
Malcolm Evans

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At the outset of this book the author seems to encourage reviewers to criticism by observing that

A damning review of this study on defamation in a legal journal ... might be deeply offensive and hurtful to me – but there should be no legal remedy to alleviate my pain: by publishing an academic work, every author agrees to enter a Hobbesian arena full of wolves. (p 11)

In fact, Langer need have no such concerns as the wolves will surely be dressed in sheep’s clothing when writing about this most interesting and thought-provoking book. If there is a criticism to be made, it is that the title does not really convey quite what it is about – or, at least, where it ends up. Indeed, it is that final destination which give pause for thought and it is possible that some readers might not quite make it that far, thinking that it has little to offer beyond a largely factual account of material which is fairly well known. For that is what might have been said if the book were not in two complementary but distinct parts.

The book opens with cartoons – not, in fact the Jyllands-Posten cartoons of the Prophet Mohammad, but a cartoon published in 1925 which also provoked international reaction at that time. Nevertheless, Part I takes the Jyllands-Posten cartoons and revisits them in three rather long and detailed chapters which take up about two-fifths of the text. This provides a very helpful account of the history and subsequent legal proceedings to which they gave rise, set against the responses to the Salman Rushdie affair and other high-profile incidents. It then proceeds to set out the basic international legal framework concerning offensive speech as found in UN instruments and the European Convention on Human Rights and considers whether successful challenges might have been made under them concerning the lack of legal protection against speech which gives rise to religious offence. This involves careful consideration of the provisions of the International Covenant on Civil and Political Rights and the work of the Human Rights Committee, as well as of the European Court of Human Rights. The author suggests that while the Human Rights Committee is likely to uphold freedom of expression where it gives such offence (p 117), the European Court ‘will uphold, in most instances of religious offence, the judgment of national courts’ (p 159).
Interesting though this is, there is an element of abstract artificiality about the exploration, the results of which are not entirely unexpected. However, it then becomes apparent that this is all really something of an (over-)extended preface to the principle thrust of this part of the book which – as its subtitle suggests – concerns the ‘defamation of religions’ debate within the UN from 1999 onwards. It is important to note – and the author does note it – that this obviously not only pre-dates the Jyllands-Posten cartoons but also 9/11 and owes its origins to much more deep-seated concerns with the image of Islam. In Chapter 4 Langer provides one of the most compelling accounts of the background to, and story of, the ‘defamation of religions’ debate across the UN throughout the 2000s, particularly focussing on the impact of the Cartoons debate on this and how, perhaps having overplayed their hand, the Organisation of Islamic Cooperation began to lose the debate, and how, despite attempts to shift its focus into discussions of complementary protection and the 2009 Durban Review Conference, the concept has now ‘exited’ in the wake of the seminal Human Rights Council Resolution 16/18.

If there is a criticism of this chapter it is that the account may be just too concise and more detail might have been welcome in order to make this the definitive account of those years, rather than a major point of reference on the topic. Be that as it may, it is most insightful and repays careful reading. It would, however, have been helpful to have a detailed analysis of Resolution 16/18 in order to see whether it really was so conclusive an end point to the debate; this might have suggested that the overall conclusion regarding the demise of the concept may be somewhat overstated. That conclusion might be a product of the book’s primary cut-off date being December 2012, which also means that there is no consideration of the Istanbul Process which has arisen out of that Resolution and which seems to have revived the central theme of criminalising those who speak ill of religion but in another guise.

Nevertheless, what the following chapters do address is innovative and fascinating. Moving beyond the account of the ‘debate’, they probe the legal concept of defamation in order to see whether it can carry the weight placed upon it, concluding that it cannot (p 207). Rather than leaving the matter there, however, the author then explores what the elements of religious defamation actually appear to be, and concludes that, rather than being seen as a ‘species’ of defamation, it ‘is best understood as an umbrella term that primarily addresses insult to religion, freedom of religion and incitement to religious hatred and discrimination’ (p 225) and that these ideas are themselves ill-defined and poorly addressed within the current \textit{lex lata} of international human rights law – thus creating the space for the ‘debate’ to occur. Yet Langer concludes that, because of strategic errors, the results of the debate were ‘diametrically opposite’ (p 250) to the intention of its proponents as they have ultimately led to even less space for restricting speech offensive to religions than previously. Whether this conclusion is
premature or not remains to be seen but it provides the launch pad for Part II of this work, which takes the reader in a different – and rather unexpected – direction.

Space precludes a full presentation of the author’s argument but, in essence, it is that the entire ‘defamation of religions’ debate has to be understood as part of a much larger discussion concerning the relationship between religion and law. While Christianity, Judaism and Islam all seek to provide norm-rationales for domestic legal rules, only Islam (it is argued) seeks to do so through a ‘monist’ route of direct application: Christianity and Judaism adopt a ‘transformatory’ approach in that they seek to influence legal content but not to ‘be’ its content. On this analysis, and taken up on the international legal plane, what we see in the ‘defamation’ debate is an attempt to extend the norm-rationale for the regulation of speech found in domestic Islamic systems into the international domain. Whereas it is sufficient for others to influence the content of international law approaches to freedom of expression so that it reflects the desired position, for Islamic states this cannot be sufficient as it detaches the content from its religious rationale. Ultimately, Langer argues, this debate is not really about offensive speech at all but about the role of religious rationales in the construction of international law. This is a bold argument and casts new light on how we should understand and respond to the defamation debate. It also suggests – and recent experience bears this out – that, even if this debate has run its course, the underlying issue will resurface elsewhere.

The author’s own conclusions seem to shy away from the implications of the argument which has been made, by reverting to the issue of offensive speech and attempting to justify the human rights approach. This, it has to be said, sounds less convincing than I expect was intended in the light of the powerful forces that his argument has unleashed. The second part of this book has a ‘letting the genie out of the bottle’ quality – and it is not so easily put back. Some issues just do not go away and the relationship of religion and law is clearly one of them. This book needs to be read, even if the opening chapters can probably be read quickly.