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Rethinking the “Red Line”: The Intersection of Free Speech, Religious Freedom, and Social Change

By Asma T. Uddin and Haris Tarin

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For the tenth annual U.S.-Islamic World Forum, we returned once again to the city of Doha. The Forum, co-convened annually by the Brookings Project on U.S. Relations with the Islamic World and the State of Qatar, is the premier international gathering of leaders in government, civil society, academia, business, religion, and the media to discuss the most pressing issues facing the United States and global Muslim communities.

Each year, the Forum features a variety of platforms for thoughtful discussion and constructive engagement, including televised plenary sessions with prominent international figures addressing broad issues of global importance; sessions focused on a particular theme led by experts and policymakers; and working groups that bring together practitioners to develop partnerships and policy recommendations. The 2013 Forum continued its strong record of success. Over three days together, we assessed the impact of the significant transitions underway in Afghanistan and Pakistan, examined the economic challenges still looming in the aftermath of the Arab Spring in Egypt and throughout the region, and evaluated the regional effects and impact of the crisis in Syria. We also explored how art functions as a vehicle for political expression and accountability, and we examined how the events of the past decade in the Middle East have helped to shape Arab identity. For detailed proceedings of the Forum, including photographs, video coverage, and transcripts, please visit our website at <http://www.brookings.edu/about/projects/islamic-world>.

Each of the four working groups this year focused on a different theme, highlighting the multiple ways in which the United States and global Muslim communities

interact with each other. This year's working groups included: Rethinking the "Red Line": The Intersection of Free Speech, Religious Freedom, and Social Change; On the Brink: Avoiding Economic Collapse and Promoting Inclusive Growth in Egypt and Tunisia; Diplomacy and Religion: Seeking Common Interests and Engagement in a Dynamic World; and Advancing Women's Rights in Post-Conflict States: A Focus on Afghanistan, Egypt, and Libya.

The opinions reflected in the papers and any recommendations contained therein are solely the views of the authors and do not necessarily represent the views of the participants of the working groups or the Brookings Institution. All of the working group papers will be available on our website.

We would like to take this opportunity to thank the State of Qatar for its partnership and vision in convening the Forum with us. In particular, we thank H.E. Sheikh Ahmed bin Mohammed bin Jabr Al-Thani, the Minister's Assistant for International Cooperation Affairs and the Chairman of the Permanent Committee for Organizing Conferences; and H.E. Ambassador Mohammed Abdullah Mutib Al-Rumaihi for their collective support and dedication to the U.S. Islamic World Forum and the Project on U.S. Relations with the Islamic World.

Sincerely,



Dr. William F. McCants
Fellow and Director
Project on U.S. Relations with the
Islamic World

Abstract

Conveners:

Asma Uddin and Haris Tarin

The issue of free speech, particularly freedom to speak about, criticize or even reject religion, continues to be a contentious issue among Muslims, and between Muslims and non-Muslim compatriots, in the United States and in Muslim-majority countries. This working group explored the reasons why free speech remains a controversial topic with changing contours and disputed boundaries, and how these disputes should be addressed and resolved. Using the Organization of Islamic Cooperation's Defamation of Religions Resolution as a case study, the working group looked at different definitions of free speech, alternative standards governing limits on free speech, and how the gaps among competing standards should be bridged. The goal of the working group was to produce a policy memo and action initiative that would reflect culturally specific concerns and reconcile them.

Authors

Asma T. Uddin

United States

Asma T. Uddin is Legal Counsel at The Becket Fund for Religious Liberty. Uddin joined The Becket Fund in 2009 after practicing commercial litigation at prestigious national law firms for several years. She is also the Founder and Editor-in-Chief of the acclaimed *altmuslimah.com*, a web magazine dedicated to issues on gender and Islam. She has helped edit the book, *A Muslim in Victorian America*, which was published in 2007 by Oxford University Press. Uddin was also an Associate Editor and legal columnist for *Islamica Magazine*. She is an expert panelist for the *Washington Post* religion blog, *On Faith*, and a contributor to *Huffington Post Religion*, CNN's *Belief Blog*, the *Guardian's Comment is Free*, and *Common Ground News*. Uddin speaks and publishes widely on national and international religious freedom. Some of her work has been published in the *Rutgers Journal of Law and Religion*, *The Review of Faith & International Affairs*, *St. Thomas University Law Journal*, and the *First Amendment Law Review*, and she has publications forthcoming from Ashgate Publishers, University of California Press, and Central European University Press. Uddin received her J.D. from the University of Chicago Law School.

Haris Tarin

United States

Haris Tarin is the Washington, D.C. Director of the Muslim Public Affairs Council (MPAC), where he engages various agencies within government including the White House, Department of Justice, Department of State, Department of Homeland Security, and offices on Capitol Hill. Recently, Tarin was chosen as one of three young Americans to discuss policy issues with President Barack Obama, where he conversed with the president on topics such as national security, the American Muslim community, and civic engagement. Tarin has spoken at various domestic and international conferences and addressed media outlets on topics such as Islam and governance, the American Muslim identity, U.S.-Muslim world relations, the role of American Muslim institutions in policy formation, religion and public life, and civic engagement. Tarin is Co-Founder of the Ehsan Center, a multi-generational American Muslim community established in Southern California to develop an indigenous American Muslim identity and experience. He is the author of MPAC's special report, "Introduction to Muslim America." He received his undergraduate degree in Liberal Studies/Education at the California State University of Northridge.

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Introduction

In the years after the September 11, 2001 attacks on the World Trade Center, Muslim communities in America and Europe have faced numerous incidents of speech critical of Islam and Muslims. Most recently, Pamela Geller, co-founder of Freedom Defense Initiative and prominent anti-Muslim activist, sponsored anti-Muslim ads in the New York City and Washington, D.C. subway terminals. The ads, which read, “In any war between the civilized man and the savage, support the civilized man. Support Israel. Defeat Jihad,” compared Palestinians to savages, and Israelis to the “civilized man.” Meanwhile, in Europe, rightwing Dutch politician Geert Wilders, perhaps best known for his repeated, virulent criticism of Islam and Muslims, has stood trial for criminally insulting religious and ethnic groups and inciting hatred and discrimination; Theo Van Gogh was assassinated for his film, “Submission,” which purports to explain the connection between Islam and the abuse of women; and the publication of controversial depictions of the Prophet Mohammed in the Dutch newspaper *Jyllands-Posten* ignited riots that threatened embassies and consulates throughout the world.

Incidents like these fueled initiatives such as the Organization of Islamic Cooperation’s (OIC) Defamation of Religions Resolution, which was first proposed in 1999 at the UN but gained steam in the years after the 9/11 attacks. By seeking to protect religion generally and Islam specifi-

cally from “hate speech,” the Resolution accorded human rights to religion/ideology rather than to individuals, thus undermining the premise of human rights. It also sought to limit the speaker rather than the violent actor. For this and other reasons—to be discussed in detail in the following section—the Resolution represented all of the wrong ways to deal with critical speech. It has recently been replaced by another UN Resolution. Resolution 16/18, titled “Combating Intolerance, Negative Stereotyping and Stigmatization of, and Discrimination, Incitement to Violence, and Violence against Persons Based on Religion or Belief,” reflects numerous improvements, but its interpretation remains a contentious issue.

How the Muslim community deals with speech is a topic of great importance not just in the West but also in Muslim-majority societies. In particular, Muslim societies undergoing political change have struggled with this question in the process of rewriting their constitutions and charting a path forward. The showing of the French film “Persepolis” in Tunisian theaters caused uproar in Tunisia due to its portrayal of God in human form, leading the dominant political party of Tunisia, Ennahda, to internally split as how to react to the movie and handle popular sentiment demanding restrictions on the film. Egypt, too, has struggled with the question of free speech: the attacks on the U.S. Consulate in Benghazi were originally thought to have been a reaction to the video “Innocence of

Muslims,” thus sparking anew discussions on Muslims and their ability to protect free speech. While the attack was later found to be unrelated to the film,¹ demonstrators used the same video and related free speech controversy as a pretext to attack the U.S. embassies in Cairo, Egypt and Sanaa, Yemen. Violence and unrest continue to rage in these countries as their governments struggle to develop proper constitutional protections for free speech and religious freedom.

To this end, the core questions facing lawmakers, politicians, and the Muslim community in both the West and in Muslim-majority countries include: what are the various standards for free speech under international law, the laws of Muslim-majority countries and in the Islamic theological and legal framework? What are the critical differences among these standards? What are the sources for those differences? What type of underlying concerns does each standard respond to? How do varying standards impact their respective societies? Do some work better than others in achieving social peace and stability? What is the potential for abuse, and is it greater for some than others?

The “Rethinking the ‘Red Line’: The Intersection of Free Speech, Religious Freedom, and Social Change” working group focused on precisely these questions, and used the UN Defamation of Religions Resolution as a case study and launch pad for analysis on a variety of free speech incidents.

1. Barbara Starr and Adam Levine, “Panetta: Terrorists ‘Clearly’ Planned Benghazi Attacks,” *CNN*, September 27, 2012, <http://www.cnn.com/2012/09/27/world/africa/libya-consulate-attack>.

Case Study: The UN Defamation of Religions Resolution

For more than a decade, the UN Human Rights Council, and later the UN General Assembly, approved the Defamation of Religions Resolution, which provided political cover for nations with draconian domestic blasphemy laws and laid the groundwork for a binding international anti-blasphemy norm. Sponsored by the OIC, the Resolution faced a significant decrease in support in its last few years,² leading the OIC to first change the term “defamation” to “vilification,” and when that failed to garner support, to drop the “defamation” language altogether and table an entirely new resolution much more respectful of religious freedom.

The original Defamation Resolution was proposed by Pakistan on behalf of the OIC at the United Nations in 1999 in the Human Rights Commission with the stated purpose of addressing racism against Muslims in the West. Starting in 2005, it was introduced at the General Assembly. The proposal was originally titled, “Defamation of Islam,” and the OIC stated that it was necessary because of a Western campaign to denigrate Islam.³ The OIC feared that such a campaign would result in violence against Muslims to a degree similar to pre-World War II anti-Semitic violence in Europe.⁴ The OIC also indicated a desire for a binding international covenant to make defamation a legal offense.⁵ All this, despite the fact that Western Muslims themselves never requested such measures.

Support for the Defamation Resolution saw a rise after the September 11, 2001 terrorist attack and other events. Among these events were the murder of Theo Van Gogh, producer of the film, *Submission*, the Danish cartoon controversy, and the Geert Wilder film, *Fitna*, which interposed Quranic verses with images of terrorist attacks.⁶ The OIC argued that such statements “abuse” the freedom of expression and constitute an act of racial or religious discrimination.

Yet the OIC made a serious error in lumping race and religion into the same category. Race, as rooted in biology, is by its very nature intrinsic to a person and therefore *not* subject to alteration. Religion, by contrast, is by its very nature a set of ideas and not intrinsic to an individual person. It is a matter of conscience; faith, reason, and/or conviction may lead one to change his religious beliefs and convert. Indeed, many feel commanded by God to change their beliefs. Thus, because a person’s religious belief can be challenged and altered, dialogue and debate must be unhindered in society in order for individuals to freely assess their own beliefs.

Such reassessment of one’s faith helps to keep it vibrant and relevant under changing circumstances. Yet criminalizing “defamation of religions” stifles such exploration and is thus destructive to religious reform. It chills religious speech not just in the

2. In its final year of 2010, the OIC’s Resolution protecting religions passed by the narrowest margin yet. Seventy-nine countries voted for it, 67 voted against it, and 40 abstained. See Eric Rassbach and Ashley Samelson McGuire, “How the U.N. Encourages Religious Murder,” *The Wall Street Journal*, February 7, 2011.

3. Becket Fund for Religious Liberty, “Combating Defamation of Religions,” Issues Brief, October 29, 2009.

4. *Ibid.*

5. *Ibid.*

6. *Ibid.*

context of inter-religious dialogue, but also among members of the same faith who seek to explore and challenge their beliefs together with the laudable aim of spiritual and intellectual growth. Further, anti-religion speech can be difficult to define, and restricting it can unduly hinder expression of controversial truth claims.⁷

The idea of “defamation of religion” confuses and improperly expands the traditional understanding and purpose of criminalizing defamation. Traditional defamation laws protect *people* from *false* statements that injure their reputation and livelihood; such statements can be proven false through a factual inquiry, usually in a court of law. On the other hand, “defamation of religions” is, as described by its proponents, a false claim about an *idea*, rather than a fact. This poses a fundamental rule of law problem, as no faith-based belief can empirically be proven true or false.⁸ Since laws can only address empirical truth claims, evaluating the veracity of a “defamation of religions” claim is entirely beyond the scope of the state’s power and ability. In such a case, the truth can no longer serve as a defense, since it cannot be proven, but is based on whatever the state has preordained as “truth” for its people. Furthermore, because the alleged injury is against an idea rather than an individual, the Resolution was entirely at odds with the very nature of *human* rights.

It is also important to note in this context that, from a spiritual perspective, the Resolution was unnecessary, because true religion needs no protection from external insult. In fact, it has been argued that confidence and pride in one’s religion is manifested when its adherents allow it to be ridiculed, knowing full well that such ridicule is false and of no effect to the Divine order. As anyone who has witnessed a child caught in a lie can attest, it is belligerence in

the face of contradiction that suggests vulnerability and weakness. In contrast, letting a religion speak for itself reflects a deep-seated certainty in its value, a knowledge that it will prevail on its own merits over the attacks of unbelievers. As Abdurrahman Wahid, former Prime Minister of Indonesia, stated in his essay, *God Needs No Defense*: “Omnipotent, and existing as absolute and eternal Truth, nothing could possibly threaten God.”⁹

Unlike religion, people *do* need protection. And the OIC’s anti-defamation-of-religions Resolution failed to recognize that there are already international laws that protect human rights at stake when it comes to religious discrimination. The International Covenant on Civil and Political Rights (ICCPR) acknowledges certain limits to free speech and religious expression which guard against the dangers to public order that the Resolution aims to prevent. Article 18 of the ICCPR states, “Freedom to manifest one’s religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.”¹⁰ Thus, existing international law clearly addresses legitimate state concerns about public order and incitement to violence. Overbroad defamation-of-religion laws only serve to undermine the purpose that these existing laws sufficiently address.

The Defamation of Religions Resolution would validate a state’s decisions about which religious viewpoints can be expressed and which cannot. This would effectively put the state in charge of determining religious truth and is thus contrary to the purpose of the international human rights system because it empowers the state instead of individuals. Under this framework, the state would wield religious defamation, “hate speech,” or blasphemy

7. *Ibid.*, 11.

8. *Ibid.*, 10.

9. LibForAll Foundation, “About Us,” <http://www.libforall.org/about-us-our-philosophy.html> (10 September 2013).

10. UN General Assembly, Resolution 2200A (XXI), “International Covenant on Civil and Political Rights,” ¶18, December 16, 1966, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>.

laws to assert which interpretation of a given religion is “correct” and worth preserving and thus would encroach on the sovereignty of individuals and religious organizations to reach their own theological conclusions.

The broadness of the Resolution allowed it to be easily manipulated to infringe on related rights as well, such as free speech, free assembly, free association, and others. There is indeed an inverse relationship between excessive state power and the existence of democratic freedoms, social stability, and religious harmony.¹¹ Domestic blasphemy laws also appease violent extremists, as displayed in countries like Pakistan and Egypt, who were also major supporters of the Resolution. Because violent actors can argue that the law is on their side, they claim license to bully religious minorities or dissenters while the police turn a blind eye. This creates a culture of impunity where heinous crimes are committed with little or no consequences for the criminals.

Thus, under these laws, the state *de facto* supports incidents of violence, even though the purpose of the laws is to reduce violence motivated by religion. Rather than punishing the speaker in order to prevent violence by others, the law should compel potentially violent people to control their own behavior—even in the face of insults. In American jurisprudence, this principle is called the “hostile audience” doctrine. The U.S. Supreme Court has stated that “[a]s a general matter, we have indicated that in public debate our own citizens must tolerate insulting, and even outrageous, speech in order to provide adequate breathing space to the freedoms pro-

tected by the First Amendment.”¹² In weighing the cost of imposing speech on unwilling listeners against the cost of preventing speech, the Court determined that the latter cost would be much greater.¹³

Moreover, violence is far more effectively controlled if states enforce those laws which punish criminal behavior, such as laws against arson, murder, and other forms of intimidation and endangerment of religious persons. This sort of legal scheme also makes sense because it protects the fundamental human right to free religious expression. Individuals have the right to not only hold particular beliefs but also to express them in public—as long as they are peaceful and do not contravene the rights of others. This works in favor of the larger society rather than against it, as only in a free marketplace of ideas can those ideas with greater utility or persuasive power prevail.

In March of 2011, the OIC and the UN Human Rights Council made significant progress in recognizing the fundamental right of human expression. In part because of the murders of Punjab Governor Salman Taseer and Minorities Minister Shahbaz Bhatti in Pakistan,¹⁴ the OIC worked closely with the United States to reach consensus on a new resolution that entirely foregoes the “defamation of religions” language. Rather than protecting *religions*, it protects *religious persons*. UN Human Rights Council resolution 16/18, titled “Combating Intolerance, Negative Stereotyping and Stigmatization of, and Discrimination, Incitement to Violence, and Violence against Persons Based on Religion or Belief,” condemns “any advocacy of religious hatred against individuals that constitutes incitement or discrimination, hostility or violence.”¹⁵ Among

11. The Pew Forum on Religion and American Life, “Global Restrictions on Religion,” <http://www.pewforum.org/Government/Global-Restrictions-on-Religion.aspx> (10 September 2013).

12. *Boos v. Barry*, 484 U.S. 312, 322 (1988).

13. Wojciech Sadurski, *Freedom of Speech and its Limits* (Massachusetts: Kluwer Academic Publishers, 1999), 88.

14. United States Commission on International Religious Freedom, “USCIRF Welcomes Move Away from ‘Defamation of Religions’ Concept,” <http://www.uscirf.gov/news-room/press-releases/3570-uscirf-welcomes-move-away-from-defamation-of-religions-concept.html> (24 March 2011).

15. UN Human Rights Council, Resolution A/HRC/RES/16/18 “Combating Intolerance, Negative Stereotyping and Stigmatization of, and Discrimination, Incitement to Violence, and Violence against Persons Based on Religion or Belief,” March 24, 2011, <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G11/127/27/PDF/G1112727.pdf?OpenElement>.

other things, it calls on governments to assist with mediation and conflict prevention between religious groups and to “criminalize incitement to imminent violence.” It was adopted by consensus in the UN Human Rights Council.

HRC 16/18 avoids the problems of the Defamation of Religions Resolution. Rather than protecting ideas, it protects individuals from being victimized, through violence or discrimination, because of the ideas they hold. The new resolution focuses on concrete, positive measures that states can take to combat religious bias and intolerance, rather than legal measures to restrict speech. For example, the resolution calls on states to take effective measures to prevent discrimination based on religion, to protect the ability of members of all religious communities to exercise their faith and participate fully in society, to speak out against religious hatred and intolerance, and to foster greater outreach by governments to diverse religious communities, among other recommendations. Nothing in the language empowers states to determine theological truth; the state should condemn any advocacy of religious hatred, which would include minority as well as majority religions. In this sense, it no longer provides cover for nations that persecute individuals for their beliefs. Further, Resolution 16/18 discourages the impunity that has resulted from blasphemy and defamation laws. For example, it encourages criminal prosecution for an incitement to imminent violence, such as the promise of a reward for anyone who murders those accused of blasphemy. Yet what Resolution 16/18 does not criminalize is speech, rightly leaving non-violent religious conflict to be addressed on the societal level. Nations like

Pakistan and Egypt should embrace the suggestions offered by 16/18 and begin to protect their citizens after decades of oppression and abuse.

Even with this momentous step forward, the battle over religious liberty at the UN is far from over. For one, diplomats from some Muslim-majority countries’ governments have warned the UN Human Rights Council that they could return to advocating for an international religious defamation-of-religion law “if Western countries are not seen as acting to protect believers.”¹⁶ Moreover, while the shift in 16/18’s language is overwhelmingly positive and cannot be used to justify draconian blasphemy laws, certain phrases, such as “religious intolerance” are capable of being interpreted too broadly; thus the precise manner in which Resolution 16/18 is understood by various actors remains to be seen. Further, some members of the OIC have insisted that this resolution does not in any way invalidate the Defamation of Religions Resolution passed in previous years.¹⁷ These governments are even discussing proposing a resolution condemning “hate speech” against religions, which would amount to another anti-“defamation of religion” resolution merely cloaked in different language.¹⁸

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7. Robert Evans, “Islamic Bloc Drops 12-year U.N. Drive to Ban Defamation of Religion,” *Reuters FaithWorld* (blog), March 24, 2011, <http://blogs.reuters.com/faithworld/2011/03/24/islamic-bloc-drops-12-year-u-n-drive-to-ban-defamation-of-religion/>.
 8. During the March 24th UN Human Rights Council session, Pakistani ambassador Zamir Akram stated, “I want to state categorically that this resolution does not replace the OIC’s earlier resolutions on combating defamation of religions which were adopted by the Human Rights Council and continue to remain valid.” See Patrick Goodenough, “U.N. Religious ‘Defamation’ Resolution is Not Dead, Says Islamic Bloc,” *CNSNews.com*, March 30, 2011, <http://www.cnsnews.com/news/article/un-religious-defamation-resolution-not-d>.
 9. Benjamin Mann, “UN Could Move to Target Criticism of Islam as ‘Hate Speech,’” *Catholic News Agency*, May 5, 2011, <http://www.catholicnewsagency.com/news/un-could-move-to-target-criticism-of-islam-as-hate-speech/>.

Implementation of 16/18

Istanbul Process

After the Human Rights Council adopted Resolution 16/18, the OIC and the United States initiated efforts to promote the Resolution, with the U.S. pledging active leadership in engaging OIC countries and implementing 16/18. In July 2011, the OIC and the U.S. State Department organized a High-Level Ministerial Meeting on Implementing Resolution 16/18 in Istanbul, Turkey. The event was co-chaired by then-U.S.-Secretary of State Hillary Clinton and OIC Secretary General Ekmeleddin Ihsanoglu. The two leaders issued a joint statement calling on “all relevant stakeholders throughout the world to take seriously the call for action set forth in HRC resolution 16/18, which contributes to strengthening the foundations of tolerance and respect for religious diversity as well as enhancing the promotion and protection of human rights and fundamental freedoms around the world.”¹⁹ Secretary Clinton committed the U.S. to a partnership with Muslim-majority countries for the purpose of implementing the legislative results required by Resolution 16/18. The effort to promote the implementation of Resolution 16/18 is thus known as the “Istanbul Process,” and it involves a series of expert meetings to discuss best practices for implementing the steps called for in 16/18.

Secretary Clinton convened the first of such meetings in Washington D.C. in December 2011, where representatives of 26 governments and four international organizations met to dis-

cuss two of the action steps outlined in resolution 16/18—enforcing anti-discrimination laws, and training government officials to engage with members of religious communities. In December of 2012, the UK hosted a second experts meeting in London, focusing on the importance of protecting religious freedom. Recently, the OIC hosted the third meeting in the Process, held in Geneva in June 2013.

19. “Joint Statement on Combating Intolerance, Discrimination, and Violence Based on Religion or Belief,” U.S. Department of State, 15 July 2011, <http://www.state.gov/r/pa/prs/ps/2011/07/168653.htm>.

The Rabat Plan

The Rabat Plan of Action on the Prohibition of Advocacy of National, Racial or Religious Hatred that Constitutes Incitement to Discrimination, Hostility or Violence was developed through a series of international expert workshops organized by the Office of the United Nations High Commissioner for Human Rights (OHCHR). The Plan was officially published on February 13, 2013, in Geneva, Switzerland.

The Plan was designed to be a series of practical steps for using legislation, jurisprudence, and executive policies to achieve the implementation of Article 20 of the International Covenant on Civil and Political Rights, which reads:²⁰

Article 20

1. Any propaganda for war shall be prohibited by law.
2. Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited²¹ by law.

The Plan acknowledges that:

Under international human rights standards ... “hate speech” can be restricted ... on different

grounds, including respect for the rights of others, public order, or even sometimes national security. States are also obliged to “prohibit” expression that amounts to “incitement” to discrimination, hostility or violence ...

But it points out the problems with overly broad definitions of the standard in national litigation:

The broader the definition of incitement to hatred is in domestic legislation, the more it opens the door for arbitrary application of these laws. The terminology relating to offenses on incitement to national, racial or religious hatred varies in the different countries and is increasingly rather vague while new categories of restrictions or limitations to freedom of expression are being incorporated in national legislation. This contributes to the risk of a misinterpretation of Article 20 of the ICCPR and an addition of limitations to freedom of expression not contained in Article 19 of the ICCPR.²²

The Plan also highlights the fact that neutral language in national blasphemy laws does not ensure the law’s neutral application:

[M]any of these blasphemy laws afford different levels of protection to different

20. Office of The High Commissioner for Human Rights (OHCHR), “Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence,” Oct. 5, 2012, http://www.ohchr.org/Documents/Issues/Opinion/SeminarRabat/Rabat_draft_outcome.pdf. Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence ¶29 states,

Steps taken by the United Nations Human Rights Council, in particular the adoption without a vote of its resolution 16/18 on ‘Combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence, and violence against persons based on religion or belief’ constitutes a promising platform for effective, integrated and inclusive action by the international community. This resolution requires implementation and constant follow-up by States at the national level, including through the ‘Rabat Plan of Action’ which contributes to its fulfillment.

21. Note, however, the United States’ reservation: “That Article 20 does not authorize or require legislation or other action by the United States that would restrict the right of free speech and association protected by the Constitution and laws of the United States.” See “Fourth Periodic Report of the United States of America to the United Nations Committee on Human Rights Concerning the International Covenant on Civil and Political Rights,” U.S. Department of State, 30 December 2011, <http://www.state.gov/j/drl/rls/179781.htm#art20>. It states,

The United States has a reservation to Article 20, given its potential to be interpreted and applied in an overly broad manner. There remain constitutional means by which the goals of Article 20 of the International Covenant on Civil and Political Rights have been addressed in the United States... the U.S. Government believes *there are methods short of prohibiting speech* that can mitigate the effects of hate speech, and that are more effective than government bans on speech. These methods include robust protections for human rights, including freedom of expression, for all, including minority individuals, robust anti-discrimination laws and enforcement of these laws, and governmental outreach to members of minority communities (emphasis added).

22. *Ibid.*, ¶15.

religions and have often proved to be applied in a discriminatory manner. There are numerous examples of persecution of religious minorities or dissenters, but also of atheists and non-theists, as a result of legislation on religious offences or overzealous application of various laws that use a neutral language.²³

The Plan concludes with a series of recommendations for states, the UN and other stakeholders. For example, it explains that any limits on speech must meet threshold requirements of legality, proportionality, and necessity, i.e. all state restrictions on speech must be provided by law, be narrowly defined to serve a legitimate societal interest, be necessary in a democratic society to protect that interest, and be proportionate so that the benefit to the stated interest outweighs the harm to the freedom of expression.

In elucidating a properly high threshold for the application of Article 20 of the ICCPR, the Plan formulated six factors to determine which expressions could be criminally prohibited: 1) context—placing the speech act in the sociopolitical context it was made and disseminated to assess whether it was likely to “incite”;²⁴ 2) speaker—considering the speaker’s standing in relation to the speech’s target audience;²⁵ 3) intent—determining whether or not the speaker *intended* the speech act to cause incitement, excluding from speech limitations those cases arising from negligence or recklessness;²⁶ 4) content or form—analyzing the content of the speech for its level of provocation, looking at the form of arguments deployed;²⁷ 5) extent of speech—looking at the reach of the speech act, analyzing its level of publicity and magnitude, the amount and extent of

communication;²⁸ and 6) likelihood—determining whether or not there was a reasonable probability the speech would incite harm and identifying the degree of risk of that resulting harm.²⁹

In addition to its legal recommendations, the Plan also lays out steps for civil society involvement. It encourages the media to be aware that it is often the vehicle for the perpetuation of negative stereotypes, and thus to avoid reference to unnecessary group characteristics that may promote intolerance. The Plan urges journalists to properly contextualize their reporting while ensuring that acts of discrimination are brought to the attention of the public. It also says that media needs to play an active role in giving different groups a voice in the national conversation.

For civil society generally, the Plan recommends NGOs and other civil society groups create and support mechanisms to encourage cultural exchanges and dialogue among different communities, and calls for political parties to establish and enforce strong ethical guidelines for their representatives, especially with regard to public speech.

23. Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence, ¶19.

24. *Ibid.*, ¶22.

25. *Ibid.*

26. *Ibid.*

27. *Ibid.*

28. *Ibid.*

29. *Ibid.*

The U.S. Legal and Social Model for Free Speech

Legal Regulation of Speech

In the United States, free speech is protected under the First Amendment to the U.S. Constitution as well as state constitutions and state and federal laws. In addition to time, place, and manner restrictions, the U.S. Supreme Court has delineated certain categories of speech that are not protected. In all cases, however, language that is merely distasteful or offensive is fully protected. And despite the categorical exclusions of certain speech from protection, American free speech protections are some of the broadest in the world.

The exceptions to the rule include child pornography laws, regulations on commercial speech, speech that passes the legal test for obscenity, and speech that incites imminent lawless action. This last category is of main relevance to the present discussion, as courts in several Muslim-majority countries have seized on this exception (which exists in both U.S. jurisprudence and international law) to justify their country's blasphemy laws.³⁰

Speech related to imminent lawless action was originally banned under the *Schenck v. United*

States clear and present danger test, but this test has since been replaced by the imminent lawless action test. In *Brandenburg v. Ohio*, the U.S. Supreme Court held that the government can punish inflammatory speech if, and only if, said speech is not only directed to inciting, but likely to incite imminent lawless action: “the constitutional guarantees of free speech and free press do not permit a state to forbid or proscribe advocacy of the use of force or of law violation except where such advocacy is directed to inciting or producing imminent lawless action and is likely to incite or produce such action.”³¹

The standard has its limits. Laws that target generalized advocacy of violence are struck down as overly broad.³² In *Noto v. United States*, the Court confirmed that the “mere abstract teaching ... of the moral propriety or even moral necessity for a resort to force and violence, is not the same as preparing a group for violent action and steeling it to such action.”³³

The Court has recognized that, even with such limits on the exception, the public order exception is

30. See Asma Uddin, “Blasphemy in a Secular Democracy: The Case of Indonesia,” (Berkeley: University of California Press, forthcoming); Asma Uddin, “A Legal Analysis of Ahmadi Persecution in Pakistan,” (Burlington: Ashgate Publishers, forthcoming).

31. *Brandenburg v. Ohio*, 395 U.S. 444, 447 (1969).

32. In *Herndon v. Lowry*, 301 U.S. 242 (1937), the Court held that Georgia could not criminalize participation in the activities of a political party simply because there may be references in party doctrine to use of violence at some point in the indefinite future against organized government. See also *Yates v. United States*, 354 U.S. 298 (1957), where the Court held that a trial judge's instructions were unconstitutional because they allowed defendants to be convicted for merely advocating that government be forcibly overthrown, without evidence that such advocacy would be effective.

33. *Brandenburg v. Ohio*, 395 U.S. 444, 447 (1969).

easily misused. It has cautioned strongly against limitations on speech:

When clear and present danger of riot, disorder ... or other immediate threat to public safety, peace, or order, appears, the power of the state to prevent or punish is obvious. Equally obvious is that a state may not unduly suppress free communication of views, religious or other, under the guise of conserving desirable conditions.³⁴

This broad standard of free speech, with only very specific, narrowly interpreted exceptions to free speech protection, is essential to democracy. As President Obama stated in his speech to the UN General Assembly in 2012:

True democracy demands that citizens cannot be thrown in jail because of what they believe... It depends on the freedom of citizens to speak their minds and assemble without fear, and on the rule of law and due process that guarantees the rights of all people.³⁵

Unfortunately, at the same UN meeting, Mohamed Morsi—at the time still the democratically elected President of Egypt—rejected the American approach to free speech. He instead carved out a set of exceptions distinctly different from the American categories. Echoing the Defamation of Religions Resolution, Morsi stated, “Egypt respects freedom of expression,” but “one that is not used to incite hatred against anyone. One that is not directed toward one specific religion or cult.”³⁶

Social Regulation of Speech

Civil Society Responses to Anti-Muslim Speech

The American conception of free speech is no doubt unique. Many countries across the world ban speech designed to create hatred of others. For example, §86a of the German Criminal Code outlaws Nazi symbolism; Section 18(1) of the United Kingdom’s Public Order Act of 1986 states that “a person who uses threatening, abusive, or insulting words or behaviour, or displays any written material which is threatening, abusive, or insulting, is guilty of an offence if: a) he intends to thereby stir up racial hatred, or; b) having regard to all the circumstances racial hatred is likely to be stirred up thereby”;³⁷ Section 24 of France’s Press Law of 1881 “criminalizes incitement to racial discrimination, hatred, or violence on the basis of one’s origin or membership (or non-membership) in an ethnic, national, racial, or religious group”;³⁸ etc. As such, people around the world are often puzzled by the U.S. government’s lack of legal action when an individual engages in such speech.

Consider the case of Florida pastor, Terry Jones. Jones was a little known pastor who led a very small church congregation of about fifty people. With the tenth anniversary of the September 11, 2001 attacks on the World Trade Center approaching, Jones declared that Islam was a “false religion” and “of the devil” and decided to burn copies of the Quran in front of his church. As news spread of his plans, it caused an international uproar and led to protests, riots, and violence across much of Europe, the Middle East, and South and East Asia. The

34. *Cantwell v. Connecticut*, 310 U.S. 296, 308 (1940).

35. “Obama’s Speech to the United Nations General Assembly—Text” *New York Times*, September 24, 2012, <http://www.nytimes.com/2012/09/26/world/obamas-speech-to-the-united-nations-general-assembly-text.html?pagewanted=1&ref=world>.

36. Paul Richter, “In U.N. Speech, Egypt’s Morsi Rejects Broad Free Speech Rights,” *Los Angeles Times*, September 26, 2012, <http://articles.latimes.com/2012/sep/26/world/la-fg-un-morsi-20120927>.

37. United Kingdom’s Public Order Act, 1986, c. 64, http://www.legislation.gov.uk/ukpga/1986/64/pdfs/ukpga_19860064_en.pdf.

38. The Legal Project, “European Hate Speech Laws,” <http://www.legal-project.org/issues/european-hate-speech-laws> (10 September 2013).

controversy soon became a major topic of conversation among world leaders, religious communities and military officials. General David Petraeus, the U.S. and NATO commander in Afghanistan at the time, said “I am very concerned by the potential repercussions of the possible Koran burning; Even the rumor that it might take place has sparked demonstrations. . . . Were the actual burning to take place, the safety of our soldiers and civilians would be put in jeopardy and accomplishment of the mission would be made more difficult.”³⁹ U.S. Secretary of State Hillary Clinton called the act disrespectful and disgraceful.⁴⁰ Even Angelina Jolie, the actress and popular culture icon, weighed in: “I have hardly the words that somebody would do that to somebody’s religious book.”⁴¹ Despite these public statements by high-ranking officials and well-known public figures, there was no legal prosecution—and the international Muslim community wondered why not.

The Jones example highlights the inherent dilemma of broad free speech rights. While Americans by and large understand broad speech protections as fundamental hallmarks of a strong democracy and a vibrant civil society, societies outside of the American framework can feel alienated by the U.S.’s lack of legal response to speech they deem to be hateful. More specifically, hate speech—defined as speech intended to denigrate—against Muslims or Islam has at times alienated the international Muslim community and even impacted the U.S.’s relationship with some of its closest Muslim allies. During the 2012 UN General Assembly, the Turkish foreign minister Ahmet Davutoglu, one of the U.S.’s closest allies, expressed all-too-common concerns about the U.S.’s response to anti-Muslim speech:

“Unfortunately, Islamophobia has also become a new form of racism like anti-Semitism. It can no longer be tolerated under the guise of freedom of expression. Freedom does not mean anarchy.”⁴²

Although a broad free speech model requires that there be few legal limits on speech, it does not place limits on *social* responses. Fewer legal limits mean the government is less involved in defining the parameters of proper behavior. And the less the government is involved, the more society is forced to develop its own responses to speech that is intended to create hatred of particular groups. The government does not infantilize society by telling it what to do—instead, individuals are forced to counter bad speech with good speech, and society develops organically toward greater social harmony.

The social response model holds that a vibrant civil society—which includes, among other things, religious institutions, civil rights and advocacy groups, political leaders and various other influential voices—can step in and exert social pressure that pushes back against the mainstreaming of speech designed to denigrate. For instance, in Jones’ case, although his speech was legal, individual Christian and Jewish leaders, media personalities, and high-level government officials (including the President of the United States, the Secretary of State, the Secretary of Defense and others) publicly denounced his actions as unrepresentative of the American people. This public response made Jones a social pariah. Groups of citizens also created several internet videos that used humor to denounce Jones’ message.⁴³ For example, the video, “Dude, You Have No Quran!” depicts local news coverage of a copycat pastor who was also threatening to burn a copy of the Quran, but was apparently foiled when

39. Yaroslav Trofimov and Maria Abi-Habib, “Petraeus Says Quran Burning Endangers War Effort,” *The Wall Street Journal*, April 4, 2011, <http://online.wsj.com/article/SB10001424052748703806304576240643831942006.html>.

40. “A Conversation with U.S. Secretary of State Hillary Rodham Clinton,” by Richard Haass, Council on Foreign Relations, Sept. 8, 2010, <http://www.cfr.org/us-strategy-and-politics/conversation-us-secretary-state-hillary-rodham-clinton/p22894>.

41. “Quran Burning in Florida Angelina Jolie Speaks Out,” *Speakeasy* (blog), *The Wall Street Journal*, Sept. 9, 2010, <http://blogs.wsj.com/speakeasy/2010/09/09/quran-burning-in-florida-angelina-jolie-speaks-out/>.

42. John Irish, “At UN, Muslim World Questions Western Freedom of Speech,” *Reuters*, Sept. 28, 2012, <http://www.reuters.com/article/2012/09/28/us-un-assembly-islam-idUSBRE88R1J120120928>.

43. See Heidi Ewing and Rachel Grady, “The Public Square,” *The New York Times*, December 16, 2012, http://www.nytimes.com/2012/12/17/opinion/the-public-square.html?_r=0.

a local resident snatched away the copy before he was able to burn it.⁴⁴ The local's humorous quote, "Dude, you have no Quran," quickly became a part of popular culture, featuring in a video that rapidly collected over a million views on YouTube.⁴⁵

Another incident involving anti-Muslim speech that captivated the world was the opposition to the proposed Muslim community center, Park51. New York City Muslims had been praying at this location for some years and had purchased the building in the hopes of one day building a community center that would include a mosque, art and culture facilities, and recreational facilities that would serve both Muslims and the broader New York City community. The initiative was a long way from being completed and was still in its conceptual stages when Pamela Geller, the seasoned anti-Muslim campaigner mentioned in the introduction, learned of the plans.⁴⁶ She went on to create a wide public campaign against the center, dubbing the center the "ground zero mosque" and claiming that it would signify the "second wave of the 9/11 attacks" because of its proximity to the site of the World Trade Center.⁴⁷

Geller's efforts quickly snowballed into a nationwide anti-mosque campaign that was "rife with vitriol toward all of Islam."⁴⁸ Nationally syndicated voices such as Newt Gingrich⁴⁹ and Rush Limbaugh⁵⁰ loudly drew parallels to "a Ku Klux Klan memorial at Gettysburg," a "Japanese cultural center at Pearl Harbor," or a "Nazi sign next

to the Holocaust Museum," with each made-up scenario equating Muslims with the great villains of American history. Former Vice-Presidential nominee Sarah Palin equated the idea of a "Ground Zero Mosque" with a "stab...in the heart" of Americans.⁵¹

The Park51 incident led to a national conversation about the mosque specifically and religious freedom more broadly. Because this national debate occurred in an election year, various politicians running for office were forced to take sides and either support or denounce the building of the center. Although many opposed it, many political leaders supported the American Muslim community and those building the center. In a speech delivered against the backdrop of the Statue of Liberty, Mayor Michael Bloomberg of New York City said,

Muslims are as much a part of our city and our country as the people of any faith. And they are as welcome to worship in lower Manhattan as any other group. In fact, they have been worshipping at the site for better, the better part of a year, as is their right. The local community board in lower Manhattan voted overwhelmingly to support the proposal. And if it moves forward, I expect the community center and mosque will add to the life and vitality of the neighborhood and the entire city. Political controversies come and go, but our values and our traditions endure, and there

44. "Dude, you have no Quran!" YouTube video, posted by "o1dh4k," September 13, 2010, <http://www.youtube.com/watch?v=U2-KgBhslBQ>.

45. "Dude You Have No Quran AUTOTUNE REMIX," YouTube video, posted by "Bart Baker," September 15, 2010, <http://www.youtube.com/watch?v=4HX5-ulcdXc>.

46. Justin Elliott, "How the 'ground zero mosque' fer mongering began," *Salon*, Aug. 16, 2010, http://www.salon.com/2010/08/16/ground_zero_mosque_origins/.

47. Tanya Somanader, "Pam Geller: Park51 'Is the Second Wave of the 9/11 Attacks,'" *Think Progress*, Nov. 24, 2010, <http://thinkprogress.org/politics/2010/11/24/131936/pam-geller-park51/>.

48. Cathy Elliott, "Fear of a Muslim America," Reason Foundation, July 18, 2011, <http://reason.org/news/show/1011931.html>.

49. Joe Tacopino, "Newt Gingrich comes out against planned Cordoba House mosque near Ground Zero," *New York Daily News*, July 22, 2010, <http://www.nydailynews.com/new-york/newt-gingrich-planned-cordoba-house-mosque-ground-zero-article-1.200446>.

50. Rush Limbaugh, "Why This Mosque on This Spot?" (transcript of the Rush Limbaugh show), Aug. 17, 2010, http://www.rushlimbaugh.com/daily/2010/08/17/why_this_mosque_on_this_spot.

51. Joel Siegel, "Sarah Palin 'Refudiates' Ground Zero Mosque," *ABC News*, July 19, 2010, <http://abcnews.go.com/US/sarah-palin-takes-twitter-oppose-ground-mosque/story?id=11194148#.UaeHKUCsiSo>.

is no neighborhood in this city that is off-limits to God's love and mercy, as the religious leaders here with us can attest.⁵²

Following in the footsteps of Mayor Bloomberg, national political leaders came to the support of the American Muslim community.⁵³ Public support also came from those most affected by the 9/11 attacks. Numerous relatives of victims spoke out in favor of the project, including former Solicitor General in the Bush administration, Ted Olson, whose wife died in the attacks. Speaking on MSNBC, Olson said "we don't want to turn an act of hate against us by extremists into an act of intolerance for people of religious faith."⁵⁴ These statements were echoed by the group September 11 Families for Peaceful Tomorrows, which welcomed Park51 as "consistent with fundamental American values of freedom and justice for all."⁵⁵

In a development that showed the power of interfaith dialogue, Americans of various faith backgrounds formed a national coalition called Shoulder-to-Shoulder. Shoulder-to-Shoulder hosted a national press conference and raised money to host programs and events countering anti-Muslim bigotry and promoting the acceptance of the Muslim community into the fabric of America's pluralist society.⁵⁶

Mostly non-Muslim Americans led the Shoulder-to-Shoulder campaign. Importantly, the campaign reflected an organic movement, originating in local communities. National media networks covered the campaign's launch and highlighted positive efforts

by Americans working to preserve religious freedom. This in turn encouraged local churches, synagogues and other places of worship to welcome Muslim neighbors and host joint events with Muslim groups to express solidarity.⁵⁷ Efforts like this were complemented by internet activism. Like "Dude, you have no Quran," here, too, a video featuring a famous American singer, John Legend, strongly supporting the Park51 project went viral.⁵⁸

In the absence of legal restrictions on speech designed to create hatred of Muslims, it was the collective of private social actions, mobilized against hate and vitriol, that allowed for society to correct those inclined to engage in such speech. Instead of being forced by the government to "get along," individual citizens and civil society organizations were able to grow toward the solution out of personal conviction. While the fight for broad-based social acceptance of the American Muslim community is by no means over, the pressure of social actions, and not legal restrictions, helped put American society on the path toward progress.

U.S. Government Response to Anti-Muslim Speech

The U.S. government, particularly the State Department, has made important efforts to issue immediate responses to domestic and global incidents that impact how the U.S. is perceived abroad, particularly in Muslim-majority states. With the proliferation of satellite news channels,

52. Michael Barbaro and Javier C. Hernandez, "Mosque Plan Clears Hurdle in New York," *New York Times*, August 4, 2010, <http://www.nytimes.com/2010/08/04/nyregion/04mosque.html?pagewanted=all&r=0>.

53. Following strong support of the project by Mayor Bloomberg, national leaders such as President Obama, former President Bill Clinton, Senator Orrin Hatch (R-UT) and many local New York officials also expressed support for the project based on religious freedom grounds.

54. Nick Wing, "Ted Olson, Former Bush Solicitor General And Husband Of 9/11 Victim, Backs Obama On 'Ground Zero Mosque,'" *The Huffington Post*, Aug. 18, 2010, http://www.huffingtonpost.com/2010/08/18/liz-cheneys-keep-america-_n_686697.html.

55. Stephanie Ebbert, "Patrick backs NYC mosque plan," *Boston*, August 5, 2010, http://www.boston.com/news/local/massachusetts/articles/2010/08/05/patrick_backs_nyc_mosque_plan/.

56. Shoulder-To-Shoulder, "Home Page," <http://shouldertoshouldercampaign.org/> (30 September 2013).

57. Faith Shared, "Home Page," <http://www.faiithshared.org/> (30 September 2013). Faith Shared "asks houses of worship across the country to organize events involving clergy reading from each other's sacred texts. An example would be a Christian Minister, Jewish Rabbi, and Muslim Imam participating in a worship service or other event. Suggested readings will be provided from the Torah, the Gospels, and the Qur'an, but communities are encouraged to choose readings that will resonate with their congregations. Involvement of members from the Muslim community is key."

58. "John Legend on Building a Mosque Near 'Ground Zero,'" YouTube Video, posted by "hardknocktv," August 31, 2010, <http://www.youtube.com/watch?v=-ilaOCFykb4>.

obscure incidents can be reported and quickly lead to international furor. In response to an internationally controversial internet film mocking the Prophet Muhammad, President Obama stated in his speech to the UN General Assembly:

That is what we saw play out the last two weeks, as a crude and disgusting video sparked outrage throughout the Muslim world. I have made it clear that the United States government had nothing to do with this video, and I believe its message must be rejected by all who respect our common humanity. It is an insult not only to Muslims, but to America as well – for as the city outside these walls makes clear, we are a country that has welcomed people of every race and religion. We are home to Muslims who worship across our country. We not only respect the freedom of religion – we have laws that protect individuals from being harmed because of how they look or what they believe. We understand why people take offense to this video because millions of our citizens are among them.

I know there are some who ask why we don't just ban such a video. The answer is enshrined in our laws: our Constitution protects the right to practice free speech. Here in the United States, countless publications provoke offense. Like me, the majority of Americans are Christian, and yet we do not ban blasphemy against our most sacred beliefs. Moreover, as President of our country, and Commander-in-Chief of our military, I accept that people are going to call me awful things every day, and I will always defend their right to do so. Americans have fought and died around

the globe to protect the right of all people to express their views – even views that we disagree with.⁵⁹

In addition to the President's efforts, the creation of two State Department positions focused on Muslim communities has also helped increase the communication and frequency of engagement with Muslim-majority communities. The offices of Rashad Hussein, Special Envoy to the Organization of Islamic Cooperation,⁶⁰ and Farah Pandith, Special Representative to Muslim Communities,⁶¹ have both responded to incidents of anti-Muslim speech by facilitating cross-cultural exchanges among young people and the social media generation.

There is often a perception in Muslim-majority countries that American Muslims are oppressed and are not able to respond and defend themselves against tides of hate and prejudice. American Muslims play a key role in sending the message that their communities are able to address issues of anti-Muslim speech and even discrimination through the legal means available to them as well as through collaboration with fellow citizens who support ideals of religious freedom and free speech.

Obstacles to Implementing the Social Model

The American model of social pushback against speech designed to create hatred against others, reserving state interference to only those cases involving imminent violence, is laudable for its effectiveness in managing inter-group hostility while preserving an expansive breadth of individual freedom. However, the implementation of this model in the course of governing 300 mil-

59. "Obama's Speech to the United Nations General Assembly," *New York Times*, Sep. 25, 2012, <http://www.nytimes.com/2012/09/26/world/obamas-speech-to-the-united-nations-general-assembly-text.html>.

60. Rashad Hussain, U.S Department of State, Special Envoy to The Organization of Islamic Cooperation, <http://www.state.gov/r/pa/ei/biog/140123.htm>.

61. Farah Anwar Pandith, U.S. Department of State, Special Representative to Muslim Communities, <http://www.state.gov/r/pa/ei/biog/125492.htm>.

lion Americans has been hampered by significant social and political obstacles that compromise the realization of this ideal.

Consider, for example, what happened after former U.S. Congressman Joe Walsh of Illinois stated during a 2012 election town hall meeting that “Muslims are here trying to kill Americans every day.” He predicted that there would be another attack that would “make 9/11 look like child’s play.” Within a few days of his remarks, two mosques in his district—and in close geographic proximity to where Walsh made his statement—were violently attacked. At one mosque, one attacker shot several rounds into the mosque, while another threw an acid bomb into an adjacent structure.⁶²

When rhetoric aimed at whipping up anti-Muslim feeling leads others to violently attack Muslims or their property, it can be difficult for American Muslims to simply rely on the goodwill of fellow citizens. Government involvement is sometimes necessary. Such involvement, however, need not take the form of speech restrictions. Government agencies must incorporate strong outreach programs to affected communities to ensure that they are connected to civil rights groups and have access to legal assistance. And government agencies should become facilitators and conveners of dialogue between various civil society groups.

For instance, following the attacks of 9/11, when hate crimes and anti-Muslim rhetoric were on the rise, the Department of Justice (DOJ) responded by instituting a quarterly meeting with all affected groups in order to provide these communities with a forum to voice their concerns about government responses to hate crime incidents. The DOJ also

instructed local U.S. Attorney’s offices to increase outreach to American Muslim communities and ensure that they had ample resources to report and address hate crimes. The Department of Homeland Security’s (DHS) Civil Rights and Civil Liberties unit initiated roundtables in all major U.S. cities with community leaders and, separately, with young American Muslims, to enable them to engage with senior policy-makers such as then-DHS Secretary Michael Chertoff and Attorney General Michael Mukasey. Not only is the dialogue a positive gesture of goodwill by the U.S. government, there is evidence that DHS internalized the concerns of the communities they engaged with. The Traveler Redress and Inquiry Program (TRIP), put into effect in 2009, allows individuals who face harassment at airports, borders and other points to report their issues to DHS and more readily have their grievance addressed. Any individual who believes she has been incorrectly placed on a watch list or otherwise unfairly identified for additional screening can petition DHS for a review which, if successful, will result in the issuance of a “pass” allowing the successful petitioner to bypass the strictest forms of airport and border scrutiny in the future.⁶³ Although this bureaucratic procedure may sound like the smallest of blessings for profiled communities, it illustrates to them a willingness on the part of American agencies to respond to their grievances.

Of course, while programs such as TRIP are helpful, they have generally been the exception, not the rule. Social responses to anti-Muslim sentiment are rarely organized at the national level and have largely been carried out haphazardly by local communities that lack the type of physical and financial resources needed to effect broader change.⁶⁴

62. Eric Lutz, “Walsh: Muslims are Trying Kill Americans,” *Salon*, Aug. 9, 2012, http://www.salon.com/2012/08/09/walsh_muslims_are_trying_to_kill_americans/.

63. Department of Homeland Security, “*DHS Traveler Redress Inquiry Program*,” <http://www.dhs.gov/dhs-trip> (16 September 2013).

64. One example of such an initiative was a billboard campaign by the group Sojourners, an Evangelical Christian group, that bought ad space in several cities. Its ads encouraged solidarity with Muslim neighbors. Although the campaign was very compelling, Sojourners did not have the necessary resources for a national campaign with broad national impact. World Evangelical Alliance, “Sojourners Launches Billboard Campaign, Calls Christians to Love Their Neighbors of Different Faiths,” Aug 22, 2012, <http://www.worldeaa.org/news/4063/sojourners-launches-billboard-campaign-calls-christians-to-love-their-neighbors-of-different-faiths>.

Although these measures are encouraging, anti-Muslim sentiment remains a serious concern. “Anti-sharia” bills that would make it illegal for Muslims to follow many of their own private religious rules have been introduced in over 24 states in the United States,⁶⁵ and mosques have faced everything from discriminatory permit denials to arson.⁶⁶ The New York City Police Department (NYPD), the largest municipal police force in the country, was recently exposed as having operated clandestine surveillance on Muslim organizations and student groups throughout the city, complete with “undercover Muslims” sent to “bait” members of the community “into saying inflammatory things.”⁶⁷ This policy of religiously selective surveillance, allegedly conducted without evidence of any wrongdoing by the groups spied on, not only presents a troubling disregard for constitutionally mandated protections against wanton government intrusion into the private affairs of citizens, it also makes it harder for private Muslim citizens to be Muslims.

Perhaps the most alarming manifestation of Islamophobia creeping into the United States’ ostensibly neutral government apparatus can be found in the federal court system. The judicial system has long been regarded as a protector of minority rights, composed of highly educated and unelected judges that remain insulated from public biases that can and do influence the elected branches of government. Yet recent evidence has emerged that American Muslim litigants bringing religious freedom claims succeed at roughly half the rate of claimants of other faiths.⁶⁸ This discrepancy remains after controlling for other variables, such as the type of

claim (e.g., prisoner rights, employment discrimination), the ideology of deciding judges, and other judge-dependent variables (gender, race, professional background, etc.).⁶⁹ Statistical analysis of the cases also disproves both the hypothesis that a growing force of secularism is working against traditional religious values, Islamic and otherwise, and the hypothesis that Muslims may simply be bringing weaker claims to court.⁷⁰

If there is apparent bias against Muslim litigants in the United States, the solution again lies in countering such bias through social measures. Although the social climate for American Muslims is far from ideal, progress is being made every day, and a spirit of optimism is prevalent in every community. Muslims in America cannot pretend that hatred and suspicion of their religious community does not exist, but they can combat the ignorance that fuels such prejudices by exercising their rights to speak freely and to freely associate with like-minded citizens who seek to combat intolerance.

65. Alicia Gay, “ACLU Lens: The Truth Behind the Anti-Sharia Movement,” *Blog of Rights* (blog), American Civil Liberties Union, August 1, 2011, <http://www.aclu.org/blog/tag/sharia>.

66. Moni Basu, “Controversial Mosque Opens in Tennessee,” *CNN*, August 10, 2012, <http://religion.blogs.cnn.com/2012/08/10/controversial-mosque-opens-in-tennessee/>.

67. Adam Golamn and Matt Apuzzo, “Informant: NYPD paid me to ‘bait’ Muslims,” *Associated Press*, Oct. 23, 2012, <http://www.ap.org/Content/AP-In-The-News/2012/Informant-NYPD-paid-me-to-bait-Muslims>.

68. Gregory C. Sisk and Michael Heise, “Muslims and Religious Liberty in the Era of 9/11: Empirical Evidence From the Federal Courts,” *Iowa Law Review* (Oct. 8, 2012) http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1917057.

69. *Ibid.*

70. *Ibid.*, at 269-270.

Free Speech Limitations: Impact on Social Change and Emerging Democracies

The Role of Free Speech in Social Change

Notwithstanding the well-documented issues surrounding high levels of unemployment, a lack of democratic institutions, and widespread poverty, the Arab Spring can be understood as a struggle to secure the freedom of speech. Over the past decade, the proliferation of cheap computing technology led to a sharp increase in popular access to the internet and social media outlets in countries such as Egypt, Tunisia, Libya and Syria.⁷¹ The resulting exposure to the panoply of online information, discourse, and debate led many young people in the streets of Cairo and Tunis to demand the right to a broad freedom of expression.⁷² They sought to move beyond oppressive regimes and live in an open and transparent society reflective of the global discourse they were now a part of.

Throughout the Middle East, the societies that are currently undergoing a vibrant debate on the limits of free speech and its intersections with cultural and religious norms were, until the Arab Spring, victims of repressive laws prohibiting

the free exercise of speech.⁷³ These laws, often phrased in religious terms, were justified in the name of keeping public order, or respecting religious sensitivities.⁷⁴

In Egypt, restrictions on free speech limited the ability of various parties, including those affiliated with Islam or another religion, to engage in public activities.⁷⁵ Article 98(f) of the Egyptian penal code imposes fines or prison terms for actions that were deemed to “exploit religion in order to promote or advocate extremist ideologies by word or mouth, in writing or in any other manner with a view to stirring up sedition, disparaging or belittling any divinely-revealed religion or its adherents, or prejudicing national or social harmony.”⁷⁶ State officials used this sweeping law to simultaneously silence criticism of state institutions and limit the practice of religious minority communities. The vagueness in the language of Article 98(f) echoes that of other laws enabling broad state enforcement.⁷⁷

71. Ekaterina Stepanova, “The Role of Information Communication Technologies in the ‘Arab Spring,’” Policy Memo no. 159, PONARS Eurasia, May 2011 http://ponarseurasia.com/sites/default/files/policy-memos-pdf/pepm_159.pdf.

72. Yasmine Ryan, “Tunisia’s Bitter Cyber War,” *Al Jazeera*, Jan. 6, 2011, <http://www.aljazeera.com/indepth/features/2011/01/20111614145839362.html>; Caryle Murphy, “An Upside of Arab Revolts: Islamists Talk Democracy,” *The Christian Science Monitor*, Mar. 4, 2011, <http://web.archive.org/web/20110305035013/http://www.csmonitor.com/World/Middle-East/2011/0304/An-upside-of-Arab-revolts-Islamists-talk-democracy>.

73. *Ibid.*

74. Freedom House, “Policing Belief: The Impact of Blasphemy Laws on Human Rights,” 1 October 2010, http://www.freedom-house.org/sites/default/files/PolicingBelief_Egypt.pdf.

75. *Ibid.*

76. UNHCR refworld, “Egyptian Penal Code,” <http://www.refworld.org/docid/3f827fc4.html> (16 September 2013).

77. Hossam Bahgat, UN Office of the High Commissioner on Human Rights, “Criminalizing Incitement to Religious Hatred- Egypt Case Study,” (April 2011), <http://www.ohchr.org/Documents/Issues/Expression/ICCPR/Nairobi/HossamBahgat.pdf>.

Pakistan, although not an Arab nation, is also a case study in the abuse of blasphemy and free speech laws. Many of Pakistan's speech-restricting blasphemy laws are in sections 295-298 of the Pakistan Penal Code, called "Of Offenses Related to Religions." A number of these laws are vaguely worded to allow the targeting of specific minority communities. There are recorded instances of business or personal rivals accusing each other of blasphemy to extract revenge for a past grievance. The blasphemy laws in Pakistan have not only been used in cases where individuals have been accused of specific blasphemies; they have also been used to ban websites like Facebook, YouTube, and Wikipedia because of content that would be considered sacrilegious as a matter of law.⁷⁸

Since ancient times, the notion of free speech has been inexorably tied to the idea of political dissent. The recognition of a need for strong public debate on issues that impact society implicates the need for a diversity of voices to formulate such debate. This in turn means that individuals must have liberty—liberty to give voice to ideas that may be unpopular or in direct opposition to the ideas of those in power. As the fledgling democracies of the world struggle to locate the appropriate intersection between safeguarding individual liberties and protecting collective sensitivities, it is important that they foster a vibrant and open marketplace of ideas. The best strategy in this game would seem to be erring on the side of liberty.

The Post-Arab Spring Debate on Free Speech

Beginning with the Arab Spring and the subsequent fall of regimes in places such as Egypt and Tunisia, these societies have debated the proper scope of free

speech. With respect to the new (though currently suspended⁷⁹) Egyptian Constitution, many analysts,⁸⁰ human rights groups, and journalists believe the Constitution lacks real safeguards for free expression and is contradictory in its guarantees. For example, while Article 45 of the Constitution provides that, "Freedom of thought and opinion shall be guaranteed. Every individual has the right to express an opinion and to disseminate it verbally, in writing or illustration, or by any other means of publication," Article 44 states that "[i]nsult or abuse of all religious messengers and prophets shall be prohibited." It is not hard to imagine the facts of a court case in which these articles are cited against one another. In such a situation, a panel of insulated and unelected judges will be tasked with determining which article is "more" constitutional, more "Egyptian." In doing so, they will be the final arbiters in a debate all of society should participate in.

Compounding the problem, Morsi's recently-ousted government predictably used charges of blasphemy to suppress political speech. In the most high-profile incident, the former regime's top prosecutor brought charges against Bassem Youssef, a satirist who regularly mocked Morsi and other public figures on his popular comedy television show, *Al-Bernameg* (The Program). He was charged with using his show to "insult Islam," "insult the President," and "spread false news with the aim of disrupting public order," under laws held over from Hosni Mubarak's authoritarian regime.⁸¹ These repressive hold-overs were used with startling frequency by the Muslim Brotherhood regime to stifle dissent in a pattern that gave much-needed ammunition to the regime's public detractors.⁸² The new

78. Knox Thames, Freedom House, "The Ravages of Pakistan's Blasphemy Laws," 28 August 2012, <http://www.freedomhouse.org/blog/ravages-pakistan%E2%80%99s-blasphemy-law>.

79. "Egypt: Army Suspends Constitution, Dissolves Parliament, Names Interim President," *GlobalPost* (live blog), July 4, 2013, <http://www.globalpost.com/dispatch/news/regions/middle-east/130702/egypts-morsi-rejects-armys-48-hour-ultimatum>.

80. Mohammad Fadel, "The Draft Egyptian Constitution, The Communitarian Dimension Part 1," *Shanfaraa* (blog), Nov. 7, 2012, <http://shanfaraa.com/2012/11/the-draft-egyptian-constitution-the-communitarian-dimension-part-i/>.

81. H.A. Hellyer, "Egypt's Public Relations Disaster," *Foreign Policy*, April 1, 2013, http://mideast.foreignpolicy.com/posts/2013/04/01/egypts_public_relations_disaster.

82. *Id.* See also Viola Geinger, United States Institute of Peace, "Egypt's 'Jon Stewart' and Media Are Hounded by Politics, Economics," April 5, 2013, <http://www.usip.org/publications/egypt-s-jon-stewart-and-media-are-hounded-politics-economics>.

secular regime seems to be no better than its religiously-oriented predecessor by labeling peaceful public protest by members of the Brotherhood as “terrorism.”

Tunisia has also struggled with the question of speech restrictions. Although the transitional government almost immediately proclaimed freedom of information and expression as a foundational principle for the country, the “Sacred Values” Law introduced in parliament⁸³ imposed prison terms or fines for insulting or mocking the “sanctity of religion” and for “insults, profanity, derision and representation of Allah and Mohammed.” The bill was later withdrawn by the majority Ennahda party, which has since explained that “the sacred is something very, very difficult to define. Its boundaries are blurred and one could interpret it in one way or another, in an exaggerated way.”⁸⁴

Despite this encouraging development, freedom of expression in Tunisia is not secure. In its 2012 report, Freedom House rates Tunisia as only “partly free.”⁸⁵ Like many Muslim-majority countries, much of the debate around free speech in Tunisia revolves around the burden of maintaining order and stability in a newly free society. A sizeable segment of the Tunisian population adheres to strictly conservative Muslim values, believing they have a duty to act when their religion is being insulted.⁸⁶ Too often, this action has been violent, with multiple riots occurring in response to perceived public offenses against Islam.⁸⁷ The ruling Ennahda party seems to think

that these “provocations” are sufficiently dangerous to public order to warrant legal restrictions on what they recognize as the human right to free expression.⁸⁸

Drawing from Justice Holmes’ famous example of yelling “Fire!” in a crowded theater, this line of reasoning expands that limited exception by regarding all of Tunisian society as a crowded theater and any insult to religion as an incitement to riot. In doing so, it echoes the justifications for broad blasphemy laws repeated in Muslim-majority countries from the Maghreb to Pakistan to Indonesia. As our previous case studies of blasphemy laws in Indonesia and Pakistan illustrate, this seemingly-reasonable justification has a history of serving as pretense for often-brutal state persecution of religious minorities. In these countries, the public order rationale has been used time and again to perpetuate repressive laws in the face of reasoned protest, giving the veneer of legitimacy to state and state-sanctioned harassment that ranges from the absurd (Indonesia’s imprisonment of a boy for whistling during prayer) to the truly barbaric (Pakistan’s brutal police torture of Ahmaddiya leaders).

In addition to allowing for government abuse, the public order rationale for speech restrictions is misguided because it shifts the burden of preventing public violence from those who intend to commit acts of violence to those who only use speech as a means of expression or even agitation. This creates perverse incentives for citizens, legitimizing violence as a private tool to achieve

83. Article 19, “Draft Law on Criminalization of Offences Against Sacred Values,” Aug. 16, 2012, <http://www.article19.org/resources.php/resource/3411/en/tunisia:-draft-law-on-criminalisation-of-offences-against-sacred-values>.

84. “Tunisia Plans to Outlaw Blasphemy Dropped,” *The Telegraph*, Oct. 12, 2012, <http://www.telegraph.co.uk/news/worldnews/africaandindianocean/tunisia/9605965/Tunisia-plans-to-outlaw-blasphemy-dropped.html>.

85. Freedom House, “Tunisia,” <http://www.freedomhouse.org/report/freedom-world/2012/tunisia-0> (2012).

86. Monica Marks, Carnegie Endowment for International Peace, “Speaking on the Unspeakable: Blasphemy & the Tunisian Constitution,” Sept. 4, 2012, <http://carnegieendowment.org/2012/09/04/speaking-on-unspeakable-blasphemy-tunisian-constitution/drca>.

87. *Ibid.* “Ennahda lists a string of such ‘provocations,’ including last summer’s controversial film by Tunisian director Nadia El-Fani originally titled *No God, No Master*; the airing of Marjane Satrapi’s *Persepolis*; and the La Marsa art exhibit in June, which featured an exhibit that many Tunisians deemed offensive to Islam.”

88. *Ibid.* See also John Thome, “Books and art pit freedom of religion against free speech in Tunisia,” *The Christian Science Monitor*, Aug. 17, 2012, <http://www.csmonitor.com/World/Middle-East/2012/0817/Books-and-art-pit-freedom-of-religion-against-free-speech-in-Tunisia>.

desired social ends. Indeed, analysis of data collected across national borders suggests that increased religious regulation leads to more disorder and violence, not less.⁸⁹

As we have previously stated in the context of repressive blasphemy statutes in Indonesia and Pakistan, government clampdown on all manner of peaceful speech that might potentially offend the sensitive is counterproductive. A more effective solution for Tunisia and other Arab democracies is to protect public order through effective enforcement of a comprehensive criminal code—punishing violent behavior by enforcing laws against, for example, battery, assault, murder, arson, etc. No threat of social anarchy arises where law and order is maintained through effective legal pressure on those threatening or inflicting actual violence.

The chill of a public order standard, even if executed in good faith by scrupulous state actors, does much to silence legitimate debate, providing a state-granted monopoly shielding certain “official” ideas from scrutiny while barring unorthodox ideas that may hold great value from entering the public marketplace, where they may be refined, amended, implemented, or discarded as needed.

89. Brian J. Grim and Roger Finke, “Religious Persecution in Cross-National Context: Clashing Civilizations or Regulated Religious Economies?,” *American Sociological Review*, vol. 72 (August 2007): 633-658, 654.

Reflections of the Working Group

The Importance of the Law

Some members of the working group questioned whether the law was necessarily central to the solution. While there was agreement that legal solutions are relevant, the group was divided about the degree of its importance. As several participants explained, education, media, and the broader cultivation of values of respect and tolerance are critical areas of exploration. The lawyers and legal scholars in the group agreed with this concept, but explained the negative role the law has played in creating a culture of impunity, resulting in the punishment of non-violent speakers while letting violent actors go free. Laws have also been used to justify prosecutions for a broad scope of speech, thereby chilling free expression and distinguishing between which ideas are, in the eyes of the state, “right” and “wrong.” The prosecutions are often egregious—one activist shared stories of how he represented individuals on trial for merely clicking ‘Like’ on a Facebook status the government found threatening to its interests.

That said, the law does not work in a vacuum. As this paper has discussed in detail, civil society actors such as educators, religious organizations, and perhaps most importantly, media, play a critical role in not just countering speech designed to spark hatred, but also making sure that state actors abide by the law and are neutral in their applications and interpretations of it.

Public Order Exceptions

The working group discussed the question of public order in significant detail—the way this exception to free speech protections, both in domestic and international law, is interpreted in very different ways in the United States, several European countries, Canada, and in Muslim-majority countries. The scope of this exception lies at the heart of the disagreement on what constitutes punishable speech. The group agreed that one way to bridge the gaps between the varying interpretations is to assess empirical data on connecting legal regimes to actual public order—which scope of speech protection leads to the greatest amount of stability? The Pew Forum’s Religion and Public Life Project has produced a Global Restrictions on Religions study that tracks precisely this—how levels of government restrictions correlate with social hostilities.⁹⁰

Of course, there are practical hurdles to implementing proper limitations. One working group participant, a civil rights lawyer in a Muslim-majority country, explained that the public order issue is central to his domestic litigation and advocacy work. Judges in his country are increasingly using the exception as a justification to suspend legal protections. There is a need not just to hash out a theoretical understanding of the permissible limitations and scope of limitations on rights, but also to develop institutions that can

90. See Pew Research Religion and Public Life Project, “Global Restrictions on Religion,” <http://www.pewforum.org/2009/12/17/global-restrictions-on-religion/> (17 December 2009).

translate theory into practice: an independent, neutral judiciary and prosecutors capable of applying narrower, non-discretionary standards.

Resistance to the U.S. Model: Individual Versus Communal Rights

There was some resistance to using the U.S. model as the ideal. More specifically, some working group participants brought up the distinction between individual and communal rights, arguing that the U.S. model protects only the former, whereas other legal regimes account for group rights. There was disagreement among participants about whether group rights should be given legal protection, though some urged that even without giving group rights legal import, governments need to understand that attacks on groups have consequences for individual members of the group.

However, any dichotomy between communitarian values and individual values is a false one. State authorities sometimes argue that individuals may not violate the will of their communities, or that the individual owes a duty to the whole. The communitarian values claimed can be theocratic (those of a state religion), secular (those resulting from state neutrality), or theological (those represented by a state preference for one religious viewpoint or community over others). However, while it is true that individuals are indeed shaped by their societies, and religion has social dimensions requiring public and associational expression, this does not negate an individual's conscience, nor does it imply that an individual claim will *always* trump an apparently competing public interest. The consideration of public interest and a claim of competing individual conscience is a complex task that includes considerations of the common good, practicability, and human dignity. It deserves more than a swift dismissal of either based on the existence of the other.

A false dichotomy between individual and community interests can also be a red herring. Even

if there were a mutually exclusive choice between communitarian values and individual rights, in practice *dissenters* nearly always need protection from more powerful prevailing voices. Dissent, whether it be by a religious group, or by a lone individual believer, is the *raison d'être* for religious freedom protections. Communitarian values and individual rights need not be mutually exclusive, but human rights protections exist for the peaceful dissenter.

Key Findings:

1. Due to increasing limitations on freedoms of expression and religion and their impact on social change, any discussion of racial, ethnic and religious intolerance must engage three central actors: media, civil society, and government.
2. Criminalization is not the most effective or productive means to address religious intolerance. Anti-blasphemy laws, for example, are counterproductive. Moral and social norm setting actions, like public condemnations and social responses, are more effective and productive.
3. Context matters. The problem of intolerance is not endemic to any one country or context. Any general recommendation has to be heavily caveated because it would have to be "localized" in order to address the local context.

Recommendations:

1. Public officials have an obligation to denounce intolerance, especially when it comes from members of their own political party.
2. Legislation that stipulates unequal rights for different groups or individuals should be replaced by legislation that promotes pluralism and the universality of human rights.
3. Governments should partner with civil society and religious leaders to promote strategies that foster and encourage pluralism.

4. Media, at minimum, should be mindful of its outsized influence on society and take pains to avoid promoting incendiary material.
5. Government officials, religious leaders, and civil society groups should take a moral stand, speaking out against intolerance and expressing normative disapproval of offensive statements, as appropriate.
6. The media, civil society, and government should work to establish rapid response coalitions--interfaith coalitions designed and equipped to rapidly respond to statements of controversy at the local and international levels.
7. Groups should implement a public education campaign to promote and implement the action plan in resolution 16/18, and to encourage governments and civil society groups to endorse the principles and resolutions of 16/18.
8. The OIC should convene a meeting of thoughtful imams with the purpose of normalizing debate about blasphemy and starting a dialogue about what "blasphemy" really is.

About the Brookings Project on U.S. Relations with the Islamic World

The Brookings Project on U.S. Relations with the Islamic World is a research initiative housed in the Saban Center for Middle East Policy at the Brookings Institution. The Project's mission is to engage and inform policymakers, practitioners and the broader public on the changing dynamics within Muslim-majority countries and to advance relations between Americans and Muslim societies around the world.

To fulfill this mission, the Project sponsors a range of activities, research projects, and publications designed to educate, encourage frank dialogue, and build positive partnerships between the United States and Muslim states and communities around the world. The broader goals of the Project include:

- Exploring the multi-faceted nature of the United States' relationship with Muslim states and communities, including issues related to mutual misperceptions;
- Analyzing the social, economic and political dynamics in Muslim states and communities around the world;
- Identifying areas for shared endeavors between the United States and Muslim communities on issues of common concern.

To achieve these goals, the Project has several interlocking components:

- The U.S.-Islamic World Forum, which brings together key leaders in politics, business, media,

academia, and civil society from the United States and from Muslim societies in Africa, Asia, Europe, and the Middle East. The forum also serves as a focal point for the Project's ongoing research and initiatives, providing the foundation for a range of complementary activities designed to enhance dialogue and impact.

- An Analysis Paper Series that provides high-quality research on key questions facing Muslim states and communities.
- Workshops, symposiums, and public and private discussions with government officials and other key stakeholders, focused on critical issues affecting the relationship;
- Special initiatives in targeted areas of demand. In the past these have included Arts and Culture, Science and Technology, and Religion and Diplomacy.

The Project's Steering Committee consists of Martin Indyk, Vice President and Director of Foreign Policy Studies (currently on leave); Tamara Cofman Wittes, Senior Fellow and Director of the Saban Center; William McCants, Fellow and Director of the Project on U.S. Relations with the Islamic World; Bruce Riedel, Senior Fellow in the Saban Center; Shibley Telhami, Nonresident Senior Fellow in the Saban Center and Anwar Sadat Chair for Peace and Development at the University of Maryland; and Salman Shaikh, Fellow and Director of the Brookings Doha Center.

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Founded in 2002, the Saban Center for Middle East Policy brings together the most experienced policy minds working on the region, and provides policymakers and the public with objective, in-depth, and timely research and analysis. Our mission is to chart the path—political, economic, and social—to a Middle East at peace with itself and the world. Current research in the Center includes:

- What Makes Two States Possible?
- U.S. Strategy in a Changing Middle East
- Politics and Security in the Persian Gulf
- The Future of Counterterrorism
- U.S. Relations with the Islamic World
- Natural Resources and Conflict in the Middle East

The Saban Center was established on May 13, 2002 with an inaugural address by His Majesty King Abdullah II of Jordan. The Center was made possible by a generous grant from Haim and Cheryl Saban of Los Angeles, and is part of the Foreign Policy Studies Program at Brookings. The Center upholds the Brookings values of Quality, Independence, and Impact.

The Center is home to the Project on U.S. Relations with the Islamic World, which convenes a major international conference each year in Doha and a range of activities to educate, foster frank dialogue, and build positive partnerships among U.S. and Islamic communities. The Center also houses the Brookings Doha Center in Doha, Qatar—home to three permanent scholars, visiting fellows, and a full range of policy-relevant conferences and meetings.

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- **The Saban Forum:** A high-level strategic dialogue on common challenges facing the United States and Israel.
- **The U.S.-Islamic World Forum:** A premier annual gathering of U.S. and Muslim world leaders to advance constructive partnerships, held in Doha or Washington.

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- **Middle East Memos:** The Saban Center's Middle East Memo series provides timely analysis of critical issues facing the region. The memos present offer insights and recommendations for policymakers.
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 Daniel Byman, *Director of Research, Senior Fellow*
 Michael Doran, *Senior Fellow*
 Khaled Elgindy, *Fellow*
 Shadi Hamid, *Fellow*
 Suzanne Maloney, *Senior Fellow*
 William McCants, *Director, Project on U.S. Relations
 with the Islamic World, Fellow*
 Kenneth M. Pollack, *Senior Fellow*
 Natan Sachs, *Fellow*
 Salman Shaikh, *Fellow, Brookings Doha Center*

Nonresident Fellows:

Geneive Abdo, *Washington, D.C.*
 Akbar Ahmed, *Washington, D.C.*
 MJ Akbar, *New Delhi*
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Saban Center for Middle East Policy at Brookings
1775 Massachusetts Avenue, NW
Washington, DC 20036
www.brookings.edu/islamic-world