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INTERNATIONAL LAW AND THE DEFAMATION OF RELIGION CONUNDRUM

By Brett G. Scharffs

Although the Court recognizes that it is possible that tension is created in situations where a religious or any other community becomes divided, it considers that this is one of the unavoidable consequences of pluralism. The role of the authorities in such circumstances is not to remove the cause of tension by eliminating pluralism, but to ensure that the competing groups tolerate each other. ...

—*Serif v. Greece* (European Court of Human Rights, 1999)

In July 2012, an obscure California resident uploaded to YouTube a short video titled “Innocence of Muslims,” which mocked and defamed the prophet Mohammad (Ariosto 2012). A few months later, the hateful video was promoted online by extremist anti-Muslim Christians, and eventually made its way to Egyptian television. Soon clerics and politicians throughout the Middle East were denouncing the film. Passions were inflamed and violent protests against the film followed in many countries, including at the US embassy in Cairo on the anniversary of 9/11 (*The Week*, September 18, 2012).¹

The scenario was eerily familiar—from Salman Rushdie’s publication of *The Satanic Verses* in 1988 to a Christian pastor in Florida vowing to publicly burn the Qur’an in 2010, with Danish cartoons and Sudanese teddy bears

in between. Someone engages in speech offensive to Muslims, which is followed by inflammatory and disproportionate reactions and escalations, and eventually large-scale demonstrations and violence. Debates rage about the proximate cause of the violence—was it the book/cartoons/book burning/video that incited riots and bloodshed, or was it the anger roused by the media, or Islamic religious and political leaders? The pattern of insult, offense, and violence is particularly troublesome in a world where anyone anywhere can provoke a global crisis with nothing more than a cell phone with a camera.

These recent events place into focus once again the important debate that has played out over the past decade in the United Nations and other international institutions about defamation of religion. This article² briefly summarizes the history and makes several suggestions for moving beyond the apparent impasse created by this debate. I argue that the US government should continually strive to contextualize this issue, to emphasize non-legal responses, and to recommend legal responses that are based upon

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more narrowly defined legal categories such as hate speech.

Background

Blasphemy laws, once commonplace in Europe and the USA, are mostly a historical relic. In 1952, in *Joseph Burstyn, Inc. v. Wilson*, the US Supreme Court held that criminalization of blasphemy violates the First Amendment. Blasphemy is still an offense in a small and declining number of European jurisdictions. The last person formally sentenced to a prison term in Europe for blasphemy was in 1922, more than 90 years ago. Nevertheless, in several cases, the European Court of Human Rights has held that banning blasphemous films was not a violation of the free speech protections of Article 10 of the European Convention of Human Rights.³ The British blasphemy law was abolished in 2008, replaced by hate speech legislation, which is broader than the earlier blasphemy laws in that it protects more than one religious tradition, but narrower in the nature of the harm covered.⁴ In 2007, the Parliamentary Assembly of the Council of Europe (PACE) issued a recommendation on blasphemy, directing that “national law should only penalize expressions about religious matters which intentionally and severely disturb public order and call for public violence” (PACE 2007).

The Qur’an protects a substantial range of freedom of speech (Kamali 1997). There are, however, several important caveats: such expression cannot “involve blasphemy, backbiting, slander, insult or lies, nor seek to give rise to perversity, corruption, hostility, or sedition” (Kamali 1997). Insulting God, Mohammed, or any other aspect of divine revelation has traditionally constituted a punishable offense.

Virtually all Muslim-majority countries have blasphemy laws. Even Muslim-majority countries with secular regimes often prosecute blasphemy. Many of these blasphemy laws protect only or primarily Muslims.⁵ For example, Pakistani law technically protects all prophets, including Jesus, but it specifically forbids derogatory language “in respect of the Holy Prophet,” and as a practical matter is used to protect the prophet Mohammad.⁶ Malaysian laws protect only Islam

from offense. Indonesian law is more general but is almost always used to protect traditional Muslims.

Defamation of Religion

Since the late 1990s there has been a concerted effort by many Muslim-majority countries to transform prohibitions on blasphemy from constitutional provisions into a binding international human rights norm. These efforts have been led by the 57-member Organization of the Islamic Conference (OIC, now re-named the Organization of Islamic Cooperation) (OIC 2011b). Concerns about Islamophobia began to gather force prior to the terrorist attacks on September 11, 2001. For example, in 1994, the OIC stated “the right to freedom of thought, opinion, and expression could in no case justify blasphemy” (UN GAOR 1994).

In 1999, Pakistan, acting on behalf of the OIC, introduced a resolution at the UN Human Rights Commission that urged states “to take all necessary measures to combat hatred, discrimination, intolerance, and acts of violence, intimidation, and coercion” directed at Islam (UN ESCOR 1999). Following European objections that this approach focused exclusively on Islam, further negotiations led to the approval of a more general resolution titled, “Defamation of Religions” (CHR 1999). The 1999 Commission resolution urged

all States, within their national legal framework, in conformity with international human rights instruments to take all appropriate measures to combat hatred, discrimination, intolerance, and acts of violence, intimidation, and coercion motivated by religious intolerance, including attacks on religious places, and to encourage understanding, tolerance, and respect in matters relating to freedom of religion or belief.

The Commission adopted the resolution without a vote.

Over the next decade, annual resolutions were passed at the Human Rights Commission until it was disbanded in 2006 and thereafter at

the Human Rights Council, which superseded the Commission, until 2010. The exact wording of the resolutions has varied. Over time, the operative provisions prohibiting blasphemy and defamation of religion have migrated from the preamble to the operative text of the various resolutions, and the number of references to defamation of religion has increased (Blitt 2011a).

For example, the 2008 Human Rights Council resolution urges all states to

provide, within their respective legal and constitutional systems, adequate protection against acts of hatred, discrimination, intimidation, and coercion resulting from the defamation of any religion, to take all possible measures to promote tolerance and respect for all religions and their value systems, and to complement legal systems with intellectual and moral strategies to combat religious hatred and intolerance.

The 2009 Commission resolution included similar language, urging

all States to provide, within their respective legal and constitutional systems, adequate protection against acts of hatred, discrimination, intimidation, and coercion resulting from defamation of religions, and incitement to religious hatred in general, and to take all possible measures to promote tolerance and respect for all religions and beliefs. ...

In all, between 1999 and 2010, UN bodies enacted approximately 20 resolutions relating to the defamation of religion.

While no one wants to defend defamation of religion, Islamophobia, or hateful speech, the US government has consistently opposed such resolutions on the grounds that their implementation risks curtailing both freedom of

expression and freedom of religion. The United States has also expressed the view that the resolutions are fundamentally at odds with the modern human rights regime in that they protect belief systems rather than believers, ideas rather than people.

There are also numerous practical problems with the defamation resolutions. For example, prohibitions on defamation of religion risk curtailing legitimate discussions of religious differences and can have a chilling effect on religious expression. Autocratic regimes frequently use these norms to oppress dissenters and entrench their own power. Minority and dissenting groups suffer.

There are unintended ill effects of prohibitions on defamation of religion as well. While these laws are ostensibly aimed at protecting Islam, they may have the opposite effect, intimidating reform-minded Muslims, providing grounds for

persecuting sectarian opponents within the Islamic faith, and encouraging vigilante justice.

Since 2001, cleavages have emerged and deepened, with countries from the Islamic bloc and much of the developing world supporting the resolutions, and opposition coming from many Western democracies. For example, in 2006, the Special Rapporteur on Racism and the Special Rapporteur on Freedom of Religion or Belief submitted a joint report to the Human Rights Council, expressing concern about the concept of defamation of religion. They stated that “international human rights law protects primarily individuals in the exercise of their freedom of religion and not religions per se” (para. 27), and noted that “the right to freedom of religion or belief, as enshrined in relevant international legal standards, does not include the right to have a religion or belief that is free from criticism or ridicule” and that “defamation of religion may offend people and hurt their religious feelings but it does not necessarily or at least directly result in a violation of their rights, including their right to freedom of religion” (paras. 36 and 37). The report also noted that

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criminalizing defamation of religion may be counterproductive since “rigorous protection of religions as such may create an atmosphere of intolerance and can give rise to fear and may even provoke the chances of a backlash” (para. 42).

An important turning point occurred in 2009, when a group of more than 200 civil society organizations from 46 countries (including Muslim, Christian, Jewish, Secular, Humanist, and Atheist groups) signed a joint petition urging the Human Rights Council to reject a resolution regarding defamation of religion. Beginning in 2009, negative votes together with abstentions were more numerous than the number of votes in favor of the various “defamation” resolutions. For instance, the March 2009 Human Rights Council resolution resulted in a vote of 23 in favor, 11 opposed, and 13 abstentions (HRC 2009). In 2010, when the Third Committee of the General Assembly voted on a defamation of religion resolution introduced by Morocco on behalf of the OIC, the resolution was adopted by a vote of 76 in favor, 64 against, and 42 abstentions (HRF 2010).

In 2011, the UN Human Rights Council adopted Resolution 16/18, which shifted away from the controversial idea of defamation of religion to focus more narrowly on combating religious intolerance. This measure was followed by a roundtable discussion in Istanbul, which included OIC Secretary General Ekmeleddin Ihsanoglu and US Secretary of State Hillary Clinton, as well as representatives of the European Union, Arab League, and African Union. Secretary of State Clinton greeted a new era that moved beyond a “false divide that pit [ted] religious sensitivities against freedom of expression” (Clinton 2011). Participants in what has become known as the “Istanbul Process” discussed practical steps for implementing Resolution 16/18. The meeting ended in a joint declaration resolving to “go beyond mere rhetoric and to reaffirm their commitment to freedom of religion or belief and freedom of expression” (Cook 2011). In a unanimous vote on December 19, 2011, the General Assembly adopted a similar resolution, condemning religious intolerance without calling for states to ban defamation of religion.

The General Assembly resolution adds a requirement that the Secretary General prepare “a report on steps taken by States to combat intolerance, negative stereotyping, stigmatization, discrimination, incitement to violence, and violence against persons based on religion or belief.”

This effort was viewed by some, including Tad Stahnke of Human Rights First, as a “decisive break from the polarizing focus in the past on defamation of religions” (Stahnke 2011). Others have been more skeptical about whether the 2011 resolution marks a genuine shift. For example, University of Tennessee law professor Robert C. Blitt has argued “the UN’s new compromise approach ... is problematic because it risks being exploited to sanction the continued prohibition on defamation of religion and perpetuation of ensuing human rights violations on the ground” (Blitt 2011b).⁷

While it is difficult to predict whether the OIC will renew its efforts to ban defamation, the idea still seems to have currency. Although some OIC representatives have recently indicated that it will no longer press for an international blasphemy code (HRF 2012b), influential Islamic groups and leaders continue to call for a binding treaty implementing the defamation of religion resolutions. In September 2012, the Islamic Educational, Scientific, and Cultural Organization issued a communique (ISESCO 2012) calling for a binding international agreement where all media actors would abide by the UN resolutions on defamation of religion. And in a 2011 speech to the UN General Assembly, Pakistani President Asif Ali Zardari called for a global ban on blasphemy. At the very least, it seems likely that defamation of religion will continue to be an issue about which the Obama administration will need a clear strategy.⁸

Recommendations

After more than a decade of discussing defamation of religion in UN institutions, it is quite well understood that the idea is in tension with international human rights law and norms. As the UN Rapporteur on Freedom of Religion and Belief has emphasized for several years, defamation of religion is incompatible with the

human rights framework because it focuses on protecting ideas rather than people. Human rights are first and foremost claims that individuals have against their own governments. Human rights create limits on what our governments can do to us as individuals. As the European Court of Human Rights recognized in *Serif v. Greece*, quoted in the headnote to this article, tension and disagreements are an unavoidable consequence of pluralism. The role of courts as protectors and enforcers of human rights is not to remove tension by eliminating pluralism, but to ensure that competing groups tolerate each other. One of the recurring, enduring tragedies is the escalation and reprisals in response to hurtful speech that results in large-scale human rights violations, including people losing their lives in the violent protests that are staged in response to the offensive speech.

In its engagement of international law and multilateral institutions, the Obama administration should emphasize a three-pronged approach, one that is proactive and persistent, rather than episodic and reactive. The components of this strategy are first, treating defamation of religion not as an isolated issue, but as a component of US foreign policy that focuses on education, economic development, human rights, and democracy; second, emphasizing non-legal responses to offensive speech; and third, when legal responses are warranted, continuing to focus on legal concepts that have a firmer footing than “defamation of religion,” including hate speech and, especially, incitement.

Contextualization

In its diplomacy, both private and public, in the multilateral arena, and in its approach to foreign aid and development, the US government should avoid focusing on issues of defamation and restrictions on religious speech in isolation. It should instead contextualize these issues by always pointing out the broader social costs related to religious restrictions and social benefits of robust religious freedom.

Recent social science research makes clear that there is a strong correlation between a high degree of religious freedom in a society and other social goods, including civil and political liberty,

press freedom, economic well-being and freedom, and security. A study by the Hudson Institute’s Center for Religious Freedom found that when there is a high degree of religious freedom in a country, there are fewer incidents of armed conflict, better health outcomes, higher levels of earned income, prolonged democracy, and better educational opportunities for women (Grim and Finke 2011, 205–206). Moreover, as Brian Grim and Roger Finke document in their book, *The Price of Freedom Denied*, “religious freedom is associated with higher overall human development, as measured by the human development index published by the United Nations Development Program” (Grim and Finke 2011, 206). Thus, religious freedom is part of a “bundled commodity” of human freedoms that are associated with many positive outcomes (Sen 1999). The US government can help others understand this relationship between religious freedom and other positive social indicators. This can be done not only by improving communication among government agencies on issues involving religion and the rule of law, but also by fostering relationships with religious and civil society leaders and creating forums for ongoing engagements between government and faith-based civil society members.

Non-legal responses

During its second term, the Obama administration should continue, and even increase, the emphasis on the difference between legal and extra-legal responses to the phenomena of insulting religion. At the heart of free speech theory is the belief that the best response to noxious speech is more speech, rather than prohibiting or censoring speech. It is entirely appropriate for the government to step forward and denounce those who engage in hateful speech, and make clear that those individuals do not speak for the government or for Americans. It has proved remarkably difficult, however, to communicate this message in countries where free speech is not a social, political, or legal right, and where government endorsement of permitted speech is much easier to infer.

Defenders of free speech must do a more effective job of explaining that legal prohibitions

on free speech are likely to create greater harm than good, as the track record of the enforcement of laws prohibiting blasphemy and defamation of religion illustrates. This approach is reflected in the recent joint declaration made in October 2012 by Human Rights First and the Muslim Public Affairs Council, which called on all governments to condemn hate speech, fight violence, and protect freedom of speech (HRF 2012c). The joint statement declares that “Hate speech against Muslims must be taken seriously,” and goes on to state:

Hate speech that intends to degrade, intimidate, or incite violence against someone based on race, ethnicity, national origin, religion, sexual orientation, or disability is harmful. In many parts of the world, there is a rise of hate speech against Muslims. Often, anti-Muslim prejudice is preceded by the malicious intent of dehumanizing Muslims and denigrating the prophet Mohammad or the Qur’an. We are also aware that hateful words can all too easily lead to physical attacks on Muslims and set off a cycle of violence.

It also states that “Hatred must be fought through non legal means, with responsible speech.” The US government, especially at the embassy and consular levels, should be trained to communicate how prohibitions on free speech, including prohibitions on blasphemy, often begat other legal restrictions on the freedom of religion and social hostilities relating to religious differences.

A second non-legal response is for the US government and other Western governments to emphasize in their diplomacy secularism as a value, as distinguished from *secularism* as an ideology (Scharffs 2011). Those who represent and explain US positions should be able to engage in informed and nuanced discussions of various conceptions of the secular state. Secularism as an ideology often views the elimination or at least radical privatization of religion as an end in itself, a policy objective, and often results in a rigid, formal equality, and a concentrated effort to scrub political life free from all religious influence

and evidence. While it often speaks in the language of neutrality, in practice it more often exhibits hostility toward religion. Ideological secularism often seems devoted to freedom from religion, rather than freedom of or freedom for religion. It is illustrated by some interpretations of French and Turkish *laïcité*.

Secularity, in contrast, is a more modest political ideal, which strives to create a political framework where a range of religions, as well as non-religious ideas, can co-exist and play a role in social and political life. It is devoted to creating what we might call “constitutional space” for religion—a safe realm where religion can be practiced, or not practiced, by individuals and communities. If the secular state envisions itself as standing in opposition to religion, as unwilling to accommodate it, then it should expect pushback from many voices along the political spectrum.

Political, religious, and other leaders must continually emphasize that even when speech is genuinely blasphemous or defamatory of religion, it never justifies violence in response. Indeed, thoughtful Muslim scholars have argued that violent reactions to even serious provocations, such as burning the Qur’an, are un-Islamic. As explained in the joint statement by Human Rights First and the Muslim Public Affairs Council:

Violence in response to speech is never acceptable. The feeling of being offended by hateful speech can never justify a self-proclaimed right to express violent behavior or to cause bloodshed. Countless incidents show that when governments or religious movements seek to punish offense, in the name of combating religious bigotry, violence then ensues and real violations of human rights are perpetrated against targeted individuals. (HRF & MPAC 2012)

The Joint Statement goes on to note that the “largest group of victims at the hands of Muslim extremists are Muslims, with their mosques and homes and schools used as primary targets of violence” (HRF & MPAC 2012).

Legal responses

Finally, in addition to contextualizing the issue and encouraging non-legal responses, there are times when legal responses to hateful speech are warranted. The Obama administration, especially its spokespeople and Foreign Service officers who engage with other governments around the world, should try to explain the limited circumstances where legal responses are appropriate.

Regardless of the fate of international defamation resolutions, national blasphemy laws are still often used to stifle criticisms of religious and political majorities, to silence critics, and to persecute religious minorities and dissenters.

Indeed, it is national and local laws that are most likely to result in arrests and arbitrary detentions, discriminatory prosecution, and violent protests when those who insult religious sensitivities are not dealt with sufficiently harshly to satisfy local passions. Accordingly, the United States should not focus all its energies on the politics of resolution phraseology at the UN, but should also use the tools at its disposal to constructively influence the formation, interpretation, and implementation of national and local laws on religious speech. Whenever possible, the US officials who engage with foreign counterparts on religious and political issues should discourage legal prohibitions on blasphemy in favor of other narrower concepts such as hate speech.

Another important legal concept is the margin of appreciation, as developed in human rights jurisprudence, which recognizes that there will be national differences in how to interpret and implement the protection of basic human rights, including the freedom of thought, conscience, religion, and belief. As differences between European and American approaches to free speech make clear, there is no one-size-fits-all approach to issues as complex and sensitive as the proper intersections of religious freedom and freedom of speech. It is too easy for Americans to

believe that their form of protection of freedom of speech should be the norm in every country. Similarly, it is too easy for those from other countries to dismiss the US approach as being appropriate only in the unique situation of the United States. US government officials should be able to explain how the margin of appreciation is an allowance for variations in the implementation of human rights norms, not a variance from their meaning or applicability.

As for the future of defamation resolutions at the UN, perhaps the most important development in recent years is the shift in emphasis at UN institutions from prohibiting defamation of religion to focusing on the idea of

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prohibiting incitement to violence. This development is important for several reasons. First, it is consistent with and builds upon existing provisions in the International Covenant on Civil and Political Rights (ICCPR) and other human rights instruments against hate speech. Second, it properly focuses on protecting individuals rather than ideas.

Third, as recommended by various UN Special Rapporteurs, a high threshold for incitement should be required. The focus is on the purpose of the offending speech and the actual effect it has in provoking responses against those who are the targets of the speech. Nothing short of incitement to imminent acts of violence or discrimination against victims of hate speech should be included in the exemption from free speech. Academic discussions and peaceful persuasion are protected and must be allowed. Expressions that “shock, offend or disturb” but do not rise to the level of incitement to violence or discrimination constitute protected expression.

In order to evaluate the crime of hate speech, it is important to differentiate between three different parties: the speaker (the first party), the target (the second party), and the audience that the speech is intended to provoke (the third party). Violence by those who are the targets of offensive speech is not what defines something as

actionable “hate speech;” rather it is violence, hatred, or discrimination that is manifested by the intended “third party” audience of the hate speech. Thus, if a Muslim in the United States insults Christianity, the measure of whether this is hate speech is not the depth of hatred felt by the speaker or the depth of insult felt by Christians, but whether this results in violence against Christians in American society by those who take their cue from the hateful speech. In contrast, if a Muslim in Pakistan insults Christianity, and this triggers riots against Christians, this is actionable hate speech. Thin skin of targets of hateful speech does not transform that speech, however objectionable, into actionable hate speech.

Unfortunately, US government officials and others often focus inordinately, or even exclusively, on the reactions of those targeted by speech, rather than the actions of those who are purportedly provoked to violence against the targets of the speech. Here context matters. Thus, if an American filmmaker insults Muslims with a blasphemous video, anger of Muslims in Egypt does not transform this video into actionable hate speech, although violence against Muslims in California (or less likely, Egypt) by those who watch the film might. There is almost no chance that in Egypt the video will result in violence against Muslims. If Muslims who take offense, either in California or Egypt, become violent, that does not make the film hate speech. The determining factor is not the effect the speech has on the target, but rather on the target audience.

Focusing on incitement rather than defamation serves another invaluable purpose. As we have seen, hateful speech is often of little consequence when it is ignored, or if it is allowed to wallow in well-deserved obscurity. The cycles of violence that can be traced to anti-religious speech almost always involve an important mediating individual and institution. These are the groups and people who bring the material to a widespread audience, and sometimes use it to provoke anger and indignation. Whether it is Salmon Rushdie’s novel, the cartoons published by a Danish newspaper, the pastor who burns the Qur’an, or a film maker who produces a low-budget screed against the prophet Mohammad, these expressions do not rise to the level of

incitement to imminent violence. What transforms these things into violence is the reaction to them by some religious and political leaders. In other words, it is reactions by the second party targets of the speech rather than the third party audience that is purportedly being provoked. For example, the Danish cartoons had been published for several months and had caused barely a ripple of reaction when a group of Muslim clerics in Europe and the Middle East seized upon them, broadly publicized them, and used them to whip up Muslim anger and indignation. This leads to violent protests and many deaths, mostly deaths of Muslims. Those who represent the US government must continually emphasize that it is not the hurt felt by those who are targeted by hateful speech, but the actions taken by those who the speech is intended to provoke into action against the targets of the speech, that is determinative of whether something constitutes hate speech. When those who take offense turn violent, that is vigilantism.

In many situations, it may be that those who are properly to blame for incitement are not the original speakers or publishers of offensive material, but those who seize upon those materials and use them as a pretext or vehicle for violent demonstrations that have often resulted in people being killed. For example, when the Florida pastor who threatened to burn the Qur’an received extensive international press attention, his threats sparked riots across a number of countries that led to many people being killed. Several years later, in response to some perceived wrong, he actually led a public burning of the Qur’an. This time he was almost completely ignored by the US and international press, as well as by religious and political leaders, and his protest created almost no impact whatsoever. By focusing on incitement, the US government can help foster a culture of response to offensive speech in Muslim-majority countries that is less likely to result in violent escalation.

Conclusion

The needed political and religious response to blasphemous and other hateful speech is more speech, speech that repudiates the haters, builds solidarity, and communicates empathy and

respect. The needed legal response is to prosecute speech when it incites violence against those who are targets of that speech. Violence by those who are offended by hateful speech is itself a criminal action. Being a victim of hate speech must not become a license for violence. ❖

1. On September 5, Morris Sedak, a Washington, DC-based Coptic Christian and anti-Islam activist, began promoting the trailer to journalists via social media, timing his pitch to Florida pastor Terry Jones' "International Judge Muhammad Day" on September 11. On September 8, Egyptian television firebrand Sheik Khaled Abdalla aired part of the Arabic version of the clip on local channel Al Nas, condemning it harshly. The trailer's YouTube view-count then skyrocketed. On September 10, Pastor Jones, known for threatening to burn the Qur'an on previous September 11 anniversaries, announced that he would air part of the movie at his "Judge Muhammad Day."
2. Thanks to Chris Seiple and Dennis Hoover for the invitation to participate in this special issue celebrating the 10th anniversary of *The Review of Faith & International Affairs*. A particular depth of gratitude is due to my colleague Cole Durham, with whom I have been thinking and writing about issues relating to law and religion for over a decade. At this point, it is difficult to even recognize how deeply his thinking has affected mine. Thanks also to Blake Richards, BYU Law School class of 2014, for his help researching and writing this article.
3. See, e.g. *Otto-Preminger-Institut v. Austria* (September 20, 1994, Series A, vol. 295) (upholding Austrian ban of film on grounds it insulted the Christian religion); *Wingrove v. the United Kingdom* (November 25, 1996, No. 19/1995/525/611) (upholding British decision to reject film for classification that involved erotic scenes between Jesus and St Theresa d'Avila on grounds that it violated national obscene publications law and national blasphemy law).
4. "A person who uses threatening words or behavior, or displays any written material which is threatening, is guilty of an offence if he intends thereby to stir up religious hatred." The Racial and Religious Hatred Act, 2006, 29B (1). Online at <http://www.legislation.gov.uk/ukpga/2006/1/schedule>
5. This is not particularly unusual. As recently as 1991, the British blasphemy laws protected only Christianity. A blasphemy case against Salmon Rushdie for *The Satanic Verses* was rejected by British courts on the grounds that it insulted Islam, not Christianity, and therefore did not meet the definition of blasphemy. *Regina v. Chief Metropolitan Stipendiary Magistrate, Ex parte Choudhury*, [1991] 1 Q.B. 429, 447.
6. Pakistan Penal Code xv 295-c. Online at <http://www.pakistani.org/pakistan/legislation/1860/actXLvof1860.html>
7. According to Blitt's interpretation, the OIC is engaged in a strategic retreat in international fora, while continuing to pursue prohibitions of defamation of religion in national law and waiting for another opportunity to press the defamation of religion concept.
8. For additional background, see HRF (2012a, 2012d).

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