Course Description: This 3-credit course offers a common theoretical framework to examine issues at the intersection between Islam, Muslims, and religious freedom. We will consider international human rights law, Islamic law and theology, and religious freedom protections (or lack thereof) that impact Muslims as minorities and non-Muslims in Muslim-majority states. These issues are often discussed separately and then highly politicized, causing confusion about the relationship between Islam and religious freedom. Furthermore, the timeliness of this course is reinforced by the rise in populism and recent political events—anti-Muslim election rhetoric in the Brexit referendum and 2016 US Presidential election, Trump’s travel ban, and an increase in anti-Muslim hate crimes. This course examines the full range of topics and interconnections among those topics.

Office Hours: While I do not have set office hours, feel free to email me to set up an appointment.

Grading: You will be evaluated based on your final research paper. However, I reserve the right to account for class participation (or lack of participation). To be clear, I am referring primarily to quality of participation and not just quantity.

Research Paper: You will be expected to write a 25-30 page paper for this course. You may choose the broader topic of your paper, but it must incorporate an element of both religious scholarship and secular legal components. Please email me a 2-3 paragraph proposal for your research paper no later than November 10th (although you are encouraged to submit a proposal early). Once I approve your topic, you may begin more intensive research and writing. A hardcopy of your final paper will be due on the last day of class (November 29th). Please email me a copy as well. The paper should be in Times New Roman, 12-point font, 1-inch margins, double spaced. I cannot allow any extensions. For emergencies, you must contact the Director of Student Academic Affairs to ask for an extension.

Absence Policy: As per University policy, you will not receive credit for the course if you miss more than 3 class sessions. At that point, you will be asked to withdraw or receive an F. If you have extenuating circumstances, please communicate with me and we will work out an arrangement with the administration.

Laptop Policy: No laptops will be allowed during class. This course will be more effective and interesting if everyone is mentally present and actively participating in discussion. The PowerPoints used during lecture will be emailed to you after class. If you need an accommodation for recording, please Dean Nields or the Office of Disability Services.

Food Policy: I understand that this course is scheduled during what would normally be lunch hour. You may bring snacks and drinks, but keep in mind that it is a small space and any noisy or smelly foods may be distracting to your colleagues.

Course Materials:
- Textbook- “Freedom of Expression in Islam” by Mohammad Hashim Kamali, Islamic Texts Society
- Course Packet- purchase through bookstore
(1) International Human Rights Law and Religious Liberty: Religious freedom is a fundamental human right, guaranteed by international law. This week, we look at the main international human rights treaties and examine their scope and quality of religious freedom protection. We also examine a range of regional human rights treaties, paying particular attention to the European human rights framework, considering the protection of religious freedom they afford. Finally we examine the way religious freedom rights enshrined within these treaties have been interpreted and applied.

- What specific religious freedom rights can we deduce as flowing from the international and regional human rights treaties?
- In what ways do the different regional human rights frameworks share or differ in their protection of freedom of religion compared with the international human rights treaties?
- How and to what extent is freedom of religion generally protected within international law?
- How do the Human Rights Committees and the European Court of Human Rights interpret and apply religious freedom rights?

1A. The International Legal Framework on Religious Freedom and Freedom of Expression

- International Covenant on Civil and Political Rights, Articles 18-19
- European Convention on Human Rights (ECHR), Article 9
- Bieledfelt, et al. p. 552-570

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2A. Islamic Countries’ Frameworks on Religious Freedom

- The Cairo Declaration on Human Rights in Islam

2B. Comparative Analysis

Weeks 3-4: September 13th and September 20th

(3-4) Islam, Religious Pluralism and Freedom of Religion: The atrocities carried out by ISIS/Daesh in Syria and Iraq and the actions of other Muslim extremists around the world give the impression that Islam is intolerant to difference, opposed to pluralism and wholly incompatible with freedom of religion. This section of the course challenges these assumptions by showing how there exists an extensive reservoir of Islamic law, theology and political thought that embraces and argues strongly for these ideals. We also examine Islamic thought related to the treatment of religious minorities that serves as an intellectual rebuke of the actions of Daesh towards religious minorities.

- What does Islamic law, theology and political thought say about religious pluralism and freedom of religion?
- Is there room for development and change in the law and theology?
- How are religious minorities treated in Muslim thought and in Muslim-majority countries?

3A. Islam and religious pluralism
- Muhammad ibn Abd-Allah; John Morrow. Six Covenants of the Prophet Muhammad with the Christians of His Time: The Primary Documents.

3B. The treatment of religious minorities in Muslim thought
- The Marrakesh Declaration
  - Executive Summary
  - Concept Paper
  - The Framework Speech

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4A. Islam and freedom of religion (inc. conversion and apostasy)
  - Chapter 10: Freedom to Sin (262-272)
  - Chapter 11: Freedom from Islam (273-287)
(5) Islam and Freedom of Expression (with a focus on blasphemy and free speech): In this section of the course we continue our study of Islamic political thought and theology but this time we focus on freedom of expression with a particular focus on blasphemy and free speech. Again examining the actions of some Muslims and Muslim-majority countries, as we will do in the next topic, can give an impression that Islam and freedom of expression are incompatible. This topic responses to and challenges these impressions.

- What does Islamic law, theology and political thought say about freedom of expression?
- Is there room for development and change in the law and theology?

5A. Freedom of Expression in Islam
- Book: Mohammad Kamali
  - Part II:
    - Chapter I. Introductory Remarks (p. 26-27)
    - Chapter VI. Freedom to Criticise (p. 49-61)
    - Chapter VIII. Freedom to Express an Opinion (p. 61-72)
  - Part IV:
    - Chapter I. Introductory Remarks (p. 166-167)
    - Chapter VIII. Sedition (Fitnah) (p. 190-212)
    - Chapter IX. Blasphemy (p. 212-250)

5B. Blasphemy in Islam
- Usama Hasan, “The Case for Freedom of Belief and the Case for Relaxation of Blasphemy Laws.”
Week 6: October 4th

(6) Muslims in the Majority: The previous two topics have provided us with grounding in Islamic political thought, law and theology on religious liberty issues. In this section of the course we examine Muslim actions in practice, specifically the laws and actions of governments in Muslim-majority countries. Some Muslim-majority states have laws that widely restrict religious freedom for Muslim dissenters and non-Muslim minorities while other Muslim-majority countries provide much broader protection.

- Are Islamic political and theological thought (examined in topics 2 thru 4) reflected in the laws of Muslim majority countries and if yes, to what extent?
- Why is there such a broad range of difference in how Muslim-majority states approach religious freedom?
- How do states purport to root their restrictive practices in Islam?
- What are the ways religious freedom is violated in Muslim-majority countries?
- What impact do these restrictive laws have on Muslims?

6A. Blasphemy laws

- Arafat Mazhar, 4 Articles on Pakistani blasphemy laws, Dawn.

6B. International efforts by the Organization of Islamic Conference to limit/protect speech


6C. Religious land use, ID cards, Proselytization, Disenfranchisement, Conversion (apostasy)

- “My Take: Most victims of Muslim religious persecution are other Muslims,” CNN.
- “Leader of Tunisia’s Ruling Party: Blasphemy is not a crime,” Human Rights First.
Week 7: October 11th

(7) Muslims in the Minority (Asia): While continuing our examination of the reality of freedom of religion in the world today, as opposed to what the law and political thought say, we turn out attention away from Muslim-majority countries to countries where Muslims constitute a minority. In this section of the course we examine the plight of Muslim minorities in selected countries in Asia, specifically, the Rohingya in Burma, the Hui and Uighurs in China, the Tatars in Crimea, and the Muslim minority in India. We consider how religious freedom has been violated in these countries and examine the consequences for the Muslim minority specifically.

- What are some of the common ways these countries violate religious freedom for religious minorities?
- How are rationales based on security and counter-terrorism used to limit human rights in overbroad ways?
- How is the “defamation of religions” concept used in this context?

7A: Overview of relevant state action
- Burma- “The most persecuted people on Earth?” *The Economist*.
- Russia- “Russia Continues to Oppress Crimea’s Tatars,” *Al Jazeera*.
- India- “Growing, and Neglected: A steadily rising Muslim population continues to fall behind,” *The Economist*.

7B: Repression in Central Asia
- USCIRF Reports (Uzbekistan, Tajikistan)
- “In Central Asia, Islamic State adds a new twist to a diplomatic puzzle,” *The Economist*.

7C: Justifying repression: “Defamation of religions”
- “Group Defamation Laws Like India's Invite Religious Bullies to Suppress Speech,” *The Martin Marty Center for the Advanced Study of Religion*.
- “NLD Official Condemned After Buddhism Speech,” *The Irrawaddy*.

7D: Justifying repression under the “counterterrorism” narrative
- “Terrorism as Pretext: Religious Repression in Central Asia,” *The Diplomat*.
- “Shadow of surveillance looms over Japan’s Muslims,” *The Japan Times*.
- “Counterterrorism or Repression? China Takes on Uighur Militants,” *War on the Rocks*.
(8-9) Muslims in the Minority (Europe and Canada): In this section of the course, we continue our examination of Muslims in the Minority, but this time we focus on Europe and Canada. The consequences of the growing Muslim population in Europe and Canada have intensified an already troubled relationship between religion and human rights, particularly in Europe. We will examine a number of religious freedom issues to have emerged in these countries, paying special attention to the problem of anti-Muslim speech, and will also consider those religious freedom issues that have provided a space for shared cooperation across religious divides.

- What are some of the common ways these countries violate religious freedom for religious minorities?
- How has rights-restrictive jurisprudence been impacted by concerns related to Muslims?
- What are some avenues for change?

8A. Overview of demographics

8B. Overview of issues

8C. Religious garb
- “As expected, France’s highest court declared a burkini ban illegal. So what happens now?” Rim-Sarah Alouane. Medium.
- “Canadian Politics, Unveiled,” Foreign Affairs.

8E. Shared struggles across faiths
- “Much Ado About Not Much,” The Economist.
- “Circumcision Ruling: European Bureaucrats are Effectively Banning Jewish Boys,” Telegraph.
- “Muslim-Jewish Council formed to fight for religious freedom,” Ynet News.

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9A. Anti-Muslim speech in Europe
- Danish cartoons
- “The Real Reasons Cartoons of Mohammed Offend So Many Muslims,” Vox.

- Charlie Hebdo
  - “Charlie Hebdo Attack: Three Days of Terror,” BBC.

(10-12) Muslims in the Minority (United States): This section of the course continues with an examination of the reality of religious freedom protection but this time the focus is on the United States. American religious freedom jurisprudence is the broadest, most protective in the world, and the Muslim community has benefited tremendously, despite numerous and consistent efforts by its opponents to strip them of these rights. This segment of the class will explore:

- How does U.S. law protect religious freedom for American Muslims? Where has the law failed to offer this protection?
- How have American Muslims made progress that would not be possible in Muslim countries that restrict religious freedom and expression?
- What are some of the religious freedom struggles American Muslims share with Americans from other religious groups?

10A. Overview of American religious freedom jurisprudence
   - Westlaw Constitutional Law Texts & Treatises, Pt II, Ch 10, Religion.

10B. Overview of American Muslims

10C. Anti-Sharia laws
   - Setting the Record Straight on Sharia,” Interview with Dr. Intisar Rabb, Center for American Progress.
   - Awad v. Ziriax, 670 F.3D 1111 (10th Cir. 2012).

11A. Shared struggles across faiths
   - Blaine Amendments
   - Religious land use
     - “History of RFRA,” Becket Law.
   - Prisoner rights
Holt v. Hobbs amicus brief by diverse religious denominations.

- Religious garb

12A. Overview of Islamophobia / Public Views of American Muslims
- Summary of “The Bridge Initiative’s Super Survey.”
- “2016 Election Coincided with Horrifying Increase in Anti-Muslim Hate Crimes, Report Finds,” The Huffington Post (citing CAIR report).
- “For Muslim Women Workers, Bias Can Start with the Interview,” The Atlantic.
- “Study: Muslim job candidates may face discrimination in Republican states,” Pew Research Center.

12B. Anti-Muslim speech
- “Fear, Inc. 2.0,” Center for American Progress.
- Fear Inc. (Interactive Site) https://islamophobianetwork.com
- Evelyn M. Aswad, “To ban or not to ban blasphemous videos,” Georgetown Journal of International Law.
- Qur’an burning
  - “Terry Jones: How free speech and Quaran burning can lead to violence,” Christian Science Monitor.
  - “If you burn a Quran, yes, you should go to jail,” New Statesman.
- “Ground Zero Mosque” and Park 51
Week 13: November 29th (read materials for weeks 13 and 14)

(13) Governments across Europe and in the U.S. have introduced, under the guise of anti-terrorism laws, considerable restrictions on their citizens' human rights. This process of securitization has serious negative ramifications for human rights, not least and specifically, for the right to freedom of religion. This section of the course examines how and in what ways the right to freedom of religion has been curtailed and undermined by counter-terrorism measures. It also considers the consequences of these developments for the success of counter-terrorism measures. In other words, does impeding liberty limit their efficacy?

13A. Public order rationales in religious liberty cases

13B: Countering Violent Extremism & Freedom of Religion/Expression Norms
- Hasan v. NYC Case Summary
- “Blocking Faith, Freezing Charity,” ACLU.

13C: Lingering Issues/Course Wrap-up