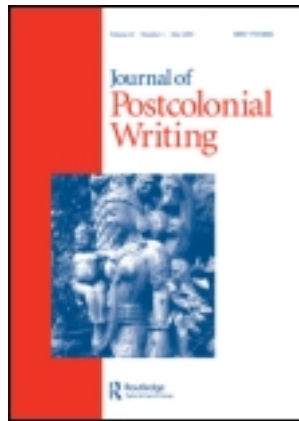


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Free speech, ban and “fatwa”: A study of the Taslima Nasrin affair

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Of the many feminist voices in Bangladesh, Taslima Nasrin is the best known for the censorship, fatwa and subsequent legal intervention against her. Of all her banned books, *Lajja* drew the widest international attention, and that, as many commentators argue, was especially because of the involvement of the Indian establishment and media that sought to distract the world’s concern away from religious tensions and communal strife in India in the wake of the Babri Masjid’s demolition in 1992. Despite this political debate, the Taslima Nasrin affair is sometimes used to reinforce the binary between Islam and free speech, and the writer represented as a wronged woman of Bangladesh’s Islamic patriarchy. However, a look at the genealogy of the Bangladesh Penal Code and the Islamic position on free speech suggest that Bangladeshi censorship laws date back to the British colonial period and that there is a wide gap between the street rhetoric to punish Nasrin as an “apostate” and “blasphemer” and the Islamic tradition of free speech rights. Moreover, shifting ban controversies from *Lajja* to *Ka/Dwikhandita* counteracts the conventional branding of the secular as sole defenders of free speech and the religious as its chief opponents.

Keywords: freedom of speech; apostasy; censorship; blasphemy; fatwa, Bangladesh Penal Code; Taslima Nasrin

Whatever reputation Taslima Nasrin¹ (1962–) has in Bangladesh, where both Islamic and secular intellectuals have often been “equally dismissive of her writings” (Alam 429), her global eminence is undeniable. She is celebrated internationally as a symbol of intellectual liberty and champion of free speech, and (wrongly) as the only feminist voice in Bangladesh to advance women’s causes or to speak out against religious bigotry. Moreover, she has received numerous international awards and been compared to Salman Rushdie, Nawal-al-Sadawi and Naguib Mahfouz; and her works have so far been translated into about 30 languages. When Nasrin was sued by the Bangladeshi state for her apparently anti-Islamic statements in 1994, Sweden, Norway and France appeared to compete with each other to offer her refuge. In this essay I will review the history of Nasrin’s controversial early literary career, and offer a situated critique of her co-option as a literary symbol of oppressive Islamic censorship in South Asia and the denigration of women’s free speech in Bangladesh. I will analyse the genealogy and evolution of South Asian censorship laws. Discussing the various factors active in the Taslima affair, I will argue that religion is not the only reason for banning her books and will counteract the dichotomy between Islam and free speech.

Bangladesh first “emerged onto the international map of censorship when [Nasrin’s] novel *Lajja* was banned in 1993” (Mazzarella and Kaur 2). Set in Bangladesh in the aftermath of the destruction of the historic Babri Masjid in 1992 and the contemporary inter-communal violence against Muslims in India, *Lajja* describes the retaliatory oppression of

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Hindus by Muslims in Bangladesh and portrays the predicament of a Dhaka-based Hindu family and the kidnapping of its daughter Maya at the height of religious tensions. The night before they leave for India, Maya's brother Suranjan brings home a Muslim prostitute and rapes her, supposedly to take revenge on Bangladeshi Muslims. *Lajja* documents attacks on temples across Bangladesh and relates Hindu threats to burn Bangladesh's national masjid, the Baitul Mukarram (Nasrin, *Lajja* 163).

Originally written in six chapters, the novel underwent translational and editorial interpolations in the hands of Indian publishers and was expanded into "thirteen" chapters and "over two hundred" pages (Deen, *The Crescent* 94). Its Hindi version distributed free by India's BJP "included sections not in the original novel" (Siddiqi 32). Many critics and commentators insist that *Lajja* misrepresents Hindu-Muslim relations in Bangladesh and regard the book's release as an attempt by the Indian political establishment to distract world attention from India's communal problems and avoid further international embarrassment. According to the writer Ahmad Sofa (1943–2001), India created Taslima after the Babri Masjid's demolition in order to displace religious tension and show Bangladesh, not India, as riven by communal strife (qtd in Nasrin, *Sei Sab* 292). As a result, the West accused "Bangladesh of fundamentalism while failing to see [India's] Hindu fundamentalism in the destruction of the four hundred year old mosque, or in the communal killings" (Murshid 158). The German writer Burkhard Mueller-Ullrich argues, as Deen mentions, that *Lajja* gives "a totally distorted image of Bangladesh as [...] a land fallen prey to Islamic extremism. This, he explained, was the reason for its grandiose reception in the West" (Deen, *The Crescent* 175). At the height of Nasrin's notoriety in 1994, Bangladesh made international news headlines on a number of occasions, not with the usual news of floods and poverty but with the menace of Islamic patriarchy and fundamentalism and with the spectre of censorship and the restriction of free speech, and it was equated with a theocratic state like Iran. Though there were incidences of unauthorized fatwa against women and of suppression of writers in Bangladesh before Nasrin's emergence, with the controversy over her work this received wider global attention. Consequently, the debate on Islam and free speech once again surfaced in the academic discourse that will be reviewed in more detail later in this paper.

The controversy over *Lajja* must be set against a global politics that increasingly saw the West's antagonists not as a Cold War "red menace" but as an Islamic "green menace". Bangladesh was inevitably touched by these tensions and was at a crossroads, where it had to choose between appeasing its displeased citizenry and capitulating to the West over its demands to show leniency to Nasrin. It faced increasing pressures from the European Union, the US government and rights groups that – on the basis of Nasrin's experience – accused it of poor human rights records. While feminist and progressive elements in Bangladesh are equally vociferous in promoting the right to free speech, they are often unhappy about Nasrin's writing and were, to her displeasure, largely silent about her case – a fact Nasrin reiterates in *Sei Sab Ondhakar* where she regards Bangladeshi liberals as progressive hypocrites who, she believes, were behind the troubles she suffered in 1994 (127). While this shows Nasrin's frustration at not receiving adequate support from the secular intelligentsia, it is also true that many were opposed to state censorship of her work. However, the fact that the most positive and enthusiastic voices in her defence were international – rather than local – complicates a retrospective evaluation of her case.

The Taslima affair seems to have rearticulated the simplistic binary of "absolute freedom in the West and total silencing in Bangladesh" (Zafar 415), reinforced the problematic West-Islam dichotomy and buttressed, to use Ali Ahmed's words: "a tested set of binaries to reductively make sense of the world: secular/religious, liberal/fundamentalist, rational/irrational,

and, by simple deduction, ‘the West’ and ‘Islam’” (172). As was the case with the *Satanic Verses* affair, the media coverage of Nasrin’s story and her many detractors in Bangladesh, in contrast to her benevolent support structure in the West, positioned Bangladesh, and for that matter Muslims as a global community, as the West’s irrational and disavowed other. Nevertheless, a critical look at the genealogy of Bangladesh’s laws relating to censorship, discussed later in this essay, thwarts and problematizes the “binary opposition between absolute freedom [in the West] and total silence [in Bangladesh]”, which Zafar argues is “a by-product of the [Taslina] affair” (417). The hostilities that Nasrin faced in Bangladesh are also responsible for the reinforcing of such a convenient binary.

Nasrin began her writing career by editing a literary magazine *Shenjuti* [Evening-lamb]. After entering government service as a physician in 1989, she started writing regularly for Dhaka-based newspapers. Since then, her literary career has steadily gathered momentum and she has produced poetry, essays, novel and autobiography. Nasrin’s writing is marked by descriptions of women’s suffering, male antagonism, vehement (and sometimes ill-informed) criticism of Islam and, more controversially, explicit description of sex acts. Her writing includes detailed accounts of her sexual experiences and relations with various men and women, which are full of erotic undertones. In the early 1990s, her work attracted the notice of mainly young people for perhaps the wrong reasons, since the salacious, sensational content generated a prurient interest in a society with no pornography industries and little history of sexually explicit literature. Her work was taken as an affront to perceived public morality and started causing embarrassment among both feminists and liberals, and more conservative factions in Bangladesh, and culminated in “fatwa”, state censorship and legal actions, and finally she was forced to go into exile.

Though she has the dubious merit of having the highest number of banned books in Bangladesh to her credit, Nasrin is not the only Bangladeshi writer who has faced public antagonism, state surveillance and proscription, and government censorship. Written words and dissenting voices have caused trouble for some other Bangladeshi writers of the past and present. For instance, in the 1970s Al Mahmud (1936–) was jailed for a year for being critical of the government and Farrukh Ahmad (1918–74) lost his job and died in penury mainly for his writings that espoused the idea of a united Pakistan. For composing a poem deriding the Prophet Muhammad, Daud Haider was sent into exile in 1974 and the outspoken journalist Shafiq Rehman was detained several times and lived in self-exile in the United Kingdom for a number of years in the 1980s. Farhad Mazhar (1947–) was put into detention for 120 days in 1995 under the Special Powers Act (1974) for criticizing the government. In 2009, a high-level civil servant, ATM Fazlul Karim, was forcibly retired for writing a book of poetry in which he allegedly satirized Sheikh Mujibur Rahman, Bangladesh’s first prime minister. More recently, a prominent columnist and acting editor of the popular vernacular newspaper *Amar Desh* was arrested and his daily shut down on 1 June 2010. He was then allegedly tortured in police custody “mainly for his writings where he talked about the circumstances in which about 60 army officers were killed in February 2009 and also about the involvement of some very powerful persons [...] in various financial irregularities” (Chaudhury). Historically, on 16 June 1975, the then government of Bangladesh “had closed all newspapers except four under government control” (Chaudhury). However, Nasrin is the first Bangladeshi writer to have been embroiled in so many controversies, to the extent that sometimes the words “Taslina” and “trouble” become synonymous in the Bangladeshi media. Controversy in her case extends from the written word to the spoken sentence, from anti-male to anti-Islam to anti-Bangladesh and then to pornography and plagiarism. In response to her perceived attacks on religious sentiment and communal harmony, both Bangladesh and India experienced intense – though

sporadic – anti-Taslima campaigns and a number of her books have provoked lawsuits and bans in both countries.

Nasrin's treatment of sexuality and Islam

Because Nasrin's depiction of sex and sexuality is one of the most incendiary aspects of her writing, it is necessary to digress here and review current feminist thinking on pornography and censorship. Feminists are sharply divided on the issue of pornography and legal proscription, and this debate has been characterized thus far by a "struggle between anti-pornography feminists and anti-censorship feminists" (Bose xxviii). The former regard pornography as the degradation of women for the pleasure of male readers and viewers, and they favour censorship since, as the feminist activist Robin Morgan once famously declared, "pornography is the theory and rape is the practice" (139). Conversely, the latter seek to find women's liberation through freedom of representation – written and visual – of the female body. Nasrin's outspoken treatment of sex, her frequent sarcastic remarks on Islam and derogatory representation of the Prophet Muhammad and sacred Islamic texts have not been well received in Bangladesh where belief in Islam and public reticence about overt sexuality are fundamental to society.

Freedom of speech and expressing one's views are a democratic right enshrined in Bangladesh's Constitution, and the country is a signatory to international conventions such as the Universal Declaration of Human Rights (UDHR, 1948) and the International Covenant on Civil and Political Rights (ICCPR, 1966 [enforced in 1976]). Article 19 of the UDHR reads: "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." Article 19 of the ICCPR reads:

1) Everyone shall have the right to hold opinions without interference. 2) Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice. (ICCPR)

Equally, article 39 of Part III – Fundamental Rights – of Bangladesh's Constitution guarantees "freedom of thought and conscience, and of speech" (Bangladesh Constitution); this freedom is, however, subject to "reasonable restrictions" which are also accommodated by the ICCPR "in order to respect the rights of others, and in the name of public safety, law and order, public health and morality" (Mohammad and Hasan 52). Disrespect of these restrictions, upon the institution of legal proceedings, is dealt with through the Penal Code of 1860. Bangladesh's laws are largely based on English common law and the country inherits its judicial system from the British colonizers, though there have been amendments and changes since 1947. We will return to the colonial origins of the Bangladeshi legal regime later in this article.

On the plea that Nasrin's writings hurt people's religious sentiments, section 295-A of the Penal Code has been applied to ban her books and bring lawsuits against her. This section concerns "deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs" and reads:

Whoever, with deliberate and malicious intention of outraging the religious feelings of any class of the citizens of Bangladesh, by words, *either spoken or written*, or by visible representations insults or attempts to insult the religion or the religious beliefs of that class, shall be

punished with imprisonment of either description for a term *which may extend to two years*, or with fine, or with both. (Bangladesh Penal Code, emphasis added)

The first legal challenge that Nasrin faced was on 4 June 1994 when the Bangladesh government issued a warrant for her arrest under this section after a police officer, Nurul Alam, sued her on its behalf for her comments in an interview with Indian journalist Sujata Sen on 6 May 1994 – published in the Calcutta-based *The Statesman* on 9 May 1994 – that the Qur’an should be thoroughly revised.² She went into hiding and was granted bail upon her court appearance after 60 days, as the Bangladesh law is constitutionally lenient to women, children and the infirm. Then in 1999 a man named Dabiruddin Azad sued her personally, as he claimed his religious sentiments were hurt by Nasrin’s work, and this led to her *in absentia* sentence in 2002 of one year’s imprisonment.

The law used to proscribe Nasrin’s books and prosecute the author has a colonial legacy. It was promulgated in British India in order that the colonial state might “assume the role of the rational and neutral arbiter of supposedly endemic and inevitable religious conflicts between what it presumed were its religiously and emotionally excitable subjects” (Ali Ahmed 173). It dates back to Thomas Babington Macaulay, who went to Calcutta in 1834 to serve on the Supreme Council of India until 1838. Macaulay “undertook the task of writing a comprehensive series of legal codes” and formulated the draft of the Indian Penal Code in 1837, which underwent a number of revisions and “was eventually enacted by Act 45 of 1860,³ and remains in force in India, Pakistan, and Bangladesh today” (Ali Ahmed 178). Chapter XV of the Penal Code, titled “Of Offences Relating to Religion”, originally had four sections, each dealing with one particular aspect of sacrilege and profanity. Section 295 is about “injuring or defiling place of worship”, section 296 about “disturbing religious assembly”, section 297 about “trespassing on burial places, etc.” and section 298 about “uttering words, etc., with deliberate intent to wound religious feelings” (Bangladesh Penal Code). However, later, when “Punjab-based Arya Samaj polemicists” started distributing “sacrilegious tracts” against the Prophet Muhammad, these sections were found inadequate for prosecuting the offenders because section 298 covered spoken blasphemous words only (Ali Ahmed 182). To counter worsening communal relations in the wake of those polemics that continued in the late 19th and early 20th centuries and to pre-empt further religious clashes, in 1927 the state added section 295-A to Chapter XV to include both spoken and written blasphemies within the purview of the law. Since its promulgation, this has helped the state – both colonial and postcolonial – to assert authority in circumstances when people may take the law in their hands, and thus to maintain public order. Such notions of public disorder and legal intervention were, however, a colonial rhetoric constructed to perpetuate state hegemony. As Pandey argues, in his critique of the British role in constructing communal tensions, the blatant communal divide between Muslims and Hindus had not been a perennial “pathological condition” (10) before colonialism.

Bans on Nasrin’s books and Islam

Chapter XV of the Penal Code 1860 discussed above constitutes the basis of court cases against Nasrin and state proscription on her books. However, while other interests, partisan politics and personal grievances were also active behind the lawsuits against her, the issue of blasphemy and the pretext of an “insulted” Islam are repeatedly cited and emphasized in the media. As a result, Islam and Nasrin appear in court metaphorically as the plaintiff and the defendant, so buttressing the assumption that Islam is an “intolerant” religion that restrains free speech and that Muslims are delicate and hypersensitive. Reviewing the case

more closely, however, we find that Islam – or a state-sanctioned orthodoxy in Bangladesh – is not the only actor or antagonist in the ban on her works.

Of Nasrin's numerous published books, the Bangladesh government banned five: her novel *Lajja* (1993), and the first four parts of her autobiography namely *Amar Meyebela* (1999), *Utal Hawa* (2002), *Ka/Dwikhandita* (2003), and *Sei Sab Ondhakar* (2004). All were banned under the section, 295-A, that criminalizes writings offensive to people's religious sentiments. Secular and feminist intellectuals are in agreement with Nasrin about incidents of minority oppression in Bangladesh, but many of them have "doubts" about the graphic description of cruelty on Hindus and the figures of temple attacks in Bangladesh that Nasrin mentions in *Lajja* (Azim). Moreover, "the reader has no way of distinguishing fact from fiction" (Siddiqi 32). A section of the Bangladeshi Hindu community was also unhappy with the content of *Lajja* and demanded Nasrin's punishment (Nasrin, *Sei Sab* 138). Dhaka University faculty member Bijoy Lal Basu considers the story of *Lajja* "rather a distortion of the reality of communal relations in Bangladesh". He reminisces:

When the Babri mosque was razed down by fanatics in India [...] some Hindu temples and houses duly came under attack [in Bangladesh]. However, the civil society and the state were alert which ensured there would be no further damage or destruction to Hindu properties. I remember my own feelings of anxiety at the time but my Muslim friends and neighbours, who were visibly upset and even angry at what had just happened in Ayodhya, did not utter a word of abuse but rather were worried about the safety of the Hindu population in the village. [...] There were reports of a few isolated incidents here and there but the scale of damage and destruction described in *Lajja* [is] unbelievable. (Basu)

Basu's argument goes against the grain of what Nasrin claims; namely, that the liberals and the state were silent or even complicit with the onslaught on the Hindus. According to Chowdhury and Chowdhury, *Lajja* "does not give a total picture of Bangladesh. It gives the impression that Bangladesh is a fundamentalist state where most Muslims are communal and Hindu-haters. Which is not true" (30). Writer and rights activist Farhad Mazhar wrote: "With a scratch of the pen, Taslima made Bangladesh a communal country" (qtd in Nasrin, *Dwikhandita* 272, my translation). In several places in *Lajja*, Nasrin mentions Hindus' migration from Pakistan and Bangladesh to India after 1947 partition (10–11, 126, 190), while she completely fails to cite Indian Muslims' exodus into what were then West Pakistan and East Pakistan.

Despite controversy over the content of *Lajja*, Bangladeshi liberals felt that state intervention and the right to free speech were more important issues. Many of them registered opposition to state intervention in literary production, took to the streets or wrote newspaper columns to protest against the ban on the novel. Conversely, bans on *Utal Hawa* and *Sei Sab Ondhakar* were comparatively uneventful and prompted no organized movement, as by that time Nasrin was almost forgotten in Bangladesh. But the publication of her memoir, *Ka*, in Bangladesh and of its West Bengal edition, *Dwikhandita*, in India caused widespread anger in both countries, because it divulged her sexual relationships with a number of renowned Bengali writers. This time it was not the religious constituency in Bangladesh who wanted to see the book banned, as the few pages containing offensive remarks about the Prophet were expunged from its Bangladeshi edition. It was the secular intellectuals and Nasrin's old defenders in both the Bengals who overtly or covertly backed the ban; hence the conventional dichotomy between madrasah-educated religious ulama and freedom-of-expression-loving secular commentators was dismantled. Nasrin, disillusioned at the loss of her usual supporters, reacted robustly: "This time I was very surprised [...]. I could never imagine these progressive, secular writers would try to shut me up" (qtd in Li).

Thus, though the ban on *Lajja* had earned Nasrin a considerable amount of sympathy and support from secular liberals in Bangladesh and from both the secular and Hindu right in India, the release of *Ka/Dwikhandita* effectively destroyed that earlier support base. As its Indian edition contained the expunged pages, Indian Muslims were enraged, but the legal battle against it was launched by secular intellectuals. In Calcutta, Nasrin's long-time friend and former lover the poet Hasmat Jalal went to court with a defamation suit of £1m to see the book banned because of revelations about their past relationship. In Dhaka, her former mentor, the writer Shamsul Haque, was provoked into a defamation suit for 100 million takas (about £1m) because of allegations Nasrin had made about him and he complained that she had "undermined" his literary reputation and publicly "embarrassed" him (Rahman).

Soon after *Dwikhandita*'s publication, the West Bengal government temporarily banned it under section 295-A of the Penal Code "on grounds that it would create enmity, rivalry, and hatred among religious communities" (Kumar 186).⁴ In addition to Jalal's lawsuit, the political turmoil over the anger of the dispossessed Muslim peasants of Nandigram was also a factor. The government purportedly wanted to divert people's attention from the trouble in Nandigram intensified by a Muslim youth's death "allegedly with the connivance of the Kolkata police" (Riaz, "Constructing Outraged Communities" 171), and to appease the disaffected, wronged Muslim farmers by putting a ban on a book critical of Islam and its Prophet. Accordingly, the ruling class made repeated mention of Muslims' *hurt sentiment* to defend the ban, as the patriarch of the left in West Bengal, Jyoti Basu (1914–2010), declared: "No Muslim will stand the way she criticized the Quran and the Prophet" ("Taslima Welcome"). But Nasrin was not convinced and stated: "In my personal opinion, *Amar Meyebela* (My Girlhood) was far more anti-Islamic than this one. Why didn't they ban it?" ("Kolkata Bans"). Mahasweta Devi echoes the same misgivings: "Was there a strong demand for *Dwikhandita* to be banned? Taslima has written her [negative] opinions on religion in each of her books" (24, my translation).

This renders the irony more striking, as most of her previous books, especially *Nirbachita Column*, *Lajja*, *Amar Meyebela* and *Utal Hawa*, were no less anti-Islamic than *Dwikhandita*. The West Bengal establishment not only overlooked those anti-Islamic invectives but honoured her with the Ananda Award in 1992 for *Nirbachita Column* and again in 2000 for *Amar Meyebela*. But this time the ruling class and eminent Ananda-affiliated writers implicitly supported the ban and explicitly spoke against the book for its *vulgarity*. While the religiously conservative/Islamic segment had considered Nasrin's treatment of sexuality as vulgar and pornographic since the beginning of controversy over her work, now such an indictment was made by the secularist/Hindu section. What is more, the banning of this book, the lawsuits against her in Dhaka and Calcutta, and the attacks on her publisher in Dhaka did not invite much sympathy from her past patrons – subcontinental or western – and the ban on the kiss-and-tell has remained comparatively under-discussed. The connivance and silence of secular commentators after *Ka/Dwikhandita* was banned, as opposed to their vociferousness in the *Lajja* affair, questions their doctrinal commitment to the principle of free speech. Since the ban on *Dwikhandita* in West Bengal "found unlikely allies", it provokes "a consistency check on [the usual] advocates of free speech" (Ghosh 130). Many secular commentators who castigated Nasrin for writing *Ka/Dwikhandita* had fervently supported her during controversy over *Lajja* earlier.

Apostasy, death threats and "fatwa"

In *Amar Meyebela*, Nasrin reveals that she lost her faith in Islam in her early teens, and since then she has been consistently critical of the religion. However, the Taslima affair raises the

further question of whether Islam tolerates dissenting voices and, more importantly, whether it is possible for a Muslim to relinquish their faith (to become apostate) without risking any punitive reaction. During the height of the *Lajja* controversy in 1994, as was the case with the Rushdie affair previously, this question was fiercely debated, as the agitators in Bangladeshi streets repeatedly demanded capital punishment for Nasrin and all “other” apostates. This was a time of widespread public agitation, and amongst (often unemployed) young men, who had more time to agitate against the writer, there were increasing calls for a death penalty for her. This demand for death has two ramifications – rhetorical and theological.

Nasrin first faced organized hostility by some “liberal-secular students of Dhaka University” (Hashmi 195) who hastily formed a group named the Taslima Nasrin Peshon [Suppression] Committee soon after her 1992 Ananda Award which “Bangladeshi writers and intellectuals associated with anti-Muslim Hindu chauvinism” (Khanam 261) and “coincided with a general rise in hostility toward Muslims” in India (Siddiqi 33). However, that uproar actually lent her national notoriety and people affiliated with Islamic institutions – who generally do not bother to read the types of books Nasrin writes – became aware of her anti-Islamic writings and took offence. This led a Sylhet-based small group – formed suddenly as part of the widespread anti-Taslima movement – *the Sahaba Sainik Parishad* (commonly described as the Soldiers of Islam) to put a price (50,000 takas [about \$800]) on Nasrin’s head in September 1993.⁵ The group’s death threat attracted scandalized international attention; it was widely portrayed as a “fatwa”, and its meaning equated with death threats. In fact, it was a criminal act – not a fatwa – which later prompted a government press note “saying that it was a punishable offence to issue death threats against people and to offer rewards for their killing” (Deen, *The Crescent* 103). A fatwa is actually a non-binding, independent legal opinion given by a competent faqih/mufti (an expert in Islamic jurisprudence) on a given issue, and only the court can issue a verdict of punishment on its basis.

In parts of Bangladesh, however, village elders and vested-interest groups have in the past used semi-educated mullahs to orchestrate a verdict in order to get legitimacy for their unjust actions. Generally, they sit in a *salish* (community-sanctioned court) and call a poorly-paid imam or muezzin of a local masjid – whose job and financial security rests in their hands – to pass a verdict, usually on women-related issues. The imam’s judgment in reality reflects the wishes of the village leaders who, on account of his involvement, describe it as a fatwa to gain religious colouring and legitimacy. For example, in August 2009 a village leader in Brahmanbaria, after failing to take sexual advantage of a female neighbour, orchestrated a purported sexual intrigue involving her and some of his friends. He then called a *salish* and had a punishment of 101 lashes pronounced by a muezzin (“Fatwa Again”). Thus the issue of a “fatwa” is not a purely theological matter; it is often deeply imbricated in local power structures and political contexts.

The “fatwa” on Nasrin did not merit any serious thought in Bangladesh and the leader of the Soldiers of Islam later denied having made such a statement. However, the anti-Taslima campaign spread to other parts of the country and slogans like *Taslimar fashi chai!* (We want Taslima hanged!) were chanted in street demonstrations. This rhetorical demand needs to be put into context. Deen quotes feminist scholar Firdous Azim’s opinion:

You need to understand that calling for somebody to be hanged is old hat in Dhaka. Demonstrators always call out “*Fashi!*” (“Kill her!”). It doesn’t mean that they are really going to kill someone [...]. The anger against Taslima was genuine; it was very hostile but I don’t think anyone would have killed her. (*Broken Bangles* 50–51)

In Bangladesh, buzz slogans like *Khaleda Ziar fashi chai!* and *Sheikh Hasinar fashi chai!* are uttered in street demonstrations and written on walls at times of civil unrest and

political tension. Actually, such demands for death are intended to draw public attention to particular grievances or to seek government intervention to resolve an outstanding issue. However, theologically, demands for Nasrin's death resonated with a widely held notion that any Muslim who relinquishes Islam may face the death sentence. This makes the debate on Islam and freedom of speech and dissent more pertinent. The scope of this article does not permit a full-scale discussion,⁶ but what follows may offer some clarity on this subject.

Largely, on the basis of Qur'anic verse 5:33 and a hadith – “whoever changes his faith, kill him”⁷ – many Muslims believe that punishment for an apostate is the death sentence. A study of the Prophet Muhammad's life, however, does not substantiate such a theological position. Many people during his rule in Madina, as Hasan Turabi argues, turned apostate after accepting Islam as “easily and freely” as the swinging of “a pendulum” (qtd in Halim). But none was punished for leaving the Islamic faith or for making critical remarks about him. The Qur'an also does not prescribe earthly punishment for apostasy;⁸ rather, it prohibits compulsion and coercion in the matter of faith.⁹ The most explicit verse in the Qur'an regarding apostasy states: “Behold, as for those who believe, and then deny the truth, and again come to believe, and again deny the truth [...] God will not forgive or guide them” (4:137). Badawi comments: “If the Qur'an prescribes capital punishment for apostasy [there would be] no opportunity to ‘again come to believe and again deny the truth [...]’” (n. pag.). As regards verse 5:33 and the prophetic narratives that talk about the capital sentence for apostasy, Islamic scholars argue that the ruling concerns apostasy coupled with joining hostile enemies at war with Muslims. In other words, such punishments are not for “a moral act of conversion, but [for] a military act of rebellion” (Safi).

As regards blasphemy, an explicit Qur'anic reference is: “O believers! Do not take for guardians those who take your religion for a mockery [...]” (5:57). There is no provision for *hadd* (prescribed) punishments for blasphemy in Islam, although some states like Pakistan have included it in the Constitution as a capital offence. However, a state can introduce *tazir* (discretionary) punishment for the sake of public order and common good. In Islamic societies, sacrilegious writings surfaced on many occasions. As Abou El Fadl states: “Islamic civilization managed to exist at the helm of artistic expression and beauty for more than a thousand years without inquisitions against artists and thinkers” (n. pag.). He cites examples of the great classical Arabic-Persian poet Abu Nawas (756?–814), and the Syrian-born Arab poet Abu al-'Ala' al-Ma'ari (973–1057), whose writings were irreverent and blasphemous. But those were not burnt or destroyed, nor were the writers given the death penalty; instead their works were “preserved, studied, analyzed and countered [...] by equally brilliant and stellar poetry” (Abou El Fadl).

So beyond the rhetorical slogans in the street, the Islamic position on free speech and precedents from Islamic history challenge the demands for writers' death or bans on creative production. Moreover, such uproars and bans are practically counterproductive. No bans on Nasrin's books have stopped readers from procuring them, as copies are available on the black market and recently on the Internet. This questions the efficacy of street demonstrations or the law to stop ribald, pornographic materials from spreading. In fact, the heckling of Nasrin at the Bangla Academy Book Fair in February 1993 and subsequent bans on her work made her a “media princess”, which led to a false theory that Nasrin “had organised the attack as a publicity stunt” (Deen, *The Crescent* 103). Legal battles and court bans on books are thus now recognized as potential “marketing strategies” intended to “heighten the desirability of a product by marking it as controversial” (Mazzarella and Kaur 6).

While I disagree with Nasrin's treatment of Islam and sexuality, I also object to the way outraged Muslims in Bangladesh and India handled the affair. In my opinion, both Nasrin and her detractors went for the sensational and sentimental. However, in states that are

marked by multi-ethnicity and different faith groups with complex histories of political mobilization around these identities, writers' freedom of expression should be paired with a keen sense of responsibility. There should be limits of freedom of expression, as Bose cautions:

It is crucial that while we remain alert to [...] threats to the freedom of artistic expression, we must be able to take a clear-eyed view of the expression itself and reserve for ourselves the right to critique its representations. (xviii)

In this respect, the comment of Egyptian Nobel Prize-winning writer Naguib Mahfouz is significant: "We need to differentiate between free speech and disrespect for religious symbols. Every man has the right to stretch his arms, for example, but not to the extent that he hits the face of the person next to him" (qtd in Salmawy). While it is important that the state, or any other authority for that matter, does not stifle voices of dissent or criticism of an institution or belief system, it is imperative that writers consider the offence they may cause in the service of "free speech". Such self-censorship could have prevented over 100 deaths during the Rushdie affair and the killings of two teenage boys during the height of the anti-Taslina campaign in Bangladesh in 1994 and of two more people in the Indian state of Karnataka in early March 2010.

The concept of free speech, now regarded as a fundamental tenet of liberalism and firmly wedded to an idea of liberty, should have a corresponding (possibly judiciously self-limiting) regard for the consequences of a limitless "freedom", especially in a multi-ethnic society. In fact, the conception of illimitable rights goes against the idea of liberty propounded by advocates of free speech like John Stuart Mill who "defines liberty as the right of the individual to think and act as they wish, providing that they harm no one else by doing so" (Petley 46). John Milton – despite his fervent advocacy of free speech – did not regard it as absolute, and wanted the commonwealth to "have a vigilant eye how books demean themselves as well as men; and thereafter to confine, imprison and do sharpest justice on them as malefactors" (578). Milton's words are relevant to a qualified version of freedom of expression, as absolute free speech may be a suspect virtue in societies where the capacity for dissent is valued but the integrity of religious identity and ethical practice is equally important.

The involvement of western governments, rights and literary groups and the Indian and western media in the Taslina affair turned it into a global political issue. The price for Nasrin's head was declared, later retracted, by an ordinary Bangladeshi citizen, not by the state. However, western governments' intervention to rescue an "endangered Third World Muslim writer, whose image can easily be conflated with the free-flowing media images of 'persecuted' Middle Eastern women" (Zafar 416) may have impeded the Bangladeshi legal and political system from working independently. Moreover, the picture of Bangladesh painted internationally was deeply unjust and unrecognizable for many Bangladeshis. Perhaps Nasrin's foreign saviours did not want to know that "it was only a small, unknown group of fanatics and neither the state, nor the head of state, like in Iran, was involved" (Deen, *The Crescent* 167) in the death price for her head, as they were driven by their orientalist perception of Islam as an intolerant religion and of Bangladesh with laws stringent on free speech. However, the imperial connections and the genealogy of the Bangladesh Penal Code not only dispel such essentializing notions but also locate the origin of Bangladesh's censorship and blasphemy laws in the west's own culture. As Nitisor states: "Blasphemy laws still exist in the penal codes of many countries, including European states that boast secular democratic values" (110). The intellectually stifling political and legal system of Britain,

intensified by the Licensing Order of June 1643, prompted Milton to write *Areopagitica* (1644) as an impassioned defence of free speech. Even in the modern world, according to Petley, “all democratic countries possess laws that curtail media freedom in one way or another (the UK has over 60)” (29). So essentializing an eastern country (Bangladesh) as an intellectually repressive regime on the basis of Nasrin’s story will offset historical truths, and smacks of cultural caricaturing. However, it should also be noted that the free speech culture of the west at present is much better than it is in societies like Bangladesh, and a robust public commitment to freedom of expression in order to protect free speech rights worldwide is important to ensure intellectual growth and independence.

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Notes

1. Nasreen is also used as her surname.
2. Nasrin later claimed she was misquoted and it was Shariah not the Qur’an she wanted to be amended. But Sujata Sen “swears she neither misquoted nor misunderstood Taslima” (Deen, *Broken Bangles* 53).
3. Entered into force on 1 January 1862.
4. The ban was lifted in 2005.
5. During an outbreak of anti-Taslima feelings among Muslims in India in 2007, a Hyderabad-based Muslim community leader, Taqi Raza Khan, offered Rs 500,000 for her head, which was protested against robustly by prominent Muslim scholars and organizations there (“Bounty on Taslima’s”).
6. For detailed discussion, see Kamali.
7. Many Islamic scholars reject this hadith outright for “authenticity problems” (Abou El Fadl).
8. Some other Qur’anic verses on apostasy are: 2:217, 3:63, 5:54, 5:86, 9:75–76, 16:106 and 47:25.
9. The Qur’an states: “No-one is to be compelled to believe” (2:256); “And so, [O Prophet,] exhort them; your task is only to exhort. You cannot compel them” (88:21–22); “Will you then compel humankind against their will to believe!” (10:99).

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