

obtener conocimiento de la cuestión (el elemento histórico, las bases de la teoría política y la actualidad del antisemitismo y los factores que en él confluyen). Por ello, considero que estamos ante un excelente trabajo que sin duda cumple con los objetivos del Seminario universitario permanente de Estudios del Holocausto y el Antisemitismo de la Universidad Pablo Olavide de Sevilla, y espero que se sigan publicando tan brillantemente los resultados de sus investigaciones.

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“Fides et Libertas”, 2008-2009, Special Issue on Defamation of Religions, International Religious Liberty Association, Silver Spring, Maryland, 2009, 145 pp.

The 3rd Committee of the UN General Assembly has consistently adopted the Defamation of Religions resolution since 1999 however support is waning. Gone are the days when countries adopt the resolution without giving it a second thought. If the numbers are any indication the tide may be going out. In 2005, 101 countries voted Yes supporting the resolution, 53 voted No, and 20 Abstained. In 2010 the vote was 76 Yes, 64 No, and 42 Abstained. Even year over year there has been significant change. In 2009 the 3rd Committee voted 81 Yes, 55 No, and 43 Abstained. It is worth paying attention to this development.

The International Religious Liberty Association (IRLA) has remained vocal in its opposition against the Defamation of Religions concept. In fact, its 2008-2009 issue of *Fides et Libertas*, the academic journal of the IRLA, gave a distinctive clarion call to the problems that such a resolution will engender should its foundational principles be implemented as the resolution demands. The IRLA Board of Experts held a retreat and studied in depth the issues. Their Statement of Concern, published in *Fides* concluded that if the resolution were put into law it would in all likelihood:

1. interfere with the core religious right of evaluating, comparing, and exchanging religious beliefs and practices.
2. interfere with the freedom of speech and expression.
3. be used by dominant groups to repress the rights of vulnerable individuals and groups.
4. impair the rights of all religious groups by strengthening the power of the state to interfere in religious matters.
5. suffer from vagueness and a lack of enforceable standards.

Natan Lerner in his article, “Freedom of Expression and Incitement To Hatred,” argued that freedom of expression “is not an absolute right, and does not belong to the list of rights that cannot be derogated according to Article 4” of the International Covenant on Civil and Political Rights (ICCPR). He presents a short historical analysis of the history of the various international human rights documents that seek to strike a balance between the different human rights – freedom of expression and protection from religious hatred and racial discrimination. Believers in a religion may become incensed against criticism of their faith, but, as Lerner points out, “when do such expressions become contrary to public order and when do they become incitement in the terms of Article 20?” One solution, he suggests, is to draw analogies as with regard to race. “In some cases, race, religion and culture overlap, and those who wish to hurt the group or incite against it are not overly worried by the character of the object of their hostility or hatred.” “To leave out groups based on religion or belief from the protection that international law provides to groups based on race, ethnic origin or

color seems unfair and illogical.”

Jaime Contreras and Rosa María Martínez de Codes wrote in *Fides* providing a cultural context for defamation of religion. Their article adds a historical reality check. Defamation of religions did not originate with Islam – it was a concept very much known to the Christian faith as practised in Europe. For example, the Catholic majority in Spain had treated the Muslim converts to Christianity with suspicion. “In the West,” they argue, “it was the upper echelons of cultural life that transmitted the message, in many forms, that the interpretation and meaning of life could come from no other background than the religious world.” That world was Christianity. “This social cohesion, for reasons of religious identity, provides a common idea of a certain destiny, singular and absolute. In this resides the truth ... from this standpoint all legal and administrative regulations are structured. This uniformity lends a sense of peace to people and also ensures the continuity of social and political structures. For this reason religious diversity, on the other hand, has divisive effects: it plays down truth, and it spreads disquiet and doubt and a feeling of collective panic in many people. Religious and political authorities thus intensify tension, and talk of great risks and threats for the whole of society. Hate wells up as a strategy wielded to ensure and reinforce a “damaged” identity. The identity of the personal and collective soul, an identity which is expressed in the form of faith, in a code of beliefs, is understood as a collective treasure. For this reason diversity is a traitor to faith, a sin, and a crime at the end of the day.”

But it was the victory of the rule of law which protects the individual as a holder of rights separate and distinct from the collective that made defamation of religions a foreign concept to the European experience today. The authors canvass the blasphemy laws of the West and defamation of religions resolution at the United Nations. Ultimately, they suggest, defamation of religion as currently discussed each year at the UN “will increase the conflict with the International Bill of Human Rights.”

Finding the balance between defamation of religion and freedom of expression was the goal of the article of Vaughn E. James. He presented the case of an evangelical preacher on the Caribbean island of La Dominique challenging the teachings of the Roman Catholic Church. The preacher condemned a re-dedication service for a cross on a mountain top – he ridiculed the Church and called on his members to boycott the service. Was the preacher defaming a religion? How does one balance the right to free expression?

To answer this question James' paper looked in depth into the current debate at the UN on defamation of religions. He dealt extensively with the freedom of expression and then proposed a number of useful recommendations for finding a balance between the competing rights at the UN. He closed his discussion by answering his question on the preacher in La Dominique – when the preacher “unfairly, incorrectly, and without basis in fact criticized the Bishop of Roseau and sought to belittle the Bishop as a person, his words crossed the line from freedom of expression to offending the religious sensibilities of not only the Bishop of Roseau and the many Roman Catholics who call the Commonwealth of Dominica home, but the sensibilities also of non-Catholics like myself and religious people of all faiths.” Yet while they were outrageous comments James was of the view that such did not warrant a criminal or civil trial – he envisaged “a system whereby...” people “would separate the discussion of theological issues and ... the making of negative statements about the people who subscribe to one theological viewpoint or another.”

Charles C. Haynes continued the discussion in his article on the call to live with our deepest differences. He warned those who sought to protect religion by law noting

that “What may serve to protect sacred symbols and beliefs from satire or attack today can be used to limit religious speech tomorrow.” Haynes drew upon American history to point out the long experience “to negotiate our deep religious and ideological differences mostly without going for the jugular. Unlike many European nations where free expression is sometimes viewed as potential threat to religion, the United States, on its best days, is a place where free expression is not only a friend to religion, but the necessary condition for full religious freedom. In fact, free expression and religious freedom in America were joined at the hip at birth – and remain inseparable today.” “What is blasphemous to one is a religious conviction to another. The danger lies in giving government the power to decide who is right.”

Haynes makes one “modest suggestion: Education, not censorship, is the key to creating societies with high levels of mutual respect and understanding. ... In a world where religion is at the heart of our most difficult challenges, this illiteracy can be dangerous.”

L. Bennett Graham in his contribution to the 2009 issue of *Fides* argued that “governments must recall the positive right that the law exists to protect – the ability to seek and express truth claims in a safe environment.” Given the “pluralistic public square” it is not surprising that truth claims will conflict. Graham called for recognition of the already existing law to address the issues of discrimination, personal defamation, and incitement to violence. He also noted that “Fostering respect requires the understanding that people with different beliefs are endowed with a human dignity that grants them the right to believe and the right to express those beliefs. Unless governments value that dignity over their own political expediency, religious freedom will be in danger from Islamabad to Beijing to Paris.”

2009 was the 500th anniversary of the birth of John Calvin. This led us to include an article from Thomas Domanyi on John Calvin. The article complemented the strong emphasis on the issue of Defamation of Religions as it focused in no small part to Calvin's role in the death of Michael Servetus. It was on October 27, 1553 that Servetus was burnt alive as a heretic. He was anti-Trinitarian and believed that Christianity was distorted by both the Roman Catholic Church and the Reformation. Domanyi pointed out that Calvin was of the view that “The State dare not allow Christ to be mocked. The godless should not be given the freedom to cause mischief so that the weak, which the State is required by God to protect, are not plunged into destruction.”

The 2008-2009 publication of *Fides et Libertas* provides a resource for both the scholar and the student to obtain a firm understanding of the reasons why the IRLA and its Board of Experts have serious misgivings about the Defamation of Religions resolution. While there is some overlap in the articles – in particular the historical analysis of the resolution since 1999 – it nevertheless provides the reader with sufficient depth and difference to make the venture worth the effort.

The IRLA was started in 1893 to promote religious freedom for all people around the world. Our mission statement requires us to: “defend and safeguard the civil right of all people to worship or not to worship, to adopt a religion or belief of their choice, to manifest their religious convictions in observance, promulgation, and teaching, subject only to the respect for the equivalent rights of others.” You can find more about our work at the UN and why we do not support the effort to protect religions from “defamation” by visiting: www.IRLA.org

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