Why is the right to blaspheme legal in France if incitement to racial or religious hatred is prohibited? For a large segment of public opinion in the Islamic world (and not only Islamists), the cartoons of *Charlie Hebdo* painfully stab at the heart of Muslim identity. Many support anti blasphemy laws, (which aim to criminalize any insult against religion or religious symbols) in the name of anti-racism. French law prohibits certain speech in public spaces. For example, incitement to racial or religious hatred is a criminal offense in France and can trigger sanctions. For this reason, it is necessary to distinguish between anti blasphemy laws and laws sanctioning incitement to hatred.

First, the idea of protecting religion (or God) is absurd in itself. When individuals or public authorities feel "insulted", anti blasphemy laws (existing in most member states of the Organization of the Islamic Cooperation) are invoked. According to the Pew Research Center study in 2012, the laws restricting apostasy and blasphemy are common in the Middle East and North Africa, where 70% of countries criminalize blasphemy. But they also exist in Europe (Greece, Ireland, Poland, for example).

However, it is in the Middle East and Asia that the consequences are the most damaging. There, they serve to defend the theological doctrines of the state. A citizen who questions Wahhabism in Saudi Arabia, or Shi'ism in Iran, is immediately considered a ‘blasphemer.’ He may be sentenced to a thousand lashes and ten years in prison, as is the case for Raif Badawi in Saudi Arabia, or the death penalty, as is the case of Soheil Arabi in Iran (the sentence was confirmed last December).

Some states, including their leaders who attended the rally in Paris on January 11, continue to implement these laws. In Europe, blasphemy charges are frequently discarded, which is why European states should immediately repeal those laws.

However, there is greater hypocrisy in other parts of the world. In 2011, a Jordanian court began a trial in absentia against the Danish cartoonist Kurt Westergaard, on account of blaspheming the Prophet. In 2013, in Turkey, the atheist pianist Fazil Say appeared before an Istanbul court for posting commentary that insulted religious values on Twitter. In 2014, a Turkish court sentenced Erta P. to fifteen months of prison for tweets deemed ‘religiously offensive.’ If they are *Charlie*, as they claim in attending the rally to uphold freedom of expression, the King of Jordan, Abdullah II and Prime Minister of Turkey Ahmet Davutoglu must oppose these injustices at home.

The other problem is how to distinguish the feeling of being insulted from incitement to religious hatred. In the case of incitement, a causal relationship must be established between the words uttered and the actual risk faced by the person or the community targeted. The legal proceedings are often long and complicated. When it comes to the accusation of ‘insult’, the focus is not paid to the consequences of the speech.
articulated. Instead, the judiciary focuses on the degree of offense that the comments caused.

In the case of blasphemy, authorities arbitrarily quantify their level of tolerance of a comment uttered around religion. It’s therefore no surprise, that a “hypersensitive” authoritarian regime may persecute its citizens, using this law to reassert its power. Ultimately, the laws are manipulated to silence religious minorities or atheists, political dissidents, or any intellectual who discusses or mocks the official theology of the state.

International law does not protect ideas or religions but seeks to defend the individual against the tyranny of the state. Incitement to hatred is prohibited, blasphemy is tolerated. According to the International Covenant on Civil and Political Rights, everyone has the right to freedom of expression, except in exceptional cases (Article 19). However, any advocacy of national, racial or religious hatred that constitutes incitement is prohibited by law. Freedom of expression stops only when incitement can ignite "discrimination, hostility or violence" (Article 20).

Any citizen who believes that his religion is ridiculed would do better to reclaim his/her rights, which are solidly anchored in the international system, starting with one’s right not to be discriminated on grounds of race or religion, the right to manifest one's belief and practice, the right to religious education and the right to receive the protection of one’s place of worship. Those are the real battles to fight when tackling religious intolerance.