

Negotiating the Sacred II

Blasphemy and Sacrilege in the Arts

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**ELIZABETH BURNS COLEMAN AND
MARIA SUZETTE FERNANDES-DIAS (EDITORS)**



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This is the second volume from a series of five conferences and edited collections on the theme 'Negotiating the Sacred'. The first conference, *Negotiating the Sacred: Blasphemy and Sacrilege in a Multicultural Society*, was held at the ANU's Centre for Cross-Cultural Research in 2004, and published as an edited collection by ANU E Press in 2006. Other conferences in the series have included 'Religion, Medicine and the Body' (ANU, 2006), 'Tolerance, Education and the Curriculum' (ANU, 2007), and 'Governing the Family' (Monash University, 2008).

Introduction

Lines in the Sand

Elizabeth Burns Coleman and Maria Suzette Fernandes-Dias

The sacrosanctity of religious dogmas and beliefs, stringent laws of repression and codes of moral and ethical propriety have compelled artists to live and create with occupational hazards like uncertain audience response, and accusations of deliberate misinterpretation of cultural production looming over their heads. In extreme cases, the battle between artistic iconoclasm and societal repression has forced creators to put their life on the line in defence of liberal self-expression.

Perhaps we should not write in the past tense. On 2 November 2004, Dutch film maker Theo van Gogh paid with his life for his supposedly offensive depiction of Islam in his film, *Submission* which denounced violence against women in Islamic societies. In February 2005, the 'Världskulturmuséet' ('Museum of World Culture') in Göteborg, Sweden decided to remove the painting *Scène d'Amour* by Louzla Darabi that was part of a temporary exhibition about HIV/AIDS, and depicted a man and a woman having sexual intercourse. The artist and the curator had received numerous death threats, some with the postscript 'learn from the Netherlands', from Muslims enraged over the Koran quotations that were featured in a corner of the painting. In September 2005, Europe suffered the violent outbreak of public outrage from the Muslim world (several dead, embassies burnt and international tension) when the Danish newspaper *Jyllands-Posten* printed 12 cartoons of Mohammed.

These are dramatic cases in contemporary culture wars, yet the issue is not merely about the relationship between Western artists and Islam. Banal use of religious symbols continues to spark controversy as some of us believe that excessively liberalised and interpretative use of religious symbols/icons/figures in art, divests these representations of faith, of their sanctity, and, at times, offends conventional piety. 1998 saw an unsuccessful private prosecution in New Zealand after the Te Papa museum displayed *Virgin in a Condom*. Protesters besieged the museum, and attacked the sculpture. In 2000, the *Sensation* exhibition at the Museum of Modern Art in New York was picketed because of its inclusion of a painting by Chris Ofili, *The Holy Virgin Mary*, which incorporated carefully placed elephant dung. The Australian National Gallery cancelled its display of the exhibition. In 2004, Oliver Stone's movie, *Alexander*, based on the life of the fourth century BC Macedonian king, evoked protests from the Zoroastrian diaspora for the use of a Zoroastrian holy symbol, the

Farohar. *Behzti*, a play by the British Sikh playwright Gurpreet Kaur Bhatti became the centre of a major controversy in the United Kingdom in December 2004 when the opening night was disrupted by a riot at the Birmingham Repertory theatre.

In *A Short History of Blasphemy*, Richard Webster suggested that Western liberals and artists deploy the rhetoric of a holy war in defence of freedom of expression just as readily as Muslims do in relation to their defence of Mohamed and the Koran, and indeed, hold the doctrine of freedom of expression nearly as sacred.¹ Lines in the sand have thus been drawn between those wishing to protect freedom of expression in the arts, and those who think blasphemy is wrong, and should be suppressed. What is consistent in the liberal position is that the 'opponent' is a 'zealot' or an intolerant moralising bigot seeking to impose his or her particular version of the good upon us all.

In his discussion of the British debates over the place of blasphemy law in Britain, Clive Unsworth sees a polarisation between those who see blasphemy law as supporting the role of religion and religious values in society, and liberals who object to blasphemy laws on the basis that the law's object is to protect some members of society from being offended, not merely by exposure to the blasphemy, but through the knowledge that other people may be viewing the material and not finding it offensive.²

The three events in Britain in the late twentieth century that re-ignited debates over blasphemy involved 'the insertion of elements of sexuality and sexual deviancy into the religious narratives'.³ These events included the *Gay News* case, *Satanic Verses*, and the refusal to license the video *Visions of Ecstasy*.

In the 1977 *Gay News* case, Mary Whitehouse successfully invoked British blasphemy law against the editor of the paper, Denis Lemon, for the publication of the poem 'The Love that Dares to Speak its Name' by James Kirkup. Lemon was sentenced to nine months' jail, suspended for 18 months, and *Gay News* was fined £1000, with prosecution costs awarded against them. The decision and the interpretation of the crime were upheld by a majority of the House of Lords. Unsworth acknowledges that 'it was not the case that the blasphemous quality of Kirkup's poem was dependent upon its homosexual content, and indeed, supporters of the prosecution were anxious to maintain that the trial was not about homosexuality but about the vilification of Christ'. Yet, for Unsworth, the stated objection does not undermine their obvious bigotry: 'in the context of the wider belief system, the homosexual content of the poem cannot have done other than to aggravate the blasphemy and render it exorbitant in the eyes of those who so judged it'.⁴

This case started a vigorous campaign by artists and liberals to have the blasphemy laws abolished, a campaign that resurfaced almost 12 years later in

the wake of the Rushdie affair. *The Satanic Verses*, a bitter satire on Islam, understandably gave serious offence in depicting Muhammad as ‘Mahound’, a calculating opportunist and debauched sensualist, and giving the names of Muhammad’s wives to prostitutes in a brothel.⁵

The last case, *Visions of Ecstasy*, a 1989 short film directed by Nigel Wingrove, was refused certification by the British Board of Film Classification (BBFC) because of scenes featuring a sexualised representation of Saint Teresa of Ávila caressing the body of Jesus on the cross—scenes which could potentially make the film liable to prosecution for blasphemy. As cutting the scenes would remove approximately half of the film’s content, the board decided to refuse certification altogether. In 1996, the distributor of *Visions of Ecstasy* took his case to the European Court of Human Rights where the BBFC’s decision to reject certification was upheld. The Court concluded that: ‘Freedom of expression constitutes one of the essential foundations of a democratic society. As paragraph 2 of Article 10 expressly recognises, however, the exercise of that freedom carries with it duties and responsibilities. Amongst them, in the context of religious beliefs, may legitimately be included a duty to avoid as far as possible an expression that is, in regard to objects of veneration, gratuitously offensive to others and profanatory.’⁶ It is this that liberals are unable to accept.

One thing we may agree about is that the protection of religious sentiments appears to be the legally accepted purpose of blasphemy law. Unsworth writes:

The crime of blasphemy is directed to the objective of protecting religious believers from outrage to their feelings from relevantly offensive material being in circulation, in the interests of a social value of maintaining respect for a sense of reverence of the sacred, so that it has to do with the social status of religion. It is the tenuous and intangible nature of the harm against which the offence protects that causes especial outrage to liberal exponents of the pre-eminent value of freedom of expression.⁷

We might be wary of Unsworth’s portrayal of the issue in terms of the nature of the offence as a kind of prurient attitude towards sexuality. It may be the case that Mary Whitehouse was seeking to uphold moral sexual values. Yet, in *A Brief History of Blasphemy*, Webster reminds us that both Christian polemicists and Western orientalist for centuries ‘sought to denigrate Islam by attributing to it a fantastic, disreputable or demonic sexuality’.⁸ According to Webster, the Muslim objection to the use of sex within the *Satanic Verses* was not to sex itself, but to the use of obscenity as a form of vilification.

On the picture Unsworth presents, the conservative position on blasphemy is to uphold moral (sexual) values in society, and the liberal position is the standard position against legal moralism, that ‘offence’ is not a justified basis for the state to interfere with freedom of expression.

According to Caslon Analytics, an Australian research consultancy, voices decrying blasphemy against art have been inspired by 'overseas models, with local provocateurs, zealots and "concerned citizens" emulating excitement in London, New York or other cultural centres'.⁹ The consultancy suggests that the protests have seldom sustained media attention or support of major religious groups or community leaders and have encountered a largely indifferent audience. This characterisation belittles those protesting against blasphemy in Australia as fringe groups, whose position is not worth considering, but it is true that, within Australia, the accusation of blasphemy does not immediately give rise to widespread public ire. Despite the very public claim made by Justice Harper, Supreme Court of Victoria, when refusing to grant an injunction to prevent the opening of Andres Serano's *Piss Christ* at the National Gallery of Victoria (*Pell v Council of Trustees of the National Gallery of Victoria*) that as a multicultural and tolerant society, Australia 'need not bother with blasphemous libel', the work was vandalised on two different occasions in two weeks, compelling the gallery to close the exhibition to prevent further assaults against its staff. The technicalities that quashed the injunction ('a civil court will not exercise criminal jurisdiction and will not restrain what may or may not be a legal act by using a civil remedy such as an injunction'¹⁰) and defences of the freedom of expression were not sufficiently potent to quell the passions that the image aroused in some members of the public and, in others, perceptions of an infringement of decency and good taste.

Webster suggests that blasphemy laws may have come to be considered obsolete because 'respect for the figure of Jesus and for Christianity in general has been inculcated so widely, even among non-believers, that the restraints of good taste have generally made the restraints of law all but redundant'.¹¹ He argues that it would be considered 'unpardonable breach of good taste' for a sceptic or a non-believer to blaspheme in front of a believer, and that this amounts to an internalisation of the sacredness of Christian religion.¹² It is not the case, however, that the same respect would automatically be extended to other religious groups within our communities. He speculates that it is because of such internalised repression that 'the role of artists, poets, novelists and film-makers as 'agents' of blasphemy has become so important in the twentieth century'.¹³

Our aim in this book is to move beyond these portrayals of debates over blasphemy as a contest between fundamentalism or legal moralism and liberal freedoms and to re-examine the nature of the offence. To cut through the entrenched positions about blasphemy and freedom of expression, it is necessary to recognise that freedom of expression is a political right. The protection of this right does not mean that all acts of blasphemy are morally permissible or acceptable. Legal permissibility and moral acceptability are different, and one

may have a political liberty to do something that is morally wrong. Moreover, the condemnation of repressive acts of violence in response to blasphemy is not incompatible with the condemnation of gratuitous disrespect of religious symbols and offence to others. There is a debate to be had, of course, about whether offence should be taken seriously morally, and whether offence is the correct characterisation of the wrong involved. The perspective of the religious persons may differ from that of those who do not share their belief. For legal philosopher Joel Feinberg's 'profound offence', the 'wrong' involved is not, or not merely, that someone has been offended; it is that they are offended because the act is wrong.¹⁴ In such cases, mere knowledge of the act is sufficient to cause offence. The reason why religious beliefs are particularly susceptible to this form of offence is that they contain a sacral element that is missing from other strongly held beliefs.¹⁵ (It does not follow from this that religious beliefs are the only form of belief that might be considered important in this regard, as the issue concerns the centrality of a belief to a person's life.)

Focusing on 'fundamentalism', or 'zealots' or 'legal moralism' blinds us to the broader social context. This debate is not merely about the role of Christianity in our society, but the place of religion in a multicultural society with numerous religious groups. Issues surrounding the rights of minority cultures, in particular indigenous cultures, to recognition and respect have raised new questions about the contemporariness of the construct of blasphemy and sacrilege. Controversies over the aesthetic representation of the sacred, the exhibition of the sacred as art, and the public display of sacrilegious or blasphemous works, have ignited heated debates and have invited us to reflect on binaries like 'artistic and religious sensibilities', 'tolerance and philistinism', 'the sacred and the profane', 'deification and vilification', and to reconsider what actually amounts to blasphemy and sacrilege in the present day context of multicultural cosmopolitanism and political secularism.

Although blasphemy is traditionally defined as 'a contemptuous or profane act, utterance, or writing concerning God or a sacred entity', 'the act of claiming for oneself the attributes and rights of God' or 'an irreverent or impious act, attitude, or utterance in regard to something considered inviolable or sacrosanct', the construct has extended itself to the domain of the secular, to include concepts like the desecration or flagrant disrespect of 'civil religion' and mythologies of nationalism and identity. Sacrilege is conventionally defined as the transgression against the virtue of religion in terms of 'violation of a sacred place', 'irreverent treatment of sacred things', 'defilement of honour of a "sacred" person', and it is not always clear where the line between blasphemy and sacrilege lies.

While the writers in this collection have approached the question of blasphemy and sacrilege very differently, the usages reflect many of the issues in negotiating the sacred in the arts, and, indeed, highlight how varied these

issues may be. In our first chapter, Nash observes that in ancient and early Christian periods, blasphemy involved physical attacks on religious artefacts with the intent to damage the religious 'currency' of the religion so attacked. In contrast, medieval and early modern accounts of blasphemers see them as wilful heretics indulging their own pride, an 'active commission whereby doubts or errant opinions were actively vocalised'. David Manning, like Nash, sees blasphemy as primarily a crime within the Christian tradition, and contrasts the contemporary interpretation of blasphemy as an offence of people's sensibilities with an older interpretation of blasphemy as an offence to God. Coleman develops a broad interpretation of blasphemy as a failure to display the homage appropriate to what is represented by an image or symbol in order to extend the concept into cross-cultural settings, and to understand what is objectionable about aesthetically appreciating some indigenous religious objects. McGowan, in contrast, understands the placement of sacred objects in a gallery context not as blasphemy, but as a form of re-sacralisation. Both Coleman's and McGowan's cross-cultural interpretations would be rejected by Rai, who argues that Western academics fail to appreciate that there is no clear distinction between the sacred and the profane in Indic thought. As editors, we have not attempted to impose a concept of blasphemy or sacrilege; in contemporary debates such words count as markers of dispute over meanings, contexts, and uses. Our purpose is to highlight and explore these different uses, and to try to find a way to understand and negotiate differences between values. The sacred may be presented as an absolute, but may also be negotiated. Negotiation may mean discussion leading to some kind of agreement or settlement, but it may also mean to clear or pass an obstacle.

The justifications for artistic freedom in relation to blasphemy include the claim that art can, or should, be considered an autonomous practice that should be judged in terms of aesthetic merit; that the artists' intention, for instance to make a political comment or to break down barriers, justifies blasphemy, and that complete freedom of expression is necessary for the creation of art. The first argument involves the idea that literary genres, galleries, theatres and other forms of secular, public 'space' provide a context that allows us to recognise that what is occurring is 'a representation', and enable a specifically aesthetic form of interpretation. Many artists assume that such 'spaces' establish the framework for an interpretation and appreciation that is autonomous, and distinct from moral and religious evaluation.

As we grapple with the task of articulating how artists strive against ideological and religious sanctions to affirm the 'dissenting voice' and affirm its ability to 'enable people to question and assess the validity of dominant social norms and their institutionalisation',¹⁶ we are also conscious of the means by which some achieve this without raising the ire of religious authorities, and alienating others within our societies.

The book is divided into four sections. The first provides four different accounts of blasphemy and sacrilege in the arts and in relation to religious artefacts that we may find displayed as arts. The second section is concerned with the motivations that artists may have in deploying blasphemous images. The third looks at two very different interpretations of freedom of expression, and the fourth is concerned with how artists express themselves from within religious traditions and despite restrictions.

In an age where politicians still use the oldest gimmick of justifying their oppressive acts as answers to a divine calling and align their motives to religiously sanctioned agendas, art continues to provide the transgressive space for subverting dominant ideological discourses. However, despite their emancipatory power, artists and their art occupy a liminal space wherein the contemporary socio-political climate of hegemonically-induced extremism and increased communal and religious sensitivity and intolerance, limit individual freedom of expression. Artistic articulation of individual conviction without the intention to offend can still potentially cause unrest. In a world that is becoming increasingly pluralistic and multicultural, it is necessary to step beyond the simplistic assertion that free speech should override religious sensitivities and to facilitate a discourse that will encourage a negotiation of definitions of blasphemy or sacrilege and a sensitisation of religious sensibilities, and limit the abusive deployment of freedom of expression. Artistic sophistication and layering of meaning with its 'virtues' of ambiguity, openness, and indeterminacy that prevent a single, blatant and overt interpretation of a creation as sacrilegious or blasphemous, presents one such means of reconciling potential conflict. Enabling and creating an environment of tolerance that is conducive to intellectual debate and not offence, is yet another. Respect for the religious and cultural sentiments of others is of the utmost importance, for, it is only in a society that respects difference that a forum for negotiation can evolve and the lines in the sand can fade.

Endnotes

¹ Richard Webster, 1990, *A Brief History of Blasphemy: Liberalism, Censorship and 'The Satanic Verses'*, Southwold: The Orwell Press.

² Clive Unsworth, 1995, 'Blasphemy, Cultural Divergence and Legal Relativism', *Modern Law Review*, vol. 58, pp. 658-677, at p. 665.

³ *Ibid.*, p. 664.

⁴ *Ibid.*, p. 671.

⁵ Shabbir Akhtar, 'Be Careful With Muhammad!', cited in Webster, 1990, p. 39.

⁶ http://www.sbbfc.co.uk/case_study_visionsofe.asp

⁷ *Freedom, the Individual and the Law* (1993), p. 254, cited in Unsworth, 1995, p. 667.

⁸ Webster, *op. cit.*, p. 40.

⁹ <http://www.caslon.com.au/blasphemyprofile4.htm#brian>

¹⁰ <http://www.artslaw.com.au/Publications/Articles/97Blasphemy.asp>

¹¹ Webster, *op. cit.*, p. 25.

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¹² Ibid.

¹³ Ibid.

¹⁴ Joel Feinberg, 1985, *The Moral Limits of the Criminal Law: Volume 2, Offense to Others*, New York: Oxford University Press, p. 67.

¹⁵ Peter Jones, 1990, 'Respecting Beliefs and Rebuking Rusdie', *British Journal of Political Science*, vol. 20, no. 4, pp. 415-437, at p. 424-5.

¹⁶ H. Marcuse, 1978, *The Aesthetic Dimension*, Boston: Beacon Press, p. 9.