



FREEDOM OF EXPRESSION AND THE RIGHTS OF WOMEN

Political Islam's threat to freedom of expression is bad for everyone, but hurts women the most

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Executive Summary

Supporters of political Islam have launched a multifaceted assault on the principles of freedom in the West. Political Islam includes the establishment of Sharia (the body of Islamic religious law), which contains harsh restrictions on freedom of expression, as well as harsh punishments for apostasy and blasphemy and standards at odds with modern Western norms of gender equality. Political Islamists are actively attempting to extend the reach of Sharia over Western cultures and legal systems.

This report addresses how, through means of actual physical violence, threats and intimidation, legal action, and political pressure, the emancipation of Muslim women is stunted if not ground to a halt.

We look at the plight of women in Islamist communities and how the attack on freedom of speech hinders those who would call attention to their abuse and mistreatment. Freedom of expression and the rights of Muslim women are intertwined: without freedom of expression, it is not possible to discuss critical issues related to women's rights.

The report also examines how supporters of political Islam are active on multiple levels to curb freedom of speech in the United States and other Western countries. In the United States, Muslim reformers have been exposed to violence and threats.

The American Islamic community is disparate: it is unclear, in the United States as everywhere else, who speaks for Muslims. Organizations that claim to be representative of the American Muslim community, such as CAIR (Council on American-Islamic Relations) and ISNA (Islamic Society of North America), are dominated by Islamists.

Islamists do not support equal rights for men and women and in fact preach to women to be subservient. Currently, the U.S. government is designating as its "partners" such Islamists, sidelining genuinely moderate Muslims, genuinely reformist Muslims, and secular Muslims.

This report identifies four strategies Islamists use to restrict freedom of expression:

- At the global political level they raise large funds from, for instance, wealthy Saudis, Saudi Arabia and other Arab states with a lot of oil money. They collaborate with the organization of the Islamic Conference to put pressure on the United Nations to adopt resolutions that are meant to undermine the freedom of expression in Western countries
- At the national level they bring defamation and libel lawsuits against individuals and institutions that criticize Islam and attempt to defend the rights of women. This strategy has the immediate effect of financially hurting individuals and institutions and is designed to silence all criticism of Islam but also hurts women in ways that have not been discussed enough in public yet.
- On the individual level, women's rights activists meet with threats and

physical attacks when they make public such practices as the introduction of Sharia, forced marriages, honor killings, female genital mutilation and other abuses against women.

- On the social level a climate of self-censorship on the part of respected American institutions is arising. We have seen how such institutions such as Yale University Press, Cambridge University Press, Viacom, Comedy Central, the New York Metropolitan Museum, Random House, and Palgrave Macmillan recoil at the first threat of publications regarding Mohammed. Exposing the plight of Muslim women, in the West, is regarded by some as a threat to their own safety but many also see it as an unjust assault on a vulnerable minority already under a great deal of critical pressure.

Political Islamists apply these four strategies in general to expand a culture of domination outside of Muslim communities and in the West. Much of this has been addressed but very little attention has been paid to how this affects women in particular.

In a culture of domination, freedom is curtailed by the psychological effects of uncertainty, that is to say, uncertainty over whether violence or retribution may ensue as a result of saying certain things publicly or engaging in certain actions. For women in closed Muslim communities, it has an extra effect of living in a perpetual state of terror.

When a woman is beheaded in Buffalo by her husband for seeking divorce and a restraining order against him¹, the message it sends to other Muslim women is quite obvious. When a young Muslim woman in Arizona is run over by her father for adopting an American lifestyle², other Muslim teenagers who want to do the same know that freedom can come at a high price. When a Pakistani man in Georgia strangles his daughter because she ran away from the husband he forced upon her³, other victims of forced marriage arrangements know that an escape will mean not only a confrontation with the offended husband but also their father. And where does a woman under those circumstances find refuge if we, the general public, are intimidated or socially blackmailed into never exposing these horrors in our neighborhoods, our cities, our towns and villages? It is imperative that for the sake of these women and to preserve the rule of law, we should stand up to Islamist pressure on freedom of speech in general and be aware of how silence breeds violence against women in particular.

¹ Williams 2009.

² Netter 2009.

³ Schoetz 2008.

Recommendations:

- Western governments, non-governmental organizations and cultural institutions must first acknowledge the vulnerable position of Muslim women and take a principled stand to protect them.
- The push on the part of the Organization of the Islamic Conference to restrict free speech in Western countries through international law and the United Nations must be resisted, not accommodated.
- Self-censorship on the part of respected American institutions not only corrodes freedom of expression but it (willfully) turns away from the suffering of fellow humans. It creates a climate of ‘Don’t ask, don’t tell’.
- The deference to Islamist pressure through self-censorship in American institutions, whatever its intentions, must be exposed and eliminated.
- Those brave enough to ignore the Islamist threats, whether they are Muslim reformers, secular Muslims (including apostates and converts) or women’s rights advocates who are threatened or attacked must receive adequate protection, even if this places a financial burden on authorities.
- The current “partners” and intermediaries of the U.S. government to the American Muslim community are not representative of genuinely moderate American Muslims or of secular Muslims. The current leadership is questionable at best; it is very unclear who appointed the current so-called ‘American-Muslim leaders’. Many of them have an agenda to co-opt the loyalty of all Muslims in America for their narrow goal of Islamization and this is not in the best interests of America. The U.S. government must look towards genuine moderates, genuine reformers and secular Muslims, and not to Islamists who pretend to be moderate.
- It is urgent that relevant agencies and institutions become keenly aware that freedom of expression and the rights of Muslim women are inexorably intertwined. Unless critical issues related to the rights of Muslim women can be openly discussed, real progress in improving their situation cannot possibly be made.
- Everything must be done to modify existing laws, and to create new ones if necessary, in order to prevent Sharia or Islamic law from being implemented in the United States. This is important because Sharia, as it applies to the family, (especially as it concerns women’s rights) is informally practiced in Islamic communities in Western countries, including America. The recent controversy over a possible ban of Oklahoma courts considering Sharia law in their verdicts⁴, for example, is one facet of this fight for women’s equality.

⁴ Bravin 2010.

Introduction: The Price of Freedom of Expression

Violence is a weapon in the arsenal of political Islamists who want to transform laws, legal norms, and gender relations in Western countries. Stifling reports of the abuse of women's rights is one facet of the battle fought by agents of political Islam; curbing other forms of freedom of speech is another—take, for instance, the recent attempts to kill cartoonists who drew cartoons of the Prophet Mohammed. Political Islamists intimidate their “opponents” through legal and physical means. In the face of this intimidation, defenders of modern liberties must stand their ground, hold firm, and rally around those who are attacked.

Freedom of speech permits defenders of other Western freedoms to expose and fight back against such attempts; without it, defenders of women's rights cannot do much. In recent years, neither esteemed Western cultural institutions nor government agencies have stood firm on issues of freedom of speech. As the examples in this report demonstrate, the price paid by those willing to speak out against political Islam and by those willing to engage in actions that offend adherents of political Islam is steep, and many are not willing to pay it.

At present, the momentum is in the direction of political Islam. Europe is at the forefront of this pressure, but signs from the United States are discouraging. Saudi funds have helped establish, in the United States and other Western countries, an infrastructure of groups committed to political Islam and curbing freedom of speech.

There is need for a countermovement that must seek to do two things:

1. Defend freedom of expression against political Islam in Western countries, ensuring that all citizens living in Western countries enjoy *physical security* from the violent tactics of supporters of political Islam so that they may exercise freedom of expression without fear.
2. Strive to increase freedom of expression in Islamic countries to create room for reformist Muslims and women's rights advocates to speak out without fear of physical retribution.

This report from the AHA Foundation aims to contribute to a growing discussion on these issues and to document cases in which supporters of political Islam have sought to curb freedom of speech and freedom of expression. Beginning with a look at the connection between women's rights and freedom of speech, the report then moves to four strategies political Islamists employ to stifle free expression. The third section offers a historical perspective on cultures of domination such as political Islamists wish to impose in the West. The report then concludes with recommendations for a more effective response by U.S. and other Western countries.

Section 1: The Importance of Freedom of Expression for the Rights of Muslim Women in Western Countries

Freedom of expression and women's rights could be seen as separate, but in fact they are inexorably linked: without freedom of expression, other rights quickly come under attack. Freedom of expression gives advocates of women's rights the opportunity to discuss abuses without fear of retribution or intimidation. Too often, abuses of women's rights in Islamic communities in Western countries are not discussed for fear of causing offense or for fear of retribution by adherents of political Islam.

Four examples from Europe will illustrate why there is a connection between the right to exercise freedom of speech and helping Muslim women in distress. As this report will show, it is no longer an issue that presents problems only in Europe, but one that is highly relevant to the United States as well.

1) Samira Munir, Norwegian politician and women's rights activist

The late Samira Munir placed forced marriages, honor killings, and female genital mutilation (FGM) on the political agenda in Norway and sought to ban the hijab (covering veil) in Norwegian schools. For her work and her public statements, she received numerous death threats and suffered other forms of intimidation. On several occasions, she was followed, intimidated, and attacked on the streets of Oslo. She stated that at one point she was receiving threatening phone calls on an almost daily basis. She was heavily pressured by Pakistan's ambassador to Norway to halt her public criticism and was twice called to the Pakistani Embassy in 2004. The circumstances surrounding her death in 2005 near a railroad track remain suspicious.⁵

2) Nyamko Sabuni, Swedish cabinet minister

Nyamko Sabuni is a fierce and eloquent opponent of FGM, honor killings, and forced marriages. Sabuni has proposed mandatory gynecological exams for all Swedish schoolgirls in a bid to curb FGM; has sought to classify honor killing as an independent crime in Sweden's penal code; and has supported a motion to ban all women under the age of 15 from wearing the headscarf.⁶ For her outspoken opposition to these practices, she has received numerous death threats. Sabuni is now surrounded by security personnel at all times.⁷

3) Ayaan Hirsi Ali, former Dutch MP, interpreter, and women's rights advocate

An unflinching advocate for the rights of Muslim women, Ayaan Hirsi Ali placed honor violence, honor killings, FGM, and forced marriages on the political agenda during her membership in the Dutch parliament (2003–2006). Hirsi Ali wrote the script for the

⁵ Murray and Verwey 2008.

⁶ Ibid.

⁷ Ibid.

film *Submission*, which discusses sexual abuse and domestic violence affecting women in Islamic communities. The movie was directed by Theo van Gogh. For his part in creating the film, Van Gogh was killed in broad daylight on an Amsterdam street by an Islamic fundamentalist in 2004. The killer left a dagger planted in Van Gogh's chest on which he affixed a note calling Hirsi Ali a "soldier of evil" who would "smash herself to pieces on Islam" and saying she would be next.

Hirsi Ali received government protection and was eventually placed in a government-secured apartment. Her neighbors filed a lawsuit, arguing that her presence constituted a security risk.⁸ A trial judge rejected the neighbors' legal arguments, but the Court of Appeals in the Hague, basing its decision on article 8 of the European Convention of Human Rights, agreed with the neighbors and ordered Hirsi Ali to vacate the premises within four months.⁹ In the wake of a parliamentary controversy surrounding her citizenship, Hirsi Ali left for the United States, where the Dutch government decided to discontinue her security protection, a decision that violated a pledge that had been made to her when she first began to speak out publicly against political Islam.¹⁰ She now enjoys full protection through other means.¹¹ She continues to be a leading voice for the rights of Muslim women but has not been adequately replaced in Dutch politics when it comes to her defense of the rights of Muslim women.

4) Seyran Ates, German human rights activist and lawyer

Seyran Ates is a lawyer and, until recently, was one of Germany's most prominent civil and women's rights activists. She has helped numerous Turkish women escape from abusive marriages and has been an outspoken critic of violence that Muslim women face. In June 2006, on their way back from a court proceeding, Ates and a client were violently attacked by the client's husband just outside the courtroom. In August 2006, she announced that she was giving up her legal practice out of fear of additional attacks.

In an interview with *Der Spiegel*, Ates stated that she came to this decision because "my life and the life of my daughter, Zoe, must take priority," adding that "I did not want to end up like Ayaan Hirsi Ali." Since the attack on her in 2006, Ates has received round-the-clock police protection as well as long-overdue public recognition for her years of assisting Muslim women in need.¹²

Impediments to Combating the Abuse of Women

The four women described above all have one characteristic in common: they are women's rights advocates who were threatened for exercising their right to freedom of expression in making statements critical of Islam's treatment of women. The importance

⁸ ANP 2006.

⁹ European Convention on Human Rights 1950.

¹⁰ The pledge was that if she were to run for parliament and continue to speak out publicly against abuses committed against Muslim women, she would be protected as long as would be necessary.

¹¹ Murray and Verwey 2008. See also Hirsi Ali 2007.

¹² Ibid.

of protecting freedom of speech for defending the rights of Muslim women cannot be overemphasized: intimidated or threatened advocates cannot speak out in the way they need to, and the women in distress themselves are even less likely to do so.

The United States

In the United States, Dena Hassouneh-Phillips, a professor at the Oregon Health and Science University School of Nursing and a Muslim, has observed that “the combination of an insular community, the accepted practice of wife beating as a symbolic gesture, and the very high importance put upon marriage by Islamic religion creates a difficult situation for many American Muslim women.”¹³

In addition, Hassouneh-Phillips’s research finds that strong ties “inherent in Muslim culture” often discouraged Muslim women in the United States from seeking help outside of their community.¹⁴ Where freedom of speech is curtailed, these abuses cannot be adequately redressed, and the insularity that characterizes the Islamic community and its current leadership in the United States cannot be remedied. One Muslim community estimates that for every case of reported abuse, almost fifty are unreported, and less than 2 percent of victims actually seek help.¹⁵

Research by the AHA Foundation has found that girls and women in Islamic and honor-based communities in the United States can be subject to pressures and practices that differ significantly from those that regular American girls and women face.¹⁶

The scholar Hillel Fradkin observed in 2004 that American Muslim reformers’ “voices have had to struggle to be heard and lack public validation” because of “intimidation and the greater public standing of the ‘official’ Muslim organizations, which are unsympathetic to the reformers’ efforts.” Because “the Muslim American community takes its cues at least partially from the opinions of non-Muslim American society,” Fradkin argues, “this is a major problem.”¹⁷

Improving the condition of women in Islamic and honor-based communities may require a certain amount of cultural pain in the form of candid discussions. To enable women in distress to speak openly and without fear of retribution about abuse, this is a price that should be paid.

The link between freedom of expression and the rights of Muslim women living in Western countries must be recognized, and, to that end, freedom of expression should be seen as indispensable in defending the rights of Muslim and non-Muslim women in the United States and other Western countries.

¹³ Nowlis 2000.

¹⁴ Ibid.

¹⁵ Abdullah 2007. Pp. 69–99.

¹⁶ AHA Foundation 2009.

¹⁷ Fradkin 2004.

Section 2: Political Islam and Multiple Levels of Pressure against Freedom of Expression

Supporters of political Islam operate on multiple levels to restrict freedom of speech in Western countries, including the United States. This section will present the four main strategies political Islamists employ to restrict free expression.

First, at the global political level, supporters of political Islam exert pressure through institutions such as the Organization of the Islamic Conference (OIC) and the United Nations (UN) to pass resolutions seeking to curtail freedom of speech around the world, including in Western countries. As discussed in greater detail below, leading UN rapporteurs, such as Doudou Diène, have called for the curtailment of “unbridled” free expression in Western countries.

Outside of conventional international organizations, but also at the global level, Saudi funding totaling \$70 billion to \$90 billion since the mid-1970s¹⁸ has boosted political Islam around the world through the establishment of fundamentalist mosques, schools, and centers, part of a concerted strategy to spread the Saudi version of political Islam and other restrictive versions of political Islam around the world.

Second, at the level of courts in Western countries, certain organizations dedicated to political Islam are seeking to curtail freedom of speech in Western countries by bringing lawsuits and libel suits against authors, journalists, researchers, commentators, academics, and publishing houses who produce works critical of political Islam.

In the United States, such lawsuits are often dismissed as lacking merit, but the legal fees associated with a defense can dissuade many individuals from speaking up who otherwise would. In addition, American authors have been victims of “libel tourism” (discussed further below) through lawsuits filed in foreign courts.¹⁹

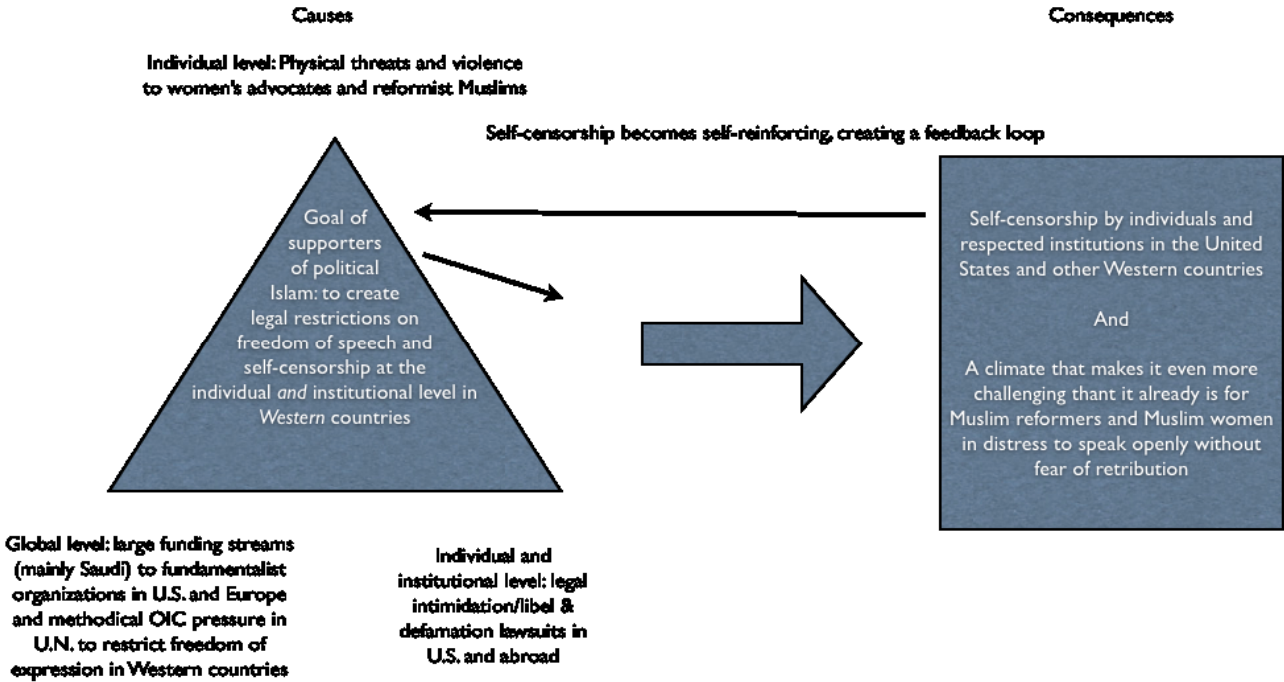
Third, by means of physical intimidation and threats against individuals and institutions in Western countries, including the United States.

Fourth, through creating a climate of fear and domination that results in self-censorship on the part of Western institutions. This is closely related to the third strategy. There need not be any actual physical interference: the mere *possibility* of physical violence, regardless of whether it ultimately takes place, is enough to lead to self-censorship on the part of some of the West’s most powerful and prestigious institutions, including Yale University Press, Palgrave Macmillan, Random House, Network Solutions, and the New York Metropolitan Museum, as described in this report.

¹⁸ Alexiev 2003 and Woolsey 2005.

¹⁹ British courts are the most notorious because of different legal standards for what constitutes libel.

A Diagram: Pressure of Political Islam on Freedom of Expression in the United States and Other Western Countries



1) Global Political Pressure by Islamic Organizations

Institutional Pressures

The OIC was founded in 1969 on the personal initiative of then-king Faisal of Saudi Arabia. Its establishment soon helped bring Wahhabism, a strict form of Islam, into “the very heart of world Islam.”²⁰ Since its founding, the OIC has pushed political Islam into numerous UN discussions and resolutions and has also served as a coordinating group of sorts for Islamic countries in global controversies concerning religious freedom and freedom of expression.

The OIC is committed to supporting political Islam and curbs on free expression in the West. One of its subsidiary organs is the International Islamic *Fiqh* [Jurisprudence] Academy, whose purpose is to help disseminate the implementation of “Islamic *Sharia* at the individual, social as well as international levels” and find “solutions in conformity with the *Sharia*.”²¹

The official *fatwas* of the International Islamic *Fiqh* Academy stipulate that religious freedom requires forbidding “anything that might undercut Islam.” The academy also calls for the judicial punishment of apostasy and has issued *fatwas* defending polygamy, as well as “husbands preventing their wives from traveling alone, mild beating of spouses, and criminalization of homosexuality.”²²

Saudi Arabia, the OIC’s founder, has been methodical in using the OIC to push political Islam to all corners of the globe. Egdunas Raciunas, who has written a doctoral dissertation on Islamic outreach in Western countries, notes that Saudi Arabia “tries to dominate major pan-Arab and pan-Islamic organizations and [export] its version of reislamization/Islam by all possible means.”²³

The OIC has taken the lead in attacking Western press freedom over such issues as the Danish cartoons, calling for international and national legislation to outlaw “defamation of religion.”²⁴ The cartoon crisis began in 2005, but its repercussions are ongoing. The following brief timeline outlines the events in the crisis and illustrates the tactics of political Islamists in their efforts to repress freedom of speech in Western countries.

²⁰ Murawiec 2005. P. 45.

²¹ Marshall 2010.

²² Ibid.

²³ Raciunas 2004. Pp. 168–69. For more on *Dawa*, the Islamic proselytizing drive in the West backed by Islamic countries and funds from wealthy Muslims, see Wiedl 2009.

²⁴ Marshall 2010.

Overview: Timeline of the Danish Cartoon Crisis²⁵

September 17, 2005: *Politiken*, a Danish newspaper, reports that Kaare Bluitgen, a writer, cannot find an illustrator for a book about the life of Mohammed because artists fear reprisals from Islamic extremists.

September 30: In response, *Jyllands-Posten*, a right-of-center newspaper, asks artists to draw Mohammed as they imagine him and publishes twelve cartoons of the prophet.

October 14: Up to five thousand people stage a protest outside the offices of *Jyllands-Posten*.

November–December: A delegation from Danish Islamic groups visits the Middle East to spread publicity about the cartoons. Rumors circulate, and additional images, not originally published in *Jyllands-Posten*, are attributed to the newspaper.

December 7–8: An OIC meeting is held in Mecca, the issue on the agenda that prompted the meeting being the Danish cartoons.

January 27, 2006: Thousands denounce the cartoons during Friday prayers in Iraq.

February 5: Demonstrators set fire to the Danish Embassy in Beirut, overwhelming Lebanese security forces. A protester dies. America and Lebanon blame Syrians for the riot. The Lebanese interior minister offers his resignation. Around four thousand protest in Afghanistan. Iran withdraws its ambassador from Copenhagen.

February 6: A protester is killed in Afghanistan as demonstrations take place in Kabul and the city of Mihtarlam. Crowds gather in Srinigar, the capital of Kashmir, as well as three cities in Indonesia. Pressure mounts in London to prosecute protesters for inciting violence.

February 15: Three people die in the Pakistan cities of Peshawar and Lahore.

February 17: At least ten people are killed and several injured in the Libyan city of Benghazi in clashes during a protest outside the Italian consulate. Pakistan detains more than one hundred people to stem protests.

February 19: Police in Islamabad, Pakistan, use tear gas to disperse demonstrators. Tens of thousands of protestors chanting slogans against Denmark, Israel, and the United States rally in Istanbul, Turkey.

February 2008: Danish police uncover a plot by two Tunisian men to assassinate Kurt Westergaard, creator of the most controversial of the cartoons. The men live not far from Westergaard's home on the outskirts of Aarhus, Denmark. The would-be assassins had

²⁵ *Times* 2006, BBC 2006, Westergaard 2009, and Cavna 2010b.

planned to force their way into Westergaard's house and strangle him with their bare hands. Westergaard then receives police protection.²⁶

October 1, 2009: In Princeton University's *Daily Princetonian*, Westergaard explains that *Jyllands-Posten* felt compelled to publish the cartoons not out of provocation or insensitivity but as an attempt to see how much freedom of expression Denmark still possessed following a series of events in Denmark marked by self-censoring out of fear of political Islam.²⁷ Westergaard writes: "In this situation the paper felt that it was imperative to test whether we still enjoyed free speech—including the right to treat Islam, Muhammad and Muslims exactly as you would any other religion, prophet or group of believers. If we no longer had that right, one could only conclude that the country had succumbed to de facto sharia law."²⁸

January 1, 2010: Westergaard is looking after his five-year-old granddaughter, Stephanie, when an axe-wielding Islamic extremist breaks into his home. Westergaard does not have time to collect the child from the living room before locking himself into a "panic room," a specially fortified bathroom.

According to Westergaard, the assailant shouts "swear words, really crude words" and shrieks about "blood" and "revenge" as he smashes the axe in vain against the bathroom door. The attacker, who is also carrying a knife, shouts, "I'll be back," before going outside to confront police. Westergaard's granddaughter is unhurt. The attacker is later charged in court.²⁹

April 2010: Westergaard is placed on indefinite leave by his newspaper.

June 2010: Westergaard decides to retire at the age of seventy-five. Joern Mikkelsen, chief editor of *Jyllands-Posten*, says the last five years have been "especially emotional for both him [Westergaard] and the newspaper." Westergaard says he hopes his retirement might "lower the terror threat" against the newspaper and his former colleagues.

²⁶ Westergaard 2009.

²⁷ "In light of what has later been claimed about *Jyllands-Posten*'s intentions to deliberately and gratuitously offend 1.2 billion Muslims, I should point out that the paper's rationale was a far different one. In the months leading up to the publication of the cartoons, Islamists had launched one attack on Danish free speech after another. A well-known author had been unable to find an artist who would dare to illustrate a children's book on Muhammad. A concert was stopped by radical Muslims who claimed that music is un-Islamic. The culmination came when a lecturer of Jewish descent at Copenhagen University was abducted in broad daylight by a gang of Arabs and severely beaten for having recited from the Koran as part of his course. Nothing similar had happened during the university's more than 525 years of history. Imagine what would happen if such a thing occurred at Princeton." (Ibid.)

²⁸ Ibid.

²⁹ Campbell 2010.

Implications of the Cartoon Crisis for Freedom of Speech

The OIC's December 2005 Mecca meeting served as a catalyst for global outrage over the cartoons, fueling violence in numerous countries and significantly escalating what had previously been a relatively contained controversy.³⁰

At the same time, the OIC called on the UN to draft a binding resolution banning contempt of religious beliefs and providing for sanctions to be imposed on contravening countries or institutions. The immediate UN reaction to the call was not dismissive but positive, with UN high commissioner for human rights Louise Arbor initiating an investigation.³¹

Since 1999, the UN Human Rights Commission has regularly passed resolutions on combating defamation of religions. The focus of those who bring forth the resolutions is not to shield *all* religions from criticism, but just Islam, and, specifically, to halt criticism and unfavorable statements of Islam in Western countries.

OIC members steadily and methodically continue the pressure. In March 2008, at the fortieth meeting of the UN Human Rights Council, Muslim states lobbied for Resolution 7/19, which “urges States to provide, within their respective legal and constitutional systems, adequate protections against acts of . . . discrimination” and prohibits “the dissemination of racist and xenophobic ideas.”³² Targeted as “xenophobic ideas” by Islamic countries are statements critical of political Islam as well as irreverent cartoons and artistic creations in Western countries.

At the second Durban conference against racism, “Muslim states [pushed] the conference to say that criticizing Islam is a form of incitement.”³³ The efforts have been so methodical and persistent that Flemming Rose, cultural editor of the Danish newspaper that published the cartoons, was led to comment: “We’re seeing an erosion of support in the West for freedom of expression in the guise of preventing incitement against Islam.”³⁴

In 2010, delegates representing Islamic states urged the UN Human Rights Council to take tougher action against “Islamophobia” allegedly sweeping Western media. Pakistan’s delegate, speaking for the OIC, tabled a resolution at the council, instructing its special investigator on religious freedom “to work closely with mass media organizations to ensure that they create and promote an atmosphere of respect and tolerance for religious and cultural diversity.”³⁵ By means of the resolution, Islamic

³⁰ Fattah 2006, Howden 2006, and Keane 2008. Pp. 845–75.

³¹ Ibid.

³² Goldstein and Meyer 2009 and UN Human Rights Council 2008.

³³ Jager 2009.

³⁴ If it were up to Rose, the only free speech restrictions he would allow are those that prevent incitement to violence and discourage libel and infringement on privacy. (Ibid.)

³⁵ Evans 2010.

countries are once again taking aim at freedom of the press in Western countries.

Worth noting is that a number of the UN's own top officials have been sympathetic to political Islam and critical of what they deem "excessive" Western press freedoms. In the wake of the Danish cartoon crisis, Doudou Diène, the UN special rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and related intolerance, issued his 2006 report. Diène's report concentrates on "the situation of Muslims and Arab peoples in various parts of the world," with a section entitled "The Cartoons of the Prophet Muhammad Published in a Danish Newspaper."

In his report, Diène writes: "These newspapers' *intransigent defence of unlimited freedom of expression is out of step with international norms* that seek an appropriate balance between freedom of expression and religious freedom, specifically the prohibition of incitement to religious and racial hatred."³⁶

David Keane of Brunel University argues that this section in Diène's report represents "the strongest attack on the publishers of the Danish cartoons in an international legal document." It represents, according to Keane, "the *only* unequivocal criticism of the Danish newspapers and government with no concomitant emphasis on the need to protect freedom of expression."³⁷

For the publication of cartoons in a private newspaper, Denmark, one of the world's most egalitarian social-democratic democracies, was accused of violating articles 18, 19, and 20 of the UN Covenant on Civil and Political Rights.³⁸ The restrictive interpretation of these UN articles, however, was trumped (at least for now) by article 77 of the Danish Constitution, which guarantees freedom of the press and forbids censorship.³⁹

³⁶ Keane 2008. P. 868.

³⁷ Ibid.

³⁸ This document can be viewed here: <http://www.hrweb.org/legal/cpr.html>.

³⁹ Agora 2006.

Continued International Pressure

OIC members also continue pressure on freedom of expression outside of the UN. In 2008, after Dutch prosecutors announced they would not prosecute Dutch politician Geert Wilders in the short term for releasing the film *Fitna*, which is critical of Islam, the OIC said it was “deeply annoyed,” adding that “the decision . . . encourages and supports the irresponsible defamatory style followed by some media outlets and instigates feelings of hatred, animosity and antipathy towards Muslims.”⁴⁰ (The controversy surrounding *Fitna* is discussed in greater detail below.)

In June 2010, Pakistani police contacted Interpol to request the arrest of Mark Zuckerberg, the American founder of Facebook, for a “Draw Mohammed” contest hosted on the site, citing a section of the penal code that makes blasphemy punishable by death.⁴¹ At the same time, Pakistan’s UN representative is said to have asked to escalate the issue in the UN General Assembly.⁴²

The Zuckerberg case, according to analysts, is a political matter and is unlikely to result in any serious consequences, whereas the constant push of Islamic countries (including Pakistan) for greater restrictions on freedom of speech at the global level through legal channels is likely to be far more damaging.

The cartoon crisis focuses on the assault on freedom of speech in one country, but the OIC’s actions within the UN target freedom of expression in *all* countries. The OIC, both through the UN and on its own, will continue to push for restrictions on freedom of expression. Denmark may be the most favored target of Islamic countries today, but it could easily be another Western country tomorrow, and for that reason, those concerned about the chilling of freedom of speech should carefully monitor both the UN and the OIC for proposals to curb freedom of expression in Western countries.

Flemming Rose observed in a 2007 interview that, according to Princeton historian Bernard Lewis, “the big difference between our case and the Rushdie affair is that Rushdie is perceived as an apostate by the Muslims while, in our case, Muslims were insisting on applying Islamic law to what non-Muslims are doing in non-Muslim countries. In that sense, he said it is a kind of unique case that might indicate that Europe is perceived as some kind of intermediate state between the Muslim world and the non-Muslim world.”⁴³

A line needs to be drawn to stop the drive of Islamic countries to curb freedom of expression in Western countries. This should be combined with a confident and long-term defense of freedom of expression against censorship in the name of political Islam.

⁴⁰ Reuters 2008.

⁴¹ Metz 2010.

⁴² Ibid.

⁴³ *Middle East Quarterly* 2007.

Global Funding of Political Islam and its effects on Islam in America

In testimony to Congress, national security expert Alex Alexiev estimates that between 1975 and 1987, the Saudis spent \$48 billion (or \$4 billion per year) on “overseas development aid,” a figure that is estimated to have grown to over \$70 billion by the end of 2002.⁴⁴ Alexiev argues that this almost certainly does not include private donations distributed by state-controlled charities. David Aufhauser, former U.S. Treasury Department general counsel, told a Senate committee in 2004 that estimates of Saudi funding went “north of \$75 billion.”⁴⁵ Former CIA director James Woolsey estimates that the total figure comes closer to \$90 billion.⁴⁶

In 2008, then-Treasury under secretary Stuart Levey told a Senate committee that Saudi Arabia remains the world’s leading source of money for al Qaeda and other extremist networks and has failed to take key steps requested by U.S. officials to stem the flow of funds.⁴⁷ How much Saudi Arabia has curtailed (and how much it has genuinely *wished* to curtail) the flow of funds of private individuals and private foundations to fundamentalist activities abroad remains unclear.

Compare the figure of \$4 billion per year, Alexiev argues, to past propaganda funding of the Soviet Union: at the peak of its power in the 1970s, the Soviet Union is said to have spent “just” \$1 billion per year on external propaganda.

Saudi “charitable” funds were used in part to disseminate Islamic literature, build mosques and schools (madrassas), and support individuals and organizations committed to political Islam around the world. In 1984, Saudi Arabia’s king built a \$130 million printing plant in Medina devoted to producing Saudi-approved translations of the Quran. By 2000, the kingdom had distributed 138 million copies worldwide.⁴⁸ In many developing countries, as a result of the steady infusion of funds, previously moderate forms of Islam are being eclipsed by fanatical interpretations.⁴⁹ The cumulative effect of all of these funds has been significant, not just in developing countries, but also in Western countries, including the United States.⁵⁰

⁴⁴ Alexiev 2003.

⁴⁵ Ottaway 2004.

⁴⁶ Woolsey 2005.

⁴⁷ Meyer 2008.

⁴⁸ Ottaway 2004.

⁴⁹ Singapore’s former Prime Minister, the highly respected Lee Kuan Yew, told PBS journalist Charlie Rose in 2004, “This thing has been in the brew for some 30-plus years, in retrospect. I used to watch my Muslims—and in Southeast Asia, the Muslims are different. They are relaxed. They are easy to get on with. But over the last 30-odd years, since the oil crisis, and petrol dollars became a major factor in the Muslim world, there have been proselytizing, building mosques, religious schools, madrassas, where they teach Wahhabism, an austere brand of Islam, and sending out preachers and having conferences, globalizing, networking. And slowly, they have convinced the Southeast Asian Muslims and indeed Muslims throughout the world that the gold standard is Arabia, Saudi Arabia, that that is the real good Muslim.” (*Charlie Rose Show* 2004.)

⁵⁰ For a more detailed description of Saudi Arabia’s sordid funding activities, see Emerson 1985, Ehrenfeld 2005, Gold 2003, Murawiec 2005, and Winsor 2007.

In Europe, Saudi Arabia has spent millions of dollars on the Islamic centers in Brussels, Geneva, Madrid, London, Edinburgh, and Rome, among others.⁵¹ Of special concern is that the Saudis have helped build over 1,500 mosques, 210 Islamic centers, 202 Islamic colleges, and 2,000 schools for educating Muslims in non-Muslim countries.⁵²

Terror finance expert Rachel Ehrenfeld argues that the Islamic Society of North America (ISNA) is the front organization through which the Saudis promote Wahhabism in the United States. Wahhabism has a hidden pillar that helps it maintain its zeal: fighting the *Jihad* to spread Islam and defeat its enemies.⁵³ In 2000, through the North American Islamic trust, ISNA funded 27 percent of the estimated 1,209 mosques in the United States.⁵⁴

An estimated 21 percent of U.S. mosques follow Wahhabi practices.⁵⁵ By some estimates, half the mosques and Islamic schools in the United States have been built with the help of money from Saudi Arabia, and the Saudi royal family has directly contributed to the construction of a dozen mosques in the United States, including the \$8.1 million King Fahd Mosque in Culver City, California.⁵⁶

Several scholars and American Muslims who have spoken on the record have said that acceptance of Saudi funds often involves a quid pro quo.⁵⁷ Levent Akbarut, a member of the Islamic Center of Southern California who prays at a mosque that has refused Saudi funds, said, “At several mosques around Los Angeles, they would dole out money month by month until something happened that they didn’t like, such as boys and girls mixing together in religious classes.”⁵⁸

Freedom House’s Center for Religious Freedom has carefully documented the extent to which highly intolerant Saudi texts have infiltrated a number of American mosques.⁵⁹ In 2005, Nina Shea, the center’s director, noted that it is ironic that “Saudi Arabia itself has publicly announced the security need to update religious educational materials at home . . . yet the unreformed textbooks and Wahhabi publications remain among the main religious resources for American Muslims.”⁶⁰

Saudi funds have also endowed numerous chairs in American and European universities, worth noting in light of the general absence of criticism of Saudi Arabia in Middle Eastern departments at American universities. Most prominent among the beneficiaries in the United States is Georgetown University’s Center for Muslim-

⁵¹ Murawiec 2005. Pp. 49–50.

⁵² Alexiev 2003.

⁵³ Ehrenfeld 2005. P. 25.

⁵⁴ Ehrenfeld 2005. P. 26.

⁵⁵ Ottaway 2004.

⁵⁶ Harden 2001.

⁵⁷ Harden 2001.

⁵⁸ Ibid.

⁵⁹ Shea 2005.

⁶⁰ Ibid. P. 17.

Christian Understanding, raising questions about conflict of interest.⁶¹

In an analysis of the politicization of American Islam, Hussain Haqqani argues that because of the influx of Saudi funds, the Muslim agenda in the United States has been defined by the Muslim Brotherhood (a group committed to political Islam) and has marginalized moderate interpretations of Islam within the American Muslim community.

Writing in 2008, Haqqani argued that as Islam continues to win converts in the United States, these new converts are more likely to be influenced by radical Islam: “Whether it’s a Muslim prison ministry, a chaplaincy in the military, or some other U.S. outreach, all of its teachings have been influenced by the Muslim Brotherhood sufficiently for the Brotherhood’s views to be the prism through which new converts view Islam.”⁶²

According to Hedieh Mirahmadi, political Islamists (supporters of political Islam) “are successful in taking over leadership of many major Islamic organizations” in the United States.⁶³ Making matters worse, Islamists control many of the Islamic primary schools, national organizations, and mosques in the United States.⁶⁴

John Esposito, a Georgetown scholar who is sympathetic to Islam, argues that Saudi-backed efforts have tended to make American Muslims “more isolationist in the society in which they live.”⁶⁵ Respect for modern, Western notions of freedom of expression is, of course, not part of the rigid version of political Islam Saudi funds have helped to spread around the world and in the United States.

⁶¹ Romirowsky 2010.

⁶² Haqqani 2008.

⁶³ Mirahmadi 2010. P. 24.

⁶⁴ Ibid. P. 28.

⁶⁵ Johnson 2008.

The American Response to Global Islamic Institutional Pressures

The problems identified above go beyond respected and esteemed cultural and academic institutions in the United States. U.S. government agencies have shown themselves to be in a state of deep confusion and poor judgment when it comes to free speech and political Islam. The United States needs to take a more assertive stance in inter-civilizational dialogue to defend freedom of expression.

In 2006, instead of defending freedom of expression, both former President Bill Clinton⁶⁶ and State Department spokesman Kurtis Cooper voiced strong opposition to the Danish cartoons.⁶⁷ Cooper went as far as to declare that the cartoonists were guilty of “inciting religious or ethnic hatreds.”⁶⁸

In June 2010, Rashad Hussain, President Obama’s special envoy to the OIC, said that “the OIC and the Obama administration will work together in the UN on the issue of defamation of religion, especially in Europe.”^{69 70} This is precisely the wrong approach: the United States ought to encourage greater freedom of speech in Islamic countries and *defend* freedom of speech in Western countries, rather than curtail freedom of speech in the United States (or pressure European countries to curtail theirs) so as to lessen the outrage of Islamists in Islamic countries. The U.S. envoy has it precisely backward.⁷¹

In a detailed research paper, U.S. army analyst Stephen Coughlin traced religious justifications for acts of terror, following the theological thinking of Islamic extremists who use violence, and passed on this knowledge to colleagues in the Pentagon.⁷² Although colleagues found Coughlin’s research valuable and insightful, he was fired from his position on the Joint Chiefs of Staff after a complaint was lodged against him by another consultant, Hashem Islam, who deemed Coughlin too controversial. Journalist Bill Gertz, who specializes in reporting on national security issues, wrote in 2008 that Coughlin appears to have become “one of the first casualties in the war of ideas with

⁶⁶ Former President Bill Clinton, speaking in Qatar about the Danish cartoons on January 30, 2006, said, “None of us are totally free of stereotypes about people of different races, different ethnic groups, and different religions. . . . [T]here was this appalling example in northern Europe, in Denmark . . . these totally outrageous cartoons against Islam.” (AFP 2006.)

⁶⁷ On February 3, 2006, Kurtis Cooper, spokesman for the U.S. State Department, announced, “We . . . respect freedom of the press and expression but it must be coupled with press responsibility. Inciting religious or ethnic hatreds in this manner is not acceptable.” (Wilson and Sullivan 2006.)

⁶⁸ Ibid.

⁶⁹ Schwartz 2010a.

⁷⁰ Huff 2010b.

⁷¹ The U.S. government’s approach, of course, could be worse: Canada’s Human Rights Commission, a government body, has aggressively investigated authors Mark Steyn and Ezra Levant for writings critical of Islam, saddling Levant with roughly \$100,000 in legal fees as a result of complaints filed by an orthodox Islamic cleric. A remarkable letter on the writings of Mark Steyn by the chair of the commission (Lynch 2008) shows the dangers of placing such huge arbitrary authority in the hands of fallible persons. The same applies to the series of lawsuits in Western Europe against individuals such as Brigitte Bardot and Geert Wilders. In these instances, government agencies actively curb freedom of speech internally. The U.S. government is doing nothing of the sort but, in light of OIC envoy Hussain’s comments, should be mindful of not going down this path.

⁷² Coughlin 2007.

Islamism.”⁷³

Fort Hood Killings

Even as this took place, the Army hierarchy was unwilling to remove Major Nidal Hasan from his post, despite his track record of making extremist statements and displaying profound sympathy with violent Islamic movements abroad. On November 5, 2009, Hasan killed thirteen soldiers and wounded thirty-two others in a gun attack at the U.S. army base at Fort Hood. Following a thorough review of a confidential internal investigation of the case, journalist Bryan Bender reports that investigators found that Hasan was a “problem child spouting extremist views” who “made numerous statements that were not protected by the First Amendment and were grounds for discharge by violating his military oath.”⁷⁴

According to Bender, “The report concludes that because the Army had attracted only one Muslim psychiatrist in addition to Hasan since 2001, ‘it is possible some were afraid’ of losing such diversity ‘and thus were willing to overlook Hasan’s deficiencies as an officer.’”⁷⁵

Bender also reports that in one classroom incident not previously described by the Army, Hasan gave a presentation in August 2007 entitled “Is the War on Terrorism a War on Islam: An Islamic Perspective.” The presentation was “shut down” by the instructor, Bender reports, because Hasan appeared to be defending terrorism. Witnesses told investigators that Hasan became visibly upset as a result.⁷⁶ Nevertheless, Hasan was permitted to stay on in his post—until he finally coupled words with deeds.

General George Casey, the Army’s top officer, went on *Meet the Press* to address the shooting. Instead of assuring Fort Hood survivors as well as viewers that all would be done to remove from the Army those individuals who support violence in defense of political Islam, Casey said, “[A]s horrific as this tragedy was, if our diversity becomes a casualty, I think that’s worse,” adding, “I’m concerned that this increased speculation could cause a backlash against some of our Muslim soldiers. And I’ve asked our Army leaders to be on the lookout for that.”⁷⁷

Casey was not, apparently, concerned about the threats against *non-Islamist* Muslim soldiers and did not express the need with all due speed to remove those individuals from the armed forces who hold Islamist beliefs.

⁷³ Gertz 2008.

⁷⁴ Bender 2010.

⁷⁵ Ibid.

⁷⁶ Ibid.

⁷⁷ Reuters 2009.

Islamist Representatives

Zeyno Baran, a Washington-based analyst, has observed that non-Islamist Muslims understand the distinction between political Islam and living in a Western, pluralist society very well.⁷⁸ It is a distinction of enormous spiritual and personal importance to Muslims. Casey and other senior government officials appear to be blind to the distinction and the dangers this blindness entails.

Hedieh Mirahmadi has documented that the U.S. government, rather than empowering the real mainstream voices of the American Muslim community, has given credibility to Islamists and their organizations in the United States.⁷⁹

In fact, the U.S. government tends to select as “gatekeepers” (that is to say, ostensibly “real” Muslims who tell the government which Muslims they should deal with) Muslims who tend to be orthodox. These orthodox gatekeepers in turn mark reformist Muslims as those the government should not deal with as partners or liaisons to the Muslim community.⁸⁰ Such individuals hold views on gender relations that are not in keeping with modern, Western notions of gender equality.

In November 2010, Joseph Schmitz, a former Inspector General for the Defense Department sent a letter to Sen. Dianne Feinstein (CA), Chair of the Senate Intelligence Committee, in which he raised similar concerns, writing: “Somebody ought to challenge the [Department of Defense] on precisely how it vets its chaplains as well as its chaplain ‘endorsing agents’ to ensure non-complicity in terrorism or criminal activities, and who, if anyone, vetted Major Nidal Hasan as a so-called ‘Muslim lay leader’ at Fort Hood.”⁸¹

Schmitz voiced concerns over continued ties between U.S. government agencies and the Islamic Society of North America and referred specifically to ISNA’s chaplain endorsing agent, Dr. Louay Safi, who acted on behalf of ISNA and until recently was one of two Defense Department Muslim chaplain endorsing agents for the entire U.S. military.⁸²

The U.S. government’s designation of Islamists as partners and even as “gatekeepers” is a costly strategic mistake that further marginalizes reformist Muslims and advocates of Muslim women’s rights in the United States. The British government has made similar mistakes in designating orthodox Muslims (even Islamists) as “partners” and “representatives” of the broader Muslim community.

The Defense Department and the U.S. government ought to adopt a more sensible approach in dealing with supporters of political Islam, choose more sensible gatekeepers

⁷⁸ Baran 2008. P. 97.

⁷⁹ Mirahmadi 2010. P. 26.

⁸⁰ Ibid. P. 27.

⁸¹ Winter 2010.

⁸² Ibid.

(genuine moderates), and distinguish carefully between Islamist and non-Islamist Muslims.⁸³ Not all Muslims who support political Islam are violent or support violence, but the end goals of political Islam are so incompatible with life in a pluralist, free society that Islamists cannot serve as gatekeepers or as arbiters of what can be thought and said in the United States. In short, the U.S. government needs a better strategy, both on issues related to freedom of expression and on issues pertaining to non-Islamist Muslims.

⁸³ See Rabasa et al. 2007 and Pipes 2003 for valuable tips and hints on how to distinguish genuine Muslim moderates from mere pretenders.

2) Lawsuits and Legal Tactics Pressuring Individuals —the Fight in the Courts

A number of groups and individuals supportive of political Islam have embarked on litigation over the past two decades against those they deem guilty of libel for speaking out against Islam. This subsection is limited to examples of these lawsuits in the United States, which, as constitutional law scholars have noted, has freedom of speech laws that allow more room for freedom of expression than those of most other countries.⁸⁴ U.S. courts have high standards for libel, and the overwhelming majority of cases are thrown out by a judge or withdrawn by the plaintiff, but not before the defendant pays a considerable sum in legal fees.

In April 2007, a group called KinderUSA filed a libel suit against Yale University Press, author Matthew Levitt, and the Washington Institute for Near East Policy (Levitt's employer) over the book *Hamas: Politics, Charity, and Terrorism in the Service of Jihad*. KinderUSA claimed that it was falsely accused in the book of having ties to the Islamic organization Hamas. Yale University Press, along with Levitt and his employer, fought back, enlisting a highly skilled First Amendment lawyer, Floyd Abrams, and filing a so-called anti-SLAPP motion.⁸⁵

SLAPP—which stands for a strategic lawsuit against public participation—refers to a tactic to muzzle public criticisms by filing libel or slander suits with no merit and forcing defendants to bear the expense of defending themselves in court. Not all states have an anti-SLAPP law, but California does. Because KinderUSA filed its lawsuit in Los Angeles, the defendants were, so to speak, in luck, and KinderUSA withdrew its suit in response to the anti-SLAPP motion.⁸⁶

Another attempt to curb freedom of speech through a lawsuit was aimed at an article entitled “Fanatic Muslim Family Day,” published in September 2007 by Joe Kaufman, in which Kaufman described the Islamic Circle of North America (ICNA) as “a radical Muslim organization that has physical ties with the Muslim brotherhood and financial ties to Hamas” and stated that “ICNA has also been involved in the financing of Al-Qaida.” Kaufman was sued for defamation by seven Dallas-area Muslim groups, although he had not mentioned any of the seven Dallas-area groups in his article and told the court that he had “no knowledge that the majority of the entities even existed.”⁸⁷ Kaufman was also served a restraining order at the groups' request.

The lawsuit against Kaufman was ultimately thrown out by the Texas Court of Appeals for the Second District, which argued that Kaufman is protected by his status as an online journalist. The restraining order was also lifted when it became apparent that Kaufman had never posed a physical threat to any of the parties requesting the restraining

⁸⁴ “The constitutional protection afforded to freedom of speech in the United States is seemingly unparalleled anywhere else in the world.” Sedler 2006. P. 379.

⁸⁵ Bass 2007.

⁸⁶ Ibid.

⁸⁷ Goldstein and Meyer 2009.

order. A trial judge had earlier sided *against* Kaufman, however, and before the Texas Court of Appeals ruled in Kaufman’s favor, the litigation carried a substantial cost to him as a defendant. Kaufman was assisted in his defense by the Middle East Forum’s Legal Project, led by Brooke Goldstein, which helped defray the costs of the legal defense.⁸⁸

Another case worthy of attention concerns the lawsuit the Council on American-Islamic Relations (CAIR) filed against David Gaubatz, Chris Gaubatz, and Paul Sperry. The Gaubatzes, Sperry, and others used numerous documents they obtained while working at CAIR to write a highly critical exposé following their work. CAIR filed suit on the grounds that the materials and documents used by the authors in creating the book were unlawfully obtained. The authors were defended by the highly respected attorneys Martin Garbus, Bernard Grimm, and Daniel Horowitz.

In late 2009, Judge Colleen Kollar-Kotelly ruled that Gaubatz should return a number of documents to CAIR, but in January 2010, she denied a request to conduct discovery—an examination of the opponent’s witnesses, facts, and documents—prior to hearing a motion to dismiss the case.⁸⁹ This seemed to be a victory for the defendants, but it was not the end of the road.

CAIR sought to re-file the case, an attempt the judge denied in February. This, too, seemed a victory. “In terms of the First Amendment, it’s a powerful ruling,” attorney David Horowitz said, “because it recognizes that by chilling free speech, you undermine it, even if you lose the case in the end. CAIR was trying to exploit that to the max, and the judge said no.”⁹⁰ Horowitz continued, “We briefed, counter-briefed, we spent thousands of dollars on the case. . . . Only then did they file this new lawsuit, which would have effectively forced us to start all over. . . . [CAIR knows] they can’t win the case, but they can chill the First Amendment by making it so expensive to speak against them that no one can challenge Saudi-funded CAIR. In the end, they can just keep getting more and more money from overseas and burn out opposition with lawsuits.”⁹¹

Following the judge’s denial of their request, CAIR has sought to amend its original motion in order to keep the case alive.⁹² In the process, Horowitz said, “CAIR is lashing out wildly at anybody associated with this book. . . . It’s like a drowning person flailing water; they grab on to anybody they can and drown them so that they live.”⁹³ The case continues, as do legal expenses for the defendants.

⁸⁸ Ibid. and Huff 2010a.

⁸⁹ Moore 2010a.

⁹⁰ Moore 2010b.

⁹¹ Ibid.

⁹² Moore 2010c.

⁹³ Ibid.

Additional U.S. Cases

Brooke Goldstein and Aaron Eitan Meyer of the Middle East Forum have tracked other such lawsuits.⁹⁴ Three in particular merit attention.

In 2004, CAIR filed suit against Andrew Whitehead, an author and blogger, for creating the site anti-cair-net.org, in which he alleges ties between CAIR and radical groups. Ultimately, a settlement was reached, claims against Whitehead were withdrawn, and the case dismissed without prejudice.⁹⁵

In 2005, the Islamic Society of Boston (ISB) sued the *Boston Herald*, Fox 25 News, and terrorism expert Steven Emerson for public criticism of the ISB's links to radical Islam. Some time after the discovery process had been instigated against ISB's financial records, ISB dropped its case and abandoned all its claims without receiving payment.⁹⁶

Bruce Tefft, a former CIA official and counterterrorism consultant for the New York City Police Department, was sued by a Muslim police officer for "workplace harassment" after Tefft sent out e-mails to a voluntary recipient list of police officers containing information about radical Islamic terrorism.⁹⁷

Jeffrey Breinholt, a counterterrorism consultant, has put together the most detailed and comprehensive overview of libel suits involving Islam in the United States, going back decades. Two notable examples from his list follow.

In 1998, AOL permitted chat rooms dealing with the Quran and the beliefs of Islam, and this generated posts that Muslims considered harassing and blasphemous. One Muslim visitor to the chat room sued AOL for libel. *Noah v. AOL* (2003).⁹⁸

In 1980, a California television station broadcast "Death of a Princess," a film depicting the public execution of a Saudi Arabian princess for adultery. Prince Khalid Abdullah Tariq Mansour Faissal Fahd Al Talal, on behalf of six hundred million Muslims throughout the world, sued the television station for libel. *Khalid Abdullah Tariq Mansour Faissal Fahd Al Talal v. Fanning* (Northern District of California, 1980).⁹⁹

⁹⁴ Goldstein and Meyer 2009.

⁹⁵ Ibid.

⁹⁶ Ibid.

⁹⁷ Ibid.

⁹⁸ Breinholt 2007.

⁹⁹ Ibid.

Significance of U.S. Cases

The goal of these lawsuits seems to be intimidating and financially depleting the defendants more than achieving victory, which seems to elude the plaintiffs. In a May 17, 2009, broadcast of “Crescent Report,” host Mahdi Bray, executive director of the Muslim American Legal Society Freedom Foundation, argued in reference to the Kaufman case that “we’ve got to be willing to spend our money in a court of law . . . and not necessarily because we’re going to look for money, but . . . to spend our money and make you spend your money.”¹⁰⁰ In addition, the hope is that the sheer hassle of being embroiled in protracted litigation is deterrent enough to chill freedom of expression of those who might oppose or criticize political Islam and the organizations that spread it.

Risk of Foreign Libel Suits to U.S. Authors

Rachel Ehrenfeld’s *Funding Evil*

U.S. authors face risks from legal procedures outside the United States as well, in particular from British judgments in libel cases. London has deservedly earned a reputation as the libel suit capital of the world.

Rachel Ehrenfeld is the author of *Funding Evil: How Terrorism Is Financed—and How to Stop It*. The book sold only a few dozen copies in Britain over the Internet, but that was enough for Saudi billionaire Khalid bin Mahfouz to sue Ehrenfeld in a British court for libel under Britain’s unusually stringent libel standards.¹⁰¹ Ehrenfeld, who stood by her research, refused to contest as a matter of principle and instead denied British jurisdiction over a U.S. published book.¹⁰²

The British court ordered Ehrenfeld to apologize to Mahfouz, retract, pay hundreds of thousands of dollars in damages, and destroy all copies of her book.¹⁰³ Ehrenfeld now avoids the United Kingdom for fear of arrest, but the controversy has led to at least one positive result for freedom of expression in the United States: the New York legislature’s passing the Libel Terrorism Protection Act, known as “Rachel’s Law,” which provides New Yorkers greater protection against libel judgments in countries whose laws are inconsistent with the freedom of speech granted by the U.S. Constitution. A number of other states have passed such a law, but many have not. Americans who write in a state that has not passed a similar law may find themselves liable in suits filed in the United Kingdom under British libel law.

¹⁰⁰ Huff 2010a.

¹⁰¹ Kurtz 2008. Pp. 5–13.

¹⁰² Ibid.

¹⁰³ Ibid.

Robert Collins and Millard Burr's *Alms for Jihad*

Alms for Jihad is a meticulously researched book that describes the role of Islamic charities in financing terror activities. It was coauthored in the United States by two Americans, the late Robert O. Collins, a respected history professor at the University of California, Santa Barbara, and J. Millard Burr, former USAID relief coordinator in Sudan.

In April 2007, Khalid bin Mahfouz, the Saudi billionaire who had sued Rachel Ehrenfeld, informed the publisher, Cambridge University Press, of eleven “allegations of defamation” in the book. Burr and Collins provided a defense of their research in the eleven instances in question, but the publisher told them that “knowledge of claims from previous litigation” made them wary of what was to come and that “the top-line allegations of defamation made against us by bin Mahfouz are sustainable and cannot be successfully defended . . . certainly not in the English courts, which is where the current action arises.”¹⁰⁴

Although Cambridge University Press legal advisers had spent a month in 2005 vetting the book before it went into production, to the surprise of Burr and Mills, once legal troubles arose, the press was not willing to defend the work or even to contest Mahfouz’s claims in court.

In May 2007, against the wishes of the authors, the publisher agreed to virtually all of Mahfouz’s demands to stop sale of the book, destroy all “existing copies,” prepare a letter of apology, make a “payment to charity” for damages, and contribute to legal costs. Adding insult to injury, after further negotiations, the press also agreed to request 280 libraries around the world to withdraw the book or insert an errata slip.

In July 2007, Justice Eady in the London High Court—a judge who has become notorious in British media circles for his overzealous judgments in favor of plaintiffs in libel cases—accepted the legal surrender by Cambridge University Press that pulped 2,340 existing copies of *Alms for Jihad*, sent letters to the relevant libraries to do the same or insert an errata sheet, issued a public apology, and paid costs and damages.¹⁰⁵ The press also issued a public apology on its website in which it characterized the “serious and defamatory allegations” against Mahfouz in *Alms for Jihad* as “manifestly false.”¹⁰⁶

At least one good thing came out of the saga. When Cambridge University Press began contacting American university libraries to urge them to destroy the copies of *Alms for Jihad* that they had obtained before the libel suit, the American Library Association (ALA) argued that British laws do not apply in the United States and advised libraries to ignore the request: “Given the intense interest in the book, and the desire of readers to learn about the controversy first hand, we recommend that U.S. libraries keep the book

¹⁰⁴ Collins 2007.

¹⁰⁵ Ibid.

¹⁰⁶ Albanese 2007.

available for their users,” the ALA argued.¹⁰⁷

The ALA’s defiance shows spine that Cambridge University Press unfortunately did not possess. Because of the extremely high caliber of research and attention to detail in the book, it has since become a sought-after item in libraries for those interested in the links between charitable organizations and terror financing.

As a result of criticism, the British are now considering revising their libel laws. One proposal to narrow the room for such suits, introduced by a Liberal-Democrat MP holds promise according to some, but according to a number of legal analysts, the proposal does not go far enough. Analysts in the latter group fear it “is not a substitute for a thoroughgoing review of the existing law” and may instead add “further layers of complexity” and “increase costs.”¹⁰⁸

Until the British law is successfully revised, American authors in states that have not passed the equivalent of “Rachel’s Law” remain, unfortunately, subject to the weakest libel link in the international legal chain.¹⁰⁹

Hopeful Signs: The SPEECH Act

The U.S. Senate, in seeking to address these legal issues, unanimously passed the Securing the Protection of our Enduring and Established Constitutional Heritage (SPEECH) Act in July 2010. On August 10th, President Obama signed the Act into law.

In addition to blocking enforcement, the new federal law will allow defendants to clear their names by obtaining a declaratory judgment in a United States court. “This will make a difference in how other countries, people in other countries will look into suing Americans,” Rachel Ehrenfeld told the Committee to Protect Journalists. “It’s a victory for everybody who writes in America.”¹¹⁰

The real test of the law, however, will come when wealthy Islamic plaintiffs seek to find loopholes in the SPEECH Act and similar laws in order to file suit for libel abroad against U.S. authors who write about Islam, Islamic charities, and Islamism. It is too soon to tell whether this law, when fully operational, will block all relevant pathways for such libel lawsuits.

¹⁰⁷ ALA 2007.

¹⁰⁸ *Guardian* 2010.

¹⁰⁹ Kurtz 2008. Pp. 5–13.

¹¹⁰ Mahoney 2010.

3) Pressure through Physical Threats to Individuals

In Europe, numerous individuals have been threatened, harassed, and physically attacked for critiquing the treatment of women in Islamic communities, or for critiquing fundamentalist Islam (or Islam) more broadly. Although many of the individuals have received police protection, their lives have been turned upside down, and they do not enjoy a stable existence free from reasonable fear of physical violence.

In 2008, Douglas Murray and Johan Pieter Verwey composed a detailed report for the London-based Centre for Social Cohesion in which they describe the physical threats and acts of intimidation against numerous individuals.¹¹¹ The report is a valuable resource to all those interested in the rights of women but has not received the attention it deserves.

The following list includes individuals named in the report, as well as several others, who have been physically threatened for what they have said and done:

- Ahmed Aboutaleb, Dutch politician of the Labour Party
- Mina Ahadi, founder of Council of ex-Muslims in Germany
- Magdi Allam, Italian commentator and author
- Mohammad Anwar Shaikh, Indian-born British author
- Seyran Ates, German human rights activist and lawyer
- Rachid Ben Ali, Dutch painter
- Mimount Bousakla, Belgian politician and author
- Ekin Deligoz, German MP
- Chahdortt Djavann, Iranian-born French author
- Afshin Ellian, Iranian-born professor of law in the Netherlands
- Mansur Escudero, Spanish Muslim religious leader
- Ralph Giordano, German writer
- Reda Hassaine, British investigative reporter
- Sooreh Hera, Dutch photographer
- Ayaan Hirsi Ali, former Dutch MP, interpreter, and women's rights activist¹¹²
- Nosheen Ilyas, Italian columnist and activist
- Ehsan Jami, founder of Council of Ex-Muslims in the Netherlands
- Naser Khader, Danish MP
- Samira Munir, Norwegian politician and women's rights activist
- Maryam Namazie, founder of Council of Ex-Muslims in Britain
- Taslima Nasreen, Bangladeshi-born feminist now living in Sweden
- Kadra Noor, Norwegian reporter and activist
- Robert Redeker, French history teacher
- Shabana Rehman, Norwegian comedian
- Flemming Rose, cultural editor at Danish *Jyllands-Posten*

¹¹¹ Murray and Verwey 2008.

¹¹² Hirsi Ali relocated to the United States in 2006 and is no longer a European resident. In the United States, she founded the AHA Foundation, committed to defending and protecting the rights of all women against militant Islam.

- Salman Rushdie, Indian-born British novelist
- Nyamko Sabuni, Swedish cabinet minister
- Manu Sareen, Danish city counselor and social worker
- Mohamed Sifaoui, French reporter and author
- Bassam Tibi, Syrian-German academic
- Theo van Gogh, Dutch film director and producer¹¹³
- Lars Vilks, Swedish artist
- Ibn Warraq (pen name), British author and expert on Islam
- Kurt Westergaard, Danish artist

Threats to Individuals: The Situation in the United States

Physical threats to reformers are no longer confined to Europe. It is true that the United States does not (yet) confront the level of magnitude facing European countries, but cases of Muslims who have been threatened for exercising freedom of expression in the United States have been significantly underreported.

In the insular American Muslim community, news of such violence serves to chill freedom of speech, including the ability of reformers, as well as women who face domestic violence, to speak out.¹¹⁴

Violence against women

Dena Hassouneh-Phillips, a professor at the Oregon Health and Science University School of Nursing and a Muslim, has observed that in the United States “the combination of an insular community, the accepted practice of wife beating as a symbolic gesture, and the very high importance put upon marriage by Islamic religion creates a difficult situation for many American Muslim women.”¹¹⁵

In addition, Hassouneh-Phillips’s research finds that strong ties “inherent in Muslim culture” often discouraged Muslim women in the United States from seeking help outside of their community.¹¹⁶

Significantly, in recent years, the United States has seen a number of ‘honor’ killings of Muslim women. Such killings are not confined to Islamic countries or to European countries with a larger Islamic population. Honor killings represent the most extreme form of violence, but forced marriages, house arrest, and female genital mutilation are other ways in which the freedom of women is unjustly curtailed.¹¹⁷

¹¹³ Killed in Amsterdam in 2004.

¹¹⁴ For information on the obstacles and issues Muslim women face in the United States, see Nowlis 2000; Hassouneh-Phillips 2001a. Pp. 415–32.; Hassouneh-Phillips 2001b. Pp. 735–48; Hassouneh-Phillips 2001c. Pp. 927–46; and AHA Foundation 2009.

¹¹⁵ Nowlis 2000.

¹¹⁶ Ibid.

¹¹⁷ For more information, see the 2009 AHA Foundation document “What do we know?”

In Irving, Texas, Sarah and Amina Said (17 and 18 years old, respectively) were shot to death by their father on New Year's Day 2008.¹¹⁸ Their father was enraged by the Western lifestyle of his daughters. During the vigil held for the girls after their deaths, their brother took the microphone, saying his father did not "kill" his sisters: "They pulled the trigger, not my dad," the brother said, insinuating his sisters were responsible for what happened to them. His mother asked the audience to forgive her son for the outburst.

In January of 2009, an Afghan refugee in Henrietta, NY, admitted that he stabbed and seriously wounded his sister during an argument that began when she tried to leave her family. The refugee told sheriff's investigators that his sister was a "bad Muslim girl" because she wore immodest clothes and went to clubs, according to court documents.¹¹⁹

On February 12, 2009, Aasiya Hassan was found beheaded in the office of Bridges TV in Orchard Park, NY. Her husband, Muzzammil Hassan, the chief executive officer of the television channel, has been charged with her slaying. "This was apparently a terroristic version of honor killing, a murder rooted in cultural notions about women's subordination to men," said Marcia Pappas, New York State President of the National Organization for Women. "Too many Muslim men are using their religious beliefs to justify violence against women," Pappas said.¹²⁰ Pappas faced intense pressure from a coalition of eight family and women's groups to retract her comments, but Pappas refused, saying dozens of Muslim women had written to thank her for speaking out: "There will be no retraction," she said.¹²¹

The response of Muslim women to Pappas' comments illustrates how important it is to be able to speak freely about the difficult circumstances confronting women in Islamic communities.

On October 20, 2009, Faleh Hassan Almaleki of Glendale, Arizona ran his 20-year-old daughter over at an Arizona Department of Economic Security Parking Lot. Police say she was run over because she had become too "Westernized". "It occurred because [of] her not following traditional family values. We've been told that by everybody," Peoria Police spokesman Mike Tellef told ABC News in October 2009: "[Her father] felt she was becoming too westernized and he didn't like that."¹²²

In July 2008, Chaudry Rashid, a Georgia father of Pakistani descent strangled his 25-year-old daughter, Sandeela Kanwal, because she wanted to get out of an arranged marriage to a man she had not seen in months, according to police in Clayton County, Ga. "She was very unhappy with the marriage, had not seen the husband in three months and was seeking a divorce," Timothy Owens, a spokesman for the Clayton County Police

¹¹⁸ Eiserer 2008.

¹¹⁹ Zeigler 2009.

¹²⁰ Williams 2009.

¹²¹ Williams 2009 b.

¹²² Netter 2009.

Department, told ABC News. "The father felt like the he had to uphold his family's honor."¹²³

Such acts of violence intimidate other Muslim girls and women in the United States and create a culture of domination in which girls and women are afraid of violence or of retribution.

Violence against genuine reformers and against Muslims who have become atheists

Farhan Latif had just become president of the Muslim Students Association at the University of Michigan-Dearborn when the 9/11 attacks took place. Latif condemned the attacks as well as celebrations *of* the attacks by some Muslims. Soon, threats arrived by e-mail and in person. Latif's car was vandalized three times, and in September 2004, he was attacked by two people and sustained heavy injuries, including cracked ribs.¹²⁴ Latif's attackers also tried unsuccessfully to run him over with a car.

Recovering from his injuries, Latif told American University professor Akbar Ahmed, who carried out a large research project on Muslims in the United States: "The ironic part of this whole thing is that the case lingered for four years, and the individual that attacked me and almost took my life was fined \$400 for what he had done and then let go. I know friends who have paid speeding tickets that are more than \$400."¹²⁵

Ahmed notes that at the time of his interview with Latif, "Farhan and his wife were still being threatened by these same men. Her car had been vandalized, and one of the men intimidated her personally. Both husband and wife live in constant fear."¹²⁶

Ahmed argues that genuinely reformist Muslims in America—much like those in Europe—find themselves between a rock and a hard place: "[T]he modernist Muslim finds himself maligned by the critics of Islam for not countering extremism, yet when he does take action, no assistance is forthcoming from those whose job it is to uphold the law and promote harmony in the community."¹²⁷

This is likely to be an increasingly salient issue as Islamists expand their already large control of major American Islamic organizations and sideline moderates, in part, as discussed above, because the U.S. government designates political Islamists as genuine representatives of the Muslim community, further marginalizing genuine moderates.¹²⁸ All that is possible should be done to ensure the physical safety of reformist Muslims in the United States, and to ensure that those guilty of threats or attacks receive appropriate punishment.

¹²³ Schoetz 2008.

¹²⁴ Ahmed 2010. P. 235.

¹²⁵ Ibid.

¹²⁶ Ibid.

¹²⁷ Ibid.

¹²⁸ Mirahmadi 2010. P. 24.

Sabri Husibi is a former Muslim (now an atheist) originally from Syria who presently resides in Tulsa, Oklahoma. He published an article in the *Tulsa World* criticizing all religions, including Islam, and arguing that the Quran was written by men. On the day his article was published, Husibi received thirty calls from people who cursed him, called him a traitor, and threatened him.¹²⁹

Husibi, who has an unlisted telephone number, said most of the callers were foreign-born, Tulsa-area Muslims of his acquaintance. He said he also received angry calls from friends and relatives in Syria. One caller said that if Husibi were to say anything against Sharia at an upcoming atheist meeting, he would be killed. Another caller offered Husibi's young Muslim wife \$10,000 to leave him and return to her native Syria. Not even Husibi's mother escaped unwanted attention. According to Husibi, "Someone from Tulsa called my 76-year-old mother in Syria and said, 'You're not going to see your son anymore.'"¹³⁰

A spokesman for CAIR, which ostensibly represents Muslims, was cold in his comments on the Husibi case, saying "[Husibi] has the right to make [the statements] without being threatened," but adding with irritation that Husibi's dislike of organized religion "*doesn't give him the justification to make false assumptions, like saying the Quran has changed over time. That's historically and factually false*"¹³¹ [emphasis added].

Contrary to the CAIR spokesman's comments, considerable controversy and doubt exist over the historical and textual origins of the Quranic text that is currently accepted by traditional Islamic opinion as the fixed, immutable word of God. Respected scholars such as Jacqueline Chabbi, Michael Cook, Patricia Crone, François Deroche, Claude Gilliot, and John Wansbrough have raised challenging questions about the official version of events surrounding the creation and compilation of the Quran.¹³²

Husibi was exercising his right to freedom of expression to examine religious matters Islamists would rather not raise. Discussing the Quran's historical origins is a litmus test: if such a discussion is met by violence or threats of violence, one cannot truly speak of a climate of freedom of expression for reformist Muslims, or for Muslim feminists seeking to reinterpret Quranic verses that are not in keeping with treating women as equal human beings. Free and open discussion is imperative to create a climate of free inquiry, reflection, and discussion.

The Johnstown Imam

When apostate Ayaan Hirsi Ali traveled to speak at the University of Pittsburgh at Johnstown in April 2007, Imam Fouad El-Bayly, then-president of the Johnstown Islamic

¹²⁹ Sherman 2009.

¹³⁰ Ibid.

¹³¹ Ibid. Emphasis added.

¹³² Warraq 1998; Lester 1999; Ternisier 2001; Stille 2002; Berg 2006. Pp. 162–63; Gilliot 2008. Pp. 643–52; and Clio 2009.

Center, was among those who objected to Hirsi Ali's appearance. "She has been identified as one who has defamed the faith. If you come into the faith, you must abide by the laws, and when you decide to defame it deliberately, the sentence is death," said El-Bayly, who came to the United States from Egypt in 1976.¹³³ El-Bayly argued that Hirsi Ali should be judged in a Muslim country after being given a trial.¹³⁴

For Hirsi Ali, who had just relocated to the United States after receiving death threats in Europe, this overt call for her death, made by an Imam who had lived in the United States for decades, was particularly disappointing.

The Harvard Islamic Chaplain

Harvard University Islamic chaplain Taha Abdul-Basser sparked controversy in April 2009 when a private e-mail discussing punishment for leaving Islam was made public. Referring to apostasy, Abdul-Basser wrote: "There is great wisdom (hikma) associated with the established and preserved position (capital punishment) and so, even if it makes some uncomfortable in the face of the hegemonic modern human rights discourse, one should not dismiss it out of hand."¹³⁵

In the original article reporting on this email in the *Harvard Crimson*, Harvard's student-run newspaper, a Muslim student is quoted as saying, "I believe he doesn't belong as the official chaplain. If the Christian ministers said that people who converted from Christianity should be killed, don't you think the University should do something?"

The Harvard student in question was later granted anonymity by the article's author when he revealed that his words could bring him into serious conflict with Muslim religious authorities.¹³⁶

The Call for a Seattle Cartoonist's Assassination

Anwar al-Awlaki, a charismatic Islamist terror leader linked to the botched Times Square car bomb plot, the Fort Hood shooter, and the plot by two New Jersey men to kill U.S. soldiers, has placed Seattle cartoonist Molly Norris, who launched "Everybody Draw Mohammed Day," on a hit list.¹³⁷ Al-Awlaki, a Yemeni-American cleric, described Norris as a "prime target," saying her "proper abode is hellfire" and "the medicine prescribed by the Messenger of Allah is the execution of those involved."¹³⁸ FBI officials have notified Norris and warned her that they consider it a "very serious threat."

In the terror magazine *Inspire*, Molly Norris was listed along with Ayaan Hirsi Ali,

¹³³ Acton 2007.

¹³⁴ Ibid.

¹³⁵ Hu 2009.

¹³⁶ Ibid.

¹³⁷ Meek and Nelson 2010.

¹³⁸ Ibid.

Kurt Westergaard, Lars Vilks, and others on a dark-colored page with an ominous picture of a gun underneath and the caption “the dust will never settle down.”

In April 2010, Norris created controversy with a cartoon published online about an imaginary group called “Citizens Against Citizens Against Humor” that proposed an “Everybody Draw Mohammed Day” on May 20.¹³⁹ Norris said she was motivated to act in defense of freedom of expression after a *South Park* episode mentioning the Prophet Mohammed was censored by Comedy Central and Viacom. Her hope was that an “Everybody Draw Mohammed” day would “water down the pool of targets” for Islamic terrorists. When Norris’s proposed campaign caught on and spread quickly in the Facebook community, she backtracked, saying, “I made a cartoon that went viral but [this campaign] isn’t really my thing.”¹⁴⁰

On her website, MollyNorris.com, she posted a follow-up cartoon of ten word balloons. One reads, “I have hit some kind of gigantic nerve!”; another says, “I am so freaked out that I am not even drinking my regular 4 pots of coffee per day!” A third reads, “I am a coward. I have backed off of being associated with any group of her cause.” Norris later added, “I just want to go back to my quiet life.”¹⁴¹ In the wake of Al-Awlaki’s demand for her assassination, that is unlikely to happen.

In mid-September, Seattle Weekly editor in chief Mark Fefer, wrote that Norris, who works for the magazine, is “moving, changing her name and essentially wiping away her identity” on the advice of the FBI.¹⁴² As Fefer notes, however, *unlike* citizens who enter the Witness Protection Program, Norris has to bear the costs of all this on her own¹⁴³, and her life as she knew it is over. This does not set a good precedent for American cartoonists and artists thinking of doing something similar.

Plots by U.S.-Based Islamists

In October 2009, two Chicago men were charged with planning terrorist acts against overseas targets, including the Danish newspaper that published the cartoons of the Prophet Mohammed. David Coleman Headley and Tahawwur Hussain Rana were charged in two separate complaints. Headley told FBI agents that the initial plan called for an attack against the newspaper building in Copenhagen, but he later proposed to kill only Kurt Westergaard and Flemming Rose.¹⁴⁴

In early 2010, two American women—Jamie Paulin Ramirez and Colleen LaRose— along with four men and one other woman were charged by U.S. authorities over the alleged terror plot to kill Swedish artist Lars Vilks.¹⁴⁵ The plan was to kill Vilks

¹³⁹ Oppmann 2010.

¹⁴⁰ Cavanaugh 2010a.

¹⁴¹ Ibid.

¹⁴² Gold 2010.

¹⁴³ Fefer 2010.

¹⁴⁴ Fox News 2009.

¹⁴⁵ Brin 2010, Henry 2010, and McDonald 2010.

on a visit to Ireland, but their efforts to kill him floundered when U.S. authorities intercepted e-mail messages sent by the plotters.

Climate of Violence: A U.S. and European Problem

Compared to the list of threatened individuals in Europe—where dozens of reformist Muslims, authors, and artists have been threatened or been victims of physical intimidation in recent years—the United States does not yet have as severe a problem, but the issue has the potential to get worse in light of the weak institutional position of genuine moderates, genuine reformers and secular Muslims in established Islamic organizations in the United States.

The attack on Farhan Latif, the intimidation of his wife, and the threats made against Sabri Husibi and Molly Norris show that the United States is not immune to the mission of Islamists to restrict freedom of expression by threatening the safety of individuals who make public statements about Islam. In light of these incidents, as well as the insularity of the Muslim community, how many reformist Muslims in the United States have decided to keep quiet, choosing to stay physically safe by not engaging in a public dialogue about the need for reform?

True, some individuals brave the intimidation: Ayaan Hirsi Ali, the apostate feminist who founded the AHA Foundation; Asra Nomani, a reformist Muslim who has taken the lead in desegregating gender-segregated mosques in the United States; and Irshad Manji, a Canadian reformer currently residing in the United States, have been exposed to numerous threats and insults, and nonetheless continue their mission of reform, but they represent the exception, not the norm.

Such individuals know that they are taking a big security risk by saying what they say. Nomani writes: “On one blog, ‘Tahseen’ called me ‘a whore.’ On MuslimMatters.org, I was called ‘a witch.’ One Muslim writer wrote the audience should be ‘lashed’ for voting for the motion. And a Muslim man wrote about my debate partner and me: ‘May Allah freeze the blood in their veins [sic] and keep them alive to know how it feels like.’ Just to explain himself, he added: ‘(I could not find any *Duaa* [prayer] against them that is softer than this.)’”¹⁴⁶

In light of the inadequate protection offered Farhan Latif, it is clear that a young Muslim in the United States who speaks up is taking a significant security risk. The risk of physical violence and serious threats is, in other words, not just a problem confined to European countries or to Islamic countries.

¹⁴⁶ Nomani 2010.

4) Internal Pressures: U.S. Institutions, Fear, and Self-Censorship

Yale University Press and the Danish Cartoons

In response to the Danish cartoon crisis, respected Brandeis University scholar Jytte Klausen wished to publish a sober, academic analysis of the chain of events. As Walter Laqueur observes, Klausen was not breaking a lance for freedom of expression.¹⁴⁷ She was instead publishing an academic analysis sympathetic to the Muslim minority in Denmark. In conventional academic fashion, she contracted with Yale University Press to publish a book on the subject.

On July 23, 2009, Yale University Press director John Donatich unexpectedly asked Klausen to meet him and Linda Koch Lorimer, vice president and secretary of the Yale Corporation, at the Westin Hotel in Boston, where the decision to exclude the cartoon page was explained to Klausen.¹⁴⁸

“We argued about it for two hours,” Klausen said. “Argued” may not be the best description, as it was not much of a genuine argument or debate: the decision had already been made, and Klausen was simply being informed of a *fait accompli*. Ultimately, Klausen reluctantly accepted Yale University Press’s terms, which meant that a sober academic book on the Danish cartoon crisis was not to include pictures of the actual cartoons.¹⁴⁹

As discussed above, Yale had fought (and successfully defeated) a defamation lawsuit by KinderUSA involving another book that touched on controversial Islamic organizations. So what led Yale University Press, in this instance, to act the way it did? Why was it unable to muster more institutional spine?

In deciding whether to include the cartoons in Klausen’s book, the press assembled a team of “consultants” who were asked for their opinion on the security implications of publishing the cartoons. Among those consulted were counterterrorism officials in the United States and the United Kingdom, U.S. diplomats who had served as ambassadors in the Middle East, senior scholars in Islamic studies, and even foreign ambassadors from Muslim countries, as well as the top Muslim official at the UN.

The group of consultants was anonymous, but in light of the ensuing controversy over Yale University Press’s decision, several consultants were willing to go on the record about their recommendations. Their analyses are thought-provoking and, for the most part, worrisome. Few of the consultants had the courage or the will to confront the anticipated threats of political Islamists.

¹⁴⁷ As a result of the Yale University Press controversy, “the impression was created that Professor Klausen in her book was breaking a lance for freedom of expression. Her intention, however, was to criticise the Danish government and even its society, which she thought intolerant.” (Laqueur 2010.)

¹⁴⁸ Smith 2009a.

¹⁴⁹ Ibid.

Fareed Zakaria, editor of the international edition of *Newsweek* and a member of the Yale Corporation, said he advised Yale to drop the images. “You’re balancing issues of the First Amendment and academic freedom, but then you have this real question of what would be the consequences on human life,” he said.¹⁵⁰

Ambassador Joseph Verner Reed, dean of the under-secretaries-general, under-secretary-general of the UN, and special adviser to the UN secretary-general, informed Yale: “These images of Muhammad could and would be used as a convenient excuse for inciting violent anti-American actions.”¹⁵¹

Ibrahim Gambari, under-secretary-general of the UN and senior adviser to the secretary-general, the highest ranking Muslim at the UN, stated, “You can count on violence if any illustration of the Prophet is published. It will cause riots I predict from Indonesia to Nigeria.”¹⁵²

Marcia Inhorn, professor of anthropology and international affairs and chair of the Council on Middle East Studies at Yale, said, “If Yale publishes this book with any of the proposed illustrations, it is likely to provoke a violent outcry.”¹⁵³

John Negroponte, former U.S. deputy secretary of state, provided the most revealing and bizarre analysis, saying, “Although the Danish cartoons crisis is certainly a topic worthy of scholarly analysis, Yale University Press had to walk a fine line, given the possibility that these images of the Prophet Muhammad risked perpetuating this violent controversy, *as well as distracting readers from serious scholarship on this important subject.*”¹⁵⁴

Boston College professor Sheila Blair was one consultant who did favor publishing the images. A specialist on Islamic art, she asked the obvious question: “Art history without pictures?”¹⁵⁵

Responding to the views expressed by the consultants, Klausen argues, “The people who gave advice to the university were not given the opportunity to read my book. They reacted based on e-mailed pictures of the illustrations.” She adds, “What happened here is strikingly similar to when the Danish mullahs were traveling around the world e-mailing their pictures to make people angry.” Klausen said.¹⁵⁶

Following the decision by Yale University Press to publish the book without the cartoons, against the author’s wishes, Cary Nelson, head of the American Association of

¹⁵⁰ Yale University Press 2009.

¹⁵¹ Ibid.

¹⁵² Ibid.

¹⁵³ Ibid.

¹⁵⁴ Ibid.

¹⁵⁵ Smith 2009a.

¹⁵⁶ Ibid.

University Professors (AAUP), said that Yale’s new policy is effectively, “We do not negotiate with terrorists, we just accede to their anticipated demands.”¹⁵⁷ Nelson, an academic known for his staunch, principled defense of freedom of expression against all forms of censorship, has also published a statement signed by several academics in which it is argued, “The failure to stand up for free expression emboldens those who would attack and undermine it.”¹⁵⁸

Yale University Press argues that its “decision rested solely on the experts’ assessments that there existed a substantial likelihood of violence that might take the lives of innocent victims.”¹⁵⁹ Yet, with such a policy, Yale is effectively granting a powerful veto right to any group committed to political Islam that is willing to kill civilians in retribution for publication of a work in a *Western* country by a *secular* academic press *not* governed by Sharia law.

Without any change in U.S. law, without any prior discussion of this issue of principle by the board of the Yale Corporation, without any act of aggression committed on U.S. soil related to Klausen’s book, unnamed foreign individuals were able to determine, through the threat of *potential* use of violence against innocent civilians in faraway countries, what Yale University Press publishes and what it does not. This is a remarkable victory for supporters of political Islam.

The Yale cartoon saga resulted in at least one principled action: in addition to the statement on freedom of expression signed by the AAUP’s Nelson and other academics, newly founded Voltaire Press at Duke University published *Muhammad: The “Banned” Images* in late 2009. The book includes all the images that were omitted from Klausen’s work, plus many others, accompanied by the historical context behind each image.¹⁶⁰

Yale University Press is a private publisher. It can choose to publish and not publish whatever it wishes, on the criteria it determines, at its sole discretion. But in censoring an author to appease violent supporters of political Islam, the press is emboldening and empowering Islamists.

Other Cartoon-Related Incidents in the United States

There have been other cartoon-related controversies in the United States, and there likely would have been more had more newspapers reprinted some or all of the Danish cartoons (few did).

Approximately twenty-five newspapers, for instance, refused to run two 2007 “Opus” comic strip Sunday installments that poked fun at radical Islam.¹⁶¹

In February 2006, two editors of the University of Illinois’s student newspaper, the

¹⁵⁷ Nelson 2009.

¹⁵⁸ Volokh 2009.

¹⁵⁹ Yale 2009.

¹⁶⁰ Volokh 2009.

¹⁶¹ Meyer 2009b.

Daily Illini, were suspended for reprinting the Danish cartoons.¹⁶² Muslim students and others held a protest on the main quadrangle. In the days that followed, the newspaper ran an apology, held conversations with Muslim students and promised more complete, nuanced coverage on the issue. “We need to start fixing our image,” said Shira Weissman, one of two interim editors in chief of the paper. “We’re being viewed as being hateful.”¹⁶³

In April 2006, Borders and Waldenbooks refused to stock the April/May 2006 issue of *Free Inquiry* magazine because it included the Danish cartoons. A spokeswoman for Borders said, “For us, the safety and security of our customers and employees is a top priority, and we believe that carrying this issue could challenge that priority.”¹⁶⁴

Palgrave Macmillan and the Reformist Translation of the Quran

In 2004, reformist Muslim Edip Yuksel and colleagues signed a contract with U.S.-based publisher Palgrave Macmillan for the publication of *Quran: A Reformist Translation*. At that time, the editor and other staff were encouraging and enthusiastic.

Palgrave published an announcement about the upcoming reformist translation in their 2006 fall/winter catalogue. In December 2006, however, Yuksel was informed by his editor that there would be no book. The board of Palgrave Macmillan had determined that his manuscript was not acceptable for publication.

In Yuksel’s words, “[T]hey were convinced or intimidated by a review (more accurately, a fatwa) of ‘a very well-established professor,’ who misleadingly likened our annotated translation of the Quran to Salman Rushdie’s *Satanic Verses*. This was akin to a medieval publishing house turning down Martin Luther’s *95 Theses* after consulting ‘a very well-established’ Catholic Bishop! It is telling that Palgrave’s ‘very well-established scholar’ in his several-page review, had only one substantive criticism, which consisted of our usage of a word, yes a single word in the translation: *progressive*.”¹⁶⁵

Palgrave Macmillan’s decision was surprising in light of the many glowing advance reviews the reformist translation of the Quran had received. One reference to the *Satanic Verses* by an anonymous professor was apparently sufficient to torpedo the book’s publication after initial enthusiasm by the publisher.

Random House and *The Jewel of Medina*

Random House canceled the 2008 publication of *The Jewel of Medina* by author Sherry Jones out of fear it would incite acts of violence. The novel is a historical romance featuring Mohammed’s youngest wife, Aisha.

Random House had purchased the novel for \$100,000 and had sent galley proofs around to writers and scholars in April 2008, hoping for good reviews in preparation for the book

¹⁶² Ibid., Davey 2006, and Perez 2006.

¹⁶³ Davey 2006 and Perez 2006.

¹⁶⁴ Van Gelder 2006 and Thompson 2008.

¹⁶⁵ Yuksel 2007 and Meyer 2009b.

launch. Denise Spellberg, an associate professor of history and Middle East studies at the University of Texas, received a copy and called an editor at Random House to say that the book was “a declaration of war” and “a national security issue.”¹⁶⁶

According to Kenan Malik, an Indian-born author and academic, Spellberg apparently claimed that *The Jewel of Medina* was “far more controversial than *The Satanic Verses* or the Danish cartoons,” that there was “a very real possibility” of “widespread violence,” and that “the book should be withdrawn ASAP.”¹⁶⁷

Random House dropped the book, after which Jones’s agent sought to sell it to other publishers, but no major press was willing to take the risk.¹⁶⁸ As with the reformist translation of the Quran, it was an American professor who torpedoed publication.

In a statement, Random House deputy publisher Thomas Perry said the company received “cautionary advice not only that the publication of this book might be offensive to some in the Muslim community, but also that it could incite acts of violence by a small, radical segment.”¹⁶⁹

“In this instance,” Perry said, “we decided, after much deliberation, to postpone publication for the safety of the author, employees of Random House, booksellers and anyone else who would be involved in distribution and sale of the novel.”¹⁷⁰

The respected academic and commentator Stanley Fish, writing in the *New York Times*, rejected the idea that Random House’s decision amounted to censorship. Fish suggested it is only censorship when “it is the government that is criminalizing expression” and when “the restrictions are blanket ones.”¹⁷¹

According to Malik, however, Fish missed the larger point about the changing character of censorship. Malik argued that Salman Rushdie’s critics lost the battle but won the war: “It is . . . an example of the way that free speech is becoming more restricted—without the need for such overt censorship. The directors of Random House had every right to take the decision they did. But the fact that they took that decision, and the reasons for which they did, says much about how attitudes to free speech have changed over the past 20 years. In the two decades between the publication of *The Satanic Verses* and the pulling of *The Jewel of Medina* the fatwa has effectively been internalised.”¹⁷²

The Jewel of Medina was ultimately published in the United States by Beaufort, a small publisher, and symbolic vindication followed for Sherry Jones. In a prestigious starred review, Publishers Weekly, a highly influential reviewing agency of books,

¹⁶⁶ Malik 2008. Pp. 112–20.

¹⁶⁷ Ibid.

¹⁶⁸ Ibid. P. 115.

¹⁶⁹ Perry 2008.

¹⁷⁰ Perry 2008.

¹⁷¹ Ibid. P. 114.

¹⁷² Ibid. P. 118.

praised Jones for imbuing “her 7th century tale with rich personalities and honorable motives,” and observed that “fortunately for readers, this volume was saved by Beaufort after Muslim extremists forced editors at Random House to pull the plug, making this not just a rollicking lesson in Islamic history but a victory over the forces of censorship.”¹⁷³

The *South Park* Controversy

In April 2010, Comedy Central aired the two hundredth episode of *South Park*, which featured the Prophet Mohammed, disguised in a bear costume. Days later, the website Revolution Muslim posted a picture of Theo van Gogh’s dead body (with a dagger in his chest) and a note that *South Park* creators Trey Parker and Matt Stone “will probably end up like Theo van Gogh.” Revolution Muslim also published the address of Parker and Stone’s production facility. Abu Talhah al Amrikee claimed on the site: “It’s not a threat, but it really is a likely outcome. . . . [T]hey’re going to be basically on a list in the back of the minds of a large number of Muslims. It’s just the reality.”¹⁷⁴

In the following week’s episode of *South Park*, the Prophet Mohammed once again made an appearance in a bear costume. This time, Comedy Central bleeped out any mention of the name “Mohammed” on the episode and blocked out the image of Mohammed in the bear suit with the word “censored.”

Parker and Stone had anticipated controversy and had planned to have Kyle, one of the show’s animated characters, deliver a speech on intimidation and fear toward the end of the episode. That move, too, was squashed by Comedy Central, which blocked it out with a thirty-eight-second censoring bleep.¹⁷⁵ Some viewers thought the bleep was satire, a symbolic statement of protest by Parker and Stone. Parker and Stone felt compelled to issue a public statement to correct that misperception: “In the 14 years we’ve been doing *South Park* we have never done a show that we couldn’t stand behind. We delivered our version of the show to Comedy Central and they made a determination to alter the episode. It wasn’t some meta-joke on our part. Comedy Central added the bleeps. In fact, Kyle’s customary final speech was about intimidation and fear. It didn’t mention Muhammad at all but it got bleeped too. We’ll be back next week with a whole new show about something completely different and we’ll see what happens to it.”

Responses to the *South Park* Controversy

Another popular TV show, *The Simpsons*, acknowledged their support of *South Park*, portraying Bart writing “*South Park*—we’d stand beside you if we weren’t so scared” on the blackboard in the opening sequences of the show.¹⁷⁶

South Park also received international support from artists who have been similarly threatened. Danish cartoonist Kurt Westergaard urged *South Park* creators to stand firm,

¹⁷³ Publishers Weekly 2009.

¹⁷⁴ Jamieson 2010.

¹⁷⁵ Ibid.

¹⁷⁶ Ibid.

calling Comedy Central's actions a new kind of censorship:

This is not the old fashioned kind of censorship where you had someone saying: fit to print or not fit to print. Now it is another kind. *This kind of censorship is invisible and not bureaucratic. It is self-censorship. It gets into people's heads.* I am disappointed with the people of my own class, with which I mean the intellectuals and creatives. They often approve or recommend self-censorship. I think the South Park creators should protest and should protest very much. This is a very bad situation. It will go on and on. There is a clash between two cultures and we here in the western part of the world have to win this friction. We must not give up. There is not much the South Park people can do but protest.¹⁷⁷

Some reactions were more equivocal. Fox News commentator Bill O'Reilly wondered aloud to his guest, attorney and consultant Ann Hayes: "I would have advised them not to do it. If somebody came to me and said, 'Look, O'Reilly, I want to do a little satire on Muhammad on the *Factor*.' I would say, 'I don't think so'—because the risk is higher than the reward. Now . . . maybe I'm a coward."

Hayes responded: "It would be to me, but it might not be to them."

O'Reilly continued: "Yeah, maybe I'm a coward. . . . You don't want to give in to the intimidating forces of evil, but you've got to deal with reality. These people are killers and they will kill you."¹⁷⁸

Network Solutions and Geert Wilders's Website

Geert Wilders is a highly controversial Dutch politician. He has called himself a defender of free speech even as he has advocated banning the Quran, seemingly a contradictory position. Nevertheless, he should have the right to express his views and should not be, as he has been, legally prosecuted by Dutch authorities for making controversial statements.

In 2008, Wilders launched a website to post his film *Fitna* online: www.fitnathemovie.com, hosted by Network Solutions, one of the largest companies in the domain business. In the movie, Wilders shows violent passages from the Qur'an and argues Islam is a violent religion. Network Solutions suspended the account before the movie was even posted.

The spokeswoman for the company said that numerous complaints about the website had been received over the three weeks preceding the company's intervention, although she declined to discuss the nature of those complaints. Until a final decision was reached, she said, the site was to be deactivated, given "the potential violence that the movie could spark."¹⁷⁹

¹⁷⁷ Bessems 2010. Emphasis added

¹⁷⁸ O'Reilly 2010.

¹⁷⁹ Krebs 2008.

Even as it pulled the plug on Wilders’s still vacant site, Network Solutions was hosting www.hizbollah.org, one of the official sites of Hizbollah.¹⁸⁰ Experts took note of Network Solutions’s action because, they say, it was perhaps the first documented case of Internet pre-censorship by a major U.S.-based web registrar.¹⁸¹

New York Metropolitan Museum

In 2010, it was reported that the New York Metropolitan Museum of Art quietly pulled images of the Prophet Mohammed from its Islamic collection. The museum said that the controversial images were “under review.” Critics say the Met has a history of being risk averse. According to reporter Isabel Vincent, an inside source claims that “this is typical of the Met—trying to avoid any controversy.”¹⁸²

Kishwar Rizvi, historian of Islamic art at Yale University, told Vincent that the Met, which has one of the world’s best Islamic collections, has nothing to fear from Mohammed. “Museums shouldn’t shy away from showing this in a historical context,” she said.¹⁸³

Roland Emmerich’s 2012 Film

In the special-effects-laden film *2012*, directed by Roland Emmerich, numerous world landmarks are destroyed to convey the sense of apocalyptic destruction coinciding with the year 2012, a year of significance in the Mayan calendar that some have identified as signifying the end of the world.

Landmarks that are destroyed in Emmerich’s movie include the Sistine Chapel in the Vatican, St. Peter’s Basilica, Christ the Redeemer statue in Rio de Janeiro, and numerous others.¹⁸⁴ Emmerich acknowledged that he showed the destruction of religious landmarks because he is “against organized religion.” However, he intentionally avoided using prominent Islamic symbols in his apocalyptic scenes.

“Well, I wanted to do that, I have to admit,” Emmerich says. “But my co-writer Harald said I will not have a fatwa on my head because of a movie. And he was right. . . . You can actually . . . let . . . Christian symbols fall apart, but if you would do this with [an] Arab symbol, you would have . . . a fatwa, and that sounds a little bit like what the state of this world is.”¹⁸⁵

As with Yale University Press and the Met, no threats were made, but Emmerich engaged in self-censorship nonetheless.

¹⁸⁰ Several days later, Network Solutions removed that site as well.

¹⁸¹ Krebs 2008.

¹⁸² Vincent 2010.

¹⁸³ Ibid.

¹⁸⁴ Lee 2009.

¹⁸⁵ Ibid.

Las Vegas Entertainer Penn Jillette

Penn Jillette is a Las Vegas magician, an atheist, and a provocateur. *Las Vegas Weekly* held an interview with him recently, and the exchange is telling regarding this type of self-censorship.¹⁸⁶

Las Vegas Weekly: Are there any groups you won't go after?

Penn Jillette: We haven't tackled Scientology because Showtime doesn't want us to. Maybe they have deals with individual Scientologists—I'm not sure.

And we haven't tackled Islam because we have families.

LVW: Meaning, you won't attack Islam because you're afraid it'll attack back . . .

PJ: Right, and I think the worst thing you can say about a group in a free society is that you're afraid to talk about it—I can't think of anything more horrific.

LVW: Of course, it might please some Islamic fundamentalists to hear you say that you won't talk about them because you're afraid . . .

PJ: It might, but you have to say what you believe, even if it pleases somebody you disagree with—that issue comes up all the time in moral discourse.

LVW: You do go after Christians, though.

PJ: Teller and I have been brutal to Christians, and their response shows that they're good [expletive] Americans who believe in freedom of speech. We attack them all the time, and we still get letters that say, "We appreciate your passion. Sincerely yours, in Christ." Christians come to our show at the Rio and give us Bibles all the time. They're incredibly kind to us. Sure, there are a couple of them who live in garages, give themselves titles and send out death threats to me and Bill Maher and Trey Parker. But the vast majority are polite, open-minded people, and I respect them for that.

¹⁸⁶ *Las Vegas Weekly* 2010.

Section 3: The Effects of a Climate of Domination

Philosophers and political theorists have conceived of liberty (freedom) in many different ways. One way to think of freedom is as physical noninterference: if I am not interfered with (through persons, actions, or laws), I am free, on a sliding scale, from extremely free to completely unfree (if I am tied down in chains and unable to move, say). This is a familiar notion of freedom to many Americans, popularized as the proverbial “right to be left alone.”

Another way one can conceive of liberty, however, is as freedom from domination. In a state of domination, one is at the mercy of a person’s arbitrary physical authority: the person wielding the power may or may not interfere at any given point in time, but he or she always has the *arbitrary discretion* to interfere.¹⁸⁷

Consider the life of a slave, for instance. The master may or may not interfere with the slave on a day-to-day basis, but the slave is continuously living in a state of domination. At any point, at his sole discretion, the slave’s master may choose to interfere in the slave’s life and hurt him. This is what is meant by arbitrary authority in a state of domination. One can be “not interfered with” even when one lives in a state of domination, but in this conception of human freedom it is the domination that restricts human liberty. It does not matter that there may be little direct interference by the master in practice, or on a day-to-day basis: the fact that the possibility of random, violent interference exists is enough to curtail a person’s freedom and liberty.

The persistent uncertainty and constant anxiety over possible interference by a dominating power is enough reason for people living in a state of domination to act very differently than they otherwise would. In Roman times, historians Sallust and Tacitus lamented the effect of the Roman emperor’s arbitrary power. As a result, all in the empire—even senators—lived in a state of domination. This was true even when the emperor was a just, honest man and a highly capable leader: by virtue of the arbitrary power vested in the office, the emperors following Augustus possessed the power to interfere with anyone, at any time, and the specter of this possible intervention had a large cultural impact.¹⁸⁸ In debates over British royal authority in the seventeenth century, similar concerns were voiced over the arbitrary powers the British Crown sought

¹⁸⁷ “Possession by someone of dominating power over another—in whatever degree—does not require that the person who enjoys such power actually interfere, out of good or bad motives, with the individual who is dominated; it does not require even that the person who enjoys that power is inclined in the slightest measure towards such interference. What constitutes domination is the fact that in some respect the power bearer has the capacity to interfere arbitrarily, even if they are never going to do so.” (Pettit 1997. Pp. 63–65.)

¹⁸⁸ “In his writings, Tacitus made clear that Roman senators under the reign of Emperor Tiberius, for example, “were in no way acting under coercion or threat. The mere recognition of their dependence was enough to make them do whatever they felt was expected of them.” Once the Roman emperor (following Caesar’s assassination) had established absolute institutional control in his office, “the Roman senatorial class overwhelmingly took the view that . . . they had no option but to submit to whatever he asked of them, as a result of which ‘the Consuls, the Senators, and Gentlemen ran headlong into servitude.’” Ibid. P. 260.

to maintain.¹⁸⁹

Why is this relevant in the context of freedom of expression and the rights of Muslim women? The British political theorist Quentin Skinner and the Irish political theorist Philip Pettit have traced nondomination as an enduring ideal in Western political thought. Skinner notes that in this tradition, “you will find it argued once again that what it means to possess your liberty is, as Livy puts it, not to be subject to the power of anyone else.”¹⁹⁰

Skinner references both Sallust and Tacitus in arguing that there are two contrasting ways in which you will be constrained by your awareness of living in dependence on the goodwill of an arbitrary prince: you may have to engage in both self-restraint and unwarranted flattery.

Of great concern to Sallust and Tacitus “are the long-term psychological consequences of enduring a life of so much anxiety and uncertainty.”¹⁹¹ The principle on which they insist, writes Skinner, “is that servitude inevitably breeds servility.”¹⁹² Self-restraint of the nation as a whole had particularly harmful long-term consequences, it was argued: “When a whole nation is inhibited from exercising its highest talents and virtues, these qualities will begin to atrophy and the people will gradually sink into an abject condition of torpor and sluggishness.”¹⁹³

In the case of supporters of political Islam seeking to curb freedom of expression in Western countries, they are not, for the most part, government agents.¹⁹⁴ They are, instead, for the most part, non-Western governments and individuals living in Western countries engaged in acts of intimidation.

As such, Westerners and Americans do not face, in their own countries, an arbitrary government that places them in a condition of domination, as was the case for citizens living in the Roman Empire. But, as evidenced by the activities described in this report, the effect of threats and violence by political Islamists is very much similar to the effect of the domination described by Sallust and Tacitus: increasingly, there are things reformist Muslims, women’s rights advocates, artists, comedians, authors, and academics in Western countries and the United States *simply do not say or write* about political Islam and Mohammed because of fear of repercussions, *even in the absence of direct violence or interference*. There is a looming specter of violence that—even if no violence

¹⁸⁹ One argued: “The mere knowledge that the crown possesses such prerogatives serves in itself to undermine our liberty and leave us in servitude.” (Skinner 2002.)

¹⁹⁰ Ibid. P. 249.

¹⁹¹ Ibid.

¹⁹² Ibid.

¹⁹³ Ibid.

¹⁹⁴ For the most part, as documented in this report, pressure on freedom of expression does not come from Western governments but instead from non-Western governments, physical threats, and intimidation by individuals and self-censorship, but there are important exceptions, such as Canada’s Human Rights Commission’s lingering legal dispute with author Mark Steyn and journalist Ezra Levant. (Levant 2008. Pp. 14–15.)

takes place—has a chilling effect on speech.

The looming possibility of violent interference by supporters of political Islam is enough to make many people—including Muslim reformists and women’s rights advocates—think twice about saying something publicly. Similarly, the violent deaths of Aasiya Hassan in Buffalo, NY¹⁹⁵, Noor Almaleki in Glendale, AZ¹⁹⁶, Sarah and Amina Said in Irving, TX¹⁹⁷ and Sandeela Kanwal in Clayton County, GA¹⁹⁸ help create a climate of domination for Muslim women seeking individual freedom in the United States.

The potential for violence creates a climate of domination in Western countries—including the United States—in which self-censorship flourishes.¹⁹⁹ It is the uncertainty over what may happen, more than the actual acts of violence, that is beginning to have such an unhealthy effect in the United States and other Western countries when it comes to freedom of expression. This is what is meant by a climate of domination.

In the cases of Yale University Press, the New York Metropolitan Museum, Network Solutions, and Palgrave Macmillan, there were no overt threats made. It was concern over *future, possible* acts of interference that led to self-censorship by powerful, respected American institutions.

When artists such as Matt Stone and Trey Parker make a cartoon featuring Mohammed, they may be physically threatened by Islamists (or they may not). When an academic publishes a book on the links between Islamic charities and terror financing, she may be sued for libel and her books confiscated by Islamists (or she may not). When a genuinely moderate Muslim speaks out in the United States, she may be beaten up by Islamists (or not). Uncertainty over what *might* happen is rife, and even without direct violence, self-censorship ensues in a climate of domination.

Getting Inside People’s Heads

Scottish comedian Rory Bremner has said self-censorship is the biggest obstacle today for comedians addressing hot-button issues, due to fears of retribution by Islamic extremists: “The greatest danger now is that one of the toughest issues of our time is religion. . . . When [I’m] writing a sketch about Islam, I’m writing a line and I think, ‘If this goes down badly, I’m writing my own death warrant there.’ Because there are people who will say, ‘Not only do I not think that’s funny but I’m going to kill you’—and that’s chilling.”²⁰⁰

Progressive MSNBC commentator and former staff director of the U.S. Senate

¹⁹⁵ Williams 2009.

¹⁹⁶ Netter 2009.

¹⁹⁷ Eiserer 2008.

¹⁹⁸ Schoetz 2008.

¹⁹⁹ Westergaard 2009 and Bessems 2010.

²⁰⁰ Collins 2010.

Finance Committee Lawrence O'Donnell has said: "I would like to criticize Islam much more than I do publicly, but I'm afraid for my life if I do."²⁰¹

Jytte Klausen, the Brandeis professor, put it well when she argued that Yale's removal of the cartoons from her book is "a case of anticipatory fear on the part of the university of consequences that it only dimly perceives. The metaphor I use is the monster in the woods: You can't see it at night but you know it's there, and if you provoke the monster, it's your responsibility."²⁰²

In the mid-1990s, when the reformist Muslim Nasr Abu Zaid was forced to flee Egypt following relentless public harassment for his argument that the Quran should be read as a *literary* text, Sheikh Youssef al-Badri, the Muslim cleric who inspired much of the opposition to Abu Zaid, said, "We are not terrorists; we have not used bullets or machine guns, but we have stopped an enemy of Islam from poking fun at our religion. . . . No one will even dare to think about harming Islam again."²⁰³

Al-Badri was expressing happiness that a climate of domination had been created. From that point on, Al-Badri reasoned, censorship will be completely internalized. It is the creation of this type of intimidation and self-censorship that American institutions must strongly resist.

²⁰¹ Goldblatt 2010.

²⁰² Smith 2009a.

²⁰³ Lester 1999.

**Conclusion:
A More Effective Response in the United States and
Other Western Countries**

Islamic countries through both the UN and the OIC will continue to push for restricting freedom of speech in Western countries. These efforts must be vigorously combated. Vigilance at the UN on the part of democratic, Western countries is warranted. Concern goes beyond the OIC and resolutions introduced by Islamic countries, to the behavior of certain UN rapporteurs, such as Doudou Diène, who do not share an admiration for freedom of expression and wish to see it restricted in Western countries.

The United States must resist efforts by the OIC to push its agenda under the guise of “inter-civilizational dialogue,” “respect,” and “tolerance.” These are code words for restrictions on freedom of speech in *Western* countries.

More significantly, against the backdrop of decades of aggressive funding at the global level in furtherance of political Islam by Saudi Arabia, Western countries, institutions, and individuals must act in return. The previous policy of passivity in the guise of “tolerance” is no longer tenable.

Keenly aware of the principle that freedom of expression is a basic human right that must be protected against the tenets of political Islam, Western countries must support freedom of expression in Islamic countries, including individuals publishing secular and reformist materials in violation of Sharia law.

Faced with meaningful counterpressure from other religions and philosophies, countries and groups supportive of political Islam may stop their drive to curtail Western, classical liberal freedoms, but in all likelihood they will not. With that in mind, Western countries could at least provide some type of meaningful counterweight to urge Islamic countries to cease their efforts at spreading political Islam and curtailing freedom of expression in Western countries.

There are concrete things that can be done. States can pass anti-SLAPP lawsuits and the equivalent of New York’s “Rachel’s Law” to reduce the risk of libel lawsuits to authors at home and abroad. In addition, to reduce foreign libel tourism that is threatening to American authors, the U.S. government can encourage, through diplomatic channels, the United Kingdom to adopt libel reform in defense of freedom of expression.

Similarly, the United States can curtail, as much as possible, activities related to the OIC and funding to UN institutions and rapporteurs that seek to restrict freedom of speech in Western countries. U.S. envoys at the UN and the OIC can take a far stronger stand against attempts to curtail freedom of speech than they have thus far.

American judges can be informed on the activities of groups and individuals committed to political Islam and can be more proactive in tossing out frivolous libel suits brought by such groups and individuals. Groups such as the Middle East Forum’s Legal

Project are already helping defray the cost of suits for individuals sued for libel or defamation by groups committed to political Islam. These activities must be further strengthened.

American commercial publishing houses, museums, academic publishing houses, and media companies all have the *legal right* in the United States *not* to publish, produce, or disseminate whatever they wish. They must be aware, however, that the collective self-censorship in which many are beginning to engage is an act of submission to the tenets of political Islam. This deferential self-censorship hurts those who would be helped by a candid discussion of the deeply problematic tenets of political Islam, including its treatment of women, religious minorities, homosexuals, and those critical of Islam or Mohammed.

Such institutions have an *ethical responsibility* to use the numerous resources at their disposal to defend freedom of expression and provide appropriate security to authors, speakers, and events as circumstances warrant, even when this is expensive or cumbersome. Against the corrosive, steady acid drip of pressure on freedom of expression, there is only one remedy: adequate pushback.

U.S. government agencies must adopt a far more sensible approach in dealing with supporters of political Islam, choose gatekeepers that are genuine moderates (and not, as they currently often are, Islamists), and distinguish carefully between Islamist and non-Islamist Muslims, cutting Islamist organizations and individuals off from official connections, meetings, liaison activities, and intermediary “representative” functions.²⁰⁴

In public dialogue, American political leaders can take a far stronger stand against political Islam and Islamic religious law (Sharia). Not all Muslims support political Islam and the implementation of Sharia law as general law, but a substantial number do, and this should not be ignored.²⁰⁵

Western governments and leaders must oppose, with all possible means, attempts by supporters of political Islam to curtail or restrict freedom of expression in Western countries. Western governments should know that there is a concerted campaign by those committed to political Islam to restrict freedom of speech in the name of Islam, and to pressure those who say critical things about, for example, the Quran or the treatment of women in Islam and in Islamic communities.

²⁰⁴ See Rabasa et al. 2007 and Pipes 2003 for useful tips on how to distinguish genuine Muslim moderates from mere pretenders.

²⁰⁵ For what it means to support “political Islam,” see Baran 2008. P. 96. In 2006, an ICM poll in Britain revealed that 40 percent of Muslims surveyed wanted Sharia law introduced in parts of the country, whereas 41 percent opposed it. (Hennessy and Kite 2006.) Support for Sharia is roughly equivalent to support for political Islam; it is also equivalent to restrictions on freedom of speech because Sharia courts prescribe harsh punishment for blasphemous speech and other speech deemed to be at odds with Islam or disrespectful of the Prophet. Representative surveys have been carried out on the issue of Sharia implementation in majority-Muslim countries. In Egypt, in 2006, 81 percent of those surveyed agreed with the goal “to require a strict application of Shari’a law in every Islamic country.” In Pakistan, 76 percent agreed, while “only” 49 percent of Indonesians agreed (and just 14 percent strongly).

Countries such as Canada that have human rights commissions that basically operate as censorship boards can and should abolish them. Such commissions have been shown to serve the interests of the most orthodox, most fundamentalist, litigious members of the Islamic community.²⁰⁶

Self-censorship begins with sensitivity over depictions of the Prophet Mohammed, and soon devolves into sensitivity over any negative mention or criticism of Islamic tenets, particularly women's rights in Islamic communities. Western companies and institutions seeking to avoid controversy in the short term by placating supporters of political Islam are undermining the very freedom of expression they need to produce new knowledge and progress.

Many of the large, influential organizations claiming to represent American Muslims (CAIR, ISNA, and others) are not reformist and prefer to quash candid reflections by progressive reformers and secular Muslims rather than encourage them. If genuinely moderate American Muslims believe that certain organizations, such as the OIC and the Muslim Brotherhood at the international level, or CAIR and ISNA at the American level, do not adequately represent them, they should speak out. If anyone is threatened as a result, U.S. law enforcement officials ought to provide such individuals with adequate protection *even when this is expensive*.

There are certain nonnegotiable principles of living in a modern Western state: deadly force, death threats, or physical violence may not be used against individuals who publish material on religious matters that dismay or upset certain people. U.S. law enforcement officials, not used to seeing these types of threats, may be reluctant to engage in expensive protection measures to defend Muslims who are threatened by members of their own community, but from the perspective of long-term progress nothing is more important.

It is difficult to combat a general climate of intimidation and domination, which is what Islamists are seeking to establish, as an individual person. Agents of political Islam seek to create a climate in which, as soon as a person conceives of drawing a cartoon critical of the Prophet Mohammed, that person also thinks, "Better not—it's too dangerous." This is why institutional backbone is so important.

The domination currently underway is displayed in deeply internalized self-censorship. Supporters of political Islam aim to establish "blasphemy" as a concept that overrules freedom of expression in Western countries, under implicit and explicit physical interference. It is a trend that calls for countermeasures that bring the fight for freedom of expression to Islamic institutions and, ultimately, Islamic countries. Both a crucial principle of modern political thought—freedom of expression—and the well-being of women and girls living in Islamic communities depend on it.

²⁰⁶ See Levant 2008. Pp. 14–15.

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