

Does Europe Still Have Free Speech? (Part Two)

by Hugh Fitzgerald



The ECtHR also underlined that it classified the ‘impugned’ statements as “an abusive attack on the Prophet of Islam, which was capable of stirring up prejudice and putting at risk religious peace.”

Apparently the factual statement by ES, that 54-year-old Muhammad had sexual intercourse with Aisha when she was nine years old, which can be found in the most authoritative collection of hadith, Sahih Bukhari, is considered by the court to be “an abusive attack.” The truth of the statement does not matter to the ECtHR. They are alarmed only by the reaction of Muslims. If Muslims in Austria feel that ES, merely by repeating the hadith report of Muhammad’s marriage to Aisha, has been guilty of “an abusive attack,” the ECtHR is not about to take issue.

Is the ECtHR correct to punish ES for making a true statement about Muhammad’s behavior that was “capable of stirring up [anti-Muslim] prejudices”? It would be more accurate to state that bringing Muhammad’s marriage to the attention of Infidels would not “stir up prejudices,” but would make them more justifiably anxious about Islam, and distressed about its central figure, Muhammad. “Prejudice” has nothing to do with it. Or is all criticism of Islam to be suppressed because it is “capable of stirring up prejudices”? If Europeans are told this indelicate truth about Muhammad’s behavior, if they are further told that, as the Perfect Man and Model of Conduct, Muhammad’s own behavior justifies, and indeed promotes, similar behavior by Believers today, as it has for the past

1,400 years, the only question should be: is this story of his behavior false or is it true? And do Muslims regard Muhammad as the Model of Conduct? The European Court's function is not to protect Islam, but to allow people to freely give their opinion about Islam, even if Muslims are angered, just as they would about any other religion.

Muhammad is reported as saying, again in a hadith in Sahih Bukhari, that "I have been made victorious through terror." Does reporting that hadith "stir up prejudices" against Islam? Or does such reporting properly alert non-Muslims to the fact that terrorism by Muslims has received the sanction of Muhammad himself? Should we punish anyone who informs non-Muslims about this statement because it is "capable of stirring prejudices," or should we instead be grateful for such truth-telling? What about the Qur'anic verses that command Believers to take part in violent Jihad, to "strike terror" in the hearts of Infidels, to kill them? Should we punish those Infidels who dare to quote such verses from the Qur'an as 2:191-193, 4:89, 8:12, 8:60, 9:5, 9:29, 47:4? Should the European Court of Human Rights keep those verses from being discussed? Are they informing us, or are they only "stirring up prejudices" and engaging in an "abusive attack" on Muslims? On what theory should people who raise such matters be silenced? Should all speech that includes any discussion of Muhammad or the Qur'an that is at all critical, that might offend Muslims, be silenced? Isn't the Court going down that road?

The European Court of Human Rights is supposed to enforce European standards for regulating freedom of speech. Europe is not yet part of Dar al-Islam. ES truthfully described Muhammad's behavior with little Aisha, by quoting from an "authentic" hadith. Her speech was neither "abusive" nor "hate speech." It was meant to inform.

It [the ECtHR] noted that the Austrian courts had held that ES was making value judgments partly based on untrue facts

and without regard to the historical context.

Religious beliefs must be subject to criticism and denial, the ECtHR observed, but when statements about religions went beyond critical denial and were likely to incite religious intolerance, states could take proportionate restrictive measures, the court said.

ES did indeed make a “value judgement” when she described as “pedophilia” the act of sexual intercourse forced on a nine-year-old girl by a 54-year-old man. And Muslims outraged about ES are making other, quite different “value judgements,” when they defend whatever Muhammad did only because it was Muhammad who did it. The ECtHR does not tell us the “untrue facts” – that is, falsehoods – in anything ES said. As for ES not having sufficient regard for the historical context, this is an attempt, as already noted above, to liken Muhammad’s behavior to the European child marriages entered into for dynastic purposes, where both parties were roughly of the same young age and “consummation” of the marriage was far in the future. Such marriages have nothing in common with what Muhammad did with little Aisha.

The ECtHR then declared that criticism of religion was permissible, except when it was “likely to incite religious intolerance.” So no one should be permitted to say things likely to make others “intolerant” of a faith that is misogynistic, homophobic, antisemitic, that executes apostates, stones adulterers to death, and commands Believers to “strike terror” in the hearts of the enemy, and to kill Unbelievers, until the whole world belongs to Islam, and non-Muslims are either put to death, or convert to Islam, or resign themselves to the wretched condition of dhimmis.

The European Court of Human Rights has performed a grave disservice in allowing the “indignation” of Muslims to limit the freedom of speech of islamocritics in the advanced West.

We have a perfect right to know the contents of the Qur'an, and about Muhammad's life as recorded in the hadith, and to make our own judgements, and freely speak our own minds about the texts and teachings of Islam and the morality of Muhammad's acts. In Europe, he is not yet the Perfect Man and Model of Conduct. The sanitized version of Islam that the European Court of Human Rights now seems determined to promote, lest something be said that causes Muslims to become violent, will only contribute to the outrage, and sense of despair, among Europeans, as a [devastating article in Le Figaro](#) on the Court's decision made clear. For many now see that the European Court of Human Rights, whose duty it is to protect their rights, is instead determined to keep the peace by surrendering their freedom of speech, to meet the demands of an implacable and relentless enemy.

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