

## Religion, Hateful Expression and Violence

Salone Brunelleschi, Ospedale degli Innocenti,<sup>1</sup>  
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the Centre for International Law Research and Policy (CILRAP),  
in co-operation with*

*the Institute for International Peace and Security Law of the University  
of Cologne, Faculty of Law of the University of Delhi, Faculty of Law of  
the University of Haifa, Centre for Evidence and Criminal Justice Studies  
at Northumbria Law School, Observatory of International Humanitarian  
Law of the University of Buenos Aires Law School,  
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with funding from the Norwegian Ministry of Foreign Affairs.<sup>2</sup>*



*St. Yves Administering  
Justice  
Maestro di Sant'Ivo, 1405-1410*

In 1843 Karl Marx wrote that religion “is the *opium* of the people”,<sup>3</sup> an expression that has become widely known since the 1930s with the spread of Marxism.<sup>4</sup> His idea was that practical functions of religion in society<sup>5</sup> are similar to the function of opium in a sick person, reducing suffering and

<sup>1</sup> The conference takes place in Salone Brunelleschi, a large hall surrounded by courtyards, at the centre of the [Innocenti complex](#) in Florence. The Ospedale degli Innocenti (Hospital of Innocents or Foundling Hospital) was established in 1419 by the local guild of silk workers. It is “one of the earliest efforts by secular authorities to elevate the concerns of the most vulnerable children to the level of civic priority” (in the words of UNICEF’s research office located in the complex), centuries after Plato (“Orphans should be placed under the care of public guardians.” (*Laws*, 927)), Emperor Antoninus Pius (who established relief agencies for children in the second century), and St. Augustine (“The bishop protects the orphans that they may not be oppressed by strangers after the death of the parents.”). Commissioned in 1419 to care for orphans in Florence, the Innocenti complex was designed by Filippo Brunelleschi (1377-1446), among the most important architects of the Renaissance in Europe. Conference participants will be given opportunities to see the complex, including its museum. The San Marco Convent, another architectural marvel of the Renaissance, designed by Brunelleschi’s successor Michelozzo di Bartolomeo Michelozzi (1396-1472), a mere block away from the conference venue, is the first stop in the cultural programme of 10 August 2022 (for those who registered). For some background information, see Alick McLean, “Renaissance Architecture in Florence and Central Italy”, in Rolf Toman, *The Art of the Italian Renaissance*, Könemann, Cologne, 1995, pp. 98-129.

<sup>2</sup> The paragraphs that follow are drafted by CILRAP’s Director Morten Bergsmo on the basis of dialogue with, and project-related guidance offered to, participants during the months preceding the conference. It brings some sources and quotations as well as project context, structure and emphasis for the benefit of the participants and their joint discussions. The text will also serve as a starting point for his chapter in the project anthology.

<sup>3</sup> The expression was included in the introduction to Marx’ posthumously published *Critique of Hegel’s Philosophy of Right* (criticizing Hegel’s *Elements of the Philosophy of Right* (1820)). The original German words are “Die Religion [...] ist das Opium des Volkes”, appearing in this context: “*Religious* suffering is, at one and the same time, the *expression* of real suffering and a *protest* against real suffering. Religion is the sigh of the oppressed creature, the heart of a heartless world, and the soul of soulless conditions. It is the *opium* of the people”, see Karl Marx, *A Contribution to the Critique of Hegel’s Philosophy of Right*, 1843, translated by A. Jolin and J. O’Malley, edited by J. O’Malley, Cambridge University Press, 1970, Introduction. A few sentences earlier, Marx wrote: “Religion is, indeed, the self-consciousness and self-esteem of man who has either not yet won through to himself, or has already lost himself again”.

<sup>4</sup> The sentence was included in a journal of limited circulation in 1844, but did not reach a broad audience in the 1800s.

<sup>5</sup> He wrote that religion is the “enthusiasm” of the world, “its moral sanction, its solemn complement, and its universal basis of consolation and justification”, see Karl Marx, *Critique of Hegel’s Philosophy of Right*, *supra* note 3.

providing pleasant illusions that may give hope. Three years earlier, Heinrich Heine had expressed it more poetically: “Welcome be a religion that pours into the bitter chalice of the suffering human species some sweet, soporific drops of spiritual opium, some drops of love, hope and faith”.<sup>6</sup> It is an evocative metaphor, long before the “U.S. Opioid Epidemic”.<sup>7</sup> The social criticism that religion can nourish values that consolidate power-relations in a society remains valid.<sup>8</sup> Hate speech in the name of religion – the theme of this multi-disciplinary project – can also be instrumentalised by actors whose principal interest is to wield or seek social or economic power.

Four decades after Marx associated religion with sickness, Friedrich W. Nietzsche took a further step by adopting the metaphor of death. “God is dead! God remains dead! And we have killed him!”,<sup>9</sup> says Nietzsche’s madman who, like Nizámí’s Majnún nearly seven centuries earlier,<sup>10</sup> is on a search beyond social conventions. His eyes piercing those around him, he asks questions which keep resonating to this day: “How were we able to drink up the sea? Who gave us the sponge to wipe away the entire horizon? What were we doing when we unchained this earth from its sun? Where is it moving to now? Where are we moving to? Away from all suns? Are we not continually falling?”.<sup>11</sup> Nietzsche’s words exhilarate open minds, as much as his proposition that ‘God is dead!’ echoes in speech around the world.

The metaphors used by Heine, Marx and Nietzsche have become commonplace, but they may not feel so apt when we consider angry, virulent hate speech in the name of religion, especially when the hateful expressions trigger violence or armed conflict, which is our concern in this project. From the vantage point of a city like Florence – where the project-conference takes place – a less strident metaphor for religion may be that of a thorny rose. It is not difficult to savour the beauty of religion as rose petals when surrounded by the arts and architecture of Florence. Indeed, we will make a point of studying some of that in conference side-events.<sup>12</sup> And it is all too easy to observe the thorns of religion in the hateful expressions (be they words or symbolic conduct of legitimation) by religious actors or in the name of religion, especially where such expressions have led to the kind of violence that we have seen in, for example, the former Yugoslavia or Myanmar. It is this thorn in the side of public order, security or peace in several countries – religion-based or -related hate speech – that we direct our attention to in the present project.

### *Religion ‘resurrected’ as an international human right (Part III)*

Rather than solemnly burying God, sixty-six years after Nietzsche’s madman pronounced God dead, nations of the world raised a normative shield by declaring that “everyone has the right to freedom of [...] religion”, including “freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance”.<sup>13</sup> Article 18 of the 1948 Universal Declaration of Human Rights (‘UDHR’) recognized freedom of religion as a central value of the post-World War II international

<sup>6</sup> Heinrich Heine, *Ludwig Börne - a Memorial*, 1840, Camden House, 2006, p. 95.

<sup>7</sup> The term is used on the web site of the United States Department of Health and Human Services, noting that 10.1 million Americans “misused prescription opioids” in 2019. The Department declared a public health emergency in 2017 (hhs.gov site, 19 March 2022).

<sup>8</sup> The unveiling of masked power has been pursued by other CILRAP projects, see Morten Bergsmo, Mark Klamberg, Kjersti Lohne and Christopher B. Mahoney (eds.), *Power in International Criminal Justice*, Torkel Opsahl Academic EPublisher, Brussels, 2020, 884 pp. (<https://www.toaep.org/ps-pdf/28-power>).

<sup>9</sup> Friedrich W. Nietzsche, *The Gay Science*, 1882, translated by Josefine Nauckhoff, Cambridge University Press, 2001, p. 120. The quotation continues: “How can we console ourselves, the murderers of all murderers! The holiest and the mightiest thing the world has ever possessed has bled to death under our knives: who will wipe this blood from us? With what water could we clean ourselves?”.

<sup>10</sup> Nizámí Ganjaví, *The Story of Layla and Majnun*, 1188, translated by Dr. Rudolf Gelpke, Omega Publications, New York, 1997. Active in twelfth-century Iran, Nizámí is widely considered one of the greatest poets in Persian literature. For a discussion of Nizámí’s ‘majnún’ and its later iterations, see Michael W. Dols, *Majnún: The Madman in Medieval Islamic Society*, Clarendon Press, Oxford, 1992, pp. 320-339.

<sup>11</sup> *Supra* note 9.

<sup>12</sup> The participants who have registered can take part in the side-events described on page 24 below.

<sup>13</sup> Universal Declaration of Human Rights, 10 December 1948 (<https://www.legal-tools.org/doc/de5d83/>).

legal order. The right was cemented in Article 18 of the 1966 International Covenant on Civil and Political Rights ('ICCPR').<sup>14</sup> It became a cornerstone of the emerging discipline of international human rights law, just as foundational as the freedom of expression in Article 19 of the Universal Declaration<sup>15</sup> (as further refined by Article 19(2) of the ICCPR),<sup>16</sup> both freedoms originating in the domestic laws of several states<sup>17</sup> and the writings of some philosophers.<sup>18</sup> The ICCPR specifies law-prescribed limitations or restrictions to the two freedoms, necessary to protect common (public order, health and morals) and specific interests.<sup>19</sup> Article 20(2) of the Covenant recognizes that the freedoms of religion and expression in association can pose particular societal risks: "Any advocacy of [...] religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law."<sup>20</sup> If we look to the ordinary meaning of its wording<sup>21</sup> and the negotiation history,<sup>22</sup>

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<sup>14</sup> Paragraph 1 of which is restated here for convenience: "Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching". See International Covenant on Civil and Political Rights, 19 December 1966, 173 States Parties (<https://www.legal-tools.org/doc/2838f3/>).

<sup>15</sup> UDHR, Article 19: "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."

<sup>16</sup> ICCPR, Article 19(2) separated out the freedom to hold opinions and specified the media of expression: "Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

<sup>17</sup> Among these countries are Denmark, France, the United Kingdom and the United States. The constitutional, philosophical and political discourse on these freedoms and their limitations is naturally richer in some of these countries than in the international society. Although the main normative framework of the present project is international law (as it is probably the only common global value system that we have), we should, needless to say, draw on the wealth of insights and considerations from the domestic level, as discussed, for example, in Jeremy Waldron's *The Harm in Hate Speech*, Harvard University Press, 2012. Some actors question whether international law provides coherent regulation on questions relevant to hate speech and the related fundamental freedoms. Toby Mendel seeks to answer such basic queries in his text 'Does International Law Provide for Consistent Rules on Hate Speech?', in Michael Herz and Peter Molnar (eds.), *The Content and Context of Hate Speech: Rethinking Regulation and Responses*, Cambridge University Press, 2012, pp. 417-429.

<sup>18</sup> Waldron (*supra* note 17, pp. 207-233) discusses how the idea of freedom of religion was integral to philosophers of the Enlightenment period, including John Locke's writings on toleration. Some passages by Locke remain highly relevant to our project: "all men, whether private persons or magistrates (if any such there be in his church), [should] diligently endeavour to ally and temper all that heat and unreasonable averseness of mind which either any man's fiery zeal for his own sect or the craft of others has kindled against dissenters"; "how happy and how great would be the fruit, both in Church and State, if the pulpits everywhere sounded with this doctrine of peace and toleration" (see John Locke, *A Letter Concerning Toleration*, ed. Patrick Romanell, Bobbs Merrill, Indianapolis, 1955, p. 28).

<sup>19</sup> Article 18(3) (freedom of religion) also provides limitations on the grounds of public safety and the fundamental rights and freedoms of others; and Article 19(3) (freedom of expression) on the grounds of the rights or reputations of others and national security.

<sup>20</sup> Jeroen Temperman traces the origins of Article 20(2), discusses its implementation in domestic law, and proposes an understanding of the elements of the conduct to be prohibited by States Parties. He suggests that its drafters "adjudicated an abstract clash of fundamental rights and settled on an a priori balance. Accordingly, protection against violence and discrimination triumphed over absolute free speech. The *travaux préparatoires* pertaining to this article are a narrative of fear.", see Jeroen Temperman, *Religious Hatred and International Law: The Prohibition of Incitement to Violence or Discrimination*, Cambridge University Press, 2018, p. 369. He argues that a 'necessity test' integral to Article 20(2) "requires that incitement only result in criminal punishment if it was likely that harm would shortly – imminently – befall the speech act's target group. In order to make that determination we need, first of all, knowledge of the speech act's overall societal context. In particular, we need to establish the position of the target group in terms of its vulnerability, as evidenced by, for instance, recorded hate crimes and discrimination monitors. Further, we need to establish the speech act's directly surrounding circumstances, such as the position, role and status of the speaker, the extent or reach of the speech, the composition of his or her audience, and suchlike. This information, together with the speech act's content (possibly containing e.g. fighting words, or acts of stereotyping or dehumanization) and its tone (possibly being inflammable) as well as the speaker's intent, will provide a fuller picture of the risk emanating from the hateful speech." (p. 372).

<sup>21</sup> "[T]he text of Article 20(2) ICCPR itself – in addition to the drafters' views, subsequent state practice and the opinion of the UN Human Rights Committee – suggests that the Covenant's incitement provision is mandatory. This means that State parties, unless they have made a reservation to the opposite effect, are required to enact legislation prohibit-

the core of the provision enjoins upon ICCPR States Parties to statutorily prohibit expressions of religious hatred that amount to incitement to violence, also when committed by non-state, religious actors.<sup>23</sup> Some States Parties do not recognize that they have an obligation to adopt legislation under the provision.<sup>24</sup> Other actors have argued that there should be a human right to protection from incitement to hatred as the flip side of the obligation to prohibit incitement.<sup>25</sup> Article 20(2) goes to the core of the present project, which concerns the problem of *public advocacy of religious hatred (by religious actors or in the name of religion) that constitutes incitement to violence*, especially in situations where such violence has occurred or is likely to occur as a consequence of the advocacy or incitement.<sup>26</sup>

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ing any advocacy of hatred that constitutes incitement to discrimination, hostility or violence”, see Jeroen Temperman, *ibid.*, p. 369.

- <sup>22</sup> See Manfred Nowak, *U.N. Covenant on Civil and Political Rights: CCPR Commentary*, N.P. Engel Publisher, Kehl, 1993 (the early edition closer to the process), p. 366: “What the delegates in the HR Comm and the GA had in mind was to combat the horrors of fascism, racism and National Socialism at their roots, i.e., to prevent the public incitement of racial hatred and violence within a State or against other States and peoples”; Mona Elbahtimy, *The Right to Protection from Incitement to Hatred: An Unsettled Right*, Cambridge University Press, 2021, p. 182: “States belonging to the Western bloc resisted the very inclusion of the Article [20] in the ICCPR on the basis that it did not fall under the Covenant’s substantive scope. They conceived of the ICCPR as an instrument that should set forth only individual rights of a negative nature, entailing the non-interference of states. Western states perceived Article 20 to impose unwarranted restrictions on freedom of expression, rather than setting forth a human right. Thus, they sought, during the negotiations, to narrow the scope of the Article’s prohibitions as much as possible.”
- <sup>23</sup> UN Human Rights Committee, General Comment No. 11: ‘Prohibition of propaganda for war and inciting national, racial or religious hatred (Article 20)’, 29 July 1983 (<https://www.legal-tools.org/doc/43dd60/>): “For article 20 to become fully effective there ought to be a law making it clear that propaganda and advocacy as described therein are contrary to public policy and providing for an appropriate sanction in case of violation.”
- <sup>24</sup> Only a few Western states entered an express reservation, while a number of states have incitement laws that largely correspond to Article 20(2). In its first reservation to the Covenant, the United States, observed that “article 20 does not authorize or require legislation or other action by the United States that would restrict the right of free speech and association protected by the Constitution and laws of the United States”. Upon ratification, the United Kingdom interpreted “article 20 consistently with the rights conferred by articles 19 and 21 of the Covenant and having legislated in matters of practical concern in the interests of public order (*ordre public*) reserve the right not to introduce any further legislation”. Australia also reserved the right “not to introduce any further legislative provision on these matters”. The quotations are taken from the United Nations Treaty Collection’s web page for the ICCPR (status as at 25 March 2022).
- <sup>25</sup> Mona Elbahtimy discusses the case for such a human right in detail in her monograph *The Right to Protection from Incitement to Hatred: An Unsettled Right*, *op. cit.*: “While the original negotiations on the codification of the norm prohibiting incitement to hatred led, eventually, to the adoption of Article 20(2) of the ICCPR on the basis of a fragile international agreement, more recent negotiations on remodelling the norm ultimately reached an impasse. The standard-setting attempts at the UN, led by Islamic states, generated a dynamic of evolution, but this dynamic has failed to transform into actual normative evolution.” (p. 183). See also Jeroen Temperman, *Religious Hatred and International Law: The Prohibition of Incitement to Violence or Discrimination*, *op. cit.*, p. 370: “the Human Rights Committee has gradually derived from that standard a right to be free from or protected against incitement. For the time being that ‘right’ does not live the life of autonomous right that can be invoked by applicants against their state. It is mostly construed as a ‘right of others’, thus as a limiting factor with respect to the freedom of expression. Future case law may upgrade this right to a full-fledged legal entitlement, providing legal standing in cases in which State parties to the Covenant are alleged to have failed to uphold the protection offered by this standard”. Elbahtimy argues that the attention should turn to “making Article 20(2) more practicable for states through the provision of guidance to prosecutorial and judicial authorities about the sound application of national incitement legislation” (pp. 186-187). Elbahtimy’s monograph is valuable also as a study of challenges and imbalances in international human rights law-making.
- <sup>26</sup> Our project is not focused on advocacy of “national” or “racial” – as opposed to “religious” – hatred. In particular, we are interested in situations where the perpetrators of hate speech (a) act in the name of religion and (b) target members of other religious communities with their hate speech. For a discussion on the relationship between advocacy of racial and religious hatred and free speech in the context of statutory regulation in England and Wales, see Peter Cumper, ‘Inciting Religious Hatred: Balancing Free Speech and Religious Sensibilities in a Multi-Faith Society’, in Nazila Ghanaea, Alan Stephens and Raphael Walden (eds.), *Does God Believe in Human Rights? Essays on Religion and Human Rights*, Martinus Nijhoff, Leiden, 2007, pp. 233-258.

Incitement to “discrimination” or “hostility” are not excluded from the project, but they are clearly less important for our purposes than incitement to “violence” pursuant to the expression of religious hatred. We are primarily concerned with *situations where religion-based or -related hate speech leads to – or has significant potential to lead to – actual violence, not only discrimination or hostility*. In the words of Elbahtimy: “The prohibition of hate advocacy that constitutes clear and unambiguous incitement to immediate violence or illegal acts is the aspect of the norm that enjoys most transnational resonance, since it easily crosses cultural and ideological boundaries. However, legal regulation of

Beyond the fundamental freedoms of religion and expression and the treaty-obligation to prohibit incitement to violence, the sister-discipline of international criminal law also provides international law classifications that may apply to religious incitement to violence. They include the modes of liability of incitement,<sup>27</sup> instigation<sup>28</sup> and ordering,<sup>29</sup> and the crime against humanity of persecution.<sup>30</sup>

Part III of our project gives an overview of the international law framework sketched here (in Section D), as well as some overarching normative frameworks of philosophy and religion (Section E). We hope the project anthology will receive further contributions than those indicated in conference Session E of the present programme.<sup>31</sup> Keynote presentations in Part I discuss dilemmas in the balancing of preservation of freedom of religious expression and prevention of hate speech and incitement to violence.

### *Religion and international law after the international recognition of freedom of religion*

Let us for a moment return to the broader context, as our project is open to more general reflections on the relationship between international law and religion. International law's post World War II shielding of freedom of religion does not mean that international lawyers perceived it as more than surviving in the twentieth century "as a set of 'principles' guiding the practice of institutions".<sup>32</sup> In the words of David Kennedy, they viewed religion as "private where the law is public. Religion is what we had before we had law. Religion is the domain of irrationality and charismatic authority, law the realm of reason and the bureaucratic. International law understands its birth as a flooding forth from the darkness of religious strife, antidote to the passions of faith, on guard against their re-emergence as ideology".<sup>33</sup> The end of the Cold War changed this, in Kennedy's view, allowing international lawyers "to come out [...] for a global law purged of ideological commitment but committed to liberal virtue. After ideology, all the censors can relax. Including, it seems, the secular separation from religion".<sup>34</sup> In all "the clamor for God and law we can feel, faintly, the slight weight-

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hate advocacy that falls short of incitement to violence but creates a social climate conducive to hostility and discrimination does not enjoy the same universal resonance.", see Mona Elbahtimy, *The Right to Protection from Incitement to Hatred: An Unsettled Right*, *op. cit.*, p. 186.

Richard Moon describes the fine line between hate speech and incitement to violence: "Hate speech creates a risk of harm when it plays to an audience's fears and resentments and builds on their existing prejudices", and the concern is that "individuals, or small groups who are already inclined to bigoted thinking may be encouraged or emboldened to take extreme action against the targeted group's members" (see Richard Moon, *Putting Faith in Hate: When Religion Is the Source or Target of Hate Speech*, Cambridge University Press, 2018, p. 149). Waldron explains how "[h]ate speech undermines this public good [the "sense of security in the space we all inhabit", "inclusiveness"], or it makes the task of sustaining it much more difficult than it would otherwise be. It does this not only by intimating discrimination and violence, but by reawakening living nightmares of what this society was like – or what other societies have been like – in the past. In doing so, it creates something like an environmental threat to social peace, a sort of slow-acting poison, accumulating here and there, word by word, so that eventually it becomes harder and less natural for even the good-hearted members of the society to play their part in maintaining this public good" (Jeremy Waldron, *The Harm in Hate Speech*, *op. cit.*, p. 4).

<sup>27</sup> See Gregory S. Gordon, *Atrocity Speech Law: Foundation, Fragmentation, Fruition*, Oxford University Press, 2017, pp. 136-166, 185-217 and 273-306.

<sup>28</sup> *Ibid.*, pp. 174-178, 242-250 and 341-344.

<sup>29</sup> *Ibid.*, pp. 178-181, 250-252 and 345-346.

<sup>30</sup> *Ibid.*, pp. 166-173, 220-242 and 308-341.

<sup>31</sup> The structure of the conference programme below corresponds, with a few exceptions, to the table of contents of the conference anthology, which will be the main tangible outcome of this project.

<sup>32</sup> David Kennedy, 'Losing Faith in the Secular: Law, Religion, and the Culture of International Governance', in Mark W. Janis and Carolyn Evans (eds.), *Religion and International Law*, Martinus Nijhoff, The Hague, 2004, p. 313.

<sup>33</sup> *Ibid.* Kennedy's captures the concern with acerbic talent: "imperial ambitions emboldened by religion, or ideology, straining against the leash of an agnostic territorial limit – that's evil."

<sup>34</sup> *Ibid.*, p. 315.



lessness of a pendulum reversing its course”,<sup>35</sup> “not to confront, but to confirm, less to confound, than to comfort”.<sup>36</sup>

Others may see the community of international lawyers as more diverse and global than the ‘class’ at the centre of Kennedy’s analysis. The late Judge Christopher G. Weeramantry of the International Court of Justice, for example, recognized that “revered texts which command the respect and allegiance of over four billion of the world’s population [...] converge in their teachings on the central question of peace. It is time therefore that international law delved deeper into this primary source of moral inspiration of the bulk of the world’s population, thereby reinforcing its own authority to light up the path towards global peace”.<sup>37</sup> Unless international law is brought “closer to the hearts and minds of the people of the entire world community”, he warned us with some persuasion, “international law will achieve only a fraction of its potential”.<sup>38</sup> Leaders of the Third World Approaches to International Law-movement, such as Anthony Angie, have pointed out how Judge Weeramantry sought “to develop an international law in which the developing world might recognize itself and pursue its own aspirations as a part of the global community. The legitimacy of international law depends crucially on these factors”.<sup>39</sup> Weeramantry was conscious of the ways in which “law ‘properly so called’ was only one aspect of a much broader system of norms which regulated human action and had meaning and legitimacy for the people to whom they were applied”, as he had become “acquainted with the ways in which four religions – Hinduism, Islam, Buddhism, and Christianity – shaped the laws he was called upon to administer”.<sup>40</sup> Weeramantry’s acceptance and use of a variety of sources (including religious texts that “command the respect and allegiance” of half of mankind), as supported by Angie, may perhaps reflect Philip Allott’s vision that international law – “the law of international society, the true law of a true society” – is made, “like all other law, through the total social process of international society, in which we all participate, the people of the world and all our subordinate societies, including the state-societies”.<sup>41</sup>

Whether leaning in the direction of Kennedy’s skinning analysis of Western-led discourse or Weeramantry’s inclusive approach, there seems to be widespread recognition that developments since September 2001 have “taught us that respectful, thoughtful dialogue between people from different backgrounds and different religious beliefs is essential if humanity is to have a shared future. International law seeks to develop a legal framework that emphasizes our common humanity and dignity. If international law is to achieve this aim, then international lawyers can no longer afford to ignore the importance that religion plays for many individuals and in many societies”.<sup>42</sup> The present project touches briefly on the *positive* side of this in Part III and elsewhere in the programme where we discuss the broader context of the relationship between religion and international law in more general terms.<sup>43</sup>

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<sup>35</sup> *Ibid.*, p. 312.

<sup>36</sup> *Ibid.*, p. 318. He suggests that we “normally return to religion less to question than to confirm our eclecticism, less as a displacement of secularism than as a continuation of its will to power. Like most interdisciplinary gestures, the move of law to politics, of politics to law, of both to religion, seeks across the border for reasons to celebrate the most central commitments of our own disciplinary domain”.

<sup>37</sup> Christopher G. Weeramantry, *Universalising International Law*, Martinus Nijhoff Publishers, Leiden, 2004, p. 368 (footnote omitted). See Chapter 12 ‘Religious Perspectives on Peace’, pp. 368-389.

<sup>38</sup> *Ibid.*, in the dedication of the book.

<sup>39</sup> Anthony Angie, ‘C.G. Weeramantry at the International Court of Justice’, in *Leiden Journal of International Law*, Vol. 14, No. 4, 2001, pp. 845-846.

<sup>40</sup> *Ibid.*, p. 833.

<sup>41</sup> Philip Allott, *The Health of Nations: Society and Law beyond the State*, Cambridge University Press, 2002, p. 420.

<sup>42</sup> Carolyn Evans and Mark W. Janis, in ‘Introduction to the Paperback Edition’, *Religion and International Law*, *supra* note 20.

<sup>43</sup> Ioana Cismas makes a distinction between three “clusters of topics” that have attracted the attention of legal scholars: (1) “church-state relations, the principle of state neutrality and secularism, including in relation to the display of religious symbols and the wearing of religious dress in public”; (2) the “relationship between law and religion(s) through a historical, theoretical, doctrinal, or empirical lens”, including the contribution of religion to the development of international law (such as such as international human rights or humanitarian law) and the influence of law on religion; and (3) the “protection that international instruments and national legislation provide to freedom of religion, the prohibition of religious discrimination, and parental rights concerning the religious education of their children”. To this, she pro-

*Religion as a source of incitement to violence: the words and motivations (Parts II and IV)*

Our focus is, however, on a more *negative* dimension: the expression of religion-based or -related hatred in ways that amount to incitement to violence which can place “respectful, thoughtful dialogue” under serious strain. Hate speech in the name of religion that triggers acts of terrorism or other forms of violence has become a challenge of concern to the international community as a whole. A serious attempt to address this challenge should be informed (a) of the real threat (rather than assumptions or a theory about religious hate speech), and (b) by an attempt to understand the main factors that motivate such hate speech. To this end, Part II of the project includes case studies of relevant hate speech in Myanmar,<sup>44</sup> India<sup>45</sup> and the former Yugoslavia,<sup>46</sup> seeking to establish the exact

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poses a further cluster: (4) the “agency of religious actors in interpreting religion. It reaches beyond freedom of religion to address a wider array of rights of religious actors, and beyond the incompatibility of religion with law to address the obligations of religious actors under international law”. Directly relevant to the present project, Cismas offers a “new narrative that seeks to ensure the compliance of religious actors with international law”. See Ioana Cismas, *Religious Actors and International Law*, Oxford University Press, 2014, pp. 6-9. The discourse may in due course be further expanded to include considerations of (5) the complementarity of international law and religion as tools for the betterment of humankind, as recent works by authors such as Ronald Dworkin (*Religion without God*, Harvard University Press, 2013), Anthony T. Kronman (*Confessions of a Born-Again Pagan*, Yale University Press, 2016), Roberto M. Unger (*The Religion of the Future*, Harvard University Press, 2014), and Christopher G. Weeramantry (*Universalising International Law*, *op. cit.*) reach a certain level of euphoria. Kronman’s latest book (*After Disbelief: On Disenchantment, Disappointment, Eternity, and Joy*, Yale University Press, New Haven, 2022) beautifully recounts how scientific inquiry, the pursuit of social justice, and love “are what remain of the idea of eternity and our desire to reach it” as we “set goals that we can neither avoid nor fully achieve, yet are able to approach, in an endless time, to an ever-increasing degree” (p. 44). “In the broadest sense, the idea of God, in all its variant forms, is the idea of eternity” (p. 17), the former Yale Law School Dean writes, quoting Kant’s reference to a “remarkable predisposition of our nature, noticeable to every human being, never to be capable of being satisfied by what is temporal” (Immanuel Kant, *Kritik der reinen Vernunft* [*Critique of Pure Reason*], 1787, Vorrede (Foreword to the Second Edition), p. B XXXII, Suhrkamp, Frankfurt a. M., 1956, Werkausgabe, Bd. 3, p. 34: “die jedem Menschen bemerkliche Anlage seiner Natur, durch das Zeitliche (als zu den Anlagen seiner ganzen Bestimmung unzulänglich) nie zufrieden gestellt werden zu können”). Kronman argues that we “need some idea of what Aristotle calls ‘the eternal and divine’ to explain the meaning of those unattainable goals that give human life its peculiar drama, and to account for the fact that we can move closer to them without ever being able to overcome the gap completely” (p. 19). The “fashionable belief that we can [dispense] with the idea of God altogether [...] engenders a false picture of the human condition”, so we “need the right idea of God to understand who we are. And we can find our way to it by reason alone”: the “world is inherently and infinitely divine” (p. 20).

<sup>44</sup> See Burma Monitor (Research and Monitoring), Progressive Voice, International Human Rights Clinic at Harvard Law School and other civil society organizations, ‘Hate Speech Ignited: Understanding Hate Speech in Myanmar’, 2020, report, 111 pp. (<https://www.legal-tools.org/doc/6128hf/>); Article 19, ‘Myanmar Briefing Paper: Countering ‘Hate Speech’, 2020, report, 7 pp. (<https://www.legal-tools.org/doc/4028dl/>); Prevention of Incitement to Hatred and Violence (or) Prevention of Proliferation of Hate Speech, Directive No 3/2020, 20 April 2020 (<https://www.legal-tools.org/doc/mqjq9l/>); Facebook’s Objections to the Magistrate Judge’s Order Granting in Part and Denying in Part the Gambia’s Section 1782 Application on September 22, 2021 (<https://www.legal-tools.org/doc/91cszf/>); *The Irrawaddy*, ‘Union Gov’t Instructs Yangon Authorities to Prosecute Firebrand Monk’, 31 May 2019 (<https://www.legal-tools.org/doc/78b78b/>); *The Irrawaddy*, ‘Mandalay Govt Asks Local Buddhist Authority to Keep Monks Away from Rallies’, 31 May 2019 (<https://www.legal-tools.org/doc/07562a/>); Khin Moh Moh Lwin, ‘Trials of far-right extremists Wirathu and Hla Swe to be conducted online’, 13 January 2021 (<https://www.legal-tools.org/doc/sin3w4/>); and *Myanmar Now*, ‘Junta drops charges against hate-preaching monk Wirathu’, 6 September 2021 (<https://www.legal-tools.org/doc/bty6wk/>).

<sup>45</sup> Centre for Study of Society and Secularism, ‘The Covid Pandemic: A Report on the Scapegoating of Minorities in India’, 2021 (<https://www.legal-tools.org/doc/z2lhu/>); Maya Mirchandani, Dhananjay Sahai and Ojasvi Goel, ‘Encouraging Counter-Speech by Mapping the Contours of Hate Speech on Facebook in India’, 2018 (<https://www.legal-tools.org/doc/9q35bs/>); Law Commission of India, ‘267th Report on Hate Speech in India’, 2017 (<https://www.legal-tools.org/doc/l6puhr/>); and Global Action Against Mass Atrocity Crimes (GAAMAC), ‘Preventing Hate Speech, Incitement, and Discrimination: Lessons in Promoting Tolerance and Respect for Diversity in the Asia Pacific’, 2021, pp. 160-195 (<https://www.legal-tools.org/doc/9ak28w/>).

<sup>46</sup> See Milorad Tomanić, *The Serbian Orthodox Church During Times of War and the Wars Within It*, Krug, Belgrade, 2001; Svein Mønnesland, *National Symbols in Multinational States: The Yugoslav Case*, Syress Forlag, Oslo, 2013, pp. 257-274; Majda Halilović and Nejra Veljan, ‘Exploring Ethno-Nationalist Extremism in Bosnia and Herzegovina’, Atlantic Initiative, Sarajevo, 2021 (<https://www.legal-tools.org/doc/lvixhv/>); Hikmet Karčić and Sead Turčalo (eds.), ‘Bosnian Genocide Denial and Triumphalism: Origins, Impact and Prevention’, Faculty of Political Science, University of Sarajevo, Sarajevo, 2021, 185 pp. (<https://www.legal-tools.org/doc/xlxcmh/>); Sead Turčalo and Hikmet Karčić,

words used or symbolic acts undertaken, their cultural connotations, and other aspects of the domestic context.

Part IV explores several motivational factors behind relevant hateful expressions (including personality and situational factors,<sup>47</sup> colonial prejudice and discrimination, socio-political factors, and religious themes), and how hate speech contributes to atrocity-inducing environments through social influence. The keynote presentation by David J. Luban in Part I of the project also considers whether there is anything intrinsic to religion that makes it prone to hateful and violence-inspiring expression.

#### *Measures available to prevent or reduce hateful expression in the name of religion (Part V)*

The project's Parts III (with keynote presentations in Part I), II and IV provide, respectively, normative, factual and explanatory foundation and context to Part V on 'Measures Available to Prevent or Reduce Hateful Expression in Religious Communities'. Part V tries to zoom in on measures external (Section G) and internal (Section H) to religious communities. In its current stage of development, our project includes papers on five aspects of *external* measures:

- (1) activities and recommendations by inter-governmental organizations (paper 4 below, which substantively belongs to Part V even if it is included as a keynote in Part I);
- (2) domestic law as a tool (paper 26);<sup>48</sup>
- (3) local regulation and community self-regulation (paper 27);
- (4) activities of national human rights institutions (a paper by Elena Abrusci for the project anthology); and
- (5) a non-governmental perspective on the relative effectiveness of multilateral and bilateral measures (paper 28).

There are currently another six papers on measures *internal* to religious communities:

- (6) sanctions (formal<sup>49</sup> and informal<sup>50</sup>) and means of disapproval (paper 29);

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'The Far Right in Bosnia and Herzegovina: Historical Revisionism and Genocide Denial', report, 25 pp. (<https://www.legal-tools.org/doc/310ofs/>). See also Gregory S. Gordon, *Atrocity Speech Law: Foundation, Fragmentation, Fruition*, *op. cit.*, pp. 41-46. For some explanatory background on the Eastern Orthodox world (of which the Serbian, Russian and Ukrainian Orthodox Churches form part), see Meic Pearse, 'Looking West, but Walking East: The Dilemma of Orthodoxy in a Modernising World', in A. Djurić Milovanović and R. Radić (eds.), *Orthodox Christian Renewal Movements in Eastern Europe*, Palgrave Macmillan, Cham, 2017, pp. 1-10.

<sup>47</sup> See Ariel Merari, *Driven to Death: Psychological and Social Aspects of Suicide Terrorism*, Oxford University Press, 2010.

<sup>48</sup> Temperman analyses domestic legislation in relation to ICCPR Article 20(2) and concludes that a "large number of national incitement laws do not neatly transpose Article 20(2) of the ICCPR. The most worrying shortcoming can be perceived in those laws that ban 'hate speech' or 'incitement to hatred'. The ICCPR prohibits a highly qualified offence of advocacy of hatred that constitutes incitement to concrete contingent harms, notably 'incitement to violence' and 'incitement to discrimination'. Those 'hate speech' offences fall short of that, thus critically broadening the *actus reus* of the speech offence. The effect is that citizens are liable to be prosecuted for speech that should not be combated under international standards. [...] State parties to the ICCPR would do well to ensure that incitement laws and/or jurisprudence contain a strong focus on criminal intent. From Article 20(2) ICCPR a triple intent requirement can be distilled. First, this provision requires that the intent to 'advocate', that is to publicly disseminate hatred, be proven. Second, intent to target a group based on religion (or other traits such as ethnicity) must be proven. Third, in order to be convicted of incitement, a specific or oblique 'intent to incite' must be proven", see Jeroen Temperman, *Religious Hatred and International Law: The Prohibition of Incitement to Violence or Discrimination*, *op. cit.*, p. 372.

<sup>49</sup> Such sanctions may include excommunication, withdrawal of voting rights within the community, or referral of the matter to the secular police for criminal investigation. Excommunication or exclusion is a very strong sanction which may not be available in all religious communities. Locke acknowledged the function of excommunication, but argued that persons excommunicated should be afforded dignity: "no church is bound, by the duty of toleration, to retain any such person in her bosom as, after admonition, continues obstinately to offend against the laws of the society [which Waldron says "means the church's own laws of faith and worship"]. [...] nevertheless, in all such cases care is to be taken that the sentence of excommunication, and the execution thereof, carry with it no rough usage of word or action whereby the ejected person may any wise be damnified in body or estate" (see John Locke, *A Letter Concerning Toleration*, *op. cit.*, p. 23). Waldron adds: "this strongly suggests that Locke favours limits on what may be said about excommunicates, as well as on what may be done to them" (Jeremy Waldron's *The Harm in Hate Speech*, *op. cit.*, p. 212).



- (7) the role of education within religion and belief communities (paper 30);
- (8) the potential of social media to assist religious actors who seek to prevent or reduce hate speech (paper 31);
- (9) translational and terminological sensitizing of religious leaders (paper 32);
- (10) 'Role of Al-Azhar Al-Sharif in Combating Extremism and Hate Speech According to International Instruments' (this paper by Justice Adel Maged will be translated from Arabic into English and appear in the project anthology); and
- (11) the impact of the threat of thematic prosecutions on the use of moral and spiritual tools within religious communities (paper 33).

This list does not pretend to be exhaustive. It reflects what we have managed to bring together during the preparation of our modest exercise in communitarian scholarship. As it is in Part V that the project seeks to add significant new knowledge, understanding or ideas – as a basis for recommendations or policy input – we welcome additional papers on important aspects of how religious leaders can (be helped to) better prevent or reduce hate speech by their members or in the name of their community, the main problem that the project addresses. Paper proposals can be addressed to CILRAP at [info@cilrap.org](mailto:info@cilrap.org) by 1 May 2022 (the project anthology will be published by the end of 2022). As the selection of speakers and chairs in the programme indicates, this is a multi-disciplinary inquiry that benefits from a diversity of international experts – not limited to lawyers – brought together in a communitarian research effort.<sup>51</sup>

#### *Implementation efforts: The Rabat Plan of Action, Beirut Declaration, and 18 Commitments*

Contributions to Part V (and other parts of the project anthology) should be informed of important efforts of the international community in this area, including the 'Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence',<sup>52</sup> which contains some conclusions and recommendations adopted by a group of experts in Rabat on 5 October 2012 (based on four regional expert workshops organized by the UN Office of the High Commissioner of Human Rights in 2011). The Plan concludes that "international human rights standards on the prohibition of incitement to national, racial or religious hatred still need to be integrated into domestic legislation and policies in many parts of the world. This explains both the objective difficulty and political sensitivity of defining this concept in a manner that respects the freedom of expression".<sup>53</sup> It develops conclusions and recommendations in clusters of legislation,<sup>54</sup> judicial infrastructure<sup>55</sup> and policy, and observes that anti-incitement policies adopted

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<sup>50</sup> Our project should map a variety of 'informal sanctions' that may be available to religious leaders to express disapproval of hateful expression by their members or in the name of their community. Such sanctions may include denial of access to some devotional gatherings or to certain locations of worship; inability to serve on boards or in other capacities in humanitarian or educational institutions of the community; inability to lead prayer or other forms of communal worship; denial of right to make financial contributions to (certain) funds of the community; suspension of access to some religious leaders or mass-media; suspension of the right to undertake pilgrimage; and dedicated information to other members of the community about the disapproved conduct of incitement to violence (naming and shaming).

<sup>51</sup> While jurists may enjoy some relevant methodological strengths – such as capacity for normative analysis, assessment of contributions to the realisation of violence, the role of sanctions, and strategies of prevention – the project has included the image of *St. Ivo Administering Justice* (the original of which is located one block from the conference venue) as a reminder of the importance of considering the interests of those most vulnerable in normative subsumption. International law is a system of law as well as of action, so it is vital that lawyers participate in considerations of how to give full effect to ICCPR Article 20(2) (rather than considering that a non-legal question), see Jürgen Habermas, *Between Facts and Norms*, The MIT Press, Cambridge, 1996, pp. 79-80.

<sup>52</sup> Office of the High Commissioner for Human Rights, 'Rabat Plan of Action on the prohibition of advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence', UN doc. A/HRC/22/17/Add.4, 5 October 2012 (<https://www.legal-tools.org/doc/jh1be1/>). Paper 4 by Kishan Manocha gives a comprehensive overview of this and other inter-governmental initiatives and activities.

<sup>53</sup> *Ibid.*, para. 60.

<sup>54</sup> It recommends that "States should ensure that the three-part test – legality, proportionality and necessity – for restrictions to freedom of expression also applies to cases of incitement to hatred", see para. 22.

<sup>55</sup> It proposes a "a six-part threshold test [...] for expressions considered as criminal offences" (relating to context; speaker; intent; content and form; extent of the speech act; likelihood, including imminence), and recommends that

by states are “too general, not systematically followed up, lacking focus and deprived of proper impact assessments”.<sup>56</sup> The policy recommendations are all addressed to states, the United Nations, media, political parties or civil society groups. There is not a single recommendation addressed to religious leaders or communities specifically, but one of the conclusions calls on political and religious leaders to (a) “refrain from using messages of intolerance or expressions which may incite violence, hostility or discrimination”; (b) speak “out firmly and promptly against intolerance, discriminatory stereotyping and instances of hate speech”; and (c) make “clear that violence can never be tolerated as a response to incitement to hatred”.<sup>57</sup> Conclusion (a) simply provides that religious leaders should not themselves do what ICCPR Article 20(2) obliges States Parties to prohibit. Conclusions (b) and (c) offer the minimalist guidance that religious leaders should speak out against both hate speech and violent responses to it. A realistic description is therefore that the Rabat Plan concerns what we describe as ‘external measures’ in our project, more specifically legislation against incitement and its enforcement by courts. In this sense it takes a ‘statist’ approach.

Five years after the Rabat Plan, the UN Office of the High Commissioner for Human Rights facilitated the adoption of a Beirut Declaration on the role of religions in promoting human rights by “faith-based and civil society actors working in the field of human rights and gathered in Beirut” in March 2017.<sup>58</sup> In encouraging terms, the Declaration refers to Rabat conclusions (a)-(c) discussed above as “three specific core responsibilities of religious leaders”.<sup>59</sup> The faith-based actors commit to assume responsibilities and “support each other for their implementation through” the Declaration “on the basis of the thresholds articulated by the Rabat Plan”, recognizing that “[w]ar starts in the minds and is cultivated by a reasoning fuelled by often hidden advocacy of hatred”,<sup>60</sup> and that this “includes incitement to hatred by some religious leaders in the name of religion. Due to the speaker’s position, context, content and extent of sermons, such statements by religious leaders may be likely to meet the threshold of incitement to hatred”.<sup>61</sup> Beyond the Rabat conclusions, the Beirut Declaration adds one new normative measure for religious leaders: (d) “Remedial *advocacy to reconciliation* is equally a duty, including for religious leaders, particularly when hatred is advocated in the name of religions or beliefs”.<sup>62</sup>

While the eloquent Declaration does not add much in terms of tools that can help religious leaders to better prevent or reduce hate speech in the name of their religious community, the faith-based leaders formulated ‘18 commitments on “Faith for Rights”’.<sup>63</sup> In this text they affirm their commitment to “universal norms and standards” expressed by a series of international human rights documents, “also sacred and inalienable entitlements according to religious teachings”.<sup>64</sup> They see the “present declaration on ‘Faith for Rights’ as a common minimum standard for believers”.<sup>65</sup> They restate Rabat conclusion (b) by pledging “to publicly denounce all instances of advocacy of hatred that incites to violence, discrimination or hostility, including those that lead to atrocity crimes. We bear a direct responsibility to denounce such advocacy, particularly when it is conducted in the name of religion or belief”.<sup>66</sup> Other commitments detail the restatement of Rabat conclusion (b)<sup>67</sup> and restate conclusion (a).<sup>68</sup>

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“[c]riminal sanctions related to unlawful forms of expression should be seen as last resort measures to be applied only in strictly justifiable situations”, see paras. 29 and 34.

<sup>56</sup> *Ibid.*, para. 11.

<sup>57</sup> *Ibid.*, para. 36. Hereinafter the ‘Rabat conclusions’.

<sup>58</sup> Office of the High Commissioner for Human Rights, ‘Beirut Declaration enhances role of religions in promoting human rights’, 29 March 2017 (<https://www.legal-tools.org/doc/acp88f/>).

<sup>59</sup> *Ibid.*, para. 22 (emphasis omitted).

<sup>60</sup> *Ibid.*, para. 20.

<sup>61</sup> *Ibid.*, para. 21 (emphasis omitted).

<sup>62</sup> *Ibid.*

<sup>63</sup> See Office of the High Commissioner for Human Rights, ‘18 Commitments on “Faith for Rights”’, 29 March 2017 (<https://www.legal-tools.org/doc/qp9nv2/>).

<sup>64</sup> See, for example, Commitment I where this language is quoted from.

<sup>65</sup> *Ibid.*, Commitment II.

<sup>66</sup> *Ibid.*, Commitment VII.

But so far, the 18 Commitments do not really go beyond the minimalist conclusions regarding the role of religious leaders in the Rabat Plan, with three exceptions: a pledge to use technological tools more creatively and consistently (which is relevant to paper 31 by Peter J. Stern in our project);<sup>69</sup> a commitment to “leverage the spiritual and moral weight of religions and beliefs” (which is addressed in paper 33 and Section E);<sup>70</sup> and commitments that touch on the role of education (which is discussed in paper 30 by Nazila Ghanea).<sup>71</sup> The commitments on education do, however, leave a number of questions unanswered,<sup>72</sup> which illustrates some of the limitations of the Rabat Plan and the Beirut Declaration and 18 Commitments. However, the 18 Commitments document expressly recognises the need to develop “sustained partnerships with specialised academic institutions so as to promote interdisciplinary research on specific questions related to faith and rights and to benefit from their outcomes that could feed into the programs and tools of our coalition on Faith for Rights”.<sup>73</sup> The present project responds to this recognition and seeks to contribute multi-disciplinary research-insights, *inter alia*, on how religious leaders can prevent or reduce hate speech *beyond* the minimum requirements that they should not themselves engage in hate speech (Rabat conclusion (a)), they should speak out against both hate speech and violence in response to incitement to hatred (Rabat conclusions (b) and (c)), and they should advocate reconciliation (point (d) taken from the Beirut Declaration).

In real life the Beirut Declaration and 18 Commitments face a more fundamental limitation. The term ‘Faith for Rights’ signals that that “[f]aith and rights should be mutually reinforcing spheres. Individual and communal expression of religions or beliefs thrive and flourish in environments where human rights, based on the equal worth of all individuals, are protected. Similarly, human rights can benefit from deeply rooted ethical and spiritual foundations provided by religions or beliefs”.<sup>74</sup> There are good reasons why the UN Office of the High Commissioner for Human Rights aligned ‘faith’ and ‘human rights’ in this manner. It should be well received by religious leaders around the world. The problem is that religious actors who have engaged in some of the most notorious hate speech in recent years have, at best, a very strained relationship with the international human rights community. The link between ‘faith’ and ‘human rights’ therefore reinforces the need to supplement the Beirut framework with analysis of *common-sense tools which help religious leaders to prevent hate speech and which are well-embedded in the practices, needs and interests*<sup>75</sup> that religious leaders consider when they exercise influence.<sup>76</sup> Our project should assist in developing a sup-

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<sup>67</sup> See Commitments VIII and IX.

<sup>68</sup> See Commitments IX, X and XII.

<sup>69</sup> See Commitment XVIII: “We pledge to use technological means more creatively and consistently in order to disseminate this declaration and subsequent Faith for Rights messages to enhance cohesive societies enriched by diversity, including in the area of religions and beliefs”.

<sup>70</sup> See Commitment XVI: “We commit to leverage the spiritual and moral weight of religions and beliefs with the aim of strengthening the protection of universal human rights and developing preventative strategies that we adapt to our local contexts, benefitting from the potential support of relevant United Nations entities”.

<sup>71</sup> See Commitments XII, XIII and XVIII *i.f.*

<sup>72</sup> Some of the questions that are relevant when we seek to strengthen the use of education within religious communities to prevent and reduce hate speech in the name of faith include the following: How can religious leaders be motivated or influenced to make better use of the tool of education? Should naming and shaming be used to expose glaring failures? What about telling positive stories of successful use of education to combat hate speech in religious contexts? Why are some religious communities (for example, the Catholic Church) seemingly doing better than several other communities in terms of preventing religion-based or -related hate speech from within their own ranks? What is the role of individual leadership among religious leaders? Can technology be used in new ways to further relevant educational goals within religious communities? What about the film medium?

<sup>73</sup> See Commitment XVII.

<sup>74</sup> ‘18 Commitments on “Faith for Rights”’, *op. cit.*, first paragraph.

<sup>75</sup> One of the self-interests that may be shared by religious leaders around the world is concern that their community not be shamed by the conduct of a few extremist members who practice hate speech in the name of their faith. It was a Middle Eastern thinker who remarked in 1912 that “if religion should prove to be the cause of enmity and hatred instead of love, its absence is preferable to its existence”, see ‘Abdu’l-Bahá ‘Abbás, *The Promulgation of Universal Peace*, Bahá’í Publishing Trust, Wilmette, 1982, p. 315.

plementary rationale for religious leaders to act that does not at the same time require them to accept a long list of international human rights instruments.

*Further efforts: UNDP report, UN Strategy, and GAAMAC outcome document*

There are other noteworthy contributions by inter-governmental and international non-governmental actors, three of which are mentioned here (to be supplemented in a later version of this text that will also discuss the role of the UN Security Council). The United Nations Development Programme ('UNDP') has analysed socio-economic and other contextual factors relevant to the prevention of violent extremism, which also includes conduct amounting to hate speech. In a report from 2016, the UNDP observes that "[v]iolent extremism is the product of historical, political, economic and social circumstances, including the impact of regional and global power politics. Growing horizontal inequalities are one of the consistently cited drivers of violent extremism".<sup>77</sup> The report proposes "[w]orking with faith-based organizations and religious leaders to counter the abuse of religion by violent extremists" as one of eleven "interlinked building blocks for a theory of change explaining how development can help prevent violent extremism".<sup>78</sup>

In May 2019, the UN Secretary-General announced the 'United Nations Strategy and Plan of Action on Hate Speech', which expresses several key commitments by the United Nations with the aim "to give the United Nations the room and the resources to address hate speech".<sup>79</sup> The Strategy is about 'hate speech' construed as "any kind of communication in speech, writing or behaviour, that attacks or uses pejorative or discriminatory language with reference to a person or a group on the basis of who they are, in other words, based on their religion, ethnicity, nationality, race, colour, descent, gender or other identity factor".<sup>80</sup> The document concerns expression "that does not reach the threshold of incitement" to violence, and is therefore "not something that international law requires States to prohibit".<sup>81</sup> Its only reference to religious actors is the very broad commitment that the UN "should promote intercultural, interfaith and intrareligious dialogue and mutual understanding", and the inclusion of "religious and other civil society actors" among those who can take "meaningful action against hate speech".<sup>82</sup>

The November 2021 meeting of the Global Action Against Mass Atrocity Crimes (GAAMAC)<sup>83</sup> focused on national efforts against hate speech. The outcome document on "national

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<sup>76</sup> Religious leaders have power. In the words of the Beirut Declaration, they "exercise a heightened degree of influence over the hearts and minds of their followers at all times", see 'Beirut Declaration enhances role of religions in promoting human rights', *op. cit.*, para. 19. "When hateful views are expressed by an individual who claims to speak with religious authority, we may be concerned about the undue influence of such speech on an audience of believers. The hateful character and irrational appeal of such speech may be even greater when the religious audience believes that it is engaged in a struggle against the forces of evil", see Richard Moon, *Putting Faith in Hate: When Religion Is the Source or Target of Hate Speech*, *op. cit.*, p. 151.

<sup>77</sup> United Nations Development Programme, 'Preventing Violent Extremism Through Promoting Inclusive Development, Tolerance and Respect for Diversity: A development response to addressing radicalization and violent extremism', 2016, p. 4 (<https://www.legal-tools.org/doc/guylbf/>).

<sup>78</sup> *Ibid.*, p. 5.

<sup>79</sup> United Nations Secretary-General, 'United Nations Strategy and Plan of Action on Hate Speech', May 2019, p. 2 (<https://www.legal-tools.org/doc/5rrb5b/>).

<sup>80</sup> *Ibid.*

<sup>81</sup> *Ibid.*

<sup>82</sup> *Ibid.*, pp. 4-5. It is encouraging when the Strategy calls for "coordinated data collection and research, including of root causes, drivers and conditions conducive to hate speech"; that the "UN should support a new generation of digital citizens, empowered to recognize, reject and stand up to hate speech"; and that the UN, when convening key actors, should seek to "reframe problems in ways that make solutions more attainable" (pp. 3-4).

<sup>83</sup> GAAMAC describes itself as a "convener" and "community of commitment composed of states, civil society and academic institutions that pledges to prevent atrocities by establishing or strengthening national prevention mechanisms and policies", see Global Action Against Mass Atrocity Crimes (GAAMAC), 'Strengthening national efforts to address hate speech, discrimination, and prevent incitement: Outcome Document of the Fourth Global Meeting (GAAMAC IV)', 15-18 November 2021, p. 1 (<https://www.legal-tools.org/doc/pi26u1/>).

prevention mechanisms and policies”<sup>84</sup> offers an important insight regarding prejudice: “hate speech builds on the existence of all forms of prejudice and maximizes their reach. It may incite certain behaviors against constructed figures of the other – who may become an enemy – and incitement may generate a ‘license to kill’ this despised person who is no longer considered an equal human being”.<sup>85</sup> The outcome document does not specifically deal with the role of religious leaders or communities.<sup>86</sup> It adopts a broad approach (especially on “massive education programs”) and links GAAMAC’s contribution to democracy-promotion.<sup>87</sup>

As with the Beirut Declaration and 18 Commitments, the UNDP report, the UN Strategy, and the GAAMAC outcome document all take a human-rights based approach, for sound reasons. As discussed above, this may reduce their impact among actors who advocate religious hatred amounting to incitement to violence insofar as many of them do not accept the international human rights framework in the first place. This reinforces the need for further research and analysis on the role of religious leaders, a topic that is not addressed in sufficient detail by the UN or GAAMAC documents discussed.

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<sup>84</sup> The document observes: “These national prevention approaches will allow each society to design and implement locally grounded and tailor-made initiatives, policies and laws that enjoy legitimacy and credibility, generate trust and empower a culture and practice of democracy.”, see *ibid.*, p. 3.

<sup>85</sup> *Ibid.*

<sup>86</sup> Its only discussion of religious actors is the generic reference on page 6 to inter-religious dialogue and that religious leaders should “engage more actively on it”: “Successful prevention and tackling of hate and discrimination against religious minorities happens when different religions, via religious leaders, come together and interreligious dialogue is initiated. There was broad consensus among participants that national prevention mechanisms should stress further the huge potential for the prevention of mass atrocities that lies within interreligious dialogue, thus calling for religious leaders to engage more actively on it, recognizing the great difference that religious leadership can make for the prevention agenda.”

<sup>87</sup> The outcome document claims that “[s]uccessful prevention [“of hate speech, discrimination, and incitement”] can happen only through democratic public policies” (p. 3). This factual proposition should not conceal the fact that well-established and large democracies such as India face serious challenges with hate speech as illustrated by Section B of the present project. See also Amy Kazmin, ‘India needs a reckoning with its growing culture of hate’, *Financial Times*, 7 October 2021.



## Programme:

**Friday, 8 April 2022:**

### **Part I: A Delicate Balancing of Values**

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#### 09:00<sup>88</sup> **Opening Session and Keynote Presentations**

*Chair: Professor Claus Kreß<sup>89</sup>*

Opening statement

*By H.E. Ambassador Johan Vibe<sup>90</sup>*

Opening statement

*By Secretary-General David Donat-Cattin<sup>91</sup>*

1. Statement on Hate Speech in the Name of Religion

*By ICC Prosecutor Karim A.A. Khan QC<sup>92</sup>*

2. Drawing the Line Between the Preservation of Freedom of Religious Expression and the Fight Against Hate Speech and Incitement to Terrorism and Violence: The Perspective of a Judge and a Prosecutor

*By Justice Dorit Beinisch<sup>93</sup>*

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<sup>88</sup> Please arrive a few minutes early (from 08:30) as the Ospedale is required to check our vaccine/healing/exemption certificate and temperature as we enter the complex. You should bring a mask and observe social distancing (1 m). Only confirmed registered participants will get access to the conference venue.

<sup>89</sup> **Claus Kreß** is Professor for Criminal Law and Public International Law at the University of Cologne. He is the Director of that university's Institute of International Peace and Security Law, and serves as Special Adviser on the Crime of Aggression to the Prosecutor of the International Criminal Court. He was granted the [2015 M.C. Bassiouni Justice Award](#). He is a Judge *Ad Hoc* at the International Court of Justice.

<sup>90</sup> H.E. Ambassador **Johan Vibe** has served as the Ambassador of the Kingdom of Norway to Italy since August 2021. He joined the Norwegian Foreign Service upon completing his Cand. Juris. degree at the University of Oslo in 1989, having served as Ambassador to Colombia (2016-2018, also accredited to Costa Rica, Ecuador, Panama and Venezuela) and to Spain and Andorra (2012-2016), and at Norwegian foreign service stations in Washington, D.C. (2009-2012), Havana (2001-2005), Brussels (1995-1997) and San José (1992-1995). He has worked on peace processes facilitated by Norway (2005-2009), including Colombia.

<sup>91</sup> **David Donat-Cattin** is the Secretary-General of Parliamentarians for Global Action (PGA) and Adjunct Professor of International Law at New York University's Center for Global Affairs. Over the last 20 years, he has worked to promote the universality and effectiveness of the ICC Statute in approximately 100 countries. He holds a post-doctorate diploma from the Centre for Studies and Research of The Hague Academy of International Law (2002), and a Ph.D. from the Faculty of Law of the University of Teramo (2000). His writings on international criminal law appears in well-known scholarly works such as the Ambos and Triffterer *Commentary on the Rome Statute of the ICC*.

<sup>92</sup> H.E. **Karim A.A. Khan QC** is the chief Prosecutor of the International Criminal Court since June 2021. He was previously Assistant Secretary-General and Head of the UN Investigative Team for Accountability of Da'esh/ISIL (UNITAD), and has been engaged as counsel in numerous cases before the ICC, ICTY, ICTR, Special Court for Sierra Leone, Extraordinary Chambers in the Courts of Cambodia, and the Special Tribunal for Lebanon. He has worked for the ICTY, ICTR and the Crown Prosecution Service of England and Wales.

<sup>93</sup> H.E. Justice **Dorit Beinisch** is President (Ret.) of the Supreme Court of Israel. She received her LL.B. and LL.M. (summa cum laude) from the Hebrew University of Jerusalem. In 1989, she was appointed the State Attorney, becoming the first woman in Israel to hold that position. In that role, she focused on fighting corruption, dealing with issues of human rights based on both Israeli and international law, and ensuring compliance with the law by police and security forces. In 1995, she was appointed Justice of the Supreme Court, becoming its first woman President in 2006. As a Justice, she ruled in numerous cases relating to human rights, minority rights, terrorism and national security, including a decision holding that parents cannot use corporal punishment against their children; a decision ruling against privatization of prisons in Israel, holding that a privately managed and operated prison violates the constitutional rights to personal freedom and human dignity; and a decision finding that a portion of Israel's Unlawful Combatants Law authorizing administrative detentions violated detainees' right to liberty, holding that the law should be interpreted in accordance with international law. She also developed case law doctrine authorizing judges to disqualify evidence on the grounds that it was obtained illegally. She stressed in her decisions the importance of protection for the rights of women, children and the weak in society.

10:30 Tea and coffee break.

10:45 **Opening Session and Keynote Presentations (continued)**

3. Is There Anything Intrinsic to the World's Religions that Makes Them Especially Prone to Hateful and Violence-Inspiring Speech?

*By Professor David J. Luban*<sup>94</sup>

4. Relevant Activities and Recommendations by Intergovernmental Organizations on the Role of Religious Actors to Reduce Hate Speech, Including in Their Own Contexts or Communities

*By Dr. Kishan Manocha*<sup>95</sup>

5. Tentative Remarks on Religion and International Law in the Time of Koskenniemi, Kronman and Unger

*By Morten Bergsmo*<sup>96</sup>

12:00 Lunch (followed by a visit to the [art collection of the Museo degli Innocenti](#)).<sup>97</sup>

## Part II: Examples of Hateful Expression in Religious Contexts

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13:00 **Session A: Alleged Hate Speech in the Name of Buddhism: Myanmar Perspectives**

*Chair: Andreas Indregard*<sup>98</sup>

6. Mapping Some Controversial Public Utterances in Myanmar 2015-2020

*By U Kyaw Tin*<sup>99</sup>

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<sup>94</sup> **David J. Luban** is University Professor and Professor of Law and Philosophy at Georgetown University (which reserves the rank of 'University Professor' for faculty members of extraordinary achievement whose scholarly accomplishments have earned them substantial recognition from their academic peers, as the University's most significant professional honour). Since 2013, he has also served as Class of 1984 Distinguished Chair in Ethics at the U.S. Naval Academy's Stockdale Center for Ethical Leadership. His research interests centre on moral and legal responsibility in organizational settings, including law firms, government, and the military. His books include *Lawyers and Justice: An Ethical Study* (1988), *Legal Modernism* (1994), *Legal Ethics and Human Dignity* (2007), and *Torture, Power, and Law* (2014). He holds a B.A. from the University of Chicago (Ideas and Methods, with concentration in mathematics; Honours at graduation; Phi Beta Kappa); and M.A., M.Phil. and Ph.D. degrees in Philosophy from Yale University.

<sup>95</sup> **Dr. Kishan Manocha** is Head of the Tolerance and Non-Discrimination Department at the OSCE Office for Democratic Institutions and Human Rights (ODIHR) in Warsaw. Prior to this, he was ODIHR Senior Adviser on Freedom of Religion or Belief. He holds degrees in medicine and law from the Universities of London and Cambridge respectively. He first trained in psychiatry, completing a Research Fellowship in Forensic Psychiatry, before studying law and practicing as a barrister. He has been a Visiting Research Fellow at Harvard's Carr Centre for Human Rights and a Fellow of the Montreal Institute for Genocide and Human Rights Studies at Concordia University. He was involved in interfaith dialogue activities at the local and national levels in the United Kingdom for over two decades, and is currently member of the Advisory Committee to the UN Office on Genocide Prevention and the Responsibility to Protect.

<sup>96</sup> **Morten Bergsmo** is the [Director of the Centre for International Law Research and Policy](#) (CILRAP).

<sup>97</sup> The Innocenti complex has its own museum with a small but precious art collection. We will make a brief visit to the collection and see paintings such as *Our Lady with the Child and an Angel* by Sandro Botticelli (from appr. 1465) and *Adoration of the Three Kings* by Domenico Ghirlandaio (from 1488-89).

<sup>98</sup> **Andreas Indregard** is the Regional Representative for Southeast Asia for the Norwegian Centre for Conflict Resolution (NOREF). He has worked on Myanmar for a decade, including as the Director of the Advisory Commission on Rakhine State, the UN's Senior Adviser on Rakhine, and Country Director of Norwegian People's Aid. He has also been a Senior Analyst with the International Crisis Group in Israel/Palestine, and head of the Norwegian contingent to the European observer mission in Hebron. He holds an M.A. in Public Administration from the J.F. Kennedy School of Government, Harvard, and an M.A. in Society, Science and Technology in Europe from the University of Oslo.

<sup>99</sup> **U Kyaw Tin** currently works with Myanmar civil society on access to justice, federalism and constitutional law issues. Previously, he served as legal consultant to the civilian government in Nay Pyi Taw (2019-2020), and as legal counsel to the Myanmar government chief negotiator during negotiations with ethnic armed organizations (2013-2016). He has practiced law with Patton Boggs LLP, Washington, D.C. (2009-2013), and clerked with Justice Alex J. Martinez, Colorado Supreme Court Denver (2008-2009). He received a Juris Doctorate from the University of Colorado Law School, a Masters in Electrical Engineering with a focus on Communication Networks from Cornell University, and a Bachelors (with Honours) in Electrical and Electronic Engineering from the University of Sheffield. He worked for a Gold-

7. Some Thoughts on Hate Speech in Myanmar

By *H.E. Cardinal Charles M. Bo*<sup>100</sup>

8. A Myanmar Muslim's Perspective

By *U Aye Lwin*<sup>101</sup>

14:30 **Session B: Alleged Hate Speech in the Name of Hinduism: The Situation in India**

Chair: *Professor Emiliano J. Buis*<sup>102</sup>

9. Reflections on Freedom of Expression, Hate Speech and Sedition in India

By *Justice Madan B. Lokur*<sup>103</sup>

10. Language and Connotation in Contemporary Hate Speech in India

By *Medha Damojipurapu*<sup>104</sup>

11. Religion-Based Hate Speech or Free Speech: Indian Courts in a Quandary

By *Professor Usha Tandon*<sup>105</sup> and *Assistant Professor Harleen Kaur*<sup>106</sup>

15:55 Tea and coffee break.

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man Sachs company as a Senior Software Engineer (1995-2006). He is a native of Myanmar and a United States citizen.

<sup>100</sup> Cardinal **Charles Maung Bo**, S.D.B., Archbishop of Yangon (Myanmar), was created and proclaimed Cardinal by Pope Francis in the consistory of 14 February 2015, of the Title of Sant'Ireneo a Centocelle (St. Irenaeus at Centocelle), having been installed as Archbishop of Yangon in June 2003. He has been the President of the Federation of Asian Bishops' Conferences (FABC) since 2019. He is a member of the Congregation for Institutes of Consecrated Life and Societies of Apostolic Life, the Pontifical Council for Culture, and the Dicastery for Communication. He studied at 'Nazareth' Salesian Aspirantate, Anisakan, in Pyin Oo Lwin from 1962 till 1976, and was ordained to the priesthood of Salesians of Saint John Bosco, in Lashio, N.S.S. in 1976. He worked as Parish Priest at Loihkam (1976-1981), Lashio (1981-1983), and Anisakan (1983-1985), and was appointed as Bishop of Pathein by Pope John Paul II on 13 March 1996.

<sup>101</sup> **Al Haj U Aye Lwin** is the Chief Convener of the Islamic Centre of Myanmar; Chairman, Islamic Development Bank Counterpart Organization, Program Implementation Committee, Myanmar; and Founder and Core Member, Religions for Peace, Myanmar.

<sup>102</sup> **Emiliano J. Buis** is Professor of Public International Law, International Humanitarian Law, the Origins of International Law in Antiquity and Ancient Greek Language and Literature at the University of Buenos Aires and the Central National University in Azul, Argentina. He is also a [CILRAP Research Fellow](#) and a Researcher at the National Research Council for Science and Technology (CONICET). He is a former fellow at the Department of Classics, Brown University, the Max-Planck Institut für europäische Rechtsgeschichte, the Harvard University Center for Hellenic Studies, the Alexander S. Onassis Public Benefit Foundation, the Center for Epigraphical and Palaeographical Studies (Ohio State University), and the Center for Hellenic Studies at Princeton University. He received his Ph.D. from the University of Buenos Aires, Argentina.

<sup>103</sup> Honourable Mr. Justice **Madan B. Lokur** has been a judge of the Supreme Court of India (2012-2018). He was educated at the Modern School, New Delhi; St. Stephen's Collegiate, Allahabad for ISC examination; History (Hons.) from St. Stephen's College, Delhi University; and law degree from Faculty of Law, Delhi University. He was enrolled at the Bar in 1977 and practised in the Supreme Court of India and at the Delhi High Court. You find the 2019 CILRAP Conversation with Justice Lokur [here](#). He is presently a Judge in the Supreme Court of Fiji and is actively involved in human rights issues in India.

<sup>104</sup> **Medha Damojipurapu** is a [CILRAP Fellow](#) and an Advocate enrolled with the Bar Council of India. She has previously worked in the Disputes (Litigation and Arbitration) Team of the law firm Trilegal, and as a Law Clerk-cum-Research Assistant to late Justice Mohan M. Shantanagoudar at the Supreme Court of India. She holds a B.A., LL.B. (Hons.) degree from NALSAR University of Law, Hyderabad.

<sup>105</sup> **Usha Tandon** is Dean, Faculty of Law, University of Delhi, and Professor at Campus Law Centre, University of Delhi. She has over 30 years of teaching experience, and is a recognised scholar in human development, focusing on women empowerment and environmental protection. You find a CILRAP Conversation on World Order with Professor Tandon [here](#).

<sup>106</sup> **Harleen Kaur** is an Assistant Professor of Law (Senior Scale) in the Campus Law Centre, Faculty of Law, Delhi University. She holds LL.B. (Gold Medallist), LL.M. and Ph.D. degrees from the same Faculty, and has been awarded the G. Pershad Memorial Prize for B.A. (Pass) in Miranda House, University of Delhi in addition to the Academic Excellence Award for the year 2019 by Iswar Saran Post Graduate College (University of Allahabad). She has several publications on human rights, criminal law and other diverse legal issues, in reputed national and international journals and books. She has recently authored the book *Laws and Policies on Surrogacy: Comparative Insights from India*. She will present the paper on behalf of the two co-authors.

16:15 **Session C: Alleged Hate Speech in the Name of Christianity:  
The Situation in the Balkans**

*Chair: Nerma Jelačić<sup>107</sup>*

12. Nationalist Propaganda by Religious Actors and Ethno-National Identity in the Balkans  
*By Professor Svein Mønnesland<sup>108</sup>*
13. Religion and Ethno-Nationalist Extremism in Bosnia and Herzegovina  
*By Dr. Majda Halilović<sup>109</sup>*

**Part III: Overarching Normative Frameworks**

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17:20 **Session D: The International Law Framework**

*Chair: Professor Christian Walter<sup>110</sup>*

14. Freedom of Expression and Relevant International Criminal Law Classifications  
*By Matthias Neuner<sup>111</sup>*
15. Freedom of Religion and the Prohibition of Incitement to Religious Hatred under International Human Rights Law: Conundrums and the Way Ahead  
*By Dr. Mona Elbahtimy<sup>112</sup>*

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<sup>107</sup> **Nerma Jelačić** is Deputy Director of the Commission for International Justice and Accountability (CIJA). Previously, she spent six years running outreach and communications for the International Criminal Tribunal for the former Yugoslavia, and she was Director and co-founder of the Balkan Investigative Reporting Network (BIRN), an umbrella for non-profit organisations engaged in media development and capacity building, with a focus on transitional justice issues. She worked as a London-based investigative journalist in the 1990s, most notably for *The Observer* and *The Financial Times*. She has been deployed as a consultant to a number of conflict-affected settings, including Yemen, Syria, Iraq, Uganda, and Egypt. She specialises in securing governmental, media, victims and larger public understanding of and support for concepts of justice and accountability.

<sup>108</sup> **Svein Mønnesland** is Professor Emeritus at the University of Oslo which he first joined as a Lecturer in 1971. He is probably the leading expert on Slavic Philology and Yugoslav culture, history and politics in the Nordic countries. He has led large, multi-year research projects (such as 'Language and National identity' (2002-2006) and 'Red Letter Days in Transition: Central Europe and the Balkans 1985-2005' (2008–2011)). Among his many functions, he founded and published the academic journal *Nordisk Østforum* about Eastern Europe (1987-2014, in co-operation with the Norwegian Institute of international affairs (NUPI)); founded the 'Forum for sovjet- og østeuropastudier' at the University of Oslo in 1986; and is the co-founder of Sypress Forlag in 1992. Among his numerous publications is the 2013 monograph *National Symbols in Multinational States: The Yugoslav Case*. He is a member of the Norwegian Academy of Sciences and the Academy of Sciences and Arts of Bosnia and Herzegovina.

<sup>109</sup> **Majda Halilović** is Research Manager at the Center for Security and Justice Research (Atlantic Initiative), Sarajevo. She received her Ph.D. in Sociology and Social Policy from the Open University, and a Master's degree in Sociology of Education from Cambridge University. Since 2000, she has worked on research projects in mental health, and on social exclusion and discrimination programmes. She is the author of the 2021 report 'Exploring Ethno-Nationalist Extremism in Bosnia and Herzegovina' published by the Atlantic Initiative (co-authored with Nejra Veljan), which is relevant to the present project.

<sup>110</sup> **Christian Walter** is Professor of Public International Law and Public Law at the Faculty of Law of the Ludwig-Maximilians-Universität München, where he started teaching in 2011 after having held positions as professor of international law at the Universities of Jena and Münster. He was visiting professor at the University Paris II in 2019. Major research interests are the law of international organizations, human rights with a specific focus on freedom of religion and freedom of expression, and the role and procedure of constitutional courts.

<sup>111</sup> **Matthias Neuner** is a German international criminal lawyer with more than two decades of experience as trial counsel in the prosecution services of the Special Tribunal for Lebanon and the International Criminal Tribunal for the Former Yugoslavia. Some of his academic writings appear in TOAEP publications such as the 2020 anthologies [Integrity in International Justice](#) and [Colonial Wrongs and Access to International Law](#).

<sup>112</sup> **Mona Elbahtimy** holds a Ph.D. from the University of Cambridge focusing on hate speech in international human rights law, and has long practical experience in multilateral human rights diplomacy, governmental human rights machineries, and regional human rights bodies. Her monograph *The Right to Protection from Incitement to Hatred: An Unsettled Right* was recently published by Cambridge University Press. The book traces the journey of the norm against hate speech within international law in three analytical domains: its emergence, relevant supranational jurisprudence, and the recent standard-setting attempts within the UN.

16. Relevance of International Law Standards to Religious Leaders

By Dr. Ioana Cismas<sup>113</sup>

19:00 The Friday programme will end by 19:00, at which time we walk together for a few minutes to Trattoria Tiberio in Via delle Ruote 26/r for dinner.

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<sup>113</sup> **Ioana Cismas** is a Reader at the York Law School and Centre for Applied Human Rights at the University of York (UK). She leads the ESRC-funded [research project](#) 'Generating Respect for Humanitarian Norms: The Influence of Religious Leaders on Parties to Armed Conflict', which draws on the conceptual framework developed in her 2014 monograph *Religious Actors and International Law*. Prior to joining York, she lectured at Stirling Law School (2015-2017), was a scholar-in-residence at the Center for Human Rights and Global Justice at NYU School of Law (2014), and a Research Fellow at the Geneva Academy of International Humanitarian Law and Human Rights (2009-2013). Ioana consults for inter-, non- and governmental organisations. She holds a Ph.D. in International Law (summa cum laude) from the Graduate Institute of International and Development Studies in Geneva.



**Saturday, 9 April 2022:**

**Part III: Overarching Normative Frameworks (continued)**

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**09:00 Session E: Theological and Philosophical Frameworks**

*Chair: Professor David J. Luban<sup>114</sup>*

17. Hate Speech and its Limits in Classical Greek and Roman Sources  
*By Professor Emiliano J. Buis<sup>115</sup>*
18. A Christian Perspective as Seen Through Messages of Pope Francis  
*By Dr. Michael Marett-Crosby<sup>116</sup>*
19. Incitement to Religious Hatred: An Examination of the Approaches of Extremists to Islamic Shari'ah  
*By Justice Adel Maged<sup>117</sup>*
20. Preventing Hate Speech: Broader Normative Bases for Religious Leaders to Act  
*By Director Gunnar Ekeløve-Slydal<sup>118</sup>*

11:00 Tea and coffee break.

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<sup>114</sup> *Supra* note 94.

<sup>115</sup> *Supra* note 102.

<sup>116</sup> **Michael Marett-Crosby** is a Trustee of Prospect Burma, The Rangoon General Hospital Reinvigoration Charitable Trust, the Lucy Faithfull Foundation, and the Irrawaddy Policy Exchange. He holds an M.A. and D.Phil. from Oxford University, and trained as a Catholic priest. He has led numerous projects to implement the late Dr. Kofi Annan's Rakhine Advisory Commission's recommendations.

<sup>117</sup> Justice **Adel Maged** is Judge and Vice President of the Egyptian Court of Cassation (Criminal Chambers). He was appointed Public Prosecutor in April 1987, and served as a Judge at the Courts of First Instance, Chief Prosecutor at the Criminal Division of the Court of Cassation, Judge at the Court of Appeals, and for several years on secondment to the Ministry of Justice of the United Arab Emirates as a Legal Advisor on international law. Justice Maged is also a lecturer in criminal law and criminal procedural law at the Faculty of Shari'ah and Law, Al-Azhar University in Cairo and at the National Centre for Judicial Studies. He has advised the ICC Office of the Prosecutor and the Arab League of States on international criminal law issues. His publications include books and articles, in Arabic and English, on international criminal law, Islamic law, justice reform, transitional justice, as well as combating extremism, terrorism, human trafficking and irregular migration. He holds a Bachelor of Law from Alexandria University; LL.M. on Internationalization of Crime and Criminal Justice from Utrecht University; and a Diploma on International Law and Organization for Development from the Institute of Social Studies, The Hague. He was awarded an Honorary Professorship from the School of Law, Durham University, in 2017.

<sup>118</sup> **Gunnar M. Ekeløve-Slydal** is Director of the Coalition for International Criminal Justice (CICJ), Deputy Secretary General of the Norwegian Helsinki Committee, and Adjunct Lecturer at the University of South East Norway. He studied philosophy at the University of Oslo and worked for many years for the Norwegian Centre for Human Rights at the University of Oslo and as Editor-in-Chief of the *Nordic Journal on Human Rights*. He has written extensively on human rights, international institutions, and philosophical themes, including textbooks, reports and articles, and has several publications with the Torkel Opsahl Academic EPublisher (including in [Integrity in International Justice](#) and [Colonial Wrongs and Access to International Law](#)).

## Part IV: Seeking to Understand Hate Speech and Related Violence

### 11:20 Session F: Motivations Behind Hate Speech: Hatred, Anger, Fear, Psychological Problems, Denial, Prejudice, Colonial Grievances, Self-Determination or Notions of Collective Guilt?<sup>119</sup>

Chair: Professor Emiliano J. Buis<sup>120</sup>

21. Motivations for Terrorism: Personality Factors, Situational Factors and Hateful Incitement

By Professor Ariel Merari<sup>121</sup>

22. Classification and Race: Colonial Prejudice and Discrimination Predicating Post-Colonial Hate Speech

By Dr. Jacques P. Leider<sup>122</sup>

23. Socio-Political Factors That Can Motivate Hate Speech

By Dr. U Kyaw Yin Hlaing<sup>123</sup>

12:40 Lunch (followed by coffee at [Caffè del Verone](#)).<sup>124</sup>

### 13:40 Session F (continued):

24. Exploiting Social Influence: Vulnerability of Human Agency and Perversion of Religion

By Research Fellow SONG Tianying<sup>125</sup>

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<sup>119</sup> The corresponding Part IV of the project anthology will include a chapter by Laura Dellagiocoma on 'Ideological Attitudes and Motivational Goals behind Online Hate Speech'. She is a doctoral candidate at Institut für Demokratie und Zivilgesellschaft, Jena University.

<sup>120</sup> *Supra* note 102.

<sup>121</sup> **Ariel Merari** is a Senior Research Fellow, International Institute for Counter-Terrorism (ICT), Interdisciplinary Center (IDC), Herzliya, and Professor Emeritus, Department of Psychology, Tel Aviv University. He served as Chair of Tel Aviv University's Department of Psychology (1982-1985). During the period of 1978-1989, he was a Senior Fellow at the Jaffee Center for Strategic Studies, where he established and directed the Terrorism and Low Intensity Conflict Program. From 1989 until his retirement, he was the Director of the Political Violence Research Unit at Tel Aviv University. He established Israel's Hostage Negotiations and Crisis Management Unit and commanded it for more than 20 years. In recent years he has headed a large study of suicide terrorism, publishing in 2010 the monograph *Driven to Death: Psychological and Social Aspects of Suicide Terrorism*. He has been a Visiting Professor at Berkeley and Harvard, and a Senior Fellow at the Kennedy School's International Security Program of the Belfer Center. He has studied political terrorism and other forms of political violence for more than thirty years. He received a B.A. degree in psychology and in economics from the Hebrew University in Jerusalem, and a Ph.D. in psychology from Berkeley.

<sup>122</sup> **Jacques P. Leider** is Lecturer, Ecole Française d'Extrême-Orient (EFEO, The French School of Asian Studies). He holds a doctorate from the Institut national des langues et civilisations orientales in Paris (on 'The Kingdom of Arakan (Burma): Its Political History Between the Early Fifteenth and the End of the Seventeenth Century') and has published widely both on the early modern and colonial history and historiography of Rakhine State and Myanmar's Buddhist history. Alternating periods of academic research and teaching since 1995, he has pioneered EFEO's presence in Myanmar and was the head of EFEO's research centres in Yangon, Bangkok, and Chiang Mai, where he built a research library (2008-12). He also had a stint at the UN working for the Resident Coordinator in Myanmar (2015) and at the Ministry of Foreign Affairs of Luxembourg (2013-14). From 2017 to 2021, he was based in Bangkok as the Scientific Coordinator of Competing Regional Integrations in Southeast Asia (CRISEA), an interdisciplinary research project funded by the European Union on integration within ASEAN.

<sup>123</sup> **U Kyaw Yin Hlaing** is the Executive Director of the Center for Diversity and National Harmony in Yangon, Myanmar (since 2015). He has previously served as an Assistant Professor at the National University of Singapore (2001-2007) and the City University of Hong Kong (2007-2013), where he was also the Coordinator of the Development Studies Program (2008-2013) and Associate Director of the Southeast Asian Research Center (2012-2013). He was the Director of the Political Dialogue Program of the Myanmar Peace Center and an Adviser to the President of the Union of Myanmar (2013-2015). He holds a B.A. (Hons.) from Mandalay University, and M.A. (Government) and Ph.D. degrees from Cornell University. He received the [2020 M.C. Bassiouni Justice Award](#).

<sup>124</sup> The Caffè del Verone is located on a roof terrace above the Salone Brunelleschi, with a splendid fifteenth century loggia that originally served as the space to dry the laundry of the Ospedale degli Innocenti.

<sup>125</sup> **SONG Tianying** is a Researcher at the European University Institute, Law Department. She formerly served as a Legal Officer in the Regional Delegation for East Asia of the International Committee of the Red Cross (Beijing). She

25. Use of Religious Themes to Motivate Hateful Expression  
By Dr. Eliyahu Stern<sup>126</sup>

## Part V: Measures Available to Prevent or Reduce Hateful Expression in Religious Communities

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### 14:45 Session G: External Measures<sup>127</sup>

Chair: Professor Eli M. Salzberger<sup>128</sup>

26. Some Reflections on the Law as a Tool Against Hate Speech in Religious Contexts  
By Dr. Gilad Noam<sup>129</sup>
27. Elements of the Local Osaka Ordinance that May be Relevant to Community Self-Regulation  
By Dr. OCHI Megumi<sup>130</sup>
28. A Non-Governmental Perspective on the Relative Effectiveness of Multilateral and Bilateral Measures  
By Bani Dugal<sup>131</sup>

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holds a Master Degree in International Law (2013) and a Bachelor Degree in Law (2010) from China University of Political Science and Law. She was awarded the [2016 M.C. Bassiouni Justice Award](#).

<sup>126</sup> **Eliyahu Stern** is Associate Professor at the Department of Islamic and Middle Eastern Studies of Hebrew University, where he has taught Arabic and Islam since 1993. He holds B.A., M.A. and Ph.D. degrees from the Hebrew University of Jerusalem. He is an expert on Islamic mysticism and its interrelations with theology and law, as well as the special poetics of Sufi literature. His Ph.D. dissertation was on "Protection from Sin in al-Qushayri's Thought" (2010, under the supervision of Prof. Etan Kohlberg). He has also been involved in research and teaching on the relationship between Islam and Judaism.

<sup>127</sup> The corresponding Part V, Section G of the project anthology will include a chapter by Dr. Elena Abrusci (Lecturer in Law, Brunel University London) on 'The Role of National Human Rights Institutions in Combatting Religion-Based or -Related Hate Speech'.

<sup>128</sup> **Eli M. Salzberger** is a Law Professor at the University of Haifa Faculty of Law and its former Dean. He is the Director of the University's Minerva Center for the Study of the Rule of Law under Extreme Conditions, which is currently undertaking the multi-part project 'Hate Speech – An Interdisciplinary Approach' in collaboration with Freie Universität Berlin and Technischen Universität Berlin. He is also the co-director of the International Academy for Judges at the University of Haifa Faculty of Law. He received his LL.B. from the Hebrew University Faculty of Law in 1987 (first in his class) and concomitantly obtained a B.A. in economics, and his doctoral degree from Oxford University ("Economic Analysis of the Doctrine of Separation of Powers: The Independence of the Judiciary", included an empirical study of judicial promotions in the United Kingdom). He has clerked for Justice Aharon Barak of the Israeli Supreme Court and for deputy State Attorney Dorit Beinisch (both of whom later became Presidents of the Supreme Court). His research and teaching areas are legal theory and philosophy, economic analysis of law, legal ethics, cyberspace and the Israeli Supreme Court. His latest book (co-authored with Niva Elkin-Koren) is *The Law and Economics of Intellectual Property in the Digital Age: The Limits of Analysis* (2012), preceded by *Law, Economic and Cyberspace* (2004).

<sup>129</sup> **Gilad Noam** is a Senior Director of the International Justice Division at the Office of the Deputy Attorney General (International Law), at the Ministry of Justice of the State of Israel. He is also a lecturer in international criminal law and public international law at the Hebrew University and at the College of Management, respectively. He holds an LL.B. in law and humanities (Arabic literature), LL.M. and Doctorate in Laws (LL.D.) from the Hebrew University of Jerusalem. He has published on various international law issues, including international criminal law, treaty-making powers in Israel, and the suppression of the financing of terrorism.

<sup>130</sup> **OCHI Megumi** is Associate Professor at the College of International Relations and the Graduate School of International Relations of Ritsumeikan University in Kyoto, Japan. She specialises in public international law and international criminal justice. She completed her Ph.D. in Law at Osaka University and LL.M. at Leiden University. She is a member of the Young Penalist Committee of the International Association of Penal Law and a Senior Fellow at CILRAP's Case Matrix Network. She has published the 2020 monograph *国際刑事手続法の体系—「プレミス理論」と一事不再理原則* (*The System of International Procedural Criminal Law: The Premise Theory and the Principle of Ne Bis In Idem*), and later in 2022 her second monograph *国際刑事手続法の原理—国際協働におけるプレミスの特定* (*The Rationales of the International Procedural Criminal Law: Identifying the Premises in International Cooperation*) will be published.

<sup>131</sup> **Bani Dugal** is the Principal Representative of the Bahá'í International Community to the UN. She is currently the Vice Chair of the Steering Committee of the NGO Working Group on the Security Council; serves on the Faith-Based Advisory Council to the UN Inter Agency Task Force for Religion and Development; and is a co-president and member of

- 16:10 Tea and coffee break (followed by a visit to the old girls' refectory to see the large fresco *History of the Innocents* by [Bernardino Poccetti](#)).
- 16:35 **Session H: Internal Measures Available to Religious Leaders**<sup>132</sup>  
*Chair: Dr. Hamid Samandari*<sup>133</sup>
29. How Should Responsible Religious Leaders React to Hate Speech in Their Community?  
*By Professor Mohamed Badar*<sup>134</sup>
30. The Role of Education Within Religion and Belief Communities  
*By Professor Nazila Ghanea*<sup>135</sup>
31. Reflections on the Potential of Social Media to Assist Religious Actors Who Seek to Prevent or Reduce Hate Speech  
*By Director Peter J. Stern*<sup>136</sup>

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the World Council of Religions for Peace. She previously served, *inter alia*, as President of the NGO Committee on Freedom of Religion or Belief; Chair of the NGO Committee on the Status of Women; Co-Facilitator of the UN Gender Equality Architecture Reform Campaign (GEAR); Co-Facilitator of the Faith and Feminism Working Group; and Chair of the Global Forum of the NGO Committee on UNICEF. Ms. Dugal holds a Masters (LL.M.) in Environmental Law from Pace University School of Law, New York and a law degree (LL.B.) from the University of Delhi, India. Prior to relocating to the U.S. in 1988, she practiced law before the Supreme Court of India. She has participated in events such as the Global Conference of Human Fraternity in the U.A.E. (2019), 5th World Forum on Intercultural Dialogue in Baku (2019), World Economic Forum (2005, 2015-2019), and UN Women Intergenerational Dialogue Day at the 59th CSW/Beijing+20 (2015).

<sup>132</sup> The corresponding Part V of the project anthology will include an English translation of the chapter 'Role of Al-Azhar Al-Sharif in Combating Extremism and Hate Speech According to International Instruments' by Justice Adel Maged.

<sup>133</sup> **Hamid Samandari** is a Senior Partner in McKinsey & Company's New York office, and the founder and former head of the firm's Risk & Resilience Practice in America, and the chair of the firm's knowledge council (which prioritizes and develops the major, next-generation, cross-cutting knowledge and capability areas the firm believes will be core to the performance and health of its clients). He is also a member of the McKinsey Global Institute (MGI) council, which advises on MGI research for global economic, business, and technology trends. He is co-author of McKinsey's January 2022 study *The net-zero transition: What it would cost, what it could bring*. He holds a Ph.D. from Stanford University in scientific computing and computational mathematics, and an M.S. in mathematics from the University of Geneva.

<sup>134</sup> **Mohamed Badar** is Professor of Comparative and International Criminal Law and Islamic Law at Northumbria Law School, Northumbria University, Newcastle. He is the Legal Consultant for Mr. Al Hassan Defence Team before the International Criminal Court; Middle East and North Africa Regional Forum Liaison Officer, International Bar Association War Crimes Committee; and an expert for EUROJUST and UNODC Maritime Crimes Project. He previously served as Senior Prosecutor and Judge in Egypt (1997-2006), and was a member of the Bahrain Independent Commission of Inquiry to investigate and report on allegations of human rights violations during the civil unrest in Bahrain in 2011. He holds a Ph.D. in comparative and international criminal law from the National University of Ireland, Galway, a first-class honours LL.M. degree in international human rights from the same university, a Bachelor of Law (LL.B.) and a Bachelor of Police Sciences from the Police Academy, Cairo, and a Diploma in international legal relations from Ain Shams University, Cairo. He has published extensively on issues related to comparative and international criminal law, and his work has been cited by international and national criminal courts. His recent work on incitement to hatred as crime against humanity, hate and fear propaganda, and the criminalisation of *Takfir* appears in the *Nordic Journal of Human Rights, International Criminal Law Review and International Journal of Human Rights*.

<sup>135</sup> **Nazila Ghanea** is Professor in International Human Rights Law at the University of Oxford. She is the Director of Human Rights Programmes and is a Fellow of Kellogg College (B.A. Keele, M.A. Leeds, Ph.D. Keele and M.A. Oxon). She is the Deputy Chair of the Board of Trustees of the Geneva-based *Universal Rights Group*, and serves on the UK Foreign Secretary's Advisory Group on Human Rights. She previously served as a member of the OSCE Panel of Experts on Freedom of Religion or Belief. She has been a visiting academic at a number of institutions including Notre Dame, Columbia and NYU, and previously taught at the University of London and Keele University, and in China. Her publications include *Freedom of Religion or Belief: An International Law Commentary* and a number of other monographs, edited collections, journal articles and UN publications (including the 2007 anthology *Does God Believe in Human Rights? Essays on Religion and Human Rights* (co-edited with A. Stephens and R. Waldem)). Her research spans freedom of religion or belief, freedom of expression, women's rights, minority rights and human rights in the Middle East.

<sup>136</sup> **Peter J. Stern** is Director, Content Policy Stakeholder Engagement, at Meta in Menlo Park, California. He leads a stakeholder engagement team that builds relationships with NGOs, academics, and other thought leaders to incorporate external feedback into Meta's content policy development process. Prior to joining Facebook in 2014, he was a partner at the San Francisco law firm Morrison & Foerster LLP, where he specialized in international litigation and spent 11

32. Translational and Terminological Sensitizing of Muslim Religious Leaders of Al-Azhar in the Combat Against Hate Speech  
*By Fathi M.A. Ahmed*<sup>137</sup>
33. Setting Our House in Order: Hateful Expression Between Thematic Prosecutions and Spiritual Exercises  
*By Morten Bergsmo*<sup>138</sup>

19:00 The conference should end by 19:00.

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years in his firm's Tokyo office. He holds a B.A., *summa cum laude*, from Amherst College and an M.A. (History) and J.D. from the University of California, Berkeley. He was a Law Clerk to Hon. John T. Noonan, Jr., United States Court of Appeals for the Ninth Circuit (1993-1994).

<sup>137</sup> **Fathi M.A. Ahmed** is one of the leading Arabic-English-Arabic translators in the fields of international law and organisation. He has, *inter alia*, translated several books by the late M. Cherif Bassiouni into Arabic, and has multiple publications on translation questions. He holds a master's degree in translation studies from the University of London and did his undergraduate studies at Helwan University (both *summa cum laude*), followed by diploma studies in translation at the American University of Cairo which hired him to teach legal and UN translation. He has also taught at Ain Sham University in Cairo where he co-developed legal, UN and other translation courses. Having passed several international competitive language examinations, he has provided translation, terminology and editing services to the UN Secretariat (New York, Geneva, Vienna and Nairobi), several UN specialized agencies (including the WHO, IAEA and UNEP), the ICC Office of the Prosecutor, ICRC, International Center for Asset Recovery of the Basel Institute on Governance, Bahrani Independent Commission of Inquiry, and the Siracusa International Institute for Criminal Justice and Human Rights. He is CILRAP's Arabic Translation Team Leader, currently translating, among other texts, the commentary on the ICC Statute and Rules of Procedure and Evidence in [Lexsitus](#) (more than 700,000 words).

<sup>138</sup> *Supra* note 96.



## Cultural Programme

Those who registered in time will see world-leading examples of durable-stone art, mosaics, bronze works, sculptures, fabrics, paintings on wood, and frescoes, with an emphasis on the early Renaissance (1400s) and what motivated it, seen in part through the work of [Donatello](#) (Donato di Niccolò di Betto Bardi, 1386-1466). We will also see important examples of Romanesque and Renaissance architecture, and some Classical ruins.

### **Thursday, 7 April 2022:**

- 13:00 We will first walk from [Piazza della Santissima Annunziata](#) outside Hotel Loggiato dei Serviti, around the corner, to [Galleria dell'Accademia di Firenze](#) where we will see, *inter alia*, Michelangelo's sculpture [David](#) and the painting of *St. Ivo Administering Justice* which is on the cover of this programme.
- 14:00 We proceed half a block to the nearby [Scarpelli Mosaici](#), the leading private *bottega* or workshop in Florence currently practicing the art of *pietre dure*.
- 15:00 We walk three blocks to the [Basilica di San Lorenzo](#) (consecrated 393 A.D.), one of Florence's most beautiful churches, where we will see some artworks by and the tomb of Donatello, the favourite artist of Cosimo de' Medici (1389-1464) who is buried at the centre of the church.
- 16:00 We proceed by taxi to [Antico Setificio Fiorentino](#), a *bottega* using original looms from the 1800s to hand-make fabrics based on ancient designs and techniques.
- 17:00 We continue to the [CILRAP Bottega](#) (Via San Gallo 135r) where the artist Alberto Gandolfi will offer technical and artistic insights into the making of four frescoes that he has painted there.

### **Friday, 8 April 2022:**

- 12:30 After lunch, we will visit [the art collection of the Museo degli Innocenti](#), upstairs in the Innocenti complex, above the conference hall.

### **Saturday, 9 April 2022:**

- 16:20 We will see the large fresco (700 x 460 cm) *History of the Innocents* by [Bernardino Poccetti](#) (1548-1612) in another hall on the ground floor of the Innocenti complex.

### **Sunday, 10 April 2022:**

- 08:30 We meet at the entrance of [Museo Nazionale di San Marco](#) – a Dominican convent from the early 1400s, one short block from Piazza della Santissima Annunziata – where we will see its well-preserved, original interior by [Michelozzo di Bartolomeo Michelozzi](#) (1396-1472) and a unique collection of paintings and frescoes by [Fra Angelico](#) (1395-1455) and works by [Fra Bartolomeo](#) (1472-1517). Associated with [Marsilio Ficino](#) (1433-1499), [Pico della Mirandola](#) (1463-1494) and [Agnolo Poliziano](#) (1454-1494), the convent hosted the monk [Girolamo Savonarola](#) (1452-1498) who was important for the rise and fall of Niccolò Machiavelli (1469-1527). Emiliano J. Buis will offer remarks on Ficino and the Platonic Academy in Florence, and Alberto Gandolfi about Fra Angelico.
- 09:30 We will then walk three blocks to [Battistero di San Giovanni](#) (the Baptistery of Saint John), one of the most remarkable buildings in Italy.
- 10:30 We walk another three blocks to Strozzi Palace where we will see the exhibition [Donatello: The Renaissance](#), described by Strozzi as a “once-in-a-lifetime exhibition [that] sets out to reconstruct the outstanding career of one of the most important and influential masters of Italian art of any age”.
- 12:00 Those interested will proceed by taxi to [San Miniato al Monte Basilica](#) on a south-eastern hill of Florence, one of Italy's finest Romanesque structures and most beautiful churches. We will try to proceed from there to the old literary [Caffè Fontana](#) for a light lunch upstairs.
- 14:00 Interested colleagues will then go by taxi to [Fiesole](#), an ancient Etruscan, Roman and Medieval town on a hilltop on the north side of Florence, where we will enjoy a panorama view of Florence and Tuscany from the grounds of a fourteenth-century Franciscan monastery. Those most energetic can walk the antique path back down towards Florence, passing [Georgetown University's campus](#) and various [historic villas](#), the [Convent of San Domenico](#), and the [seat of the European University Institute](#).