

Book Review:

Langer L *Religious Offence and Human Rights: The Implications of Defamations of Religions* (Cambridge University Press 2014)

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Abstract

This contribution is a review of a book on actions which may offend religious feelings even if it was not the intention of the offender to do so. This book illustrates how, drawings (amongst others) on the face of it, may be construed to be a mere exercise of the right to freedom of expression or free speech in a democratic society. This is regardless of the content of the drawing which, to other societies, may constitute an offence.

Keywords

Freedom of religion; freedom of speech; defamation; religious offence.

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Review

This book encapsulates the definition of "offence" and the different standards that may be applicable in evaluating the degree of offence, particularly religious offence. Inevitable in any discussion on religious offences is the telling of the story of the introduction of the "defamation of religions" debate in the United Nations, which the author unpacks uniquely. The author then goes on to evaluate the different international provisions on religious freedom and freedom of expression, thus demonstrating the complex relations between religion, offence and the law.

Amongst other things, this book shows how drawings may ostensibly be construed as exercises of the right to freedom of expression or free speech in a democratic society. This is so, regardless of the content of the drawing, which may constitute an offence in some societies. The drawing of a cartoon figure of the Prophet Muhammed (PBUH) is but one example of such a situation.¹ The difficulties associated with the complexities stemming from such issues are described by the author, as well as how these complexities have brought about attempts to find a balance between the freedom of expression and the protection from religious offences. Such attempts led to the earlier inception of the controversial concept of the "defamation of religions" mentioned above, which is acceptable to some and rejected by others on the ground that it infringes on the right to freedom of speech, and is thus unfortunately not universally accepted as yet.

I found the author's attempt to clarify the strict separation between religion and the law most interesting. One trenchant statement in this regard is "Law is therefore not an opposite of religion; rather, religion may provide one of several rationalities that, by necessity, underlie the legal order."

A democratic society is not one without flaws. The exercise of one's democratic rights is inclined to generate controversial issues that sometimes demand finding a balance between religion and the law, and this is one of the issues that the author has gone to great lengths to address.

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¹ The infamous drawings of the South African, Jonathan Shapiro (known as Zapiro) also landed him in trouble with the Muslim community when he draw cartoons of the Prophet Muhammad. See World-Wide Religious News <https://wwrn.org/articles/33453/>. In another example, he was criticised for drawing a cartoon of the Hindu Lord Ganesha. See Rondganger <https://www.iol.co.za/dailynews/news/hindu-anger-at-cartoon-1598324>.

In my view, this book should be of equal benefit to everyone, as in recent times issues of human rights have demanded a broader approach which requires one to acquaint oneself with and equip oneself with the intellectual tools (developed by nourishing the mind) that make it possible for one to live in harmony with the rest of the world. Insult to religions is but one of the issues sometimes overlooked by the majority of individuals especially considering equal enjoyment of rights. Reading this book may bring some insight on relevant issues regarding religious offences.

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