How do Religious Norms Diffuse? Institutional Translation and Normative Change in a Post-Secular International Society

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ABSTRACT: This paper aims at broadening the scope of the IR constructivist debate on norms diffusion by considering the case of religious normative action in global politics. Drawing on the Habermasian debate on post-secular society it borrows its concept of institutional translation and projects it onto the dynamics of international politics to analyze two contrasting case studies. The paper focusses on two norms that the Organization of the Islamic Conference has attempted to promote within the United Nations (UN) since the 1990s. The first is the institutionalization of the “Dialogue among Civilizations” which substantiated in the formation of the Alliance of Civilizations. The second is the principle of “religious defamation” which the OIC attempted to turn into an internationally recognized norm. By analyzing these cases, the essay shows that institutional translation is a concept of considerable analytical significance in understanding the role of international religious actors. We claim that translation allows detecting the actual agency of religious norms entrepreneurs and their transformative power over the international normative architecture.

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1. Introduction

So far constructivist authors and the literature on norms diffusion in IR have focused overwhelmingly on: (a) ‘good’ norms (liberal and secular in character); (b) which are being diffused in non-Western contexts; (c) by ‘principled’ norm entrepreneurs such as international non-governmental organizations (INGOs) or international organizations (IOs) like the United Nations (UN) (Finnemore and Sikkink 1998; Barnett 2010; Reus-Smit 2004). As a result, constructivist literature has increasingly been criticized of suffering from a ‘liberal’ (Adamson 2005), ‘cosmopolitan’ (Acharya 2004) or ‘secular’ (Kubálková 2000) bias which neglects non-Western agency and the wide variety of norms present in the international system.

These biases, in many respects, indirectly play into triumphalist ‘end of history’ (Fukuyama 2006) narratives within the discipline. Such narrative skirts around the fact that the international sphere is replete with normative contestation – for instance between cosmopolitan and communitarian, liberal and non-liberal, secular and religious values and principles – and that it is inhabited by a wide variety of “non-Western” norm entrepreneurs – whether states, civil society actors, or regional and thematic organizations. This normative contestation is becoming all the more apparent as world politics is turning increasingly multipolar as well as, in many respects, post-Western (Weber and Jentleson 2010; Kupchan 2003; Acharya and Buzan 2010; Tickner and Wæver 2009; Zakaria 2011).

The process of contestation and interaction between Western and non-Western norms and their entrepreneurs in international society needs to be understood better. This paper seeks to theoretically and empirically broaden the constructivist research agenda by

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1 We understand norms along Nina Tannenwald’s definition which, building also on Goldstein and Keohane (Goldstein and Keohane 1993) definition of principled beliefs, argues that: ”Normative (or principled) beliefs are beliefs about right and wrong. They consist of values and attitudes that “specify criteria for distinguishing right from wrong and just from unjust,” and they imply associated standards of behavior” (Tannenwald 2005, 16).
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looking beyond the diffusion of liberal and secular norms in international society. Admittedly, this is not an entirely novel project. As we shall see in Section 2, other scholars have started to push constructivist thinking along similar lines. This paper seeks to advance this emerging scholarly debate, by exploring the processes and mechanisms through which non-Western actors seek to promote norms within the secular structures of the ‘international liberal order’ (Ikenberry 2009, 2011; Deudney and Ikenberry 1999). There are several non-Western norms and structures of meanings that have interacted critically with the liberal normative context (for example the Asian values debate, or the question of African identity, Chinese Confucianism etc.). We limit our focus to religious norms promoted by actors anchored to an Islamist tradition in the context of liberal global institutions such as the UN.

The paper contends that non-Western religious-based actors have the greatest chance of successful norm promotion within international society, when these can be translated into secular liberal norms. When using the concept of translation to explore the dynamics of norm diffusion across different institutional and cultural contexts – in particular between a secular and a religious context – we draw from debates on the ‘post-secular’ spearheaded by Jürgen Habermas (Habermas and Mendieta 2010; Habermas 2006, 2008; Habermas et al. 2010).

Given the continued, if not growing, political salience of religions over the past decades, Habermas has increasingly been concerned with revisiting the normative question of how secular liberal democratic states ought to appropriately accommodate and include religious voices in their domestic public spheres and state deliberations. In his writings on the post-secular, Habermas relaxes the conditions that contemporary liberal theory asks of religious citizens who want to publicly articulate their political positions through religious semantics. At the same time, he introduces an ‘institutional

2 Debates about the so-called “return” or “resurgence” of religion have spanned the entire social sciences. For important entries the IR literature see: (Haynes 1998; Hatzopoulos and Petito 2003; Hurd 2008; Toft, Philpott, and Shah 2011; Thomas 2005; Barbato and Kratochwil 2009)
translation proviso’. This proviso requires that religious idioms be translated into universally acceptable secular language whenever religious beliefs and norms are to enter the legislative, executive, and judicial deliberations of the state.

We contend that much of the learning and deliberative process between secular and religious actors that, according to Habermas, should take place in post-secular liberal domestic settings, are in many respects already occurring in the global public sphere. Thus, the Habermasian concept of ‘institutional translation’ can be understood, not solely as a normative requirement for religious arguments to be included in the political deliberations of secular institutions, but also as an analytical social mechanism through which norms which do not belong to the liberal tradition can diffuse in liberal international settings and within secular global governance institutions.

We define ‘translation’ as the process of normative transmission between differently situated international actors whose principles originate from diverse ethical backgrounds - whether, religious, ethnic or generally cultural. Within this process, norms’ meaning is contested and negotiated with the aim of achieving a commonly agreed definition between norm promoters and receivers. A successful translation will converge towards a norm which transcends particularism and hence enjoys legitimacy beyond the context in which it originated. We see the mechanism of translation as a component of the dynamic of norm diffusion of emergence, cascading, and internalization described by Sikkink and Finnemore (1998). Differently from the mechanism of persuasion - which is central to norm diffusion for much constructivist scholarship - translation highlights how the receiving agents do not always adopt norms exactly as intended by the original norm.

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3 The concept of translation in norms diffusion has recently become more common in the literature. One relevant example, which we will draw and expand upon in section three, is its use in Zwingel 2012.

4 This analytical perspective leads us to sidestep the normative questions and debates surrounding whether Habermas’ post-secular proposal goes too far, or not far enough, in opening contemporary politics and liberal thought to religions ethics and perspectives. For comprehensive overviews of these debates in political philosophy and IR, see respectively the special issues of [Constellations 14 no.2, 2007] and [RIS: Petito/Mavelli RIS]. As will be discussed in more detail in section three, what instead we are most interested in is understanding and explaining the dynamics of religious norms diffusion by non-Western international actors in international society.
entrepreneur. While the norm entrepreneur uses one language and set of meanings rooted in a particular cultural and ethical milieu, the receiving agents, when and if they become socialized in the new norm, tend to internalize it in their own language, set of meanings, and knowledge structure. Moreover, the mechanism of translation expands the conception of international agency prevalent in the ‘norm life cycle’ literature, by bringing in – as Amitav Acharya (2004) similarly does through his concept of norm ‘localization’ - the agency of non-Western actors in the process of norms diffusion. In other words, we claim that institutional translation has a transformative power of international normative structures which is undetected in mainstream constructivist accounts of norms diffusion.

The mechanism of norm translation is illustrated empirically in this essay through two case studies on the normative activity of the Organization of Islamic Cooperation (OIC) within liberal international settings. The OIC is an institution that legitimizes much of its normative activity with reference to Islamic, rather than liberal, ethics, values, and identities. We concentrate on two norms that, since the second half of the 1990s, the OIC has vigorously sought to promote at the UN. The first norm substantiates in the process known as ‘Dialogue among Civilizations’ and corresponds to a generalized practice that goes beyond the orthodox channels of diplomacy and promotes international interaction to prevent an alleged clash of civilizations. The second norm regards the enactment of measures to prevent and criminalize internationally cases of ‘religious defamation’.

These cases are particularly interesting because they epitomize the promotion of norms that originate outside the liberal tradition that commonly informs much of international society normativity. Interestingly, the two cases have contrasting outcomes. The ‘Dialogue among Civilizations’ norm has become progressively institutionalized from the mid-2000s onwards and we claim that this is due to an effective process of translation from a norm originating in the Islamic tradition, to a principle eventually

\[5\] By this we do not mean that all Islamic principles are necessarily in contrast with Liberalism, but simply to emphasise that the ethical background on which the OIC relies is morally defined by the tradition of Islam as prior to any other ethical conception whereas liberalism purports itself as a morally “neutral” or “impartial” theory.
adopted also by non-OIC states by virtue of its compatibility with liberal principles as
tolerance and equality. The promotion of a norm prohibiting “religious defamation”
instead, faced significant challenges when the OIC attempted to translate it into the
liberal and secularized framework of the UN and then of international society. Religious
defamation was relentlessly opposed by Western states, non-governmental organizations
and UN representatives and eventually has led to minor normative changes and a vague
initiative largely outside the UN’s purview in 2011, the Istanbul Process.

The paper is structured as follows. The next section briefly discusses the limits of
constructivist theorizing when it comes to investigating the diffusion of non-Western and
non-liberal norms in international society, with a particular reference to religious norms.
Section 3 brings together debates on the resurgence of religion and the post-secular
within the social sciences with constructivist theorizing about norm dynamics. Here we
take the Habermasian normative concept of ‘translation’ articulated in his post-secular
writings, and conceptualize it as a key social mechanism through which religious norms
diffuse in liberal secular settings. The fourth part looks at the two case studies of norms
diffusion by the OIC at the UN. In Section 5 we analyze the two cases in order to test
how the concept of ‘translation’ explains the variation in their outcomes. The conclusions
will highlight how institutional translation may enrich the debate on the diffusion of
international norms by expanding the focus of the constructivist research agenda towards
the international agency of non-Western actors and highlighting which factors render
more effective the diffusion of norms originating in non-liberal contexts.

2. Religious Norms in IR and the Limits of Constructivism

Modernity has not ushered in the complete secularization of the world and the
inevitable demise of religions as many social scientists foresaw for most of the XIX and
XX century. Not only religions seem to have survived in most parts of the world (Finke
and Stark 1992), but their political salience and presence in the public sphere has also
grown over the past decades. From the 1990s onwards sociologists – the most acute
observers of this phenomenon – increasingly would talk about the “revenge of God”
(Kepel 1994), the “deprivatization” of religion (Casanova 1994), and the “desecularization” of the world (Berger 1999).

A growing literature in IR and IR theory over the past decade has emerged addressing the “resurgence” or “return” of religion as a key phenomenon and explanatory perspective of international relations (Hatzopoulos and Petito 2003; Haynes 2007, 2010, 1998, 2012b; Rengger 2003; Hurd 2008; Toft, Philpott, and Shah 2011; Snyder 2011; Thomas 2005; Barbato and Kratochwil 2009). The debate is still ongoing at the time of writing; why international relations theorists have been reluctant in tackling the role of religion in global politics? What kind of implications does religion have for international relations? How can IR account for the role of religion in international affairs? Addressing all these questions would obviously exceed the scope of this paper; but let us consider three main points to justify the theoretical background of this essay.

The first can be made with reference to Vendulka Kubálková’s idea of an “international political theology” (2000). Kubálková claims that the positivist and realist tradition of international relations theory fails to provide a suitable framework for the study of religion and, in fact, its empiricist focus constitutes one of the reasons why religion has been marginalized in the study of global politics. Constructivism, according to her, is better equipped as a theoretical framework to include the study of religion as a social and political phenomenon in global politics compared to rationalist and positivist IR theories. Constructivists’ assumptions based in linguistic theories of shared meanings and the social construction of reality, does not rule out religion and its norms as an irrational practice.

Constructivism, according to Kubálková, “can engage with discourses based on faith as with those based on narrowly-defined reason.” (2000, 699) Constructivism is, thus, a very powerful theoretical lens through which investigate faith-based politics because it does not discount it as irrational or incommensurable. We think that Kubálková’s point is convincing. A constructivist perspective rises above the empiricism and state-centric approaches that have limited the IR theory debate to positivist and
rationalized accounts. Thus, it provides a different angle to look at the phenomenon of norms diffusions and in particular of religious norms diffusion.

Although constructivism can be understood as a useful theoretical framework to investigate religious actors, beliefs and identities in IR, scholars have only marginally started to explore its potential. This is largely because, as Adamson observes, the constructivist research agenda is overwhelmingly biased towards liberalism and focusses selectively on it as the only normative and ideological framework within which international politics unfolds. As such, Adamson points out, “social constructivists have been relatively silent about such issues as political Islam or the use of violence by ideologically motivated actors in world politics” (2005, 565) – concerns which have dominated international relations practices for over a decade now.

Our second point then, with Adamson, is that although constructivism is potentially well equipped to deal with religion and religious norms it has substantially failed in considering faith-based paradigms as sources of political agency. Only recently an emerging literature has increasingly focused on the activity of states and international organizations that promote norms and principles outside of the “macrolevel ideological structure of liberalism” (2005, 548) and the following sections intend to further enrich this literature. There has been consideration of an analogous process for example by Amitav Acharya (2004) who is concerned with explaining how norms expand within contexts in which they are seen as “foreign”. He asks why certain norms diffuse successfully also in circumstances where they are perceived as heteronomous. In this respect he proposed the concept of “localization” as the process throughout which a norm not only is reinterpreted and re-represented, but becomes subject to a process of re-

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6 See for example: Daniel Philpott; Revolutions in Sovereignty. Barbato and Kratochwil (2009) use a critical constructivist approach to lay out a post-secular international order. Nunket Sandal has recently applied Haas and Emmanuel Adler’s epistemic community approach, to religious actors.

7 It would be easy to propose a long list of scholarly contributions that have dealt with norms such as human rights, democracy and international law for example, (REFERENCES) but beyond the realm of a “Kantian culture” (Wendt 1999: 342) constructivism has been hardly applied.
constitution “to make an outside norm congruent with a preexisting local normative order.”(2004, 244)

Achraya’s concept of norms localization goes beyond the processes of “framing” and “grafting” which has been identified by other constructivists. He claims that to explain the diffusion of norms in non-liberal contexts we need to account not only for an adaptive process in which political actors conform to superimposed norms; but also to take into account “the agency role of local actors.” (2004, 244) Achraya’s claim is that “ideas that could be fitted into indigenous traditions could be better received than those that did not have such potential.” (2004, 244)

The process that we are going to discuss in the next sections is related to this idea of localization but from a reverse perspective. We refer to principles that are local and particular (in particular Islamic, as regards our case studies) and which norms entrepreneurs have tried to promote and institutionalize in the context of international society. With Acharya, we share the view that the political agency of non-liberal actors is neglected in processes of norms diffusion. But, rather than looking at the reception of international norms in localized milieus we focus on norms de-localization, i.e. the process throughout which non-liberal norms are institutionalized at the international level.

As we shall show below, as much as international norms are more successfully localized when “fitted […] into indigenous traditions and practices” (Acharya 2004, 244), faith-based norms become de-localized in international society when they are translated effectively into the “macrolevel ideological structure of liberalism.” (Adamson 2005, 548) This leads to the consideration in further depth of the concept of translation, to which the next section is dedicated. For now, nonetheless, let us point out that norms translation is a concept intends to contribute to the constructivist study of norms diffusion referring to the cases of non-liberal norms and thus addresses a neglected but increasingly important area of international politics.
3. Institutional Translation: From Post-Secular Normative Theory to Analytical Social Mechanism

In response to religion’s revival, Jürgen Habermas has increasingly revised his assumptions about the place of religion in the domestic public sphere of constitutional liberal democracies. Following a self-reflexive process about the “aggressive secularist” (Kuru 2009; see also Connolly 1999) assumptions underlying much contemporary liberal political philosophy which often appears to confine religion exclusively to the private sphere, Habermas has come to articulate a normative ideal structured around the possibility of a “post-secular society” open and inclusive of religions in the public sphere which facilitates engagement between religious and secular citizens. (Habermas and Mendieta 2010; Habermas 2006, 2008; Habermas et al. 2010)

He provides an updated liberal normative framework under which religious arguments and perspectives can reenter the public sphere. Habermas revisits the aggressive secularist bias of much liberal theory and simultaneously seeks to salvage the strict impartiality of liberal state institutions and its corollary norms of church and state separation. As he says

The liberal state must not transform the requisite institutional separation of religion and politics into an undue mental and psychological burden for those of its citizens who follow a faith. It must of course expect of them that they recognize the principle that political authority is exercised with neutrality towards competing world views. (Habermas 2006, 9)

Contemporary liberal thought, Habermas argues, asks too much of religious citizens who are expected to provide secular reasons for their religiously inspired political mobilization in order to be legitimately admitted in the democratic public sphere. Such a heavy condition on political participation imposed on religious citizens robs contemporary debates from critical voices and moral intuitions that religious traditions can bring to the table while also unduly excluding from public deliberations persons who may be neither willing nor able to divide their moral convictions and their vocabulary into profane and religious strands. By distributing “cognitive burdens unequally between
secular and religious citizens” (2006, 13), much contemporary liberal thought seems to go against liberalism’s own ethos of guaranteeing equality in pluralist societies.

To overcome these problems, Habermas narrows the scope of aggressive secularism over politics by introducing an “institutional translation” proviso. According to this formulation, the duty of providing secular translations to religious reasoning in liberal politics does not apply to all citizens, but only to state officials. Indeed, for Habermas, “the state’s neutrality does not preclude the permissibility of religious utterances within the political public sphere.” (2008, 28) It does however demand that – in order to maintain church and state separation – religious norms and linguistic formulations be ultimately translated into secular language when included in the formal processes of legal deliberation and political decision-making (2008, 28). Habermas’ institutional translation proviso, hence, would allow religious citizens not “to split their identity into a public and a private part the moment they participate in public discourses”, giving them the chance instead to “express and justify their convictions in a religious language if they cannot find secular ‘translations’ for them.” (Habermas 2006, 10)

For Habermas, “the contents which reason appropriates through translation must not be lost for faith.” (Habermas 2006, 17) This notion of translation is intended to “salvage the substance of a religious term without deflating or exhausting it.” (Cooke 2011, 483) The process of institutional translation from religious into secular language is designed to allow the moral intuitions of faith to be accessible also to “non-believers through the universal language of reason”, while at the same time keeping “the boundaries of knowledge and faith firmly in place.” (Mavelli and Petito 2012, 936) A successful translation then becomes a precondition for the substantive content of religious voices to be taken up in the agendas and negotiations within political bodies and in the broader political process (Habermas 2006, 11)

For effective translations to occur both religious and secular actors need to adopt a self-reflexive stance that opens up space for mutual learning and cooperation. Religious citizens ought to recognize, according to Habermas, that at the level of state institutions
and practices “only secular reasons count therein” (2006, 10) and, hence, they should accept that their arguments be translated. Secular citizens, on their part, should change their cognitive mental maps recognizing that they “live in a post-secular society that is epistemically adjusted to the continued existence of religious communities.” (2006, 15) They ought to abandon both secularist readings of modernity, where religions are seen as “archaic relics of pre-modern societies” with no “justification to exist”, as well as laicist understandings of church-state separation, which “confuse the neutrality of a secular state in view of competing religious worldviews with the purging of the political public sphere of all religious contributions.” (Habermas 2008, 28) Secular citizens are hence required to move beyond “mere tolerance” (2006, 15) and remain “agnostic” vis-à-vis religious truth-claims in the public sphere (2006, 17), in order to enter into genuine dialogue with religious citizens and take religious contributions to politics seriously.

We have briefly surveyed Habermas’ proposal, however, not to make a further intervention in the normative debates that his views on post-secularism have generated. We instead wish to employ part of his conceptual toolbox to explain international social change. Our paper’s premise is that much of Habermas normative proposal, which – by his own admission (Habermas and Mendieta 2010, 9) – is mostly directed at European laicist states and societies, is actually an empirical reality of sorts in other parts of the world. For instance, as Eduardo Mendieta (Habermas and Mendieta 2010, 9) points out, much of what Habermas advocates is already taking place in countries like the United States of America. We argue, following Mendieta’s lead, that Habermas’ proposal captures a process that already is taking place also at the international level between participants in a pluralist global public sphere, many of which are religious, and the

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8 Habermā’s justification for a ‘translation proviso’ is the belief in the essential resistance of religious truth-claims to argumentative interrogation, due to the “inviolable core of infallible revealed truths” (2006, p. 9) on which they rest, making them a threat to democratic legitimacy when admitted into formal processes of legal and political deliberation.

9 See earlier footnote X
international institutions embedded within the global governance structures of the liberal order.  

By taking an analytical perspective, we seek to investigate processes where institutional translations – based on a genuine exchange between secular and religious perspectives in the global public sphere – are leading to new normative frameworks within secular international institutions. Institutional translation can be understood also as a key social mechanism that helps to explain why and how certain religious norms acquire greater traction, becoming mainstreamed within the secularized milieu of global governance institutions, while others do not.

In order to give further conceptual substance to the concept of translation, Susanne Zwingel’s (2012) recent work on cross-cultural contentious norm dynamics is particularly helpful. Drawing from anthropological literature, Zwingel highlights how processes of translation require both “the cultural concepts and the transmitters of these concepts such as language and customs” of the norm promoter, to be converted into the “the language and customs” of the receiving agent’s “system of meaning to enable cross-cultural understanding” (124). She observes that translation is rarely a one-sided endeavor but is rather a “complicated and open-ended” (124). While there is an “enriching dimension of the encounter with the other in which change of one’s own mindset is possible and desirable”, there is also a “manipulative potential of translation where the language and culture into which something is being translated forms the standard to which the other is being adapted.” (124) Put differently, while norm translation allows for “different avenues of cross-cultural encounters and transmissions of

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10 For a similar point, but from a more normative perspective, see (Barbato and Kratochwil 2009)

11 The analytical move we make here with Habermas’ post-secular concept of translation, mirrors Thomas Risse’s (2000) efforts to turn the German philosopher’s theory of communicative action into a particular kind of social mechanism to explain international norm diffusion. We differ in the respect that we depict this process not as a mere argumentation base on the grammar of public reasoning but also as translation in the sense of transporting norms from one cultural/religious context to another, thus cutting across different structures of meaning and rationality.
meaning”, the term also includes an element of “unevenness—mutual enrichment is possible as much as sub-ordination.” (124)

Zwingel proposes three typologies of norm translation: global discourse translation, impact translation, and distorted translation. Of these, we see impact translation most closely resembling the Habermasian notion of institutional translation. Impact translation puts the accent on the interaction between the norm that particular agents are promoting and the receiving “context relevant for the action of translation, as this context often determines strategies and outcomes.” (125) In other words, the success of translation processes is often heavily dependent on the normative context in which the external norms are being promoted.

The social mechanism of translation, as outlined here, modifies and complements the standard constructivist focus on argumentative rationality and persuasion articulated in the “norm life cycle” literature (Risse 2000; Finnemore and Sikkink 1998). Mainstream constructivist scholarship on norm life cycle tends to explore one-way, from Western to non-Western, and top-down, from global to local, norm dynamics. Here the norms in question – which overwhelmingly tend to be of secular, liberal and cosmopolitan nature – are seen as pristinely moving from norm promoter to norm receiver, thanks either to the norm’s principled quality or to the entrepreneurial activity of the norm promoter.

The agency and the normative/cultural context of the actors or institutions that are socialized in the new norm – that is, situated and contextualized agency – is overwhelmingly discounted. A focus on persuasion, also sidesteps the contentious element of norm diffusion whereby norms are not just wholeheartedly received as they are across social and cultural spheres, but go through processes of contestation, reinterpretation, adaptation, and negotiation. Arguably, what we are pointing out at here may be more the rule rather than the exception. Norms are to a large extent “cross-culturally negotiated […] rather than imposed” (Zwingel 2012, 126) and the concept of translation captures the process throughout which norms may eventually transcend their
cultural, religious or anyway particularist character. The mechanism of translation, hence, differs from persuasion to the extent that the receiving party does not always adopt norms exactly as formulated or intended by the norm entrepreneur. While the norm entrepreneur uses one language and set of meanings rooted in a particular cultural milieu and structure of meaning, the actors that become socialized in it tend to be socialized in their own language, set of meanings, and knowledge system.

Acharya (2004) has made similar observations about the shortcomings of standard persuasion mechanisms when advancing his concept of norms localization. Nonetheless, we see translation as a more far-reaching mechanism than the cross-cultural dynamics of norms diffusion emphasized by localization. The process of localization, while opening up greater space for the contestation of norms by local non-Western agency, still portrays a top-down process of norm diffusion – from global to local and from dominant liberal to regional non-liberal norm dynamic. Differently from localization, translation is a more generalized process that not only interests the cross-cultural diffusion and contestation of norms from the top-down but also applies to those particularist norms that local non-Western actors may attempt to de-localize – with varying degrees of success – internationally. In other words, translation captures the contested cross-cultural dynamic of norm diffusion across all levels of analysis (from global to domestic, from domestic to global, from regional to global, from domestic to domestic, and so on), including norms that are actively promoted by non-Western actors internationally.

Having analytically unpacked the mechanism of translation the discussion now intends to investigate its workings. We employ two contrasting case studies in which a religious actor has promoted norms that, in order to attain international legitimacy, needed to go through a process of translation.

4. The Case of the OIC Normative Action

Islam and political Islam have become an important ethical background on the basis of which much international political and military activity has taken place in the
past decades. The Organization for the Islamic Cooperation (OIC) is one of the international multilateral actors that have often sought to promote international norms reflecting its Islamic inspiration. The OIC is an organization founded in 1969 and based in Saudi Arabia, which gathers 57 Muslim majority states. The OIC presents itself as “the collective voice of the Muslim world” seeking to “safeguard and protect” its interests. It understands itself as having “the singular honor to galvanize the Ummah into a unified body” and to “actively represent the Muslims by espousing all causes close to the hearts of over 1.5 billion Muslims of the world.” Among the OIC’s key aims, as presented under its charter, is to: “Protect and defend the true image of Islam, to combat defamation of Islam and encourage dialogue among civilizations and religions.”(Organization of Islamic Cooperation N.D.)

In its efforts to promote “Dialogue among Civilizations” as well as “religious defamation” norms in international society, the OIC has focused on the UN. As we shall see, the religious character of an organization (whether is the Catholic Church, the OIC or any other example) and its norms does not necessarily conflict with the principles that regulate international society. Yet the accommodation of a religious-based organization’s normative agenda within secular institutions such as the UN, which are embedded and constitutive of the “liberal international order” (Adamson 2005, 554; Ikenberry 2011), can easily produce frictions and ambiguous results. This, we claim, is not because the UN is an aggressive secularist organization, to the contrary. We explore OIC’s activism at

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12 For an extensive overview of the role of transnational religious actors see (Haynes 2012a).
13 *ibid*
14 The UN is a secular institution— whose goals, activities, and organizational structure are neither religious in character nor do they subscribe to any public religious ethic – but its underlying mission and norms are not anti-religious. As a matter of fact, the organization has generally been rather neutral and open towards the public participation of religious groups and communities in its activities. Indeed, religious actors and voices have competed and dialogued with secular and secularist ones ever since the organization’s founding moments up to this very day (*Haynes ReligioWest Working-paper*). During the UN’s inception several Christian and Jewish groups contributed to the drafting of the organization’s charter, with a particular focus on the UN Declaration of Human Rights (*Glendon 2002, A World Made New, chapter 5*). Furthermore, religious perspectives, especially from conservative religious groups, have become ever more present and vocal in the past decades (*Bob: The Global Right Wing 2012 and others*).
the UN because liberal global governance institutions satisfy the empirical and normative conditions at the internal level that allow for processes of institutional translation and mutual learning between the secular and the religious to occur – conditions which Habermas posits are necessary for domestic post-secular societies to emerge.

The following two cases illustrate how the promotion of a dialogue of civilizations has been progressively accepted and institutionalized in international society, but the prohibition of the defamation of religion has raised concerns among Western and, in general, liberal actors. Eventually religious defamation failed to become a recognized international norm. A number of questions emerge from these cases. Why did Western states and UN institutions endorse “dialogue of civilizations” norms while overwhelmingly resisting “religious defamation” ones? Seeking to explain this diverging result leads to ask a further and more general theoretical question. How and when do non-Western religious norms diffuse in liberal secular international settings such as the UN? Before trying to address some of these questions, let us consider in more detail the two case studies.

4.1 The Diffusion of Dialogue among Civilizations as an International Norm

After the end of the Iran-Iraq war, the collapse of the Berlin Wall and in the aftermath of the Iraqi invasion of Kuwait, Iranian foreign policy changed significantly by adopting stances which signaled the will to reconcile with Western powers after decades of outright antagonism (Ehteshami 2002). With the election of Mohammad Khatami as president in 1997, these changes became even more evident. One of the most indicative signs of change was the promotion of an initiative to facilitate “dialogue among civilizations”, which Khatami in person planned and promoted within the framework of the OIC. With reference to the constructivist vocabulary of Sikkink and Finnemore (1998), Khatami can be considered as the primary norm entrepreneur of the Dialogue among Civilizations.
In December 1997, the OIC held its eighth Islamic Summit in Teheran, and the Final Communique of the meeting, mentioned in various occasions the will to encourage “dialogue among civilizations” and facilitate the opening of the Islamic Ummah “to the rest of the world within the framework of dialogue among civilizations” starting from the recognition of religious principles justifying the initiative. (Organization of Islamic Cooperation 1997) The announcement was not an exercise in void public rhetoric but a tangible sign from the assembly, and in particular from Iran, of the intention to establish an innovative international practice among different political actors going well beyond orthodox diplomatic channels.

The Teheran declaration was in direct opposition to clash of civilizations theories. It relied on an Islamic justification claiming that: “the need to establish understanding and interaction among various cultures, [is] in line with the Islamic teachings of tolerance, justice and peace” and subsequently emphasized: “the imperative of positive interaction, dialogue and understanding among cultures and religions; rejecting the theories of clash and conflict which breed mistrust and diminish the grounds for peaceful interaction among nations.” (Organization of Islamic Cooperation 1997) The DOC promoted the institutionalization of dialogical processes between cultural, artistic and scientific sectors to promote the understanding between civilizations, foster a culture of dialogue in the attempt of bridging gaps, and contrast an alleged clash between civilizations and promoting equal respect for different cultures.

From a localized norm, primarily framed in the Islamic context of the OIC, the initiative was then promoted in the international sphere delocalizing its character and reaching the global interlocutors of the civilizational dialogue. President Khathami extended the initiative to the UN and proposed to the UN General Assembly to designate the year 2001 as the “United Nations Year of Dialogue among Civilizations”. In 1998, the UNGA resolution 53/22 was approved designating 2001 as the UN Year of Dialogue among Civilizations. In 1999 the UN Secretary General appointed Giandomenico Picco, a UN diplomat with a long experience in Iranian affairs, as the Personal Representative for the initiative. These first steps were then followed by another statement, the Teheran
Declaration on Dialogue among Civilizations of 1999, which detailed the principles of the dialogue, its participants and areas of concern which were subsequently communicated to the General Assembly.\textsuperscript{15}

By 2001, the OIC initiative of a Dialogue among Civilizations became a diffused normative pattern informing global activity in terms of dialogue and cultural exchanges between different (and often antagonistic) state actors. Following a passionate speech of President Khatami to the General Assembly, the agenda for Dialogue among Civilizations was approved by consensus with the explicit endorsement of more than 110 states, including the United States of America.\textsuperscript{16} The approval of the resolution was particularly meaningful considering that it was taking place only two months after the events of the attacks in New York September 2001. The number of states adhering to the proposal is an indicator that a norm of dialogue among civilizations as promoted by Khathami and then framed into the OIC was now in a phase of “cascading” (Finnemore and Sikkink 1998, 895) thus diffusing internationally.

Although its Islamic character remained partly relevant in the early stages of the process, the expansion of the norm towards other states has progressively “translated” its Islamic content. The UNGA resolution that designated 2001 as Year of Dialogue among Civilizations was preceded by a debate in which a number of OIC members and the OIC observer to the UN justified and framed the resolution into Islamic terms.\textsuperscript{17} Yet the resolution eventually approved did not mention Islam in any respect. In fact, thanks to an effective process of institutional translation, it adopted a secularized vocabulary and relied on values fully overlapping with UN principles such as tolerance, value pluralism and international peace.

\textsuperscript{15} UN Doc. A/54/116
\textsuperscript{16} A/res/56/6, the list of endorsing states can be found in the related Press Release GA/9955.
\textsuperscript{17} See UNGA official Records: A/53/PV.53
With the approval of the resolution, a number of initiatives took place promoting the objectives of the project. The 2001 initiative established a pattern of dialogical activities culminating in the Vilnius International Conference on the Dialogue among Civilizations of April 2001. These initiatives would have established a basis for the continuation of this process at a later stage, thus signaling that civilizational dialogue was not a short-lived experiment but a norm progressively by state actors.

In 2004, the Prime Minister of Spain Luis Zapatero and the Prime Minister of Turkey Tayyip Erdoğan promoted the Alliance of Civilizations; an initiative that was widely inspired by the experience of the Dialogue among Civilizations. The choice of a partnership with Erdoğan is not casual since he is the leader of a leading Islamist party and the head of country of Muslim Majority. The Alliance of Civilizations gave new momentum to Khathami’s original project and confirmed how the promotion of a practice of inter-civilizations dialogue as envisioned by Khatami and the OIC, has increasingly become an institutionalized pattern of behavior in international relations transcending its particularist origins.

In 2005, the UN Secretary General appointed a High-Level Group for the Alliance of Civilizations including Khatami among its members. The group had the role of organizing meetings which would have produced reports and recommendations promoting the objectives of the AOC. In 2007 the UN Secretary General nominated Jorge Sampaio (former president of Portugal) UN High Representative for the Alliance of Civilizations who was followed by Nassir Abdulaziz Al-Nasser from Qatar in 2013.

In 2006 the degree of cooperation between the Alliance of Civilizations and the OIC increased significantly. The OIC Secretary General took part for the first time to the High Level Meeting of the Alliance of Civilizations in Doha in 2006. The AOC initiative is seen by the OIC as in continuity with the Dialogue among Civilizations. The OIC secretary General has declared that there is no need “to recall that the idea of dialogue among civilizations was borne [sic] from within the OIC” and that the OIC “Welcomed the initiative of the “Alliance of Civilizations” as another tributary to the international
efforts aiming at the prevalence of rapprochement, peaceful co-existence, and concord among nations.  

The OIC continued to be an active promoter of civilizational dialogue also through the new paradigm of the Alliance of Civilizations Group of Friends and asked to its members to join the alliance. Furthermore, it has invited its members to present their national strategies with regard to the Alliance of Civilizations initiatives at a national level and has instituted a focus group among its organization to develop collective strategies in the activities of the Alliance of Civilizations.  

At the time of writing, the Alliance of Civilizations is an institution fully operational and with a solid record of achievements; its Group of Friends counts 138 members among individual states and international organizations. Its action has been endorsed by several UNGA resolutions, the Alliance of Civilization forum constitutes an influential gathering in which heads of state, and other political high-level officials meet with the aim of facilitating inter-civilization dialogue. The Alliance sponsors a number of different fora (including the UN Alliance of Civilization Global Forum) and projects such as campaigns to promote tolerance and diversity, grants and competition for cultural innovation through electronic media, on-line platforms for debate and regional as well as national strategies for the implementation of the objective of the Alliance.

In almost fifteen years of history the idea of a dialogue among civilizations as an alternative or complementary to more traditional channels of diplomacy, has become a diffused practice in international society; in other words, it has become a norm towards which the great majority of states has shown receptiveness. Starting from the initiative of Iran, framed in the context of the OIC, the norm has soon “cascaded” in international society, and was recognized and endorsed almost universally, thus becoming an

18 http://www.oic-oci.org/oicv2/topic/?t_id=2320&ref=1022&lan=en&x_key=alliance of civilizations
19 See for example http://www.oic-oci.org/oicv2/topic/?t_id=7609&ref=3104&lan=en&x_key=alliance of civilizations
20 http://www.unaoc.org/communities/countries-and-international-organisations/members/
institutionalized practice. The Alliance of Civilizations’ experience represents the latter development of this process and further corroborate the idea that a norm of inter-civilizational dialogues is increasingly “settled” (Frost 1996, 105-12) in the practices of international society, notwithstanding the fact that it was initially formulated and framed in a highly specific religious context.

Whether the process will lead to more substantial achievements; for example becoming a forum for urgent political matters and not only an opportunity for cultural exchanges, is still to be tested. The case of the Dialogue of Civilizations remains, nonetheless, indicative of the possibility of delocalization of norms from particularist contexts as the OIC, towards international society. As we shall further highlight below, this example represents a case in which principles and values informed by a particular religious and ethical background successfully translated in the vocabulary and institutional practice constitutive of the UN normative agency. The next section, however, will show that the interaction between religious norms and the actors of international society can also be unsuccessful and that religious norms, if not successfully translated, fail to diffuse internationally.

4. 2 The Failed Diffusion of Defamation of Religion as an International Norm

When Salman Rushdie’s novel *The Satanic Verses* was published in 1988, it stirred up a huge controversy among the Muslim public. Islamic leaders and heads of states would protest and accuse the British Indian author of blasphemy. At the time, the vehement response was almost exclusively religious, leading up to Iran’s Supreme Leader Ayatollah Ruhollah Khomeini issuing a *fatwa* in 1989 calling for the death of Rushdie.

This was the first major internationally significant episode in modern times of what has become a key grievance for Islamic and Islamist actors. That is the perception that Islam, as a religion, and Muslims, as a community of people and believers, have been increasingly negatively and unfairly stereotyped, discriminated and profiled in Western countries and by Western publics and elites. Such feelings have grown stronger with time, especially in the aftermath of the 9/11 terrorist attacks and the ensuing War on Terror.
From the late 1990s onwards, Islamic and Muslim heads of states have progressively sought to voice their concerns through legal means and within international fora about what they believe are growing anti-Islam sentiments in the West. They have sought to advance, in coordination with the OIC, a normative claim to interdict the ‘defamation of religions’ within the UN system by sponsoring a growing number of draft resolutions and related initiatives. The OIC has become the leading Islamic norm entrepreneur insisting that the international community actively combat the ‘defamation of religions’, understood by the OIC as “a claim of damage and disrepute being done to Islam.” (Alfandari, Baker, and Atteya 2011)

The earliest and most explicit articulation of this normative agenda occurred when Pakistan, acting on behalf of the OIC, introduced a draft resolution on combating the “defamation of Islam” in the UN Commission on Human Rights (UNCHR) in 1999.\(^{21}\) The resolution intended to counter “new manifestations of intolerance and misunderstanding, not to say hatred, of Islam and Muslims,”\(^{22}\) and to oppose portrayals of Islam as a religion hostile to human rights.

At this time, the resolution did not attract much high-level attention by other states in the UNCHR. However, the draft resolution’s exclusive focus on Islam prompted suggestions, principally by Germany on behalf of the European Union as well as Canada and Norway, to broaden its scope to include all religions. In the words of the German representative, the amendments aimed “to broaden the issue and deal equally with all religions”.\(^{23}\) After some negotiations, OIC representatives introduced a revised draft resolution that encompassed religions in general, while still emphasizing the particularly vulnerable situation of Islam. This new draft resolution, now titled “Defamation of Religions” instead of the earlier “Defamation of Islam”, was adopted by consensus in the

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\(^{21}\) The historical narrative here is not grounded on primary sources, but rather on the growing literature that traced the emergence and debated the merits of “defamation of religion” norms as promoted by the OIC. In particular, our account is based on (Langer 2010; Kayaoglu 2012b; Alfandari, Baker, and Atteya 2011).

\(^{22}\) UN Doc. E/CN.4/1999/SR.61

\(^{23}\) E/CN.4/1999/SR.61
UNHRC without a vote in 1999. A similar draft resolution was adopted again by consensus in 2000.\textsuperscript{24} The very process of redrafting the resolution into a vocabulary and normative grammar consistent with the liberal UN “language” can be understood as the attempt of “translating” the OIC initiative of defamation of Islam into a less context-specific language to facilitate the diffusion of the norm.\textsuperscript{25}

Although OIC’s initial efforts made it through the Commission quite easily, there were signs since the beginning that its religious normative agenda would have encountered problems of translation into secular-liberal principles. At this initial stage, attention was paid, mostly by European states, to the norm’s violation of principles of equality, since it singled out one specific religion, Islam, in need of special protection. If the draft resolution were to pass then, as it ultimately did in 1999 and 2000, this had to at least be able to grant equal protection to all religions rather than reflecting the highly particularist concern of one specific religion.

It is important to point out that UNCHR\textsuperscript{26} resolutions were not legally binding. If they were, we would have witnessed a greater level of attention and resistance by Western actors to the issue of ‘defamation of religion’ from the start. This said OIC’s goal has been all along “the establishment of an international legally binding instrument to combat what it considers to be the defamation of religions” (Alfandari, Baker, and Atteya 2011, 7) in two main ways.

First, the OIC has regularly submitted ‘defamation of religions’ draft resolutions at the UNCHR and the UNHRC (from 2006), along with the UN General Assembly (UNGA) from 2005 onwards, with the hope that this body of non-binding resolutions would become over time a source of international law. Second, the OIC has sought to


\textsuperscript{25} For a detailed account of this process see T. Kayaoglu, “Giving an Inch to Win a Yard only to Lose a Mile: Muslim Activists adapting to Liberalism in the UN” Unpublished Paper, 2012. [ASK FOR PAPER PERMISSION]

\textsuperscript{26} Note that the UNCHR was then substituted by the UN Human Rights Council.

The terrorist attacks of 9/11, which led to numerous cases of intolerance and wrongful associations between Islam and terrorism, brought further moment to OIC’s ‘defamation of religions’ campaign. It also led to greater scrutiny of the norm by Western states. In 2001 member states acting on behalf OIC introduced another draft resolution on defamation at the UNCHR. Agreement over the resolution’s text between the OIC and European states, however, became increasingly elusive. At the time, the Belgian representative, speaking on behalf of the EU, criticized the resolution and the OIC for wishing to protect religions rather than the rights of individuals. The resolution was nevertheless adopted within the UNCHR, although this time by majority vote rather than by consensus. The vote was split between Western states opposing the resolution, and Muslim states along with other developing/emerging states favoring it. The OIC introduced, and the Commission passed along similarly divided lines, analogous resolutions in 2002, 2003, 2004 and 2005.

We see how in 2001, and thereafter, the OIC’s “defamation of religions” norm started to face a second problem of translation into secular-liberal norms. At closer inspection by European states, the norm appeared to challenge the central place that individual rights have in secular-liberal thought. Indeed, under the formulation presented by the OIC, the objects of protection were Islam and other religions, rather than

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28 OIC was asked to remove the partisan image the Resolution created. This was done by making the text and its supporters more inclusive. For example, during the discussions for the 2002 Resolution, the OIC agreed to replace “to defame Islam, its tenets and values, and Muslim people” with “defamation of religions” and added “of all religions” after “places of worship” (UN Doc. E/CN.4/2002/SR.37).

individual adherents of religions. This said, during this period the OIC was advancing no specific claims for additional legal instruments to address its concerns. As such, although subject to some growing normative resistance due to the religious norm’s problems of translation into secular-liberal principles, the issue of defamation still largely received a muted institutional response within the UN, and scarce attention by the United States and major INGOs.

The year 2005 was a turning point. At the height of the War on Terror, a series of Danish cartoons depicting the Prophet Mohammed, became a major controversy across Western and Muslim majority countries. Loud and, at times, violent protests took place. In the aftermath of these events, the OIC’s campaign against ‘defamation of religions’ in general, and Islam and Islamophobia in particular, gained momentum. The OIC stepped up the pressure and its demands on the international community, while simultaneously raising its concerns in a growing number of venues. As the stakes grew, the US, major INGOs, and UN special rapporteurs joined the debate as well.

Following 2005, the OIC continued to present drafts resolutions at the UNCHR/UNHRC. It also began to present similar resolutions within the UN General Assembly. These draft resolutions, unlike previous ones, would now make explicit reference to Articles 19 and 20 of the International Covenant on Civil and Political Rights (ICCPR) with regard to freedom of expression and incitement to hatred. The OIC would increasingly emphasize - drawing from section 3 of article 19 of the ICCPR - that the “right to freedom of expression” carried with it “special duties and responsibilities” and hence that it could be “subject to certain restrictions” provided for by law which are necessary for the “respect of the rights or reputations of others”, and for the “protection of national security or of public order, or of public health and morals”. (Alfandari, Baker, and Atteya 2011, 11) One such legitimate restriction to freedom of expression, according to the OIC would be the defamation of religions which, according to the organization and its supporters, not only violated the dignity and rights of Muslims, but also had the potential to endanger global peace and stability.
These more demanding draft resolutions would pass by majority vote in both bodies between 2006-2010.\textsuperscript{30} However, they did so not without growing resistance by Western state and non-state actors and waning international support, especially from 2009 onwards.

Given the non-binding nature of UNHRC and UNGA resolutions, the OIC sought other avenues to promote its normative agenda and institutionalize legal instruments through which the international community would combat the alleged defamation of religions. Momentum was growing for such a push within Muslim states. An Islamophobia observatory was established in 2007. An OIC Summit conference in 2008 declared all acts “which defame Islam as heinous acts that require punishment.” (Langer 2010, 260) The OIC authorized its Secretary-General to constitute a group of experts to draft “a legally-binding international instrument to promote respect for all religions and cultural values and prevent discrimination and instigation of hatred vis-à-vis the followers of any religion.”(Langer 2010, 260)

The occasion for the OIC to promote stronger remedies to combat defamation came as the Durban Review Conference approached in 2009. The previous 2001 World Conference against Racism in Durban had not addressed the issue of religious defamation, but the Durban Declaration and Programme of Action had recommended “preparing complementary international standards to strengthen international instruments against racism, racial discrimination, xenophobia, and related intolerance.”\textsuperscript{31} As such, an Ad Hoc Committee on the Elaboration of Complementary Standards (Ad Hoc Committee) was created in 2008 to fulfill this mandate in light of the impending 2009 Review Conference. Country representatives and experts convened to analyze the gaps in existing


\textsuperscript{31} See Para. 199 of Durban Declaration and Programme of Action:

international instruments and to deliberate on the adoption of new conventions or additional protocols to the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). The proponents of ‘defamation of religions’ hoped to further entrench and codify these norms in this instance.

At the first Ad Hoc Committee session, held in 2008, delegates of the OIC, argued that the Committee ought to elaborate on specific proposals for complementary standards against defamation in the form of a binding legal instrument. The proposal raised objections from several Western. The first session ended with no agreement on new complementary standards on religious defamation. At the second session of the Ad Hoc Committee in October 2009, Pakistan, on behalf of the OIC, together with Nigeria, on behalf of the African Group, pushed for specific proposals to combat the defamation of religions. The USA, Canada, Australia, Norway and Sweden (the latter on behalf of the EU) rejected the elaboration of an optional protocol, arguing that the existing international legal frameworks provided sufficient protection against discrimination. (Alfandari, Baker, and Atteya 2011) The second session ended with no agreement on new complementary standards.

“Western countries feared and Muslim countries hoped that the Durban Review Conference would see a decade of promoting religious defamation rewarded by the initiation of codification.” (Langer 2010, 262) However, in line with the Ad Hoc Committee’s proceedings, ‘defamation of religions’ did not feature at all in the outcome document of the Durban Review Conference, despite Muslim states’ insistence on the importance and validity of the concept.

The opposition to the “defamation of religions” norm within UN bodies voiced by

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32 In particular the argument that there was no need for new ‘defamation of religions’ norms in light of existing laws rested on paragraph 2 of Article 20 of the ICCPR which states that: “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law [emphasis added]”. See: http://www.hrweb.org/legal/cpr.html.
Western state and non-state actors centered on two main translation problems which the norm encountered in order to become legally binding and UN policy. First, OIC’s concerns for preserving the integrity of ‘religions’, and especially Islam, clashed against – as already pointed out earlier – liberal standards which assign priority to individual rights over those of religions and belief systems per se. Second, OIC’s concerns with countering “defamation” clashed against fundamental secular-liberal principles of freedom of expression and opinion. In other words, the approach pursued by OIC member states was deemed to clash against and undermine fundamental principles of human rights law: the centrality of the individual and freedom of speech norms.

A pivotal role in delegitimizing OIC’s proposals within the UNHRC, the UNGA, and the Ad Hoc Committee, was played by a number of UN Special Rapporteurs. This is not surprising given that the UN system itself – its institutional and legal framework, and the identity and culture of its bureaucrats – is embedded in and constitutive of the secular-liberal international order (Kayaoglu 2012b, 14-9). The UN Special Rapporteur on Freedom of Religion, the UN Special Rapporteur on Contemporary Forms of Racism, and the UN High Commissioner for Human Rights were in those years all increasingly

33 Some of the principal Western-based INGOs campaigning against defamation were: ARTICLE 19, International Center against Censorship, the Becket Fund for Religious Liberty, and the International Humanist and Ethical Union (IHEU). It is important to note that there were also important Muslim civil society organizations that opposed the resolution. One of these was the Cairo Institute for Human Rights Studies (CIHRS).

34 These are the key and central reasons that unite most actors in opposition to defamation of religions norms. However states, non-state actors and UN special rapporteurs have also voiced a series of other concerns, ranging from: i) the vague terminology and unclear implications of the resolutions on defamation in relation to religion which may open the door to a number of forms of state abuse; ii) whether an international endorsement of defamation norms would lead to the proliferation of Blasphemy laws, with the observed perverse effects that these laws are having on religious minorities and individual freedoms in those countries which already apply them; iii) the viability, in light of church-state separation norms, of handing to state courts the responsibility of judging what counts as correct and incorrect religious interpretations; and iv) the observation by the United States, which assigns the highest value to freedom of speech norms, anti-defamation attempts would increase litigiosity and backfire arguing that: “Instead of fostering tolerance, such a standard would almost certainly lead to a greater conflict and intolerance” (U.S. 2008. “Response to the United Nations Office of the High Commissioner for Human Rights Concerning Combating Defamation of Religions,” (July 11, 2008)

called upon to draft reports and comment on the issue of ‘defamation of religions’ (Alfandari, Baker, and Atteya 2011, 21-26; Langer 2010). Their work contributed to building an influential body of opinion on the subject of defamation, consistently arguing against the need for new legal standards.

Although each of the three Rapporteurs has explored the issue in relation to his or her mandate, their findings and opinions tended to align and overlap in a number of main areas. Most consistent apprehensions revolved around the issues of favoring the protection of belief systems over individuals, and the potential threats to freedoms of expression. Sensitive though to the OIC’s concerns about the rising tide of Islamophobia, Rapporteurs also tended to advance proposals on how to combat such phenomena. They would call on OIC states to replace the focus on ‘defamation’ with the legal concept of combating ‘incitement to national, racial or religious hatred’, a concept that is already grounded in international legal instruments. Furthermore they have jointly called for states to take a more holistic approach to the discouragement of hate speech and discrimination, and to draw rather than on legal measures to criminalize criticism, on inter-faith dialogue, education and media initiatives instead to reduce negative stereotypes.

This body of opinion, along with Western opposition, ensured that any reference to countering the ‘defamation of religions’ was sidestepped in the Durban Review Conference’s Final Outcome Document. It also contributed to reinforcing one of the document’s central conclusions that both the protection of individuals rights and of freedom of expression at the international level were key instruments in the struggle against racism, xenophobia and related intolerance.

A shift was noticeable in the normative contestation towards a debate embedded within existing international standards when the US together with Egypt presented in 2009 within the UNHRC a draft resolution on the “Right to Freedom of Expression” as a

35 See note [6]
direct response to OIC’s “Defamation of Religions”. The US-Egyptian co-sponsored resolution sought to find a common ground between the defamation proponents and opponents. It avoided any mention of defamation of religion referring, instead, to concerns about “negative religious stereotyping” and focusing principally on the rights and protection of individual believers rather than on those of belief systems. Indeed the resolution condemned “any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence”—language taken directly from ICCPR Article 20—and called on states to “take effective measures, consistent with their international human rights obligations” to address such advocacy.

When the time came for the OIC to present its yearly “Defamation of Religions” draft resolution in 2010 at the UNHRC, a great number of developing/emerging states either abstained or voted with Western states against defamation norms. The solidarity and support, which Muslim majority countries had overwhelmingly obtained from developing/emerging states for their religious concerns, had drastically waned. In the defamation resolution the OIC presented in 2010 at the UNGA, the restrictive terminology of “combating religious defamation” was dropped in favor of a softer—yet not less controversial—“combating religious hatred and vilification of religions”. The hope was to re-gain votes from abstaining states. Both resolutions, at the UNHRC and UNGA, passed with their lowest margins ever placing them in close proximity to defeat.

As a result, the OIC abandoned thereafter its 12-year campaign to turn the defamation of religions, and its criminalization, into an international norm. In its place consensus resolutions were adopted at the UNHRC, in 2011 and 2012, on “combating intolerance, negative stereotyping and stigmatization of, and discrimination, incitement to

37 see earlier note…
38 HRC, Res. 13/16, 15 April 2010, A/HRC/RES/13/16
violence, and violence against persons based on religion or belief.\textsuperscript{40} These resolutions have fully sanctioned the shift towards protecting individuals from discrimination or violence, instead of protecting religions from criticism. Moreover, unlike past defamation resolutions, no calls were made for legal restrictions on expression, but rather for positive measures – such as education and awareness-building – to address intolerance, discrimination, and violence based on religion or belief. Such an initiative was the Istanbul Process\textsuperscript{41} launched by former Secretary of State Clinton in collaboration with the OIC but certainly less ambitious and successful than the Alliance of Civilizations.

5. International Institutional Translation and the Life Cycle of Norms

The attempts of the OIC to implement an international normative agenda informed by its religious background can be read through the glasses of the post-secular society debate. OIC’s attempt to promote the Dialogue among Civilizations norm and process and to achieve an international legal framework that outlaws the defamation of Islam at the UN, represent instances of a religious actor interacting with the liberal and secularized institutions that regulate international society.

These cases illustrate how religious normative claims had to undergo a process of translation in order to be considered and successfully diffuse within the UN framework. We have seen this with reference to the case of the Dialogue among Civilizations, a case where a religious actor initially framed an international norm and practice within the cultural and religious background of Islam. The OIC justified the initiative as informed by and consistent with Islamic principles and then presented it to the international community through the UN.

UN authorities and institutions along with their state members did not

\textsuperscript{40} HRC, 12 April 2011, A/HRC/RES/16/18; HRC, 16 March 2012, A/HRC/19/L.7

\textsuperscript{41} http://www.huffingtonpost.com/2011/12/15/istanbul-process-clinton_n_1152508.html
prejudicially dismissed the proposal, notwithstanding its particularist foundations in Islam. They engaged in a process in which the meaning of a Dialogue among Civilizations was at stake. The norm, from its localized meaning was then progressively reformulated, i.e. translated, into the vocabulary and institutional grammar that informs the UN normative structure. We have seen how Khathami’s proposal for a designated UN Year of Dialogue among Civilizations was rephrased in subsequent resolutions by referring to concepts as the self-determination of peoples, universal peace, human rights. The proposal ended up not including explicit references to Islam. On the other hand, the initiative was not emptied of its original purposes; it maintained the focus on the need for inter-faith and inter-cultural dialogue and emphasized the need for an egalitarian approach to all civilizations, which included religious tolerance and the protection of holy sites. More importantly, its effective practice was inclusive of states and international non-state actors as the OIC with a manifest religious identity.

The original aim of producing a context in which also non-Western instances would have been considered without the prejudice that aggressive secularism may inform was, in fact, accomplished. As Marc Lynch observes, the Dialogue among Civilizations established the basis for an actual public sphere (in the Habermasian sense) to emerge, in which communicative action could take place and “sides would reconsider their positions from a position of equality and rational argument” (Lynch 2000, 327).

Note, nonetheless, that the institutionalization of the Dialogue among Civilizations is not fully captured by other models of norms diffusion as the “norm lifecycle model” of Sikkink and Finnemore (1998). Differently from the norms diffusion process which Sikkink and Finnemore theorize, the diffusion of a religious norm originating in an Islamic context is not uncritical adaptation to the “liberal straightjacket” (Kayaoglu 2012b, 14), but includes a dimension of normative agency from a non-liberal actor. Iran and the OIC operated for the promotion of a norm and its diffusion by

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42 For example see the UN Resolution announcing the Dialogues among Civilizations Global Agenda. A/RES/56/6.
proposing its implementation at the UN; as Kayaoglu notices “According to Khathami, the dialogue of civilizations was imperative for Islamic revival in order to leave the ‘painful state of passivity vis-à-vis the ostentatious dominant civilization of the time’.” (Kayaoglu 2012a, 132)

Though modified and reinterpreted by the process of translation, the norm eventually diffused internationally succeeding in the aim of creating a public sphere in which OIC members could interact dialogically with their counterparts on the basis of more egalitarian conditions, qualifying the image of the Islamic civilization as an open ethical paradigm and then contrasting the idea of a clash in the Huntigtonian sense. Translation in this case allows us to detect a process of norms diffusion which, if considered at all, would be otherwise understood as the unidirectional expansion of the “macrolevel ideological structure of Liberalism” (Adamson 2005, 548) rather than the result of a religious normative initiative translated in international society.

Turning comparatively to the case of religious defamation helps to clarify the importance of understanding translation as central mechanism of cross-cultural norm dynamics. As seen, the OIC proposed a religious-based norm to grant special protection for Islam and subject the right of free speech to a novel duty not to defame. Differently from the Dialogue of Civilizations initiative, the defamation of religion norm led to over a decade of contentious debates, at the end of which the OIC obtained very little compared to its original project. In the discussions that ensued at the UN level – largely between agents embedded in and constitutive of the secular-liberal international order (Western states, INGOs, and UN Rapporteurs) and the OIC – the defamation agenda encountered a number of fundamental translation problems when attempting to salvage the original substance of OIC’s normative proposal. The defamation of religion norm, clashed against liberal norms of equality (by initially focusing on one religion in particular, Islam), individual rights (by focusing on religions and belief systems in general), and freedom of expression (by focusing on defamation).

Whereas Dialogue among Civilization was soon translated into the UN
vocabulary of rights, tolerance and international peace; the diffusion of religious defamation met oppositions and the norm was not successfully translated into the liberal and secular language of international society. On the one hand, the stance of the OIC relied on an Islamic exceptionalism that the liberal constitution of the UN could not accommodate, on the other hand the rephrasing of the norm in the resolutions that addressed religious defamation where distant from the original purpose of the OIC initiative to immunize Islam from criticism, libel or mockery. As the OIC entered into a dialogue with secular-liberal “gatekeepers” (Kayaoglu 2012b, 14), its capacity of coalescing consensus on the translation of the norm failed regularly as the split votes in the UNCHR and UNHRC consistently show. The original purpose of the norm was diluted into established norms against intolerance, discrimination and incitement to hatred which reflect only minimally the original concern of the OIC and do not modify the already institutionalized norms of tolerance and respect of pluralism. A partial learning process nevertheless occurred among secular-liberal actors and OIC members. The consensus on “combating intolerance” present today within the UNHRC and the Istanbul Process initiative would, in fact, not exist were it not for a lengthy interaction between OIC and UN, but the failure to translate the norm successfully determined the limited results of the process.

The successful translation of the norm (i.e. convergence towards a norm which transcends particularism and hence enjoys legitimacy in international society as per our definition) constitutes a necessary condition for non-liberal and religious instances to acquire international legitimacy. The case of religious defamation shows that not satisfying the condition of translation may easily lead to the death of a norm whereas the Dialogue among Civilizations diffusion shows that through translation religious actors have a significant transformative power of the international normative structure. Therefore we see translation as a complementary phase in the life cycle of a norm that originated outside of the perimeter of liberal and secular ethics.

6. Conclusions
We have begun by noting how constructivists have tended to limit their research to the dynamics and mechanisms of liberal norm diffusion – from a liberal centre to a non-liberal periphery primarily through mechanisms of persuasion and argumentation. The aim of this paper was to expand constructivist research on norms, by focusing on the dynamics of the diffusion of religious norms sponsored by non-Western actors. In order to unpack these dynamics, we turned to the concept and mechanism of institutional translation borrowed from Habermasian post-secular theorizing.

We have looked at how the mechanism of translation works in two contrasting cases in which a major multilateral organization motivated by religious principles has attempted to promote norms at the international level. We have shown that in one case, the OIC was successful in gathering consensus on a new norm that would have promoted an international forum for a dialogue among civilizations which would have complemented the more traditional practices of diplomacy. The previous analysis, has shown that the international legitimacy that the norm has acquired can be explained by looking at this process as embedded in a context in which the actors of a post-secular international society engage constructively in a process of interaction and self-reflection, they achieve a consensus over the shared meaning of the norm – i.e. a translation – that transcends particularist sensibilities. Furthermore, we have shown that when this phase of translation of norms that do not originate in the liberal-secular milieu of the UN does not materialize the norm fail to acquire significant traction, i.e. does not cascade.

We think that translation can help us detect an otherwise neglected reality of the diffusion of international norms. Several other cases may be explored through the prism of this concept. The OIC has been criticized for an international convention on terrorism that according to major international actors misrepresents the concept of terrorism. The Arab Charter for Human Rights has undergone a ten years process of reformulation in order to become more consistent with UN human rights treaties but its approval has

raised new concerns over the success of this operation. The international norms that are supposed to protect individuals from discrimination on the basis of sexual orientation have been challenged in the past years by a coalition of religious actors at the UNHRC that have tried to promote an alternative normative approach which allows the criminalization of homosexuality in domestic legislation. The rise of Islamic finance in international political economy has posed more than question regarding the scope of the international economic institutions.

These and many other cases in which religious and non-liberal norms entrepreneurs intervene can be read as processes in which norms diffuse or fail to do so on the basis of a process of institutional translation. The more common constructivist focus on liberal norms diffusion is overall unaware of these phenomena and plays down the agency of normative actors only apparently marginal in what looks like an increasingly post-secular international society.

44 (Rishmawi 2005)
45 For an overview of the debate on sexual orientation, discrimination and international human rights law see (O’Flaherty and Fisher 2008)
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