



Fw: [StephenKnappNewsList] New Law Against Free Speech Could Make you a Criminal

1 message

sadvidyananda swamini <sadvidyananda@yahoo.com>

Fri, Jan 6, 2012 at 9:15 AM

Reply-To: sadvidyananda swamini <sadvidyananda@yahoo.com>

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Take care, With Lots of Love and Wishes,

Swamini Sadvidyananda,

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Harih Om!

----- Forwarded Message -----

From: "srinandan@aol.com" <srinandan@aol.com>

To: StephenKnappNewsList@yahoogroups.com

Sent: Friday, January 6, 2012 4:59 AM

Subject: [StephenKnappNewsList] New Law Against Free Speech Could Make you a Criminal

Namaste,

If you speak out against Islam, you could be a criminal, if the United Nations passes this new law, as approved by the United States of America.

Well, things are getting more ridiculous all the time. Here the United Nations is trying to pass laws that would make it an international crime to speak out against Islam, or to be intolerant against the intolerant, or speak out against Sharia law, etc. However, let's see if the same law could be used against Islam if they also speak out against any other religion, since that is what this new law would seem to indicate. Check this out below:

Hari Om,

Stephen Knapp

Could You Be A Criminal? US Supports UN Anti-Free Speech Measure

[Abigail R. Esman](#), Contributor

<http://www.forbes.com/sites/abigaillesman/2011/12/30/could-you-be-a-criminal-us-supports-un-anti-free-speech-measure/>

While you were out scavenging the Wal-Mart super sales or trying on trinkets at Tiffany and Cartier, your government has been quietly wrapping up a Christmas gift of its own: adoption of UN resolution 16/18. An initiative of the Organization of Islamic Cooperation (formerly Organization of Islamic Conferences), the confederacy of 56 Islamic states, Resolution 16/18 seeks to limit speech that is viewed as "discriminatory" or which involves the "defamation of religion" – specifically that which can be viewed as "incitement to imminent violence."

Whatever that means.

Initially proposed in response to alleged discrimination against Muslims in the aftermath of 9/11 and in an effort to clamp down on anti-Muslim attacks in non-Muslim countries, Resolution 16/18 has been through a number of revisions over the years in order to make it palatable to American representatives concerned about U.S. Constitutional guarantees of free speech. Previous versions of the Resolution, which sought to criminalize blasphemous speech and the “defamation of religion,” were regularly rejected by the American delegation and by the US State Department, which insisted that limitations on speech – even speech deemed to be racist or blasphemous – were at odds with the Constitution. But this latest version, which includes the “incitement to imminent violence” phrase – that is, which criminalizes speech which incites violence against others on the basis of religion, race, or national origin – has succeeded in winning US approval – despite the fact that it (indirectly) places limitations as well on speech considered “blasphemous.”

What’s worse, the measure codifies into the UN agenda support for the very notion democracies now wrestle with, and which threatens to destroy the very fabric of our culture: tolerance of the intolerant, or rather, the question of whether a tolerant society must also tolerate ways of life that are intolerant – that oppress women, say, or advocate violence against homosexuals, or force strangers to marry against their will. It is, in fact, this very concept that the OIC has long pressured Western governments to adopt in other ways, and that those supporting the adoption of Sharia law in the west have emphasized. Yet if we fall into that trap – as it appears we are – we will have lost the very heart of who we are.

The Good, The Bad...

Those who support the new measure rightly laud its recognition of the importance of free debate, and the inclusion of new clauses that call for “speaking out against intolerance, including advocacy of religious hatred that constitutes incitement to discrimination, hostility or violence” and “[foster ing] religious freedom and pluralism by promoting the ability of members of all religious communities to manifest their religion, and to contribute openly and on an equal footing to society.”

What opponents (rightly) find distressing are calls to adopt “measures to criminalize incitement to imminent violence based on religion or belief.”

(Additional clauses that call for countering religious profiling are also questionable, however civil rights organizations may feel about this, given the problems of Islamic terrorism in the real world. But that’s another matter.)

Oddly, Human Rights First, which previously loudly opposed the initiative for its limitation on “blasphemous speech,” is among those who now praise the newer version. In a statement, the organization opined:

Rather than imposing new restrictions on freedom of speech, which it does not, the new consensus resolution opens the door to an action-oriented approach to fighting religious intolerance. That is very consistent with the U.S. policies and practices – combat violence, discrimination and hatred without restricting freedom of speech. Resolution 16/18 urges states to train government officials to address religious tensions, to harmonize actions at local and national level, to raise awareness of negative stereotyping of persons, to promote interfaith and intercultural dialogue, to foster religious freedom and to speak out against intolerance (among other recommendations). The only limitation on speech that is in the operative part of the resolution is incitement to “imminent violence”, which is in accordance with US law.

But others are less forgiving, noting, among other things, that the resolution does nothing to prevent the continued use of anti-Jewish materials in the schools of Saudi Arabia (where the Protocols of Zion are treated as fact, thereby absolving Saudis of charges of “racism”) or the ongoing persecution of Jews and Christians in numerous Muslim countries. And yet, ironically, it was exactly those same countries who initiated the motion, as put forth in its initial drafts by the General Assembly, with expressions of concern for “cases motivated by Islamophobia, Judeophobia, and Christianophobia.”

Indeed, as M. Zuhr Jasser, an observant American Muslim and the founder of the American Islamic Forum for Democracy, remarked in an e-mail, “Anyone who believes that Resolution 16’18 is some kind of a breakthrough is sadly being duped by the most obvious Islamist double discourse. The shift from ‘defamation’ to ‘incitement’ does nothing at all to change the basic paradigm where Islamist nations remain in the offense, continuing to put Western, free nations on the defense.” Rather, said Jasser, “We should be putting Islamist autocracies on the defense and then simply reiterate that our First Amendment principles already protect the rights of all minorities — whether Muslim or otherwise — and that the best standard of free speech is the American one. Beginning to categorize speech as ‘incitement’ is a slippery slope that could open the floodgates for any post-tragedy analysis to indict what would otherwise be free speech absurdly as incitement in some far-fetched cause-effect analysis that would depend on proving that speech causes violence.”

Exactly.

It is, indeed, galling to think that we would enter into negotiations of any kind, with anyone, about the freedom of expression that is so central to our very way of life and the core of the founding of America. Ever.

The background to all of this, unsurprisingly, is an effort on the part of Muslim countries to limit what they consider to be defamatory and blasphemous speech: criticism of Islam, say, or insulting the prophet Mohammed – which, as we’ve learned, can mean anything from drawing a cartoon or making a joke in a comedy sketch to burning a Koran. Such acts – according to some readings of the Koran and, indeed, [according to law in some IOC countries](#) – are punishable by death. Hence the riots

that met the publication of the so-called “Danish cartoons,” the fatwa against Salman Rushdie, the murder of Theo van Gogh, and on and on.

... And The Deceptive

And here’s where Resolution 16/18 gets tricky.

Because who, exactly, arbitrates what is “incitement to imminent violence”? Violence by whom? If drawing a caricature of the Prophet incites violence by Islamic radicals to the tune of riots, arson, and murder, all sanctioned by the IOC itself – then drawing such a caricature (or writing a book like the *Satanic Verses*) will now constitute a criminal act. And that is exactly what the OIC was aiming for. It is also in direct violation of the principles of Western democracy – and the First Amendment. (Though it is crucial to note that any resolution passed by the General Assembly remains nonbinding, which makes you sort of wonder what the point of all this is, anyway.)

Moreover, since many would claim that the persecution of blasphemers is mandated by their religion, conflicts emerge between guarantees of free expression and the guarantee of freedom of religion and the practice of one’s faith. In other words: your free speech allows you to insult my prophet: my freedom of religion compels me to kill you for it.

What was that about “incitement to violence”?
Whose violence?

This is how the Organization of the Islamic Cooperation plays “Gotcha.”

This is how the American government, however unwittingly, subsumes its own Constitution in deference to the demands of the Islamic state.

It’s a dangerous game.

True, the Human Rights First position on the issue is significantly more optimistic:

“The U.S. will always enforce its own standards on freedom of expression; these are enshrined in this country’s Constitution. But its legal exceptionalism on freedom of speech does not necessarily mean that the U.S. administration needs to be diplomatically isolated when it comes to promoting globally the principles of freedom of speech and freedom of religion, which many in the U.S. perceive to be core and founding American values. On the contrary, since the U.S. joined the U.N. Human Rights Council, the Obama administration has openly expressed its ambition to exert leadership within the U.N. body.

The U.S. demonstrated that leadership by securing the passage of Resolution 16/18 at the Human Rights Council and by moving immediately to show through the Istanbul Process Conference that states have tools at their disposal to combat violence, discrimination and hatred without restricting free speech.”

But note that word: “combat.” That same word appears in Resolution 16/18, which states “Understanding the need to *combat* denigration and negative religious stereotyping of persons, as well as incitement to religious hatred, by strategizing and harmonizing *actions* at the local, national, regional and international levels through, *inter alia*, education and awareness building.” (Emphasis mine.)

“Combat” implies warfare. Is that the language we want here? Is that one of the options under the vague and wide-open term “*inter alia*”? And are the “tools at their disposal” – education, interfaith dialogue, and debate — really going to “combat” hatred, especially when that hatred is disguised as proper adherence to one’s faith? When racist myths are taught as historical fact to children across a large swath of the globe?

As for that “faith” thing: it strikes me that those of no faith – atheists – are not addressed anywhere in this resolution. Are they also to be protected from hate crimes? Is atheism among the ideas to be debated and taught in these awareness-raising sessions? If so, why is that not so stated? If not, why not?

Then there is the ongoing whimpering about the “targeting” of Muslims in non-Muslim countries. Actually, that “targeting” is largely mythical, or at the very least, heavily exaggerated. Throughout the world, from France to the Netherlands to Germany to the United States of America, the majority – by a large margin – of those hate crimes and incidents of discrimination perpetrated on the basis of religion [target Jews](#). (another resource available [here](#)) And in virtually every case, the “extremism” in question [has been Islamic extremism](#). (Though recent reports of the despicable behavior or ultra-orthodox Jews in Israel puts a new perspective on the matter.)

The Bigger Picture

But here’s the biggest problem: when the exercise of free speech leads to violence far beyond our control. It’s called “terrorism.” And neither the U.N. General Assembly nor the United States of America has the power to stop it. More importantly: by agreeing to curb speech that could lead to “imminent violence,” we in essence accept the blame for any terrorist acts against America (and the West). We agreed not to provoke, after all.

This, of course, is an unacceptable paradigm, and one we cannot allow to stand.

Integral to the greatness of America is the simple fact that no other country in the world places so sacred a value on free speech – indeed, on free expression – as does the United States. Holocaust denial, for instance, is *verboten* in Germany. *Mein Kampf* is banned in the Netherlands. France last week criminalized the denial of the Armenian genocide in Turkey (an act that resulted in widespread condemnation by the OIC, whose Secretary General, Ekmeleddin Ihsanoglu, had the audacity, days after the ratification of 16/18, to bluster that those who defend cartoons that mock Mohammed as “freedom of thought and expression” have no business limiting the speech of those who deny the Armenian genocide. “This is an indisputable and unacceptable paradox,” he declared). And so on.

Yet in all of this, America has stood strong in its defense of free speech – even blasphemous, hateful, racist, sexist, Pentecostal, homophobic, and ignorant speech. We must continue to do so, no matter what pressures we may face. Because in the end, limiting our rights to self-expression and – above all – the questioning of religious beliefs – will never help to make the world more peaceful – or more free.

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