomeini, should be any Muslim in the world), in an effort to appease and have the fatwa revoked. Writing from that perspective it would be wise to tone down the aspect of the novel's apparent hostility towards Islam. It is however, I have to admit, hard to read the previously described chapters "Mahound" and "Return to Jahilia" from *The Satanic Verses* as a criticism of anything but Islam. Although Webster's argument is solid in its attack on Rushdie's attempt to lift *The Satanic Verses* up to be a criticism of repressive religion in general, it falls short in retrospectively denying his right to write and publish his work.

3.4 Impacts of *The Satanic Verses*

Paul Vanderham makes a noteworthy reflection in the introduction to his study of the censorship of James Joyce's novel *Ulysses*:

In examining Larbaud's talk, however, I was surprised to discover that the question of the influence of the censorship on the reception of *Ulysses* could not be answered adequately before a more fundamental question had been addressed, namely, What was the effect of censorship on the writing and revising of *Ulysses*? The bridge between these two major aspects of the censorship of *Ulysses* is the famous schema of the novel which Joyce gave to Larbaud for use in his talk. (12)

The extent of, for the lack of a better word, *unwanted* self-censoring, or, censoring directly or indirectly by editors or publishers, is difficult to discover and for the most part impossible to map out. Everybody self-censors. But in a climate of fear, and in a post Rushdie world with a perhaps even legitimate fear of physical harm, we run a real risk of important voices being silenced, and of being deprived of works of art that in a different climate would have seen the light of day. You can be a famous poisoner or a successful poisoner, but you can't be both, jokes Nick Cohen (xxi). This illustrates a major part of the problem. The infamous censors that are well known to the world are ultimately unsuccessful. The works they attempt to censor often achieve iconic status and certainly a lot of notoriety. The successful censors who

ever they are, are not known, and what we lose because of them we will never know. But the fact is that terrorism works. Very few want to live a life in fear, to live in hiding, to fear for the safety of family members, or to not be able to exercise normal freedoms. The effect certainly can be self-censorship.

The Rushdie affair began with the publication of *The Satanic Verses*, but there were many incidents subsequent to the publication that had significant ramifications on the further build up on the fronts between East and West. Khomeini's issuing of the fatwa was likely the single most important event, but both before and after there were other events and voiced opinions that were of importance. In hindsight it is important to ask if anything could have been done differently, especially from high-ranking officials in the different countries. Homi Bhabba, renowned postcolonial theorist and Harvard Professor of English and American Literature, pleaded in a March 3rd 1989 article published in *New Statesman* for some kind of intervention:

The tragic events surrounding the publication of *The Satanic Verses* have so polarized public opinion that it seems difficult to produce a political and cultural initiative that will promote responsibility, understanding and reconciliation. But difficult or not, an intervention is urgently needed. Without one we find ourselves in the eye of the storm, at once becalmed and embattled. *We are embattled in the war between the cultural imperatives of Western liberalism, and the fundamentalist interpretations of Islam, both of which seem to claim an abstract and universal authority* (qtd. in Appignanesi, 138-39).

There were, perhaps some attempts at reconciliation at state level, but they were wholly inadequate and ineffective. Sir Geoffrey Howe's attempt has already been mentioned. On the same day the Bhabba article was published, Margaret Thatcher stated "we have known in our own religion people doing things that are deeply offensive to some of us [...] and we have felt it very much. And that is what has happened to Islam" (Appignanesi, 140-41). From political leaders in the Islamic world there were not many attempts to reconcile, but Islamic leaders convening in Riyadh around the same time, despite calling for a withdrawal of the novel, refused to back Iran's call for Rushdie's assassination. The chasm between the Western ideal of free expression and the Islamic view of Muhammad and the Qur'an as sacred entities, proved to be wide.

The change that has formed the background for the new terrain of free speech with respect to religion has been summed up eloquently by Kenan Malik: “The new forms of religion appeal less to the collective than to the individual self. Blasphemy used to be regarded as a sin against God. Now it is felt as an assault on the individual believer” (117). Whether *The Satanic Verses* was a reason for further division between East and West, or simply a catalyst that brought problems already there to the surface, can be debated, but I am inclined to conclude that it at the very least contributed to a further division between East and West, and that it also further alienated Muslim immigrants in Europe in general, and in Britain in particular. Understanding the sacredness of the Qur’an for Muslims is often difficult for secular Westerners, and perhaps even for devout Christians. Like the Bible, it is a book that is interpreted as a holy text, but Islam is not just made up of a holy text, there is also “a history, a culture and a set of institutions, not to mention a clergy and a body of believers. All those and more help define how the holy text is interpreted” (84) as Kenan Malik points out of in *From Fatwa to Jihad*, drawing on Oliver Roy, professor at the European University Institute in Florence, Italy, whom he quotes as saying: “The key question [...] is not what the Koran actually says, but what Muslims say the Koran says.’ Muslims continually disagree on what the Qur’an says, he adds dryly, ‘while all stressing that the Koran is unambiguous and clear-cut.’” Clearly there are other mechanisms at work here in order to produce the kind of Islamic rage that we have seen since the publication of *The Satanic Verses*. Malik addresses an important discrepancy here, because both the fronts between Western powers and Islamic nations and the vastly different understandings of free speech were there long before Rushdie published *The Satanic Verses*.

4 *Brick Lane* and Community Protests

4.1 In-between Two Worlds – Minority Communities

The aspect of the immigrant experience, of being in-between two worlds, struggling to find a meaningful existence in a new country, and of belonging to a minority group within a new society that often is hostile to immigrants, has been overlooked in the debates surrounding *The Satanic Verses*. In his article “Postcolonial Differend: Diasporic Narratives of Salman Rushdie” Vijay Mishra describes how a new form of racism manifested itself in Britain in the sixties, partially driven by the Conservative MP Enoch Powell who argued for a nationalism in defense of ‘Britishness’ that the immigrants upheld themselves (429). The result though, was further isolation of immigrant populations as diasporic enclaves within the homeland of Empire. From this grew a new form of racism that was “used to defend Britishness itself, to argue that multiculturalism was a travesty of the British way of life, which was now becoming extremely vulnerable. The only good immigrant was one that was totally assimilable, just as the only good gay or lesbian was someone who led a closet life” (ibid).

In *The Satanic Verses* the racial division and isolation of the immigrant communities within British society is perhaps best illustrated through the family of Muhammad Sufyan, proprietor of Shaandaar Café in Brickhall High Street. Sufyan, a “godly and as unfanatic of a believer as you could meet” (185) has recently made the pilgrimage to Mecca. He is husband to Hind, father to two beautiful daughters (185), Mishal and Anahita, and uncle to Jumpy Joshi. Sufyan struggle to maintain the norms of the homeland within his family, and as the daughter becomes pregnant with the child of second-generation immigrant Hanif Johnson and Joshi enters a relationship with Pamela, wife of Saladin Chamcha, his value system begins to fall apart. As Mishra explains, this illustrates the problem of two cultures completely at odds with each other: “The diaspora here finally crumbles and falls apart because the pressures

come not from the newly acquired socio-sexual field of the participants in the diasporic drama but also because that drama has to contend with racist hooliganism as the diaspora becomes progressively an object of derision to be represented through the discourse of monsterism” (ibid, 430). The hooliganism and monsterism comes in the form of fire, as both the café and the community center burn down and Hind, Muhammad, and Pamela dies.

There is balanced critique here, of both a hostile and racist British society that require complete assimilation of its immigrants, as well as of patriarchal immigrant families that perhaps go to far in trying to uphold homeland family norms within a society that is at best just very different. Unfortunately though, the aspect of *The Satanic Verses* as a postcolonial immigrant narrative has been completely overshadowed by the controversial parts of the book, and hence more or less forgotten. Some twenty years later though, shortly after the turn of the century, there was another immigrant narrative that led to large-scale protests in Britain. Contrary to *The Satanic Verses*, Monica Ali’s *Brick Lane* is not a blasphemous book, and it has not seriously been challenged as such. The main characters are all fictitious, as are the events. Still it raised considerable protests in the Bangladeshi community in London, and the simple question this raises is: Why?

In this chapter I will examine how the diasporic narrative of Monica Ali’s *Brick Lane* was received in contemporary Britain in the time after its initial publication in 2003. I will attempt to shed some light on the mechanisms that produced the controversy over the book and the protests that it faced after plans to adapt the novel into a feature length movie were revealed in 2006. Although on a much later scale than *The Satanic Verses* controversy, which was a worldwide event, there were some similarities between the two affairs. In their article “Not Reading *Brick Lane*” Bethan Benwell, James Procter, and Gemma Robinson present two quotes that highlights this. The first, from an article by Gayatri Spivak concerning the Rushdie affair: “I look at the bewildered faces of male children, the fanatic faces of the igniters, the dull faces of the media men and ask: Do they read? In the name of that most philosophical religion whose opening injunction is ‘read?’” (qtd. in Benwell, 90). The second quote, uttered by an anonymous ‘Bengali media executive from East London’ as a response to the protests against the filming of *Brick Lane* in 2006: “Half of them haven’t even read the

bloody book!” (ibid). Like in the Rushdie affair, there was considerable focus on the acts of reading and not reading during the controversy over *Brick Lane*, but this time it became one of the central topics of the debate that followed. From the perspective of literary criticism and the understanding of the limits and borders of a novel, this question of readership is important. I will therefore begin by examining how *Brick Lane* became a focal point for a debate over the rights to read or not read and the significance of it, and how these two choices have implications on the understanding of cultural differences between East and West.

4.2 On Reading and Not Reading

As in the Rushdie case, participating in protests against a book (or a movie) does not require that one has even read it. This actually does make sense, even though it is perfectly understandable that many would argue that to show up for a demonstration against any issue, should require a minimum of knowledge about that issue. Knowledge of an issue can in fact be delivered in other ways than through reading though. Whether or not the protester were even literate, as likely wasn't the case with many of the protesters in Islamic countries with a low degree of literacy, would by the same logic not matter much either. But for high-ranking political figures that led the charge in the matter, like Syed Shahabuddin in India and religious leaders in Britain, it should perhaps be something to be expected, perhaps even demanded?

The three authors of the article “Not Reading *Brick Lane*” come up with an interesting suggestion on the topic of reading, and not reading. Firstly though, they attempt to account for how we read, and they argue that understanding “the different practices of reading that emerge when books become controversies” (90) is important. According to their argument, both becoming and not becoming a reader (and making a claim to this, or refusing to recognize it) matters within globalized cultures “where the challenges of literary representations quickly become problems of cultural misinterpretations,” and, as a consequence of this, not reading should in their mind be seen as an intensely productive site

of cross-cultural negotiation and conflict without which the contemporary significance of global readerships and reading acts makes only partial sense” (ibid, 90). Their point with not reading is not only that we have a choice with respect to what books to read. Books are published at such an alarming rate that it is not possible to read even a reasonable fraction of them all. With one million books published every year (ibid, 91), the immensity of books to consider is simply to cast to even make a reasoned choice. We will never know how many of the Muslims who protested the publication of *The Satanic Verses* and *Brick Lane* had read the novels. We do know that some major individuals who were very visible in the protest against *The Satanic Verses* had not read it. Syed Shahabuddin publicly proclaimed that he did not have to read it because he did not “have to wade through a filthy drain to know what filth is” (qtd. in Appignanesi, 47). Benizar Bhutto said it in a more diplomatic way. “Because I am a Muslim, I have not read it” (qtd. in Benwell, 95), but her choice to refrain from reading a text she knew to be sacrilegious seems to be made based on some of the same reasoning. From a Western perspective, which is very much based on an academic understanding of how knowledge and advancement is closely related to reading, it is difficult to accept this open admittance to not having read the book one is campaigning against. It represents a lack of rationality and a failure to accept the rules of a reasoned debate, and it can be viewed as a symbol of Muslim fanaticism:

[O]pposition to reading can become aligned with religiosity (whether Christian or Islamic), as against liberal secularism’s tradition of critical reading. Since the late 1980s, one connotation of not reading can be found in the emergent discourses used to understand relations between Islam and the West. For instance, a reference to not reading might be said to operate euphemistically as another word for Muslim intransigence, irrationality, extremism. Not reading, in other words, functions on one very important level as an index of fanaticism within contemporary discourse, a fact supported even in quite recent histories of reading. Meanwhile, and mainly beyond the media fanfare surrounding the fanatical figure of the non-reader, some Muslim commentators have understood not reading as a marker of capitalist excess, (neo)colonialism and racism. [...] These ‘extreme’ connotations of not reading were solidified during the years of the Rushdie Affair and re-activated during the *Brick Lane* controversy (Benwell, 95).

But what about Margaret Thatcher or Sir Geoffrey Howe, had they read it before they spoke about it publicly? In any case nobody made a point of whether or not they had. Perhaps it

should not make any difference. Anyone, reader or non-reader, is free to hold an opinion on any book without having read it. They should be able to join a protest, and even instigate one. Protests, petitions, and demonstrations of all kind are most likely regularly signed and attended by poorly informed individuals.

In a larger context though, the important issue with respect to readership, which the three authors raise in their paper, addresses the effect it has on our *perception* of the two groups, the readers and the non-readers. The non-readers become ignorant, and the readers become enlightened. The non-readers are capable of using language that is perceived as medieval, such as were highlighted by Rushdie in his BBC interview: “blasphemy, heresy, insult, offence - it's this medieval vocabulary” (“Salman Rushdie: *Satanic Verses* ‘would not be published today’”). It is a postcolonial problem, with the effects of Empire still at work, even half a century after it crumbled. “Not reading became identified as a specifically ‘Muslim’ response to texts around and after the years of the Rushdie Affair” (Benwell, 108)

The identification of and distinction between readers and non-readers in the wake of the Rushdie affair contributed to a further polarization between the immigrant community and the greater British society. Reading Monica Ali’s *Brick Lane* in the light of this can shed some further light on the way the controversy evolved in the media, for it was certainly a point that was made and debated at length by many. Monica Ali was one of them. In an essay printed in *The Guardian* on October 13th 2007 she brought attention to the issue:

I have, over several years, had an overwhelmingly positive response from people of Bangladeshi descent who have read *Brick Lane*, both in London and around the world. I have a boxful of letters in which people tell me how this character reminded them of that relative, and a number in which young women confide their experience of arranged marriage.

These are people who have read the novel. But the majority, including perhaps most of the protesters, haven’t. And I am aware that given the nature of the press coverage, and the rumours circulating that, for example, the film would show a leech falling into a curry pot in a Brick Lane restaurant (which doesn't happen in either novel or film), people who haven't read the book are now much more likely to feel hostile towards it. Those who don't share that feeling, given the reported undertone of violence in the campaign, are now all the more unlikely to speak up. It was interesting to note in the press cuttings that any local residents who questioned the demonstration's importance were "unwilling to give their names", though the couple of "community leaders" were entirely delighted to trumpet their own (Ali, “The Outrage Economy”).

As she elaborated on the issue of readership it was apparent that letters she has received has in part shaped the backdrop for her comment. Many women in the immigrant community felt that the novel gave a voice to those who were for the most part silenced (or at least silent) in the public debate. In her mind, allowing having those voices further silenced by protests and even threats of violence by the mostly male, perceivably non-reading, members of the patriarchal community constituted a form of censorship. And although there was no fatwa in this case, the issue for the large part remained a British one, and no one were killed during the course of the demonstrations, the mechanisms of instilling fear and by that silencing some voices from the debate, were by and large the same as in *The Satanic Verses* affair.

4.3 The *Brick Lane* Protests

Brick Lane tells the story of the Bangladeshi immigrant Nazneen who comes to London as an 18-year-old young woman for an arranged marriage to the twenty year older Chanu Ahmed. Her new husband brings her to London, a city he has lived and worked in for 20 years. Nazneen on the other hand, has to learn to cope with not only her new husband, but also a new language and culture as well, living in the small Bangladeshi community around Brick Lane. Chanu has his own struggles though, visible through his job as a clerk and his expectations for a promotion that never comes. His eventual downward social mobility ends him up as a mini-cab driver, and is in sharp contrast to Nazneen's experience of slowly but surely finding her place in multicultural London. Chanu keeps strict control on Nazneen by keeping her mostly indoors and denying her the chance to get a job or any kind of a social network, perhaps as some sort of compensation for his own struggles. Chanu feels he is gradually losing control of his wife, who manages to irk out some sort of independence, as well as their English-born children, who are even more torn between two cultures and end up 'becoming English' and distancing themselves from the traditions of the old country they have little or no relation to, and who are critical of their parents lifestyles. Chanu eventually

decides to move his family to Bangladesh in a last desperate attempt to save it. At this point Nazneen finally stands up to him for the first time.

The Bangladeshi community in London is mostly made of people from the Sylhet region in the northeastern part of Bangladesh. In September 2003 an eighteen page long letter written by Kalam Choudhury, chairman of the Greater Sylhet Development and Welfare Council was sent to Random House, the *Guardian*, *The Times*, and John Carey, panel chair of the Booker Prize. In the letter Choudhury makes a point of the fact that he has taken the time to read *Brick Lane*, and even something that resembles an academic close reading of the text in order to show how it is offensive to Sylheties (Benwell, 105-6). He also comes with a little proposal: “[M]ay we suggest that the literary critics would make a positive contribution if they openly admit that Sylheti readers are justified in finding *Brick Lane* offensive. To argue that the novel is a work of literature and therefore incapable of giving offence is not a view that is reasonable to expect Sylheti readers to accept it” (qtd. in Benwell, 107). There are two aspects of his suggestion that are noteworthy. The first, and rather obvious, is that any individual is free to find any text offensive. Few would argue with him there. The second is that a literary autonomy argument is invalid.

What Choudhury seems to be missing out on is the fact that not all Sylheti readers found the book offensive, and some actually welcomed it. And that for individual readers (or non-readers) to find it offensive does not constitute a problem, and it is doubtful that many academics within the field of literary studies would think so. The problem was the protests and threats of violence that clouded the public debate and silenced many voices. The individual members of the Sylheti community are entitled to find it offensive, but they are not entitled to silence those who have a different view. In a July 19th 2006 statement by English PEN concerning the demonstrations aimed at stopping the filming of *Brick Lane* in the Brick Lane neighborhood, the organization expresses concern as to the effect of community protests that go unchallenged by the state: “English PEN believes that community censorship unopposed by the state is effectively state censorship by proxy, and calls on the Government to offer its strongest support to writers and filmmakers” (English PEN Statement). This quote, although directed at Government, highlights the possible problem of the power of

large-scale demonstrations. The question of what exactly constitutes community censorship is difficult to establish though. English PEN does not give a general definition, but rather an example: “The smallest threat of minority action instills fear in the police and, in this instance, in production companies. The result is official complicity with local attempts at silencing writers, artists, filmmakers: in a word, censorship” (ibid). The police (and the judicial system) have an obligation to protect the rights of individuals, but also to protect the citizens from possible harm. It is difficult to judge what was correct in this instance, but on a more general basis it is likely safe to assume that the police sometimes have to choose the lesser of two evils. The protests certainly did not make it easier for individuals within the Sylheti community to speak out, but it is likely that many of them wouldn’t have done so regardless. One of the main themes of the novel is at the core of this problem, the tightly knit family structure and the high degree of patriarchal control.

British Muslims do not associate themselves as closely with each other as the ‘general British population’ seem to think. Humayun Ansari, Director of the Centre for Ethnic Minority Studies at Royal Holloway, University of London, describes how family and cultural background is much more important for their identity and sense of belonging: “British Muslims at the start of the twenty-first century are neither ethnically nor ideologically homogeneous. Yet generalisations about Muslim communities have tended to rely heavily on the experience of South Asian Muslims, who have come predominately from Pakistan and Bangladesh” (2). In a later chapter he describes how the Asian Muslim families in Britain have been accused of having ‘too much family’ (258-66). Having been a ‘target’ for such criticism it is understandable why the Sylheti community’s (unappointed) spokespersons chose to close ranks and resort to a sort of self-defense, but this does not entitle them to silence other voices, whether from outside or inside their own community. If we apply Jeremy Waldron’s definition of what constitutes group libel here, *Brick Lane* does not even come close to it. There is a difference between the generations with respect to many of these issues though, and a difference between first and second-generation immigrants as well. This is also illustrated in *Brick Lane* where, as time passes, the English-born daughters clearly are more in sync with British society in general. Change will likely have to come from

within, and prematurely forcing the issue through outside pressure and confrontation might not be the best alternative.

4.4 The Importance of Immigrant Narratives

The catch phrase of the 2003 *Brick Lane* protests was ‘respect’, and the contention was that Monica Ali had not showed the proper respect for the Bangladeshi immigrant community. Kenan Malik recognizes the need for respect, but in the words of Monica Ali highlights the problem with unchecked calls for respect:

“Respect is unquestionably the grease of civilized life. It would be a dysfunctional society in which no one showed anyone else any respect, or in which manners and politeness were disregarded. But does respect require us not to burn our enemies’ flags? Not at all, says the novelist Monica Ali. ‘The idea of respect that liberals in particular promote today takes us down a dangerous road,’ she argues. ‘It’s an idea of respect that jettisons the possibility of moral and political debate and focuses entirely on questions of feeling. A book or an image or an argument comes to be judged not on its moral or political worth but on how it makes someone feel’” (167).

In her essay “Where I’m Coming From” Monica Ali tells her early childhood story of fleeing Dhaka and Bangladesh with her family. Born in 1967 she was not yet four years old when the Bangladesh War of Independence broke out on March 25th 1971. The Pakistani military junta ruled the streets with tanks, targeting not only armed personnel, but also civilians of ‘importance’, such as nationalists and academics, like her father. Her mother, a British citizen, managed to fly out with her two children, and eventually her husband was able to escape from East Pakistan over the border to India and was allowed to join his family in London. In the essay Ali also offers her motivation for writing *Brick Lane*:

When people talk to me now about my novel, the first question they ask is: "What inspired you to write this?" I cite a number of factors. My experience, for instance, of conflict between first- and second-generation immigrants. The stories that my father used to tell about village life. A book of case studies about Bangladeshi women garment workers in Dhaka and the East End of London, disparate lives drawn together by the common goal of self-empowerment. The question has turned into something of a greeting. And I respond in that semi-automatic way that we all tend to adopt with greetings. Very well, thanks. Not so bad.

How are you? I tell the truth, but a truth so attenuated by the circumstances of the exchange that it casts as much light as a candle in a gale (“Where I’m Coming From”)

The story of Nazneen is by no means an account of Ali’s own life, but the narrative is made up of a number little fictional stories, elements, and people that resemble experiences that other Bangladeshis have experienced. Judging by the number of letters Ali claimed to have received from various readers, it is an important story. And its importance lies not only in the fact that it is an immigrant tale. It is also focalized through a woman. But not all women of Bengali descent welcomed it.

I could set lines of inquiry about my book into two broad camps. Tell us about ‘them,’ is one. The tyranny of representation – the phrase is not mine but belongs, I think, to CLR James – means that when I speak, my brown skin is the dominant signifier. The other reaction is rather different. What gives you the right to write about ‘us,’ when you’re clearly one of ‘them?’ In an audience recently at the Bengali World Literature Centre in the East End, a woman invited me to take a test. ‘How can you know what it is like to be a Bengali mother,’ she protested, ‘when you don’t even speak our language? Come on, speak to us in Bangla.’ I’ve never subscribed to the ‘cricket test’ and I declined the questioner’s test also (ibid).

Monica Ali’s example illustrates well how the logic of ‘us and them,’ is upheld by many immigrant groups as well. It is perhaps a logical response to being perceived as different or on the outside of society in general, but it is not very productive, neither from a literary perspective nor from a social or political one.

4.5 Where Do We Draw the Line?

What triggered the protests against the novel and the movie both titled *Brick Lane*? The obvious answer is that certain (vocal) members of the small and perhaps a bit vulnerable Bangladeshi community around the street that bore the same name felt targeted and ridiculed. Literary criticism has for long been extremely focused on close reading of text and paying little attention to the reader. In the case of Monica Ali’s *Brick Lane* the reception of the novel has perhaps received more attention than the text itself. Perhaps the ‘new approach’ to

literary criticism that Ali so despises, judging literature by the feelings of the reader will contribute to force a change in this? It seems like it already has in some ways.

One of the really interesting parts of the controversy surrounding the novel *Brick Lane*, at least from the perspective of literary criticism, was the debate over readership that it produced. The way the negative connotations of being a ‘non-reader’ is associated with ignorance and backwardness, and ultimately with being a Muslim, came to illustrate how there is still a deep divide based on ethnicity, race, and religion in twenty-first century Britain. Monica Ali’s words quoted above further illustrate this problem, as she herself is not just a writer. She is also a woman writer of dark complexion. Both this and the effect of the community protests, whether censorship by proxy or not, reduce the space available for literary texts and for writers. There can be no such limits for literature as those that were demanded by the *Brick Lane* protesters. Generally speaking it seems that members of minority communities feel a closer relationship to the group than members of majority groups in society. But perhaps one effect of the Rushdie affair has been that the ‘right’ to not be offended has grown out of proportion. The Monica Ali case also shows that women writers sometimes have to contend with different rules (at least as dictated by reception) than male, and that in this context race and ethnicity is also a factor. Perhaps Monica Ali stated it best when she wrote that “[o]f course, any literary endeavour must be judged on the work alone. It stands or falls on its own merits regardless of the colour, gender and so on of the author. A male author does not need ‘permission’ to write about a female character, a white author does not transgress in taking a black protagonist” (ibid).

5 Reality or Fiction?: *The Bookseller of Kabul*

5.1 Free Speech vs. the Right to Privacy

The concept of free speech dates back to the days of the Greek republic, but perhaps even further. The idea, then, predates the first mention of it in writing. The quote “I do not agree with what you have to say, but I'll defend to the death your right to say it” is usually attributed to Voltaire. It is the shining beacon of free speech enthusiasts. It is however, an ideal that few adhere to in practice, and both individuals and various forms of ‘institutions’ have sought to limit the exercise of free speech for centuries, if not millennia. The concept of free speech is always debated, always scrutinized, and always evolving. Free speech is not an absolute and universal law of nature, and what is deemed to constitute free speech at any given time (and in any society), and perhaps eventually written into law, is by definition changeable. There have been tension between the different human rights though, and an example of this will be central to the understanding of the legal arguments presented later in this chapter.

In every society there are different forms of censorship, and laws that either establish or limit such freedoms. The earliest known establishment of freedom of speech rights in a legal document or declaration of rights, was in the *Magna Carta* (1215). Since then there have been numerous formulations on the concept in various laws and charters such as the *Bill of Rights* (1689), the *First Amendment to the United States Constitution* (1791), the United Nations’ *Universal Declaration of Human Rights* (1948), the European Council’s *Convention for the Protection of Human Rights and Fundamental Freedoms* (1950), the *Human Rights Act* (1998) in the UK, and the *Charter of Fundamental Rights of the European Union*

(2000/2007). As all other forms of speech acts, literary texts are subject to legislation governing the right to free speech. In the Western world there are very few topics that are off limits for writers of literature (as a fine art) because they transgress legal boundaries.

Charles Rembar argued that the trials of *Lady Chatterley*, *Tropics of Cancer*, and *Fanny Hill* marked the end of obscenity in the 1960s, at least in the US. Dormant blasphemy laws have been repealed in most Western countries, and the right to problematize, criticize, and perhaps even ridicule religion has been firmly established. The Alzheimer case referred to in the introduction is an example of a new area for literature to explore. Literary works that experiments with the boundary between reality and fiction have caused controversies, and this boundary has in some cases been virtually erased. The Danish writer and literary critic Poul Behrendt has introduced the term *dobbelkontrakten* (*the double contract*) to describe the phenomenon. Behrendt first describes the phenomenon in his 1997 essay “Med to hoveder.” Traditionally the contract between the writer and the reader of a book can be created in two ways. The first contract affirms that what is presented on the following pages is true, that it deals with something that has happened in real life, and that it, if necessary, can be confirmed through consulting other written or oral sources. The second contract represents the opposite, in the sense that everything in the book is fiction, nothing has actually happened in real life, and there is no point in attempting to compare the story to any other story for the purposes of verification. This second contract is the one that literary works of fiction usually enter upon. Traditionally speaking the first one is reserved for non-fiction (Behrendt, 1997). When the two contracts are deliberately blurred, which usually happens when the author initially offers one contract and then switches to the other, the result is what Behrendt calls the *double contract*.

In this chapter I will examine how this concept of the double contract can be applied to Åsne Seierstad’s book *The Bookseller of Kabul*. Seierstad’s novel, originally published in Norwegian in 2002, became an international phenomenon, and enjoyed great success in both the US and Britain. The novel also became the object of a legal battle, as Seierstad and her Norwegian publishing house J. W. Cappelens Forlag (later Cappelen Damm) were sued by one of the characters in the book.

I will examine this case with respect to the line it draws between free speech and rights to privacy. The case was presented at three levels of the Norwegian Courts, including The Supreme Court's appellate committee (Norges Høyesteretts ankeutvalg), which declined to hear the appeal. The case also illustrates the difficulty of the issue, as the verdicts delivered by the two lower courts had opposite conclusions. Since Norway, like many other European countries, have ratified the *Convention for the Protection of Human Rights and Fundamental Freedoms* into domestic law, the legal implications of the case have bearing beyond the national borders of Norway, and the case also cited many relevant verdicts from The European Court of Human Rights.

5.2 Dissipating Borders

Although the term *the double contract* was introduced several years earlier, it was not until the publication of Behrendt's 2006 study *Dobbelkontrakten* that it received significant attention. In this work he studies a couple of examples of this type of contract, one of them is a book by Claus Beck-Nilsen, the author who wrote about Alzheimer in *The Sovereign* under the institution-like pseudonym Das Beckwerk. The book was titled *Claus Beck-Nilsen (1963-2001). En biografi (Claus Beck-Nilsen (1963-2001). A biography)*. It was published in 2003. By declaring his own death in the title of what is supposed to be a biography, Beck-Nilsen problematizes both the concept of the contract between the writer and the reader, but also the biographical genre in general. It is a radical form of art impersonating life, where we attempt to write our own story and struggle to maintain it in the perception of others, but the book certainly complicates the relationship between fiction and non-fiction. There have been other works that have similarly obscured the borders between fiction and non-fiction (intentionally or unintentionally), and the biographical genre is one that repeatedly has been experimented with in order to wipe out the limits between reality and fiction.

Norwegian freelance journalist and writer Åsne Seierstad first made a name for herself while covering the 1998-99 Kosovo war for the Norwegian national broadcasting company NRK. She went on to cover the war in Afghanistan, and after the fall of the Taliban regime in late 2001, she stayed behind, living with an Afghan family in Kabul for about four months. Her account of this visit was published in Norway under the title *Bokhandleren i Kabul*. In 2003, the year after the book had been published in Norway, it appeared in English as *The Kabul Bookseller*. Although highly novelistic in its form, the book, as the work of a public figure with considerable TV exposure as a war correspondent, was likely perceived as a documentary account by a Norwegian audience. But even readers unaware of the background of the author were introduced to the reality contract only a couple of pages into the preface: “I have written this book in literary form, but it is based on real events or what was told me by people who took part in those events” (3). Seierstad goes on to explain the nature of the rather surprisingly omniscient, authorial voice: “When I describe thoughts and feelings, the point of departure is what people told me they thought or felt in any given situation. Readers have asked me: ‘How do you know what goes on inside the heads of the various family members?’ I am not, of course, an omniscient author. Internal dialogue and feelings are based entirely on what family members described to me.”

The Bookseller of Kabul tells the story of an Afghan family in the capital of Kabul just after the fall of the Taliban. Head of the family is the bookseller Sultan Khan. As the owner of a bookstore, Sultan is fairly well off by Afghan standards. He has two wives and five children and several other family members, sharing their four rooms, but he invites Seierstad to come and live with them. According to Seierstad she was open with Sultan about her intentions from the onset:

The next day I called on Sultan in his bookshop and told him my idea.
‘Thank you,’ was all he said.
‘But this means that I would have to come and live with you.’
‘You are welcome.’
‘I would have to go around with you, live the way you live. With you, your wives, sisters, sons.’
‘You are welcome,’ he repeated.

The first chapter tells the story of when Sultan decided to get his second wife, a 16-year-old girl, much to the frustration and anger of his first wife, Sharifa. This chapter sets the tone for what is to come, a very candid and intimate portrait of the family in various situations. We follow the teenage son Mansur on his first pilgrimage, and we see how Sultan treats his young sister like a servant. A book review in *The Guardian* from August 31st 2003 describes the candidness well: “By writing a warts-and-all story, it seems unlikely that Seierstad will ever be welcomed back into the bosom of the Khan family, by its men at least, or that this book will ever get on to the shelves of Mr. Khan's shop. He turns out to be an appalling, tyrannical patriarch who runs his family like a business in which each has their allotted role” (Judah).

The use of the contract metaphor to describe the bond between the author and the reader was not a new invention by Behrendt. It was initially used by the French structuralist Philippe Lejune and implies a mutually binding relationship between the author and the reader. But what kind of contract does Seierstad offer? According to Seierstad, everything is told as she experienced it, or as it was told to her, but most of the narrated events happened long before she stayed with the family for four short months. It is not clear who has told her what, but it is reasonable to assume that a lot of the minor stories about each individual have been told to Seierstad by that individual him- or herself, and that gives the novel a veil of auto-fiction as well. The shroud of memory is two-fold, dependent on the memory of both Seierstad and the family member. It adds another level that brings the novel closer to fiction. Seierstad has admittedly changed the names of the family members. She gives her arguments for doing so in the preface: “The whole family knew that the purpose of my stay was to write a book. If there was something they did not want me to write, they told me. Nevertheless, I have chosen to keep the Khan family and the other people I quote anonymous. No one asked me to, I just felt it was right” (5). With the level of detailed and at times embarrassing details offered in the book it is not surprising that Seierstad chose this strategy. And with the benefit of hindsight, it almost seems like a proactive defense.

5.3 The Seierstad Cases

Inspired by *The United Nations Universal Declaration of Human Rights* (1948), the Council of Europe drafted the *Convention for the Protection of Human Rights and Fundamental Freedoms*. It was signed in Rome on November 4th 1950. It has been ratified by all 47 member states of the Council of Europe, and it is legally binding for those nations. Most countries will choose to incorporate a ratified international law into national law. Norway has done this through *Lov om styrking av menneskerettighetenes stilling i norsk rett* (1999).

The interpretation of law at the European Court of Human Rights is dynamic, meaning that it tends to change over time. This can pose a problem, both with respect to the validity of old cases for precedence, but it can also be a democratic problem. The concept of dualism addresses this issue. When a country has ratified an international law it binds the state, but in order to bind the citizens of that state, the law needs to be incorporated into national law. The dynamic interpretation can in fact be a democratic problem for a nation. By incorporating the *Convention for the Protection of Human Rights and Fundamental Freedoms* as national law, a country surrenders (to a certain extent) sovereignty over its citizens to the European Court of Human Rights. If the interpretation of the European Court of Human Rights changes, the national interpretation is generally forced to change accordingly.

A considerable portion of the first Seierstad verdict, delivered by the lower level court Oslo Tingrett on July 23rd 2010, is reserved for discussion on what law has superiority. The argument centers on whether the *Norwegian Constitution* should take precedence over the relevant articles in the *Convention for the Protection of Human Rights and Fundamental Freedom (ECHR)* and the *International Covenant of Civil and Political Rights (ICCPR)*, a treaty adopted by the United Nations General Assembly on December 16th 1966. The verdict concludes that although the wording in ECHR and ICCPR is slightly different, they both establish the same principles. The *Norwegian Constitution* has superiority, but the verdict is somewhat unclear on application of the different laws. The higher court verdict from

Borgating Lagmannsrett focused more on the *Convention for the Protection of Human Rights and Fundamental Freedoms* in their application of law.

It was Sultan's second wife, called Sonya in the book, that later moved to Norway and sued Seierstad and her publishing house. The case was first heard by the local court, Oslo Tingrett. In the verdicts from both courts Sonya is anonymously referred to as A, whereas Sultan is referred to as B, and his first wife Sharifa as C. Sultan's second wife, A, also attempted to sue on behalf of six other family members, including B, but this was denied by the courts. The remaining family members later attempted to file their claims separately, but this was also denied by the courts.

The basis for the legal arguments in the case was where to draw the line between article number 8 and article number 10 in the Convention for the Protection of Human Rights and Fundamental Freedoms (1950). The two articles state:

Article 8. Right to respect for private and family life

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 10. Freedom of expression

1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.
2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

There is tension between these two articles, and where to draw the line is a difficult task for the courts. From article 10 it is clear that whether or not the family was aware of Seirstad's intentions to write a book about the family is a decisive factor. This question is contested though. In the verdict from the higher court Seierstad's contention that it was well known to the family that she was going to write a book about them is disputed. From a legal point of view this is important, but it is also noteworthy from a literary perspective. I will return to this towards the end of the chapter.

5.4 The Verdicts

Both verdicts go through a number of episodes from the novel where intimate personal details are revealed. The verdict from Oslo Tingrett states:

The details of A's thoughts and feelings are sensitive. They are attributed to her as true, and published without Seierstad and Cappelen Damm can lay claim to having acted in good faith to ensure that they are correct and accurate. A is not the source of the information, and cannot be said to have contributed to them. Publication of the details in question is a burden in itself, and could easily affect her relationship to her family and community.

In Norway, damages, as a sum of money claimed or awarded in compensation for a loss or an injury, can in most instances only be awarded for an actual financial loss suffered. In Norwegian law the publisher and the writer of a text are equally responsible if damages are awarded. If the plaintiff directs the lawsuit towards the publisher only, then they are obliged to pay the entire sum of awarded damages. The publisher will then have the burden of demanding half of it refunded by the writer.

The Norwegian *Skadeserstatningsloven* (1969) is a civil liability act. As a basis for a claim according to *Skadeserstatningsloven* there are three conditions that are weighed or that needs to be met:

1. Whether the act was intentional or just negligent

2. Whether or not the plaintiff has suffered financially
3. That there is a causal relationship between the action in question and the result, and that it is both substantial and proximate, meaning that the damages suffered was a direct consequence of the action of the defendant, and occurring close in time; in layman's terms: the consequences were not a random act of God.

Damages actually suffered, and loss of future income can be compensated. There is however an exception to this main principle in §3-6 (1), 2. Plaintiff's can still be awarded reparation payments as compensation if they have suffered defamatory damages that are not of an economical kind. The justification for this is both as a preventive and as a reparative measure, by giving a sense of redress.

Oslo Tingrett awarded A reparation payments in the amount of 250,000 Norwegian kroner to be split equally between the author and the publishing house, but did not find that A had suffered any actual financial loss. Hence, no compensation for damages was awarded. While giving weight to the fact that A had left Afghanistan, the court did not see this a necessarily being a direct consequence of the book. There were two details in the book that were highlighted as particularly sensitive. The first one is when Sonya is told that her suitor is her uncle Sultan. According to Seierstad, Sonya did not want to marry the man and began crying, but knowing it was a good connection for her family she accepted by silent consent (14). In the second episode Sonya is pregnant again and afraid of getting another daughter (183). In both instances Sonya's sentiments are offered through her thoughts, very much in the omniscient way that Seierstad denies in the foreword: "I am not, of course, an omniscient author" (4).

The verdict from Borgarting Lagmannsrett reversed the verdict from the lower court and acquitted Seierstad. In the verdict the court expresses doubt with respect to some instances of importance, such as whether or not the novel had social significance. The court did find that it most likely represented an important contribution to the understanding of the Afghan way of life. The court did not find the details of A's thoughts concerning marriage to her uncle and the importance of having a son as significantly sensitive. The court also found

it likely that A knew of Seierstad's intention to write a book about the family. The two cases, citing numerous verdicts from the European Court of Human Rights, shows how difficult it is when articles discern where the line between the rights to privacy and the right to freedom of expression should be drawn. But both in this case and in the Altheimer case, which was perhaps even more extreme in some ways, the courts in Norway and Denmark respectively found that the right to freedom of (artistic) expression weighed heavier than the right to privacy. And in both instances this right was to a certain degree dependent on the social importance of the literary work.

When literature, in the shape of a novel or something that resembles a novel so much that it is initially indistinguishable, crosses the border between fiction and non-fiction, it usually does so provocatively. It asserts a *reality contract* to elevate itself to a higher level of authenticity. This reality contract is a significant part of the platform that such literature sells itself from; it is perhaps through an appeal to our curiosity. The reader becomes a voyeur. There is little doubt that *The Bookseller of Kabul* became a large success mainly because of the real life events it offered. In a way the book can be seen as a part of what Richard Sennett has described as the tyranny of intimacy. During the proceedings Seierstad testified that B yelled "It's all true, that's the problem, it's bad for me" during a discussion over the truthfulness of the book at Grand Café in Oslo a short while after it was published. The claim was not contested in court, and it was believed to confirm that B had been one of the sources for the information about A that Seierstad's supplied the court with notes on.

6 Conclusion

6.1 Shifting Perceptions?

In most Western countries, there is now broad political acceptance for the idea that we cannot have a genuine freedom of speech without the right to criticize religions, even in what would historically be thought of as a blasphemous manner. That fact that some might be offended by such speech acts does not change this in a legal sense. As Kenan Malik points out though, there was a shift in the perception of the right to publish and to offend during the time between the cases of *The Satanic Verses* and *The Cartoons that Shook the World*:

Whatever the similarities between the storm over *The Satanic Verses* and the furore over the cartoons, there were, however, also fundamental differences. The cartoon controversy showed how much the Rushdie affair itself had transformed the terrain of free speech. There had been much equivocation by the politicians and intellectuals over the Rushdie affair, but no one seriously doubted Rushdie's right to publish this novel. There was little equivocation over the Danish cartoons, just widespread acceptance that it had been wrong to publish, and even more wrong to republish. Writers and artists, political leaders insisted, had a responsibility to desist from giving offence and upsetting religious sensibilities (149).

Although this call for restraint has evolved over time, it has direct roots in the Rushdie affair. Artists that provoke and challenge existing norms, and perhaps in doing so offend sensibilities, constitute an essential voice in the public debate. It can be argued that dissent is a basic necessity for progress, and also for art (including literature) to evolve. No one seriously doubts The Enlightenment as a period of progress, yet we are now seemingly willing to forego parts of the freedoms that were fought for and won during that period. Rights that are not used and protected will eventually disappear. It must be up to the legal system, and not to vocal individuals, to decide what the limits of those rights should be. And if there are artists that overstep legal boundaries of free speech we must trust our justice system to deliver the proper verdicts. The law must act as a distant deterrent, and not an active tool for censorship in either direction.

Although weak in some of its conclusions, Klausen's study on the cartoon crisis was based on solid research. One of the things she described was the way the Organization of the Islamic Conference had pressured the United Nations into new measures, as well as tricking the media into self-censoring:

This is where Jytte Klausen's new book, *The Cartoons That Shook the World*, is so helpful: She meticulously documents the enormous diplomatic and political machinations that sprang into action to transform an editorial lark in faraway Jutland into a global campaign to censor Islam's critics. If 9/11 was the hard jihad using suicide bombers, the cartoon controversy was the soft jihad of "lawfare," using diplomats and lawyers.

By the time it was done, the 57-nation Organization of the Islamic Conference had pressured the United Nations into passing a resolution outlawing "defamation of Islam" and had set up a permanent Islamophobia Observatory, a giant surveillance database on Western critics of Islam. But their real success was much bigger: They had managed to scare 99 per cent of the free world's media into self-censoring a major news story, without firing a shot (Levant).

Many aspects of Islam, as both a religion and a cultural component, are similar to the position Christianity had in Western societies before they gradually became secularized. The process of secularizing Western society began perhaps slowly with the Enlightenment ideas. In the West many tend to view this process of secularization as progress. And from the Western pedestal the East is consequently viewed as backwards, and in need of granting greater freedoms to individuals. From the opposite perspective this process might not be considered progress, at least not if it came at the cost of disintegrating values connected to religion and family, which for some would equal a tearing apart of the backbone of society.

So where are the good arguments? J. M. Coetzee has stated that "Convictions that are not backed by reason (they reason) are not strong but weak; it is the mark of a weak position, not a strong position, that its holder, when challenged, takes offence" (3). This does not mean that everyone who is offended hold views that are of a "weak position." But declaring the right to silence others because one's sensibilities are offended is not a strong argument. The effect of this is that each individual derives the right to define the limits of free speech.

In *The Satanic Verses* Salman Rushdie wrote that "'A poet's work,' he answers. 'To name the unnamable, to point at frauds, to take sides, start arguments, shape the world and stop it from going to sleep.' And if rivers of blood flow from the cuts his verses inflict, then they

will nourish him” (97). This can be viewed as an expression of a reckless attitude of free speech, and perhaps it is just that. We easily get the sense that demonstrations against literature that is deemed offensive, are always about Islam, but in her article “The Outrage Economy” Monica Ali brings attention to an instance of outrage that isn’t connected to Islam. Gurpreet Kaur Bhatti’s play *Behzti*, a play that featured sexual abuse within a ‘gurdwara’ (a Sikh temple), caused offense and led to the forced closure of the play by the police, despite attempts at reasoned arguments, and she continues:

If this seems like a minority issue that will affect only writers from the margin, let me now make the case that it is anything but. Christian groups are already trading in the outrage economy, as witnessed by the Jerry Springer, The Opera campaign. Read the tabloids and even some of the more supposedly respectable newspapers, and it is clear that outrage is being manufactured to counter outrage. My deepest fear is not that the outrage economy remains alien but that we enter it wholeheartedly. Whose voices will be loudest then? (“The Outrage Economy”)

It seems as though, in the age of social media and the Internet, that there are so many voices that in order to be heard it is necessary to ‘speak loudly.’ A low-voiced and reasoned response to an issue is not heard, but loud demonstrations and cries of outrage are.

6.2 Where Do We Go From Here?

In the introduction to this thesis I asked a question as to the long-term consequences of writers self-censoring out of fear. The space for literature that is critical of religion, and Islam in particular, is narrow. As I have showed, there is little or no acceptance for literature that ridicules Islam or Muslim communities. Even in the West, where the right to be blasphemous and offensive is at least legally protected, it is still highly unlikely that there will be an acceptance for criticizing central Islamic dogmas within a minority Muslim population that has been further alienated rather than included in many Western societies over the course of the 14 years that have passed since the 9/11 attacks. If history has thought us anything, it is that religions can only be changed from within. Any outside pressure, or force – even lethal –

has rarely led to anything but a rallying for those beliefs that have been under pressure. For Muslims in Islamic nations the gap is even larger, and with continued radicalization of a small majority of the Muslim population there will certainly be more attacks on individuals, including artists and writers, that have in some way been found to be blasphemous. It is a classic case of the few ruining it for the many. Radical Islam has a bad reputation, and rightfully so. It is important that moderate Muslims speak out in order to publicly show that they distance themselves from fundamentalism. But in a society where it is easy to be judged ‘guilty by association,’ this is really important. I also firmly believe that the West needs to do more to reduce the social, political, and (especially) economical indifferences, both domestically and worldwide, because the root causes of these problems can to some degree be the large inequities between nations. Unfortunately there isn’t likely going to be any changes to this situation soon, as the differences in the world are increasing rather than decreasing.

In his book *The Difficulty of Tolerance* Thomas Scanlon describes the difficulty of expressing a clear definition of the rights to free speech by simply trusting our own notion of how those rights should function:

Rights appear to be something we can reason about, and this reasoning process does not appear to be merely a calculation of consequences. In many cases, we seem to decide whether a given policy infringes freedom of expression simply by consulting our conception of what this right entails. And while there are areas of controversy, there is a wide range of cases in which we all seem to arrive at the same answer. But I doubt that any of us could write a brief, noncircular definition of freedom of expression whose mechanical application to these clear cases would yield the answers on which we all agree (84).

The narrow margins of the decisions in the two Seierstad cases that were heard by the Norwegian courts illustrate very well how difficult it is to draw the line when rights to privacy and rights to free speech come in conflict with each other. Creating a set legal framework that can be applied directly on any case is impossible. How then do we approach this problem? It is a difficult question, and the likely answer is that it will probably only have case-by-case solutions.

The question of who reads and how is an important and perhaps also eternal question for the understanding of literature. It is equally important to question who a writer writes for though. Is it reasonable to give a writer a responsibility towards all potential readers and their sensibilities? Of course it is not. But both the writers and the literary critics must remember to look beyond the text. Controversial works of literature have often resorted to some form of an autonomy argument, such as *this is just a novel*; *this is by definition fiction*, when challenged in court. This argument represents an archaic thinking that is still, at least in fragmented form, part of the legal system. When an author takes cover under the *reality contract*, only to retract from it as soon as individuals that are offended speak out, it poses a problem. It is a defense that no longer has validity. What was so interesting with the Seierstad case was that one of the arguments by the defense was exactly the opposite, that everything in the book is true and therefore it is justified. Literature and literary critics cannot just look towards the text itself for answers. The various questions of readership are also important, and likely will be even more important. Since the 1970s Reception theory has been slowly revived, it will likely not be of any less importance in the years to come.

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