

Freedom can only exist where every person can freely express his or her opinion and freely receive information, because the fundamental right to freely express one's opinion is the prerequisite for many other human rights such as: freedom of assembly, freedom of the press, freedom of religion and freedom of science. Yet that which is a human right for the Western world and constitutes a state of law is a crime for others. In Islam, nothing that questions its claim to truth may be publicly expressed.

In this discussion paper, the core differences between the universal and Islamic understanding of human rights with regard to the freedom of expression will be explained. How national and international Islamic associations are increasingly putting pressure on Western politics by gradually criminalizing any critique of Islam will be demonstrated.

The right to express one's opinion freely is not the only thing at stake here; this will settle the question as to whether free democratic basic order will be able to endure at all.

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Discussion Paper

FREEDOM OF SPEECH IS A HUMAN RIGHT

How Islamic Organizations Are Threatening Our Basic Rights

Felix Strüning



The STRESEMANN FOUNDATION advocates a society that enables the individual to develop freely and to lead a life in self-responsibility. We are convinced that politically mature citizens, who are capable of forming their own opinion of the world, are the best guarantee of such a society.

With our discussion papers, we provide thorough analyses and pragmatic, goal-oriented solutions—preferably unencumbered by ideologies of any kind. In this way, we want to create space for thought and argumentation—which enables citizens to express their experiences—and give directional impetus to the political discussion.¹

¹ The contributions reflect the opinion of the authors and may not correspond to the positions of the STRESEMANN FOUNDATION.

1. Introduction

“There are times when silence becomes an accomplice to injustice.”

» Ayaan Hirsi Ali

The freedom to be able to express one’s opinion publicly is rare and precious. In this day and age, actually nobody in the West has to fear being locked up if he speaks negatively about the state, a religion or worldview. However, this right that we take for granted is in no way guaranteed worldwide and must also be fought hard for in Europe and the United States.

Furthermore, the freedom of expression is only appreciated when it’s restricted; the more one takes the right to speak openly about others for granted, the more unpleasant it is when standing in the crossfire of the criticism. Ultimately, the right to freedom of expression (legally) comes into effect when a person discloses things that displease someone else.

Actually, the freedom of expression can conflict with other basic and human rights. For example, under certain circumstances, the insult or disparagement of a person constitutes a prohibited violation of human dignity.

So it is not surprising that the freedom of expression is a recurrent issue in legal proceedings. In Germany, this has especially involved showing National Socialist symbols or disavowal of the Holocaust.

However, since the end of the Cold War at the latest, German courts, legislators as well as international committees have been confronted with a new challenge: due to globalization and immigration, more and more people from very different cultural backgrounds meet in Europe—influences, which often involve a different understanding of the law.

The arguably biggest difference is among immigrants from predominantly Islamic countries. Islam² (Arabic: submission, devotion under god) shapes the entire life of believers via detailed prohibitions and commandments: from religious practice to sex life, up to and including criminal law. A separation of various spheres from religion, politics, law or privacy is, on the contrary, not provided (Tellia/Löffler 2013). When religiously legitimized regulations for all areas of life are so utterly binding, then the worldview has a strong normalizing effect on values and culture, understood here as “the whole complex of distinctive spiritual, material, intellectual and emotional features” of a society or social group (UNESCO 1983).

This effect of religious norms strengthens itself via an extreme collectivist concept of humanity with which the individual is subordinate to the group. Initially that is the family, then the clan or tribe as well as the global community of believers (Arabic: Ummah). Individual ways of life beyond the religious-collectively prescribed aims are not wanted and are correspondingly punished.

² The author is aware of the different characteristics and interpretations of Islam. In the publication, when “Islam” or “Muslims” are referenced, general or predominant developments, behaviors, etc. are meant. On the one hand, the critique of Islam itself cannot be weakened even by the existence of “moderate” Muslims and interpretations of Islam (Krauss 2013). On the other, particularly the predominantly Islamic countries of origin are characterized by a religious and cultural dominance of Islam, while European countries exhibit greater diversity.

Bluntly stated, the individualistically shaped West is on the one side with its core value of human dignity, which is primarily expressed through freedom and equality intended to enable self-determined development of the individual. On the other side is the principle of submission to religious norms and the community of believers according to Islam.

The result of these categorically opposing principles (Strüning 2012) is a completely different understanding of the freedom of expression. Whoever is convinced of an absolute truth, which leads to a god-given order, can hardly accept any contradiction of this view (Grimm 2009). While the free expression of opinion seems self-evident to people socialized in the West, this freedom is for many Muslims taboo in this form. According to the opinion of numerous Muslim leaders, questioning or criticizing Islam should be forbidden, even the comical or cartoon depictions of their prophet.

In the Islamic world, lack of understanding for the “blasphemies of Islam” is frequently expressed with violent protests. Recall, for example, the Muhammad cartoons in 2005/2006, which resulted in numerous deaths. Since then, also in Europe and the United States, numerous threats on the lives of the cartoonists and critics of Islam have been made, and assassination attempts have occurred.

For several years, an additional trend has been observed, which could have even more profound consequences for Western nations under the rule of law. Increasingly more Islamic associations are attempting to influence politics and jurisdiction—often in step with international Islamic organizations—with the aim of limiting the right to express one’s opinion freely.

To this end, Islamic organizations primarily use intergovernmental organizations such as the *United Nations* (UN). The resolutions passed in the UN and the contracts entered into there have immediate effect on national legislation and jurisdiction. This approach is advantageous for Muslim organizations for two reasons: 1. The large number of Islamic nations in the UN have many votes at their disposal. 2. The intergovernmental organizations have been almost completely deprived of democratic co-determination. No citizen can influence which representative the government sends to the UN (Ye'or 2013).

Also in Germany, international Islamic organizations and national Islamic associations want to limit the freedom of expression so much that expressing negative opinions of Islam and the community of Muslims will no longer be possible.

In order to demonstrate the resultant catastrophic consequences for Western lifestyle, the definition of the fundamental right to freely express one's opinion in Germany and Europe will be examined. The analysis of current Islamic lobbying in the UN follows, illustrated via the example of a "human rights lawsuit" against Thilo Sarrazin. Finally, exactly how problematic handling this topic is for the German authorities will be shown, and why irreversible changes to our rule of law are being threatened right now.³

³ Note that the following statements result from a political-science perspective, not from a legal perspective.

2. The western understanding of the freedom of expression

2.1. Freedom of expression is a human right

"Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers."

» Article 19, Universal Declaration of Human Rights

The Federal Republic of Germany is, like all other European countries, a so-called constitutional state (Rechtsstaat), i.e., people don't rule rather the law, to which sovereignty of the state is bound (Grimm 2009). Because this law and basic rights apply to people and every individual from birth on, independently of sex, ethnicity, creed, etc., they are also called individual rights. Thus, no one may be granted or denied rights due to affiliation with a certain group.⁴

These individual rights are first and foremost so-called "negative civil rights and liberties" that protect people against coercion or despotism. This is therefore a matter of protective or defense rights of the individual vis-à-vis the collectivity or sovereign, i.e., the state in most cases.

People should be able to obtain and distribute information "without governmental interference" as stipulated by Article 10 of the

⁴ Exceptions are (disputed) rights for certain minorities as well as on the international level the "right of self-determination of the people" (UN-Charta, article 1, paragraph 2).

European Convention on Human Rights. Also the freedom of speech and expression is considered a negative individual right; it is among the most important rights because the freedom of expression constitutes the basis of many other freedoms, which ensure Western rule of law. If one could not receive information or express opinions freely:

- freedom of the press wouldn't exist, since every publication critical of the government or predominant ideology⁵ would be forbidden or burdened by sanctions;
- there would be no community of religion or creed other than the predominant or state religion, as wherever possible, a general belief ban would exist in order to prevent unwanted expressions of opinion on the state of the world;
- freedom of assembly or association wouldn't exist, since individuals or groups who think differently could neither assemble nor would they have the right to receive corresponding information if this information contradicted the "official line";
- there would be no free research and science, since the execution and publication of undesirable research projects and results would not be allowed;
- there would be no artistic freedom, since, for example, cartoon critiques would be forbidden or works would be classified as "degenerate" or "blasphemy."

All of these freedoms, however, are considered "fundamental, human rights" in the West for a very good reason. Only a functional interaction of these freedoms enable a vital civil society, which is capable of putting state control and ideological paternalism in its

⁵ The highly disputed term of the ideology is used here in its colloquial meaning. Conglomerates of ideas are meant, which are depicted as religion, worldview or "political religion."

place according to the rule of law. If one attempts to limit only one of these basic freedoms in the long term, the entire constitutional state will collapse and ultimately democracy with it.

The freedom of expression is thus one of the most fundamental rights and functions as one of the most important benchmarks for the constitutional state. Correspondingly, German basic law as well as numerous international agreements classify the right to freedom of expression as a basic human right and consider it constituent for the free democratic basic order.

"Every person shall have the right freely to express and disseminate his opinions in speech, writing and pictures, and to inform himself without hindrance from generally accessible sources. Freedom of the press and freedom of reporting by means of broadcasts and films shall be guaranteed. There shall be no censorship."

» Art. 5, paragraph 1, Basic Law of the Federal Republic of Germany⁶

According to the *European Court of Human Rights* (ECHR), the freedom of expression also explicitly comprises information or ideas that "offend, shock or disturb the State or any sector of the population" (ECHR, 1997: 38ff). Also the Federal Constitutional Court of Germany emphasizes in the renowned "Lüth verdict", that human rights such as the freedom of expression may only be limited if other civil rights and liberties will be protected thereby (Bundesverfassungsgericht 1958).

⁶ The English translation of German legal texts follow the transmission made available by the Bundestag (parliament) and the Federal Ministry of Justice.

2.2. Limitations of the freedom of expression

Of course the freedom of expression, like every freedom, is linked with responsibility: whoever infringes on the human rights of others with his or her freedom of expression must be held accountable. This can apply when, for example, other people are insulted, i.e., when their right to maintain human dignity is infringed upon and particularly when this insult occurs on the basis of ethnicity, sex, sexual orientation or religion. Endangering public safety by expressing an opinion is prosecutable if, for example, the right to physical integrity is violated (see next chapter).

Should such a conflict case occur, the rule-of-law principle applies: everyone is equal before the law. If it comes to a two-party conflict, whether exercising the right to freedom of expression infringed on a human right must be decided by a court as an independent instance. This court then has to judge whether, in this case, the legally protected right to human dignity or the freedom of expression is of greater value.

Principle of the separation of power: the spheres of legislation (politics, legislative), execution (e.g., police, executive) and jurisprudence (justice, judicial) are separated to the greatest extent possible in order to prevent the concentration of power. Furthermore, these branches of government utilize different criteria for making their respective decisions.

The principle of the separation of power is decisive here; such a weighting may only be carried out by the courts (the judiciary). The judiciary does this merely by utilizing existing laws, but in principle, it does not create a new law. Moreover, the judiciary is

independent because it cannot take advantage of different legal decisions for itself. Thus, the judiciary follows the functional logic of right and wrong.

Politics (legislative) on the contrary adheres to the functional logic of gaining and maintaining power. This branch is additionally entitled to create new laws. Therefore, from a human-rights perspective, politics or the government of a state should not be allowed to determine which opinions may be expressed or not. Ultimately the government would establish which right is the higher legally protected right; since politics are predominantly concerned with maintaining power, here, in principle, governments would put their opposition at a disadvantage. In this way, for example, it was stipulated in National Socialism that the “dignity” of the “Arian race” and that of the “community of the German people” (deutsche Volksgemeinschaft) be a higher legally protected right than the freedom of expression, not to mention the human dignity and physical integrity of Jews or people with disabilities.

Such a determination via politics would thus always be dependent on the respective system, culture and ruling elite. However, freedom of expression always means being allowed to challenge the idea of a “higher good,” and also a government or religion.⁷

The limitations of the freedom of expression enacted to date have come into effect exclusively when the rights of other individuals were violated. The human rights declarations of the German basic

⁷ For the compatibility of freedom of expression and the prohibition of the glorification of the Nazi regime in Germany, the Federal Constitutional Court has found its somewhat own justification that the Federal Republic of Germany (FRG) sees itself explicitly as an alternative to the Nazi regime. Whoever glorifies the Nazi regime commits an “assault on the identity of the community internally with peace-threatening potential” (file number 1 BvR 2150/08, cited from the Frankfurter Allgemeine Zeitung 2009).

law and the UN refer explicitly to the ensured basic rights of people. In no way do these human rights protect a god, a religion or a prophet. Neither a god nor a religion's founder, let alone a religion, could be a legal entity entitled to fundamental rights because the constitutional state does not include the realm of transcendence. The "dignity" of a god, prophet or religion can thus not be a legally protected right and consequently cannot be violated.

If a believer feels insulted by an "insult" of his god, prophet or religion, a court can thus not evaluate these hurt feelings due to the lack of objective criteria. Ultimately in a court of law, it is not a matter of whether someone subjectively feels insulted rather whether an objective offensive action exists. An insult/offense—and thereby a possible violation of human dignity—is, according to this interpretation, only present when it was carried out intentionally and in the presence of or in connection with individual believers. Additionally, the insulting/offensive character must also be recognizable for outsiders (Heinisch/Scholz 2012).

2.3. Blasphemy & incitement-to-hatred paragraphs

In German law, there are however paragraphs for limiting the freedom of expression, including the so-called "profanity" or "blasphemy paragraph"; §166 of the German Criminal Code (GCC, Deutsches Strafgesetzbuch) has not punished the "defamation of god" since 1969. However, a person who insults creeds, religious communities and worldview associations is "liable to imprisonment" when the insult could disturb the public peace:

"(1) Whosoever publicly or through dissemination of written materials [...] defames the religion or ideology of others in a manner that is capable of disturbing the public peace, shall be liable to imprisonment not exceeding three years or a fine.

(2) Whosoever publicly or through dissemination of written materials [...] defames a church or other religious or ideological association within Germany, or their institutions or customs in a manner that is capable of disturbing the public peace, shall incur the same penalty."

» § 166 GCC

Thus §166 GCC does not protect religious creed as such rather only the legally protected right of public peace, for example, in order to protect physical integrity of others. Yet even given these conditions, a limitation of the freedom of expression appears problematic, because:

- on the one side, it is completely unclear at what point a "defamation" exists. In several religions or worldview systems, also objective criticism can be perceived and classified as defamation or vilification.
- On the other, the defamation must only be "capable" of disturbing the public peace. Consequently, in no way must a real disturbance of public peace exist in order for §166 GCC to be applied (so-called offence of abstract endangerment⁸). Thus an expressed opinion does not even have to have the intention to insult a certain target group—merely suspecting that it will be

⁸ The conditions of an offence of abstract endangerment are already fulfilled when the legally protected right is endangered; an infringement of the legally protected right is not necessary.

known among that group suffices for the expression to be considered “capable of disturbing the public peace”.

- Also the question as to when a “disturbance of the public peace” exists cannot be answered without doubt. Moreover, this disturbance of the peace can be brought about deliberately or threatened by the affected group in order to provoke the application of the blasphemy paragraphs. If violent riots would be likely as a result of publically showing a film critical of religion, the show could be prohibited.

Very similar to the blasphemy paragraph is the argument presented in the so-called incitement-to-hatred paragraph (§130 GCC, paragraph 1):

“Whosoever, in a manner capable of disturbing the public peace

1. incites hatred against segments of the population or calls for violent or arbitrary measures against them; or

2. assaults the human dignity of others by insulting, maliciously maligning, or defaming segments of the population,

shall be liable to imprisonment from three months to five years.”

» §130 GCC

Also here, the legally protected right of public peace as well as physical integrity and human dignity are protected. Incitement to hatred is essentially present when the expressed opinion is capable of inciting others to commit a crime, particularly to violence or infringe upon human dignity.

In order for the criminal offence to be incitement to hatred, the acts or insults must be targeted at group affiliation. With the incitement-to-hatred paragraph, an explicit criterion exists for weighing the legally protected right of the freedom of expression on the one hand and physical integrity or human dignity on the other. §130 of the GCC refers unequivocally to people and is from a human-rights perspective less problematic than the blasphemy paragraph. However, also here doubts arise concerning the vague terms “capable” of a “disturbance” of “public peace”.

At present—the Thilo Sarrazin case study will illustrate this later—there are also efforts to remove this criterion from German law. If these numerous attempts were successful, they could result in further curtailing the freedom of expression.

2.4. Summary

- Western constitutional states are characterized primarily by the fact that laws also apply to the government, that everyone is equal before the law, that basic rights are individual rights and cannot be granted or denied due to association with a group.
- From the right to freely receive information and express one’s opinion freely, other rights arise such as freedom of religion, the press, science, art, assembly and association.
- According to numerous court verdicts, the freedom of expression explicitly comprises the right to publically state unwanted and unpleasant opinions.
- Generally, human rights may only be curtailed when other human rights will be violated (i.e., human dignity). The weighting of these legally protected rights may only be carried out by independent courts.

- Freedom of expression and human dignity are human rights, i.e., religion, gods and prophets are not protected by these rights.
- Concrete punitive norms for the application of these basic rights are outlined in the incitement-to-hatred (Volksverhetzung) (§130) and blasphemy (§166) paragraphs. They primarily protect the public peace, a problematic criterion due to its vagueness.

3. International restrictions

3.1. The United Nations and human rights

A basic understanding of the freedom to express one's opinion freely in particular and human rights in general is in no way shared globally. Especially with the governments of the Islamic world, this difference in understanding leads to large conflicts and also has serious consequences for coexistence with Muslim immigrants in the West.

On the political-systemic level, the Western and Islamic worlds encounter each other primarily at so-called intergovernmental organizations, especially in the *United Nations* (UN). The complications arising there can only be understood in light of the core principles of the UN: crucial for the establishment of the organization of the UN was the "fundamental question of how and with what means states can be brought to resolve their conflicts peacefully" (Gareis/Varwick 2003: 15). Conditioned by the experiences from two world wars, it was a matter of creating an organizational framework for international relationships. At the UN, governments that do not accept a higher power above them should meet with the goal of ensuring world peace and international security.

In direct connection with this goal, the second significant aim of the UN was the protection of human rights. To create the foundation for new international law, the UN general assembly of 1948 passed the *Universal Declaration of Human Rights* (see info box). Initially this was a matter of protecting individuals from gover-

nmental superiority; later came the protection from threatening societal powers (Tomuschat 2013).

The **Universal Declaration of Human Rights** (UDHR) is considered one of the most important documents of humanity. Its preamble explains the claim to universal validity by stating that the UDHR be the “common standard of achievement for all peoples and all nations.” The 30 articles specify over 100 civil, political, economic, social and cultural human rights.

Since the UN Universal Declaration of Human Rights is not legally binding, in the meantime seven additional human rights treaties were developed by the United Nations that can be ratified by the states. This means that the states obligate themselves to implement the norms defined in the treaties into national law. Additional supplementary protocols make it possible for individuals to submit a complaint to the UN human-rights committees, i.e., to be able to file human-rights violations lawsuits (Sommer/ Stellmacher 2009).

Over the course of decades, both the scope of UN tasks as well as the number of member states increased. Now the UN considers itself a global forum in which all problems of the world are discussed. For numerous critics, this is a self-overestimation without means since it “no longer corresponds to the structures and procedures of the global political reality of the 21st century” (Gareis/Varwick 2003: 16). In the extensive initiatives to implement international legal standards via the UN, some authors see a targeted transfer of powers accompanied by the un-democratization of national states (Ye’or 2013).

The ratio of internationally binding standards to national sovereignty has proven to be highly problematic. To what extent are the UN bodies allowed to intervene in the legislation of the member states? This question is of course also posed in other supranational organizations.

3.2. The Organisation of Islamic Cooperation and human rights in Islam

In the 1960s, more and more third-world countries entered the UN whereby the question of whether these countries would be mandatorily bound by the human-rights treaties made previously arose. During the discussion, an agreement was reached on the universality of human rights, but that was markedly changed in 1979 with the Islamic revolution in Iran. From then on, the Iranian UN Delegation insisted that the *Universal Declaration of Human Rights* be the “secular interpretation of the Judeo-Christian tradition” (Littman 2003) and therefore could not apply to Muslims.

With the rise of additional predominantly Islamic countries after the end of colonialism, also their differences to the West became increasingly clearer. This culminated in 1990 when the member states of the *Organisation of Islamic Cooperation* (OIC, see info box) created their own “declaration of human rights,” the *Cairo Declaration on Human Rights in Islam* (CDHR).

As a result of this influential authorship, the *Cairo Declaration* must be construed as “the key document of the contemporary, global mainstream Islam” (Tellia/Löffler 2013: 135) and is understood explicitly as a counter to the *UN Declaration of Human Rights*. This is expressed primarily in two far-reaching differences:

Firstly, the Cairo Declaration does not formulate individual rights, rather group rights:⁹

“The Member States of the Organization of the Islamic Conference, [r]eaffirming the civilizing and historical role of the Islamic Ummah, which God made the best nation [...] and the role that this Ummah should play to guide a humanity confused by competing trends and ideologies and to provide solutions to the chronic problems of this materialistic civilization [...] and the Ummah [is] collectively responsible.”

» The Cairo Declaration on Human Rights in Islam (preamble)

Merging with the Ummah—the community of believers—is thus defined as the highest goal. Only those who belong to the Ummah and believe in Allah obtain the dignity guaranteed in the *Cairo Declaration* (compare with Article 1). This is of course contrary to the idea of universal human rights that one obtains at birth.

Secondly, in the CDHR all rights are subject to compatibility with Sharia, Islamic law. This means that neither the equality of man and woman nor of Muslims and non-Muslims is guaranteed. Numerous other human rights are also annulled by the primacy of Sharia, such as physical integrity, because Sharia in all four major schools of jurisprudence stipulates the removal of body parts, whipping and stoning as punishments for offenses such as theft, adultery, etc.¹⁰

⁹ The Cairo Declaration on Human Rights in Islam is cited according to the official English text of the OIC, available online at: <http://www.oic-oci.org/english/article/human.htm>, last reviewed on August 21, 2013.

¹⁰ A tabular comparison of all the differences of both human-rights declarations can be found in Strüning (2013).

The **Organisation of Islamic Cooperation** (OIC) was founded in September 1969 by 25 states (known then as the Organization of the Islamic Conference). In the meantime, the OIC has 56 member states, in which Islam is the state religion, the religion of the majority or a large minority of the population.

The OIC is, after the UN, the largest international organization at all and has assumed the task of representing the entire Islamic world. Additionally, the OIC aims to make a life in accordance with Sharia—Islamic Law—possible for all Muslims worldwide and is thus attempting to change the laws of Western constitutional states and democracies to achieve this end.

At the UN, the OIC has an observer status so that the OIC general secretary there has the right to speak. At the same time, the OIC member states constitute the largest voter block of the UN general assembly and frequently vote together according to OIC objectives.

From a Western perspective, the CDHR is therefore in no way an acceptable extension of the universal human rights formulated in the UN declaration. Firstly, its cultural and religious particularism annuls the universality of human rights (Littman 1999). Secondly, the *Cairo Declaration of Human Rights in Islam* reads almost like the negation of its Western counterpart, since it abolishes the declared rights in the same breath, as it were, by applying Sharia. Expressed in the words of the US journalist Deborah Weiss (2013a): “In reality, the *Cairo Declaration* is not a statement of individual rights but a list of obligations that individuals have to conform to under the Sharia.”

As expected, also the understanding of the freedom of expression in the *Cairo Declaration* of the OIC differs significantly from Western standards. Article 22 stipulates that the right to express one's opinion freely is contingent on the statements being in conformity with Islam:

“Everyone shall have the right to express his opinion freely in such manner as would not be contrary to the principles of the Shari’ah. Everyone shall have the right to advocate what is right, and propagate what is good, and warn against what is wrong and evil according to the norms of Islamic Shari’ah. Information is a vital necessity to society. It may not be exploited or misused in such a way as may violate sanctities and the dignity of Prophets, [...] corrupt or harm society or weaken its faith.”

» The Cairo Declaration on Human Rights in Islam (Art. 22)

Therefore, one may only speak positively about Islam. This means that it is not only forbidden to criticize or even to blaspheme Islam or its prophet Mohammed, it is prohibited to say anything that could undermine the confidence of Muslims in Islam, not to mention publically expressing apostasy or missionizing for another religion.

The apparent low interest of Islamic or predominantly Islamic states in the freedom of expression is therefore no surprise. *Amnesty International* (2013) criticized that the freedom of expression in the OIC member country Turkey is limited by at least 10 criminal offenses and stated that hundreds of people are in prison because they peacefully expressed their opinion. Consequently, according to the *Committee to Protect Journalists* (CPJ) (2013), Turkey was the largest prison for journalists worldwide in 2012. In general,

Islamic states consistently take the top positions on the CPJ list of the deadliest countries for journalists, whereas on the *Press Freedom Index* of the organization *Reporters Without Borders* (2013), predominantly Islamic states generally occupy the last places.

Sharia is Islamic law. It is based on the Koran and Sunnah, the traditional acts and sayings of the prophet Muhammad. Unlike Western legal collections, Sharia was never codified, which means there is no catalogue that contains all regulations. Instead, Sharia can be understood as a method of law-making (Heine 2011). In addition to the two “divine sources,” Islamic jurisprudence (Arabic: fiqh) uses two human methods, that of conclusion by analogy and consensus of scholars (Muranyi 1987).

The European Court of Human Rights (ECHR) has repeatedly stressed in its verdicts that Sharia is not compatible with the fundamental principles of democracy (European Court of Human Rights 2003).

3.3. The OIC in the UN

For the OIC, it is not enough to implement the *Cairo Declaration on Human Rights in Islam* only in Islamic (member) countries. According to Islam's worldwide validity claim, Sharia should apply globally (Tellia/Löffler 2013). Therefore, the OIC is attempting to influence the legislation of Western states and justifies these attempts with the pretext that Muslim minorities live there (Lebl 2013). The preferred means for this are resolutions in the *United*

Nations, which are passed again and again in a virtually identical form. Thereby a type of custom law arises: collective legal interpretations of the UN states become unwritten laws via their application over years and thus put pressure on member states to implement them into national law.

For many years, the OIC has been trying to have resolutions passed against the “defamation of Islam,” then later against the “defamation of religions” and finally the “vilification of religions” (Snyder 2011). The declared objective of the OIC was to protect its belief system from defamation, not only the believers as stipulated by the *UN Declaration of Human Rights*. However, because this would be tantamount to “a self-disassembly of the *UN Human Rights Council*” (Heinisch/Scholz 2012: 80), the resolutions were consistently rejected by the Western States.

With Resolution 16/18, which was instigated by the OIC via the UN human-rights council and passed on March 24, 2011, an apparent paradigm change occurred. The eponymous goal was now “combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to violence and violence against, persons based on religion or belief” (UN Human Rights Council 2011). Because the phrase “defamation of religion” was no longer included, the previous resistance of Western representatives in the UN human-rights council collapsed (Snyder 2012; The Legal Project [year not provided]).

As a result, initially the U.S. (under the first Obama administration) and later also the EU offered to host conferences of the OIC-initiated *Istanbul Process*, which intended to expedite the implementation of Resolution 16/18. Thereby, Western governments sent the signal that the goals pursued by the OIC were acceptable.

Nevertheless, the altered wording in Resolution 16/18 should be understood as a purely strategic calculation and in no way an acceptance of the universal human rights. Aside from Resolution 16/18, the OIC has not changed or abandoned any of their goals (Lebl 2013; Weiss 2013a). Thus, the still valid *10-Year Program of Action* that was adopted in 2005 still contains the demand that UN resolutions should be passed to fight “Islamophobia.” Furthermore, the UN should call on all states to enact laws to criminalize “Islamophobia” (Organisation of Islamic Cooperation 2005). The main goals of the *OIC Charter* (Article 1, 12) adopted in 2008 are “To protect and defend the true image of Islam”¹¹ as well as “to combat defamation of Islam” (Organisation of Islamic Cooperation 2008). Also, not a single word in the *Cairo Declaration of Human Rights in Islam* was changed.

From these statements as well as the above-cited preamble to the *Cairo Declaration* it is clear that the OIC exclusively means Islam when using the terms “religion” or “belief” because from the OIC-Islamic perspective, all other worldviews are “unbeliefs” (Lopez 2011). Consequently, the OIC will only advocate punishing stereotyping and discrimination against Muslims. The usually completely unpunished persecution of Christians and other religious minorities in Islamic countries, which is completely ignored by the OIC, is sufficient evidence for this.¹²

11 Which effects this defense of the “true image of Islam” can produce became clear in the summer of 2013 when the OIC began lobbying at the registry ICANN in order to prevent any new top-level domains (the last part of a web address such as .com, .org, .de) from having the extensions .islam and .halal, in order to prohibit an abuse of Islam (Bernama 2013).

12 According to the *World Watch List* of the organization *Open Doors* (2013), Christians are persecuted primarily in Islamic countries or in those with an Islamic majority. The only marked exception is North Korea in first place.

The extent to which the OIC's planned persecution of "Islamophobia" should go is indicated in the annually published *OIC Islamophobia Observatory* documents.¹³ The definition used for "Islamophobia" is in no way limited to discrimination, violence, fanaticism or prejudice. On the contrary: even "Islamophobic" thoughts and views should be eradicated. The OIC also wants to end the alleged "abuse of the freedom of speech" and prevent "Islamophobic" media reports on real incidents in which Muslims committed injustices against non-Muslims. Even the publication of such reports is considered "Islamophobia" (Weiss 2013b).

All this can be directly justified with the alleged "human-rights declaration" of the CDHR. One of the few rights that this declaration actually protects is "honor" of Muslims, certified in Article 4: "Every human being is entitled to inviolability and the protection of his good name and honor." Although neither civil liberties nor the right to physical integrity are guaranteed, the honor of Muslims and their religion remains untouchable.

3.4. Summary

- Key points of the *Universal Declaration of Human Rights* of the UN and the *Cairo Declaration on Human Rights in Islam* directly contradict each other. The universal human rights are primarily individual rights, whereas the Islamic "human rights" are group rights to which only Muslims are entitled. The *Cairo Declaration* simply does not deserve the title "human rights" because these rights are by and large negated by the primacy of Sharia.

- The OIC, in diverse UN committees, attempted to pass resolutions that would ban the "vilification of religion." Since these attempts were unsuccessful, Resolution 16/18 (passed in 2011) no longer refers to religion rather (apparently corresponding to Western standards) to believers. The aims of the OIC, however, have not changed.
- It is also evident that the objectives of the OIC have not changed due to the fact that the OIC initiated the so-called *Istanbul Process* in order to implement Resolution 16/18 as the OIC originally intended.

¹³ Available online at: http://www.oic-oci.org/oicv2/page/?p_id=182&p_ref=61&clan=en, last reviewed on July 19, 2013.

4. Case Study: Thilo Sarrazin

The influences that the decisions made on an international or intergovernmental level could have for Germany and other Western countries are illustrated by the example of Thilo Sarrazin.¹⁴ During an interview with the cultural magazine *Lettre International* he said:

“A large number of Arabs and Turks in this city [...] have no productive function except for the fruit and vegetable trade [...] The proportion of births among Arabs and Turks is two to three times higher than their corresponding proportion of the population. Large parts [of this population] are neither willing to integrate nor capable of integrating. The solution to this problem can only be to stop letting people in [...] except for highly qualified individuals and not provide social welfare for immigrants anymore [...].”

Integration is an effort of people who integrate themselves. I do not have to accept someone who does nothing. I do not have to accept anyone who lives from the state, rejects this state, does not reasonably provide education for his children and constantly produces new little girls in headscarves. This applies to 70% of the Turkish and 90% of the Arab population in Berlin. Many of them do not want integration” (Sarrazin 2009).

The *Turkish Union in Berlin-Brandenburg* (TUB, *Türkischer Bund Berlin-Brandenburg*) then pressed criminal charges due to suspec-

¹⁴ Thilo Sarrazin was a Bundesbank (Federal Bank) member of the board, and since his bestseller in 2010, *Deutschland schafft sich ab* (*Germany Is Doing Away With Itself*), he has been one of the most controversial authors in Germany.

ted incitement-to-hatred (Volksverhetzung). However, the German prosecution evaluated Sarrazin’s statements as protected by the freedom of expression and ceased its investigations. Because the Turkish migrant association believed its rights had been violated, it took its lawsuit to the international body, the UN *Committee on the Elimination of Racial Discrimination* (CERD, see info box).

The **Committee on the Elimination of Racial Discrimination** (CERD) is a treaty body of the UN. It oversees the **International Convention on the Elimination of All Forms of Racial Discrimination** (ICERD), one of the international human-rights treaties based on the UN Declaration of Human Rights (Office of the United Nations High Commissioner for Human Rights [year not provided]).

CERD is composed of 18 alternating “independent experts,” but they are selected by their governments and are therefore highly likely to represent their respective positions to a large extent. CERD meets twice a year at the UN quarters in Geneva, primarily to evaluate the reports of States Parties. Claims derived from the reports are not binding for the countries, but constitute “legal statements with considerable political and moral implications” (Tomuschat 2013: 262).

Consequently, the members of this committee had to decide whether Sarrazin’s statements were objectionable according to the *International Convention on the Elimination of Racial Discrimination* (ICERD, see info box). However, the (current) composition of the *UN Anti-Racism Committee* appears to be highly questionable for such a (legal) assessment. Among the 18 current members, there are countries—for example, China, Colombia and Russia—that are not exactly well known for their outstanding implementation

of human rights and particularly the freedom of expression.¹⁵ In addition, one would also assume that the five OIC member states—Burkina Faso, Togo, Pakistan, Turkey and Niger—would apply the previously-discussed concept of human rights presented in the *Cairo Declaration*. Judgments of such delegates concerning the compliance with human rights in Europe are more than questionable.

In the spring of 2013, this committee (Committee on the Elimination of Racial Discrimination 2013b), decided that Sarrazin's statements "contain ideas of racial superiority, denying respect as human beings and depicting generalized negative characteristics of the Turkish population." Thereby, the UN body ignored that Sarrazin always spoke of a "large number" or concrete percentage of Turks and Arabs. Therefore, he did not claim at any point that all individuals of Arabic and Turkish descent, due to their group affiliation, have certain traits. Only such "ideas or theories of superiority of one race or group of persons of one colour or ethnic origin" are forbidden by the *UN Anti-Racism Convention* (Article 4). Thus, Sarrazin's statement does not constitute a racist and therefore impermissible generalization according to the convention.

The members of CERD additionally stated that Sarrazin's statements were "incitement to racial discrimination" because he wants to refuse social welfare benefits for the Turkish people and would (with the exception of highly qualified individuals) generally prohibit immigration. Again here, a systematic error of judgment is present: the request for controlled immigration cannot be consi-

15 For example, in the current *Press Freedom Index* of the organization *Reporters Without Borders* (2013), China is in 173rd place, Colombia in 129th and Russia in 148th. In the latest *Freedom in the World* report from *Freedom House* (2013), Columbia is considered "partly free," Russia and China as "not free."

dered racism because qualifications/skills and intellectual status are not "racial criteria."¹⁶ In the US and Canada, democratic countries of immigration, such a restriction to highly qualified/skilled immigrants is a longstanding political and legal practice.

Also an "incitement" to discriminate is not recognizable because this would require a "reasonable possibility" that Sarrazin's statements "could give rise to the prohibited discrimination."¹⁷ It is highly unlikely that the Federal Republic of Germany (FRG) would enact laws for regulating the welfare state due to the expressed opinion of one individual.

Based on the above-specified conclusions concerning Sarrazin, the *UN Anti-Racism Committee* accused the German law-enforcement authorities of not having appropriately investigated the case and adequately prosecuted incitement-to-hatred.¹⁸ It is presumable, however, that the German prosecution understood the literal meaning of Sarrazin's statements much better than the committee members, especially because they had a "serious mistranslation" (Tomuschat 2013) of the Sarrazin interview. It is also presumable that the German authorities can markedly better assess what effects the statements will have within the social context of the FRG.

Precisely for this reason, states should decide by themselves whether an indictment even makes sense. Finally, the prosecution of the alleged incitement-to-hatred could result in even more suffering for

16 According to the international-law professor Dr. Christian Tomuschat (2013), who was a member of a UN human-rights committee for nine years.

17 According to the US representative in the CERD, Carlos Manuel Vazquez, whose dissenting vote in the Sarrazin case was unfortunately completely neglected by the media. Compare to the Committee on the Elimination of Racial Discrimination (2013a).

18 The public prosecutor's office in Berlin did indeed deny the CERD request to investigate Sarrazin again (Dernbach 2013b).

the affected victims if, e.g., this would create greater publicity. This passage is in any case included in the *UN Anti-Racism Agreement*, which the CERD is commissioned to monitor.

Ultimately, the UN committee criticized the incitement-to-hatred paragraph (Volksverhetzungsparagraf) of the German Criminal Code (§130 GCC). The criterion cited there of being “capable of disturbing public peace” is not mentioned in the *International Convention on the Elimination of Racial Discrimination*. Therefore, the FRG allegedly did not adequately implement the convention into national law.¹⁹ Two things are surprising with this allegation: 1. It is absolutely not the task of the committee to determine whether national laws are compatible with the *Anti-Racism Convention*. The judgment that §130 GCC does not meet the requirements of the ICERD agreement, is absolutely not acceptable according to international law (Vazquez). 2. From a human rights perspective, the criterion of “capable of disturbing the public peace” is already moot. Affected individuals or groups could thus consciously contribute to protests where the criminal offense of incitement-to-hatred is met. If this criterion were left out, it would be possible to prohibit even fact-based, scientific statements about groups of people, which would amount to an irreversible curtailment of the right to freedom of expression.

In the case of Sarrazin, the committee failed in its actual task of legally weighing the constitutionally guaranteed freedom of expression with the ban on the dissemination of “ideas of racial superiority.” Can it ever be illegal to refer to facts, which are existentially

¹⁹ In July 2013, a verbal note of the federal government to the *UN Anti-Racism Committee* was disclosed, which stated one would check “German legislation for the criminal liability of racist statements in the light of the statements of the committee” (Dernbach 2013a).

significant for the society? For the *UN Anti-Racism Committee*, the answer to this question is obviously affirmative without any further arguments. According to its interpretation, every statement about differences between Germans and immigrants of Turkish descent already constitutes “racist ideas” (Tomuschat 2013).

With their questionable judgment, the committee members apparently want to prevent an open discussion of the facts Sarrazin addressed. However, the committee does not only discredit itself with such decisions rather also the “entire idea of human-rights protection” via the UN (ibid.).

Furthermore, the “Sarrazin case” in the CERD demonstrates yet again the imminent dangers to the freedom of expression and other fundamental rights in Europe and the US when representatives of states, which clearly have a completely different understanding of human rights, are allowed to make judgments in the *United Nations*.

5. Germany at a turning point?

5.1. Challenges for overwhelmed politicians

With the increased public visibility of Islam and Muslims, the debate on the compatibility of European and Islamic values has increased in Germany. As in international politics at the UN, nation states obviously feel compelled to check whether existing laws have absolute validity or if an adjustment is needed. German society—like every other European society—needs good answers to following big questions: Which values must be defended by all means? Which values in the search for social consensus are up for debate, at what price and at whose expense?

The interpretation of existing laws by the judiciary is apparently at its limits. Therefore, politics as legislators are required to create (legal) clarity. Yet among the very politicians who should create this clarity, major uncertainty can be observed. Dealing with the Muslim immigrant group very clearly presents a completely new political challenge because many Muslims very effectively preserve and hand down their cultural and religious values internally and represent them confidently outwardly.

One tries to master this uncertainty on the side of politics and affiliated elites in academia and the media in different ways. The most prominent example is the *Deutsche Islam Konferenz* (DIK, *German Islam Conference*), which was initiated by the *Federal Ministry of the Interior* (FMI) as an unprecedented mediation effort by the public sector; an equivalent forum does not exist for any other immigrant

group.²⁰ In the DIK, predominantly the German Islamic associations are active. Although these are neither democratically legitimized nor representative of their membership numbers, they still claim to represent all Muslims living in Germany. Most of them follow principles similar to the OIC: they are thus exclusively interested in Muslims being able to live as Islamically as possible in Germany. Consequently, the Islamic associations regularly complain about an alleged “abuse” of the freedom of expression when Islam or Muslims are criticized or offended. If it were up to these (often orthodox to extremist) organizations, the *German Islam Conference* would deal exclusively with what Germans are allowed to say about Islam, and what not (example: Zentralrat der Muslime 2010).

For many years, surveys have indicated the trend that the indigenous population to a large degree accepts Muslims as believers but rejects Islam as an inhumane and fundamentally illegal ideology; according to the latest representative survey (IfD Allensbach 2012), many Germans think that Islam is disadvantageous for women (83%) and for those with different beliefs (68%) and stands for radicalism (70%) and violence (60%). On the other hand, only 7% of the people surveyed consider Islam tolerant and compatible with human rights.

This critical-to-negative attitude of the population should now be explained by the researchers commissioned by the politicians. With the interpretation of these researchers, a third perspective enters the Islam discourse, which is, however, strongly influenced by the decade-long focus of the social sciences on the so-called “prejudice research,” which uses extremely vague definitions and refers to any

²⁰ Note that in addition to this, it appears generally problematic if the state negotiates with Muslims as a group and thereby grants or denies individuals special rights via the (real or ascribed) group affiliation (Strüning 2013a).

negative statement about a group as a prejudice. Whether the statement in question applies in social reality is completely irrelevant for this type of research.

On the side of prejudice research, one used terminology such as “Islamophobia” in the sense of an unfounded fear or general rejection of Islam or Muslims. The fact that even their own investigation methods and reported findings contradicted this definition did not bother anyone for years.

5.2. Fatal term usage by the authorities

German ministries and authorities initially adopted the concepts and definitions of “prejudice research” completely carelessly into the political parlance—probably also due to lack of alternatives. To this came pressure from German Islamic associations and international organizations such as the OIC or the *Muslim Brotherhood* to criminalize insults of Islam.

As a consequence, German authorities today use neither a uniform nor an unambiguous definition when speaking about all facets of criticism of Islam and Muslims. More than ten years after September 11, 2001 it is still unclear *who* can say *what* about Islam and Muslims in Germany.

However, the resultant and (on the side of Islamic associations) deliberately provoked conceptual blending of “Islamophobia,” “hostility toward Islam,” “hostility toward Muslims” or “anti-Muslim racism” brings great dangers, since this blending allows no distinction between legal critique and prohibited human-rights violation.

This blending of words and phrases becomes most problematic when it is used for social, political and possibly even economic stigmatization of certain people or organizations. Such a stigma is present, for example, if the *Office for the Protection of the Constitution* (Verfassungsschutz) announces future surveillance of an organization because of anti-constitutional activities.

Exactly this happened in April 2013 via the *Bavarian State Office for Constitutional Protection* (LFV, *Bayerische Landesamt für Verfassungsschutz*). At a press conference, the Bavarian Interior Minister Joachim Herrmann established the immediately applicable surveillance of several local political organizations with their “hostility toward Islam” and because they “generally incite or strengthen prejudice against Muslims or Islam.” The organizations were said to spread a “general Islam-hostile propaganda” as well as “general sweeping blows against Islam.”

Even more notable was the argumentation of the LFV President Burkhard Körner. He criticized that the leader of the organization:

*“equated Islamism to Islam, combined many, many negative characteristics in a generalized form with Islam, and in particular he sees the Quran as the most dangerous book in Germany and the world.... We cannot accept this with regard to the constitution and the freedom of religion, human dignity and basic equality guaranteed in the Constitution.”*²¹

²¹ Press conference of the Bavarian State Ministry of the Interior, April 12, 2013, Video excerpt available online at : <http://youtu.be/XBtLTonEyHE>, last reviewed on May 17, 2013.

5.3. Consequences for the freedom of expression

At this point, it is not a matter of evaluating the content of the statements of these political organizations rather whether these statements are covered by the fundamental right of freedom of expression.

The human-rights perspective of the freedom of expression discussed in the first chapter showed that neither gods nor religions are protected by German basic law. On the one hand, the range of transcendence is not included in the rule of law. On the other hand, ideologies are not humans and thus do not have any human rights. The *Office for the Protection of the Constitution* should be prohibited from using the critique of an ideology—be it generalizing or even hostile—as the grounds for carrying out surveillance, provided that neither incitement-to-hatred nor blasphemy paragraphs are accessed. As long as no concrete discrimination or insult of Muslims comprehensible by third parties is present, also no violation of fundamental rights can be claimed.

In the previously discussed “Lüth verdict” of the *Federal Constitutional Court*, it was clearly established that human rights such as freedom of expression can only be restricted if other freedoms such as freedom of religion and human dignity are protected thereby. Critical or even hostile remarks about Islam in no way violate the right to the freedom of religion guaranteed in Article 4 of GBL. This article guarantees the freedom “to profess a religious or philosophical creed” and the “undisturbed practice of religion,” but not protection from open discourse. Why/how a Muslim could be hindered in his religious practice when a non-Muslim refers to the Quran as “the most dangerous book in the world,” is incompre-

hensible. On the contrary, it is the very right to freely receive and disseminate information that guarantees the freedom of religion. Consequently, it can never be a matter of bringing the freedom of religion and expression into some sort of balance, as Islamic organizations demand more and more.

On the grounds of the *Bavarian Office for the Protection of the Constitution*, one would also have to criticize that in German Basic Law, of course, nothing is written about how terms are to be used or distinguish them from each other. Equating “Islam” to “Islamism”²² can therefore hardly be unconstitutional, and only the monitoring of the latter is the task of the *Office for the Protection of the Constitution*. From the human-rights and basic-rights perspective, it is also irrelevant whether the disputed critique is factual, generalized or brought forth in a hostile manner, as long as it is not directed against human beings or directly incites hatred and discrimination.

Finally, it must be noted that the *Office for the Protection of the Constitution* only makes such strange arguments in relation to Islam. If one replaces “Islam” with any other ideology or political-social orientation, the inaccuracy of the “evidence” becomes immediately apparent; it is difficult to imagine that someone in Germany would be under surveillance by the *Office for the Protection of the Constitution* for equating animal protection with radical animal-rights activists or if the person combined animal protection in a generalized way with negative characteristics/traits, or if he were to describe the writings of the *German Animal-Protection Association* as the most dangerous books in the world. Unquestionably, such a position would be ridiculous. Nevertheless, many upright animal-rights ac-

²² Furthermore, numerous scientific analyses can be found that consider such a subdivision for a Western construct, (Kleine-Hartlage 2010; Tartsch 2008), or an unequivocal classification, impossible (e.g., Tellia/Löffler 2013).

tivists could feel deeply offended by this and might even threaten to disturb the public peace with their sensitive protests.

5.4. Summary

- Islamic associations also based in Germany increasingly demand a curtailment of the freedom of expression as soon as Islam could be offended.
- To date, German ministries and authorities have not formed a uniform system of concepts concerning the criticism of Islam and Muslims; on the academic side, only extremely vague definitions exist.
- Thereby, from a human-rights perspective, fatal mixtures of Islam critique, hostility toward Islam and hostility toward Muslims occur, which according to the basic laws of constitutional states, only the latter would be a punishable criminal offense.
- If the critique of an ideology or worldview—even if it is hostile toward the ideology—can be the reason for surveillance by the *Office for the Protection of the Constitution*, a new de facto criminal offense, in addition to incitement-to-hatred, will be created that is not covered by basic law.

6. Conclusion

This discussion paper has shown that the freedom to freely expressing one's opinion is a fundamental human right. In addition, it is the prerequisite for many other basic rights such as the freedom of the press, religion, science, art as well as assembly and association. As the freedom of expression is a core principle for the Western rule of law, this freedom is protected by numerous laws and international treaties.

However, numerous local Islamic associations and international organizations such as the OIC reject the European-American understanding of the freedom of expression because from the perspective of Islam, everything that could question its claim to truth is inadmissible. The goal of Islamic organizations is that only they themselves be allowed to speak about Islam. In order to implement this goal in Western countries, they put pressure on the national states and intergovernmental organizations such as the UN to change the relevant laws.

However, from a human-rights and basic-law perspective, it would be exceedingly problematic if a religious community by itself or an individual believer could determine what constitutes a prohibited blasphemy or insult of a religion or worldview because the follower of a religion could at any time change the definition of what constitutes a prosecutable blasphemy or even incitement-to-hatred (*Volksverhetzung*); objective criteria for the freedom of expression would thus no longer be determinable.

If the existence of a criminal act would be determined by the “victim” and not by an independent court, all legal certainty would be lost. The burden of proof, i.e., of being innocent, would be on the individual exercising his or her right to the freedom of speech; this would be the beginning of the end of the rule of law.

Already today we can see that the so-called “spiral of silence” works in relation to Islam. In a representative study in Germany, over half of the people surveyed admitted to not daring to criticize Islam or Muslims publicly (Petersen 2012). Given the critical-to-negative attitude (identified in numerous studies) that Germans have concerning Islam as an ideology, this finding is frightening.

Additionally, critics of Islamic ideology and its organizations are constantly confronted with lawsuits and have to legally defend themselves against the accusations of blasphemy or incitement-to-hatred. Even if it does not come to a conviction, such processes cost a lot of time and money, which in many cases includes one’s reputation and possibly even his or her job. Thus, also in the West, we are experiencing an increasing de facto application of Islamic law in matters of Islam.

Due to the pressure created by Islamic organizations at the national and international level, the right to the freedom of expression in Europe and America could be significantly curtailed in the coming years. What initially only applies to critics or enemies of Islam or as “fighting racism” and the “fight against right-wing extremists” probably could find social acclaim,” even would have disastrous consequences for all other topics of public discourse. If the right to freely express one’s opinion is curtailed once, additional fatal cuts become much easier and with them the limitation of many other fundamental rights will necessarily follow.

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