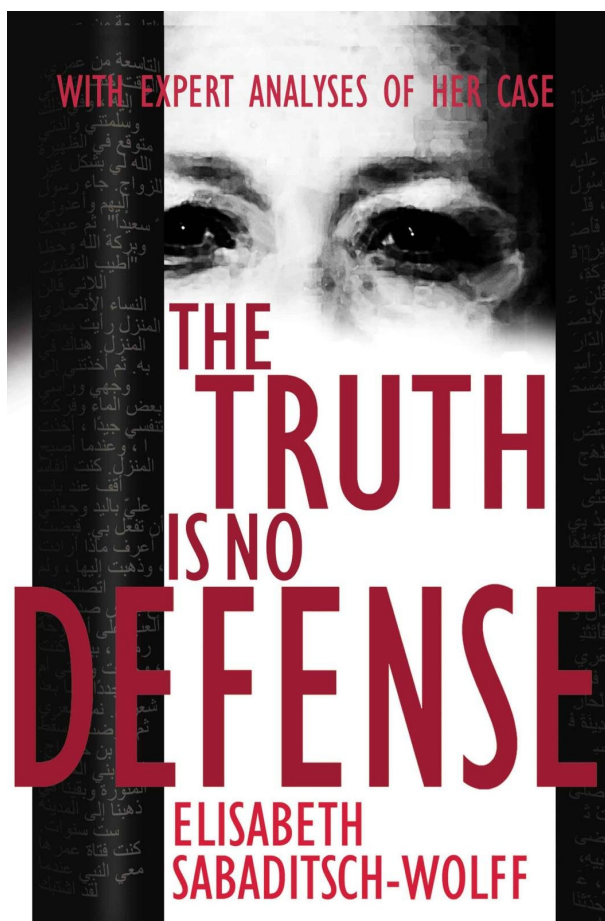


MEF Review: The Truth Is No Defense

by Soeren Kern



The European Court of Human Rights (ECHR)—whose decisions are binding on all forty-seven member states of the Council of Europe—recently ruled that criticism of the Islamic prophet Muhammad constitutes incitement to hatred and, therefore, is not protected free speech.^[1] The unprecedented decision effectively legitimizes an Islamic blasphemy code in Europe in the interests of “preserving religious peace.”

Sabaditsch-Wolff’s legal problems began in November 2009 when she presented a seminar about radical Islam to the Political Academy of the Freedom Party of Austria, a political institute linked to Austria’s anti-establishment Freedom Party. The left-leaning magazine *News* secretly planted a journalist in the audience to record the lectures, then handed the audio tapes to the Viennese public prosecutor as evidence of hate speech.

In February 2011, an Austrian court convicted Sabaditsch-Wolff of “denigrating religious beliefs of a legally recognized religion.” The offending speech was limited to offhand comments by Sabaditsch-Wolff suggesting that Muhammad was a

pedophile since Islamic *hadiths* (collections of Muhammad's sayings and actions) record that he was at least 50-years old when he married Aisha, then just six or seven, and that he consummated the marriage when she was nine. Sabaditsch-Wolff's actual words were: "A 56-year-old and a six-year-old? What do we call it, if it is not pedophilia?" and "Mohammed had a thing for little girls." Muhammad's alleged actions would be unlawful in Austria today.

The Austrian judge ruled that Muhammad's sexual contact with nine-year-old Aisha could not be considered pedophilia because the marriage continued until his death when she was 18, and that, therefore, he had no exclusive sexual desire for underage girls. The judge ordered Sabaditsch-Wolff to pay a fine of €480 (\$550, at the time) or spend sixty days in prison. She was also required to pay the trial costs.

After appealing the conviction to the Austrian Supreme Court, she filed a complaint with the ECHR that Austrian courts failed to address her statements and her right to freedom of expression. But the ECHR ruled that states could restrict free speech rights enshrined in Article 10 of the European Convention on Human Rights if such speech was "likely to incite religious intolerance" and was "likely to disturb the religious peace in their country."

Truth Is No Defense describes her legal odyssey navigating the politically-correct waters of post-modern European jurisprudence. She offers autobiographical insights into her childhood as the daughter of an Austrian diplomat posted in the Middle East; how she became acquainted with Islamic law and practice, and details of her highly politicized court case. Finally, the book includes interpretations by European and American legal experts and scholars of Islam on the meaning and impact of the rulings against her as the ruling establishes a dangerous, new legal precedent.

Truth Is No Defense is a highly-readable book geared primarily

toward a non-specialist audience. It helps readers to understand how European leftists suppress free speech when Islam is the topic.

[\[1\] Case of E.S. v. Austria](#), no.