

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

AMERICAN ACADEMY OF RELIGION; AMERICAN
ASSOCIATION OF UNIVERSITY PROFESSORS;
PEN AMERICAN CENTER; TARIQ RAMADAN,

Plaintiffs,

Case No. 06-588 (PAC)

v.

MICHAEL CHERTOFF, in his official capacity as
Secretary of the Department of Homeland Security;
CONDOLLEEZZA RICE, in her official capacity as
Secretary of State,

Defendants.

DECLARATION OF TARIQ RAMADAN

I, Tariq Ramadan, do declare:

1. I was born in Geneva, Switzerland on August 26, 1962. I am a Swiss citizen.

I currently live in the United Kingdom with my wife and four children.

2. Since July 2005, I have been a Senior Research Fellow at the Lokahi Foundation in London. Since October 2005, I have also been a Visiting Fellow at the University of Oxford's St. Antony's College. At Oxford, I teach and tutor at the Middle East Center and the European Studies Center. Before I took up the post at Oxford, I taught Islamic Studies and Philosophy at the University of Fribourg in Switzerland. I was a professor there from 1996 to 2004.

3. I obtained most of my academic training at the University of Geneva. I earned a Masters Degree in Philosophy from that university in 1984, a Masters Degree in French Literature in 1985, and Doctorate of Philosophy in Islamic Studies in 1998. In

1992 and 1993 I studied classical Islamic scholarship at Al-Azhar University in Cairo, Egypt, but I was not formally enrolled in a degree program.

Scholarship

4. My scholarship focuses on the situation of Muslims living in the West, and in particular on the situation of Muslims who live in Europe. I am the author or co-author of more than 20 books, among them: *Western Muslims and the Future of Islam* (Oxford University Press, 2003); *Islam, the West, and the Challenges of Modernity* (The Islamic Foundation, 2000); *To Be a European Muslim* (The Islamic Foundation, 1999); and *Muslims in France: The way towards coexistence* (The Islamic Foundation, 1999). I have also written over 700 articles. In my books and articles, I have written about Muslim identity, democracy, human rights, feminism, freedom of speech and conscience, and the practice of Islam in Europe.

5. My scholarship advances the idea that it is possible to be both fully Muslim and fully European. I have argued for a “coexistence” that rejects both alienation and assimilation. In *To Be a European Muslim*, I characterized alienation and assimilation as “reactive” postures, because they invite Muslims to define themselves in relation to their environment. See Tariq Ramadan, *To Be a European Muslim* 180 (“both attitudes, even if it is not apparent in the first case, are purely a *re-action* to the environment since it is a question of accepting or refusing it”). I wrote:

There is a need today to define the Muslim identity in the West so as to avoid the reacting process. . . . This step is of the greatest importance. As long as a consistent number of Muslims do not reach an autonomous perception of their own identity in the West it will be very difficult for them, if not impossible, simply to believe that they have something to give to the society they live in. They will hardly consider that they are able to have a positive impact on this society, let alone have their contribution

recognised.

Id. at 180-81. Much of my scholarship has explored the possibility of a “third path” that would allow European Muslims to be both fully European and fully Muslim. To say this another way, I explore and advocate the possibility of a truly European Islam.

6. I have argued that Western Muslims should not unquestioningly adopt the practices, culture, and beliefs of Muslims living in Muslim nations. I have also argued that Muslim citizens of European and other Western nations should not think of themselves as outsiders in their own countries. In *Western Muslims and the Future of Islam*, I wrote: “There is no true faith without understanding; for Muslims, this means understanding both the sources (the Qur’an and the Sunna) and the context in which they live.” See Tariq Ramadan, *Western Muslims and the Future of Islam* 80.

7. My scholarship relating to feminism in Islam starts from a recognition that it is necessary for Western Muslims to draw a clear distinction between inherited cultural customs and true Islamic principles. This is especially critical in relation to the treatment and status of women. In my writing, I have applauded the development of a “women’s liberation within and through Islam itself.” Tariq Ramadan, *Western Muslims and the Future of Islam* 141. I wrote:

[S]cholars, intellectuals, and women together are now giving birth to a movement of women’s liberation within and through Islam itself. Distancing themselves from the most restrictive interpretations, it is in the name of Islam itself that they declare, together with many men, their opposition to discriminatory cultural practices, to the false Islamic identity of certain regulations, and to violence within marriage and their respect for the rights of women in matters of divorce, property, custody, and so on. The first time I used the phrase “Islamic feminism” to describe this movement, many Muslim men and women criticized me, and some non-Muslim critics were not convinced: but a study on the ground . . . reveals that a movement is afoot that clearly expresses the renewal of the place of women in Islamic societies and an affirmation of a liberation vindicated

by complete fidelity to the principles of Islam.

Id.; see also Eric Follath and Romain Leick, *Tariq Ramadan on the Crisis in France*, Salon.com, Nov. 16, 2005 (attached hereto as Exhibit A).

8. While much of my scholarship addresses the situation of European Muslims in particular, I have also studied and written about the practice of Islam outside the West. For example, I have written about the implementation of “hudud” punishments – penalties prescribed in the Islamic penal code. I have argued that the application of corporal and capital punishment in the present political context cannot and should not be defended in the name of Islam. Recently, I wrote that

There is today a quadruple crisis of closed and repressive political systems, religious authorities promoting contradictory requirements and uneducated populations swept up with more a feeling of religious fervour and passion than true reflection. These facts cannot legitimize our silence. We are accomplices and guilty when women and men are punished, stoned or executed in the name of a formalist application of the scriptural sources.

It leaves the responsibility to the Muslims of the entire world. It is for them to rise up to the challenge of remaining just to the message of Islam in the contemporary era; it is for them to denounce the failures and the treasons that are being carried out by certain authorities or Muslim individuals.

Tariq Ramadan, *Stop in the Name of Humanity*, The Globe and Mail (March 30, 2005) (attached hereto as Exhibit B).

9. In the present political context, I believe it is essential to foster communities within the Islamic world that are seeking a path between their often bitter experience with some American and European policies on the one hand, and the unacceptable violence of Islamic extremists on the other. I understand, share and publicly discuss many of the Muslim criticisms of Western governments, including the deleterious effects of

unregulated consumerism. I also find current American policies toward the Middle East misguided and counterproductive, a position I believe I share with millions of Americans and Europeans. Yet I have also criticized many so-called Islamic governments for their human rights violations and offenses against human dignity, personal freedom and pluralism. Indeed, I am barred from entering Saudi Arabia, Tunisia, and Egypt because I criticized those dictatorships. See Polly Curtis, *Tariq Ramadan: Dream of a Patchwork Philosopher*, *The Guardian* (Oct. 4, 2005) (attached hereto as Exhibit C).

10. My scholarship reflects a concern with extremism of all kinds. In a recent interview, I said:

Terror is a fact, not an ideology, and we must be very clear in condemning it. But addressing the reality of terror does not demand nurturing fear or hatred. Extremists on both sides, though, have a vested interest in promoting a permanent state of fear. The Bush administration is nurturing this ideology of fear. Muslims are nurturing it as well, saying the West doesn't like Islam. Fear feeds more fear. If you as a Western citizen are obsessed with Muslim extremists, you are not going to trust other Muslims; if I am obsessed with the far-right parties, I am not going to trust any of my fellow citizens. Dialogue is the only way to push people to change.

Benoit Aubin, *Q&A With Controversial Muslim Scholar, Tariq Ramadan*, *Macleans* (Oct. 24, 2005) (attached hereto as Exhibit D).

11. I understand that my intellectual project is controversial. As I wrote recently, however, "I make no apologies for taking a critical look at both Islam and the West; in doing so I am being true to my faith and to the ethics of my Swiss citizenship." Tariq Ramadan, *Too Scary for the Classroom?*, *New York Times* (Sept. 1, 2004) (attached hereto as Exhibit E). While I do feel it is vital that Muslims stop blaming others and indulging in victimization, I also feel strongly, as I wrote in the *New York Times*, that "blindly supporting American or European policies should not be the only acceptable

political stance for Muslims who seek to be considered progressive and moderate.” *Id.*; see also Tariq Ramadan, *Scholar Under Siege Defends His Record*, Chicago Tribune (Sept. 26, 2004) (attached hereto as Exhibit F) (“Western Muslims can make a critical difference in the Muslim majority world. Becoming full, independent Western citizens, working with others to address social, economic and political problems, will allow Western Muslims to assume this role. However, that can only happen if their governments and other citizens do not cast doubt on their loyalty every time they criticize government policies.”).

The Revocation of My Visa to Teach at the University of Notre Dame

12. Before August 2004, I traveled to the United States frequently to lecture, attend conferences, and meet with other scholars. For example, in April 2001, I delivered a lecture entitled, “Is Islam Compatible with Secularism and Democracy?” at Princeton University’s Institute for the Transregional Study of the Contemporary Middle East, North Africa, and Central Asia. In January 2002, I participated in a conference called “Islam and America in a Global World,” which was sponsored by the William Jefferson Clinton Presidential Foundation and hosted by former President Bill Clinton. In February 2002, I participated in a lecture series at Harvard University’s Center for Middle Eastern Studies entitled, “Islam in Europe and America after September 11.” In April 2002, I presented lectures at Saint John’s Episcopal Church at the invitation of the Hartford Seminary. In August of the same year, I addressed the Islamic Society of North America’s Annual Meeting in Washington, D.C., speaking about Islam’s incompatibility with terrorism. In October 2003, I delivered a lecture entitled, “Terrorism and Al-Qaeda: What Muslims in the West Think About Them,” at Dartmouth College. That same

month, I spoke with Christian philosopher Enrique Dussel in what was billed as an “Inter-Cultural Transmodern Dialogue,” at the University of California at Berkeley. On each of these occasions, I entered the United States under the visa waiver program.

13. In January 2004, the University of Notre Dame offered me a double tenured position as the Henry R. Luce Professor of Religion, Conflict and Peacebuilding and as a professor of Islamic Studies in the Classics Department. After I accepted the appointment, the University of Notre Dame petitioned for a H-1B visa on my behalf. I was issued a visa on May 5, 2004.

14. On July 28, 2004, a little over a week before my family and I were to move to Indiana so that I could begin teaching at the University of Notre Dame, the United States Embassy in Bern informed me by telephone that my visa had been revoked. They did not provide an explanation for the revocation at that time. On August 25, 2004, however, a spokesman from the Department of Homeland Security stated to the press that my visa was revoked “because of a section in federal law that applies to aliens who have used a ‘position of prominence within any country to endorse or espouse terrorist activity.’” *See Muslim Scheduled to Teach at Notre Dame Has Visa Revoked*, Los Angeles Times (Aug. 25, 2004) (attached hereto as Exhibit G).

15. Many American organizations publicly protested the government’s decision to revoke my visa. Among the organizations that issued press releases or statements questioning or criticizing the government’s actions were the American Arab Anti-Discrimination Committee, the Jewish Council on Urban Affairs, and Scholars at Risk. *See Exhibits H-J*, attached hereto. Many members of the University of Notre Dame community, including the Jewish Law Students Society, also spoke out in my defense.

See Margaret Fosmoe, *Jewish ND students speak out*, South Bend Tribune (August 28, 2004) (attached hereto as Exhibit K). Scott Appleby, director of the Joan B. Kroc Institute for International Peace Studies said in a statement: "We have seen no evidence that he poses any threat to our national security. In fact, we believe the world could be a safer place if he is allowed to continue his work of bringing together in dialogue the divided and contentious voices within Islam." See Statement of Kroc Institute Director Scott Appleby (August 26, 2004) (attached hereto as Exhibit L). Numerous newspapers also condemned the government's actions. See, e.g., Editorial, *A Muslim scholar's exclusion*, Chicago Tribune (August 31, 2004) (attached hereto as Exhibit M); Editorial, *A Visa Revoked*, Washington Post (September 7, 2004) (attached hereto as Exhibit N).

16. I was astonished by the government's decision to revoke my visa. While I have sometimes criticized specific United States policies, I am not anti-American, and I have certainly never endorsed or espoused terrorism. Before the University of Notre Dame offered me a teaching post, a committee of 10 faculty members conducted a comprehensive review of my writings in French, Arabic, and English and found no evidence of extremism. See Burton Bollag, *U.S. Shuts Out Muslim Scholar, Raising Fears for Academic Freedom*, The Chronicle of Higher Education (Sept. 10, 2004) (attached hereto as Exhibit O).

17. In fact, I have condemned terrorism at every opportunity, including in the pages of major American newspapers. Two days after the attacks of September 11, 2001, I published an open letter to Muslims in which I wrote, "Even if we don't know who did it, you know as I know that some Muslims can use Islam to justify the killing of an American, a Jew or a Christian only because he/she is an American, Jew, or a Christian;

you have to condemn them and to condemn these attacks.” Approximately one month after the September 11 attacks, I spoke in Paris at meeting sponsored by *La Medina*, a Muslim magazine. This is what I told my audience: “Now more than ever we need to criticize some of our brothers . . . You’re unjustified if you use the Koran to justify murder.” Nicholas Le Quesne, *Islam in Europe: A Changing Faith*, Time Europe (Dec. 17, 2001) (attached hereto as Exhibit P).

18. In September 2002, on the eve of the first anniversary of the September 11 attacks, I signed a formal “Statement Rejecting Terrorism” issued by 199 prominent Muslims and Muslim organizations from around the world. The statement read, in part:

As American Muslims and scholars of Islam, we wish to restate our conviction that peace and justice constitute the basic principles of the Muslim faith. We wish again to state unequivocally that neither the al-Qaeda organization nor Usama bin Laden represents Islam or reflects Muslim beliefs and practice. Rather, groups like al-Qaeda have misused and abused Islam in order to fit their own radical and indeed anti-Islamic agenda. Usama bin Laden and al-Qaeda’s actions are criminal, misguided and counter to the true teachings of Islam. We call on people of all faiths not to judge Islam by the actions of a few

On this first anniversary of the tragedy of September 11, we call on all people of conscience to denounce violence and to work peacefully for the creation of a better world. We also urge our government leaders to work for peace, justice, liberty, and democracy around the globe.

Press Release, Center for the Study of Islam and Democracy, “American Muslims and Scholars denounce Terrorism” (Sept. 9, 2002) (attached hereto as Exhibit Q).

19. I have condemned the September 11 attacks on numerous occasions since then. See, e.g., *Western Muslims and the Future of Islam* 172-73 (condemning “without a moment’s hesitation the atrocities of 11 September 2001”). In a recent interview, I said:

We have to condemn [terrorism] as Muslims and as human beings. And we have to do whatever possible within Islamic communities to spread better understanding about who we are and what we can do to deal with

other people. We can have a legitimate resistance to oppression, but the means should be legitimate. Terrorism, which kills innocent people, is not Islamically acceptable. Within Islam there is an accepted diversity—you can be a literalist, a Sufi mystic, or a reformist, so long as you don't say others are less Muslim than others—and we must never say that terrorism or violence is part of this accepted diversity.

Who's Afraid of Tariq Ramadan?, *Foreign Policy* (Nov./Dec. 2004) (attached hereto as Exhibit R). What I said to *Foreign Policy* is no different than what I have said before to others, publicly and privately, in Europe and elsewhere, in writing and in speeches.

20. I have condemned recent terrorist attacks equally vehemently. Two days after the July 2005 bus and subway bombings in London, I published an op-ed in the *Guardian*. I wrote: “we must condemn these attacks with our strongest energy . . . [Muslims] must have the courage to denounce what is said and done by certain Muslims in the name of their religion.” Tariq Ramadan, *Living Together Takes Effort: Every individual can play a part in fighting terror*, *The Guardian* (July 9, 2005) (attached hereto as Exhibit S). Two weeks later, I spoke at a press conference sponsored by the London Metropolitan Police. I said: “All of us must not fan the flames, we must collaborate and send a signal to try to find a way to get rid of this extremist threat to this country . . . There must be no more killing. There is no justification. The Muslim community needs to work from within to solve this.” Sam Jones, *Islamic scholars urge unity to fight terror*, July 25, 2005 (attached hereto as Exhibit T).

21. I have also collaborated with scholars and government officials working to fight extremism. In May 2003, I spoke at a meeting sponsored by the Brookings Project on U.S. Policy Towards the Islamic World in Washington, DC. As the Brookings Institution's website states, this group was created to “examine how the United States can reconcile its need to eliminate terrorism and reduce the appeal of extremist movements

with its need to build more positive relations with the wider Islamic world.” See <http://www.brookings.edu/fp/research/projects/islam/overview.htm>. Recently, I accepted an invitation from Prime Minister Tony Blair join a government task force to combat extremism in the United Kingdom.

22. Because I have repeatedly condemned terrorism, the government’s decision to revoke my visa was bewildering to me. In an op-ed I published days after the visa was revoked, I wrote:

The fact is, in the more than 20 books, 700 articles and 170 audio tapes I have produced, one will find no double talk, but a consistent set of themes, and an insistence that my fellow Muslims unequivocally condemn radical views and acts of extremism.

Just days after 9/11, I gave an interview calling on Muslims to condemn the attacks and to acknowledge that the terrorists betrayed the Islamic message. I have denounced anti-Semitism, criticizing Muslims who do not differentiate between the Israeli-Palestinian conflict as a political issue and the unacceptable rejection of individual Jews because of their religion and heritage. I have called for a spiritual reformation that will lead to an Islamic feminism. I reject every kind of mistreatment of women, including domestic violence, forced marriage and female circumcision.

Tariq Ramadan, *Too Scary for the Classroom?*, New York Times (Sept. 1, 2004)

(attached hereto as Exhibit E).

23. The revocation of my visa also required me to cancel or decline appearances at events in the United States. I had been invited to deliver the keynote address at the 41st Annual Islamic Society of North American Convention on September 4, 2004 in Chicago; to participate in a conference on “French and US Approaches to Islam,” which was held at Stanford University from September 12-14, 2004; to deliver the keynote address at the Association of Muslim Social Scientists Annual Conference, which was held at George Mason University from September 24-26, 2004; and to speak at a meeting

sponsored by The Leaders' Project and hosted by former Defense Secretary William Cohen in February 2005. I was not able to attend any of these events. I pre-recorded an address for the Association of Muslim Social Scientists and the DVD was played at the conference. A reporter from *The Washington Post* who attended the screening wrote: "to those in the audience, his moderate words sounded like the kind of message U.S. officials would applaud. He urged a serious dialogue on the 'universal values' shared by Islam and the West and added, 'We should not blame the West for our problems.'" Caryle Murphy, *For Muslims, a Beleaguered Feeling*, *Washington Post* (Oct. 15, 2004) (attached hereto as Exhibit U).

24. With my cooperation, the University of Notre Dame submitted a new visa petition on October 4, 2004. A State Department official told the university that a decision would be imminent. I hoped the matter would be resolved quickly as I had been scheduled to begin teaching in August and was expected to deliver a plenary address at the annual meeting of the American Academy of Religion ("AAR") in November. As of December 2004, however, no visa had been issued and the semester was drawing to a close. When the University of Notre Dame contacted the State Department regarding the status of the new application, they were told that no decision would be made in the near future.

25. On December 13, 2004, I sent a letter to the University of Notre Dame resigning the teaching post, because I felt it was a question of dignity and I wanted to resolve a situation that placed so much stress on my family. On December 21, the Department of Homeland Security informed the University of Notre Dame that they considered my petition withdrawn. *See* Letter from George Christian, U.S. Citizenship

and Immigration Services to Carol C. Kaesebier, University of Notre Dame (December 21, 2004) (attached hereto as Exhibit V).

My Continuing Exclusion From the United States

26. It is my understanding that the revocation of my H-1B visa makes me ineligible for the visa waiver program. This means that I cannot enter the United States without applying for a visa in advance. But the government has refused to grant a visa that would allow me to enter the country.

27. In 2005, I was forced to decline numerous speaking engagements in the United States. I was unable to participate in a conference held at Georgetown University in April. The conference was on the subject of "The New Religious Pluralism and Democracy." I was unable to deliver the keynote address at a conference, titled "Science and Religion: Global Perspectives," hosted by the Metanexus Institute in June. Rather than personally deliver the keynote address in Philadelphia, I delivered the address by video feed. Less than a week after the Metanexus meeting concluded, I addressed the American Association of University Professors ("AAUP") annual meeting by videoconference on the topic of "Academic Freedom and National Security." I had hoped to be able to attend in person.

28. On September 16, 2005, at the encouragement of individuals and organizations in the United States, I applied for a B Visa, a nonimmigrant visa that would allow me to enter the United States to attend and participate in various conferences. The application, which I submitted to the United States Embassy in Bern, appended invitations including: an invitation from the EastWest Institute to speak at a conference to be held in New York on September 21-22, 2005; an invitation from the Center for Global

Studies to speak at George Mason University in Fairfax, Virginia, in October or November 2005; an invitation from the AAR to attend a meeting of the Editorial Board of the Journal of the AAR in Philadelphia on November 19-22, 2005; an invitation from the Archbishop of Canterbury to participate in a seminar to be held at Georgetown University in Washington, D.C., from March 27-30, 2006; and an invitation to speak at plaintiff AAUP's annual meeting in Washington, DC., on June 10, 2006. *See* Visa Application of September 16, 2005 (attached hereto as Exhibit W).

29. The website of the United States Department of State indicates that, at the United States Embassy in Bern, the "Typical Wait Time (Calendar Days) for a Nonimmigrant Visa Interview Appointment" is 9 days. It indicates that the "Typical Wait Time (Work Days) for a Non Immigrant Visa to be Processed" is 2 days. While the website states that these wait times do not include "the time required for additional special clearance or administrative processing," it also states that "[m]ost special clearances are resolved within 30 days of application."

30. On December 2, 2005, I received an e-mail from the Visa Section of the United States Embassy in Bern, advising me to schedule an interview concerning my application. I scheduled an interview for December 20. At the interview, a representative of the Department of State and a representative of the Department of Homeland Security (who said he had flown in from Washington, D.C., for the interview) asked me numerous questions about my political views and associations. I answered the questions to the best of my ability. After the interview, I asked the interviewers whether I would be granted a visa and, if so, when. I was told that consideration of the application

would likely take close to two years. I was also told that I might not receive a visa even then.

31. As of today, the government has not acted on my pending visa application. As a result, I have been unable to attend some of the events that I referenced in my application. For example, I was unable to speak at EastWest Institute in New York on September 21, 2005; I was unable to speak at the Center for Global Studies at George Mason University in October or November 2005; and I was unable to attend the meeting of the Journal of the AAR's Editorial Board in November 2005.

32. The government's actions have caused a great deal of hardship to me and to my family. When I was forced to resign my position at the University of Notre Dame, I lost my anticipated salary of \$125,000 a year. We had already rented an apartment in South Bend and most of our belongings had already been shipped. We had hoped to make the United States our home and we were very disappointed when that became impossible. And of course the government's actions have stigmatized me as a person who has "endorsed or espoused terrorism." Dealing with this stigma has been immensely stressful for me and for my wife and children.

33. Beyond the personal cost to me and my family, however, I believe that my exclusion needlessly reduces opportunities for interfaith and intercultural dialogue. The printing of the caricatures of the Prophet Mohammed in the Western press and the subsequent riots suggests that two universes have become deaf to one another. This is a situation that extremists of both sides are exploiting. The way to prevent extremists from exploiting such situations is to encourage genuine dialogue. In a recent interview with a

European media outlet, I was asked about those who believe that Islam and the West are incompatible. I said:

[W]hat we Muslims experience in Europe will have a tremendous impact on Islamic majority countries. We now have experience with living in democracy and living in free societies. But there is a danger. If Muslims and Europeans, as equal citizens living together in a democracy, are not able to trust each other, if we are not able to talk to each other, if we are not able to come to a reasonable agreement about how to live together, we are sending a signal to Islamic majority countries that there is no way for Muslims and Westerners to trust each other. We in Europe have a great, great, great responsibility. It's important that European citizens understand that if mutual knowledge and mutual respect are improved, then we are sending the signal that it is possible. Right now, though, we are sending exactly the opposite message.

We Have to Turn Up the Volume On Reason, Spiegel Online (Feb. 9, 2006) (attached hereto as Exhibit X); see also Tariq Ramadan, *At the crossroad of Islam, the West*, Boston Globe (Feb. 9, 2006) (attached hereto as Exhibit Y). Through my scholarship, I have tried to encourage mutual knowledge and mutual respect. It is discouraging that the United States government believes this to be a threat.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this th 10 day of March, 2006.



Tariq Ramadan