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Princes and prophets: democracy and the defamation of power

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Chapter 6 Blasphemy and private power: Hate spin and the extra-judicial dimension of blasphemy

Introduction

This thesis has thus far focused on the legal dimension of the defamation of powerful entities, symbols, or institutions; discussing their legislative background, rationale, and (inter)national legal framework. However, of the three speech crimes examined (*lèse-majesté*, the defamation of foreign heads of state, and blasphemy), blasphemy is different in the sense that it has a noticeable private, informal, or ‘extra-judicial’ dimension. That is to say that over the last decades attempts have been made to curtail blasphemy by way of various types of intimidation. In these cases, instances of blasphemy were followed by unrest or intimidation. Perhaps the most well-known example of this is the *Rushdie affair*, concerning the novelist Salman Rushdie, who in 1989 was ‘sentenced to death’ by the Supreme Leader of Iran for his book *The Satanic Verses*.⁸²³

In *Silenced: How Apostasy and Blasphemy Codes are Choking Freedom Worldwide*, Paul Marshall and Nina Shea observe that ‘[e]xtrajudicial threats and attacks by vigilantes and

⁸²³ Khomeini declared: ‘I inform all zealous Muslims of the world that the author of the book entitled The Satanic Verses-which has been compiled, printed, and published in opposition to Islam, the Prophet, and the Qur’an-and all those involved in its publication who were aware of its content, are sentenced to death. I call on all zealous Muslims to execute them quickly, wherever they may be found, so that no one else will dare to insult the Muslim sanctities. God willing, whoever is killed on this path is a martyr.’ Cited in: M.M. Slaughter, ‘The Salman Rushdie Affair: Apostasy, Honor, and Freedom of Speech’, *Virginia Law Review*, 1993, p. 159.

terrorists have (...) established a wider pattern of intimidation, silencing, and self-censorship, than have western legal processes.⁸²⁴

This chapter discusses one case in which that ‘extra-legal’ dimension of blasphemy was visible, namely the video *Innocence of Muslims*, which was uploaded to YouTube in the Summer of 2012 and considered to be blasphemous by many Muslims. First, this chapter discusses the concept of ‘hate spin’. Next, this chapter examines the circumstances surrounding *Innocence of Muslims* through the lens of this concept, and discusses political responses to the controversy.

1. Hate spin

‘Hate spin’ is a term coined by the scholar of media studies Cherian George. This concept is useful to understand the workings of cross-border episodes of blasphemy. George describes

⁸²⁴ P. Marshall & N. Shea, *Silenced: How Apostasy and Blasphemy Codes are Choking Freedom Worldwide*, Oxford: Oxford University Press 2011, p. 286. See on self-censorship in this context also: P. Cliteur, T. Herrenberg & B. Rijpkema, ‘The New Censorship – A Case Study of the Extrajudicial Restraints on Free Speech,’ in: A. Ellian & G. Molier (eds.), *Freedom of Speech under Attack*, The Hague: Eleven International Publishing 2015, p. 291-318 and P. Cliteur, *Theoterrorism v. Freedom of Speech: From incident to precedent*, Amsterdam: Amsterdam University Press 2019. An example is the decision of Yale University Press to not publish the Danish cartoons in a book about the Danish cartoons. The press stated: ‘We recognize that inclusion of the cartoons would complement the book’s text with a convenient visual reference for the reader, who otherwise must consult the Internet to view the images. As an institution deeply committed to free expression, we were inclined to publish the cartoons and other images as proposed by the author.’ However, realizing that ‘[r]epublication of the cartoons has repeatedly resulted in violent incidents’, and after consulting with various experts, the press concluded that ‘the republication of the cartoons by Yale University Press ran a serious risk of instigating violence’ and declined to reprint the cartoons. See ‘Publisher’s statement’, in: J. Klausen, *The Cartoons that Shook the World*, New Haven/London: Yale University Press 2009.

‘hate spin’ as ‘manufactured vilification or indignation, used as a political strategy that exploits group identities to mobilize supporters and coerce opponents.’⁸²⁵ George observes that

‘major episodes of religious offense and offendedness are not the natural, product of human diversity, but rather performances orchestrated by political entrepreneurs in their quest for power. These opportunists selectively tease out citizens’ genuine religious emotions and encourage expressions of the popular will, the better to mobilize them toward anti-democratic goals.’⁸²⁶

Episodes such as the *Rushdie affair* and the *Danish cartoon controversy* are less organic, George submits, than might appear at first sight. George points at the ‘significant political context’ of the Rushdie controversy:

‘Iran at the time was emerging from its eight-year war with Iraq, one of the most debilitating conflicts of the twentieth century. Two months before the publication of Rushdie’s book, Iran had accepted a ceasefire. The war had not ended gloriously. Iran lost not only millions of its citizens but also some of the prestige that its 1979 revolution had earned it among Muslim countries.’⁸²⁷

‘In this light’, George observes, ‘Iran’s response to Satanic Verses was less a Quranic imperative than a page from the classic political playbook: faced with a loss for answers, produce a common enemy, internal or external.’⁸²⁸

⁸²⁵ C. George, *Hate Spin: The Manufacture of Religious Offense and Its Threat to Democracy*, Cambridge: The MIT Press 2016, p. 4.

⁸²⁶ C. George, *Hate Spin: The Manufacture of Religious Offense and Its Threat to Democracy*, Cambridge: The MIT Press 2016, p. 1.

⁸²⁷ C. George, *Hate Spin: The Manufacture of Religious Offense and Its Threat to Democracy*, Cambridge: The MIT Press 2016, p. 60.

⁸²⁸ C. George, *Hate Spin: The Manufacture of Religious Offense and Its Threat to Democracy*, Cambridge: The MIT Press 2016, p. 60.

Somewhat similar dynamics were at work in the so-called *Danish cartoons controversy* of 2005-2006.⁸²⁹ This controversy revolved around twelve cartoons of the prophet Muhammad that appeared in the Danish newspaper *Jyllands-Posten*. The most controversial of these cartoons was drawn by Kurt Westergaard and depicted the prophet of Islam with a bomb in his turban.

The background of the publication of these images was that a publisher was unable to find an illustrator for a children's book on Muhammad.⁸³⁰ Surprised and dismayed by this, Flemming Rose, cultural editor at *Jyllands-Posten*, invited members of the Danish cartoonists society to send in drawings of the prophet. Rose wrote them a letter stating:

'Dear cartoonist,

We write to you following last week's debate about depiction of the Prophet Muhammad and freedom of speech resulting from the children's book by Kåre Bluitgen. It appears that several illustrators declined to depict Muhammad for fear of reprisal. *Jyllands-Posten* is on the side of freedom of speech. We would therefore like to invite you to draw Muhammad as you see him.

(...).'⁸³¹

Some months after the publication of the cartoons, protests commenced. Although peaceful at first, protests against these cartoons turned violent months after the cartoons were published.⁸³²

⁸²⁹ See F. Rose, *The Tyranny of Silence*, Washington D.C.: Cato Institute 2014; J. Klausen, *The Cartoons that Shook the World*, New Haven/London: Yale University Press 2009; C. George, *Hate Spin: The Manufacture of Religious Offense and Its Threat to Democracy*, Cambridge: The MIT Press 2016, p. 61-66.

⁸³⁰ F. Rose, *The Tyranny of Silence*, Washington D.C.: Cato Institute 2014, p. 28-29.

⁸³¹ F. Rose, *The Tyranny of Silence*, Washington D.C.: Cato Institute 2014, p. 29-30.

⁸³² See J. Klausen, *The Cartoons that Shook the World*, New Haven/London: Yale University Press 2009, p. 83-113; C. George, *Hate Spin: The Manufacture of Religious Offense and Its Threat to Democracy*, Cambridge: The MIT Press 2016, p. 61-66. 'The controversy surrounding the Danish cartoons, published in September 2005, did not enter a violent phase for many months, until the 'influential satellite television channels Al-Jazeera and Al-Arabiya covered the story. It was then picked up in Friday sermons in Egypt, Saudi Arabia, and

‘At the heights of protests,’ George observes, ‘behind the semblance of spontaneous combustion, there is evidence of options being weighed and choices being made.’⁸³³

Similar to the *Rushdie affair*, political forces were at work in the controversy of the Danish cartoons. George observes that:

‘The cartoons had appeared in a landmark year for Egypt’s military-backed regime. Mubarak, in power since 1981, had been pressured to allow multicandidate presidential elections for the first time. His victory was a foregone conclusion—he was declared the victor with almost 89 percent of the vote in early September 2005—but the upcoming parliamentary elections in November–December were less predictable. The biggest threat came from candidates linked to the banned Muslim Brotherhood.’⁸³⁴

George cites an analyst who stated that the Egyptian state ‘needed opportunities to portray itself “almost as Islamic as the Islamist opposition.”’⁸³⁵ An Asian diplomat quoted by George observed that ‘Mubarak sought to use the Danish cartoons to promote Egypt’s Islamic credentials, and neutralize Muslim Brotherhood’s ascendancy in general elections for parliament.’⁸³⁶

Similar patterns were present in the case of *Innocence of Muslims*, which will be the focus of the following sections.

Iraq.’ See C. George, *Hate Spin: The Manufacture of Religious Offense and Its Threat to Democracy*, Cambridge: The MIT Press 2016, p. 64.

⁸³³ C. George, *Hate Spin: The Manufacture of Religious Offense and Its Threat to Democracy*, Cambridge: The MIT Press 2016, p. 64.

⁸³⁴ C. George, *Hate Spin: The Manufacture of Religious Offense and Its Threat to Democracy*, Cambridge: The MIT Press 2016, p. 63.

⁸³⁵ C. George, *Hate Spin: The Manufacture of Religious Offense and Its Threat to Democracy*, Cambridge: The MIT Press 2016, p. 63.

⁸³⁶ C. George, *Hate Spin: The Manufacture of Religious Offense and Its Threat to Democracy*, Cambridge: The MIT Press 2016, p. 64.

2. What *Innocence of Muslims* was about

Innocence of Muslims is the title commonly attributed to a video, considered by many Muslims to be blasphemous, that was posted on video-sharing website YouTube in the summer of 2012. The video was produced by Mark Basseley Youssef (also known as Nakoula Basseley Nakoula), an Egyptian-born Coptic Christian living in America, and was posted on YouTube by his son.⁸³⁷

According to the filmmaker, he wanted his video to expose the ‘hypocrisy of Islam.’⁸³⁸ Youssef stated that ‘Islam is a cancer’ and that it is ‘a political movie. The U.S. lost a lot of money and people in Iraq and Afghanistan, but we’re fighting with ideas.’⁸³⁹ In response to questions asked by *The New York Times*, Youssef made it clear that he did not regret the video and that ‘he would go to great lengths to convey what he called ‘the actual truth’ about Muhammad.’⁸⁴⁰ ‘I thought, before I wrote this script’, Youssef told the newspaper, ‘that I should burn myself in a public square to let the American people and the people of the world know this message that I believe in.’⁸⁴¹ Youssef also ‘reeled off “atrocities” by Muslims that went back many years and formed his views, focusing on shootings, a bombing and the torture of his fellow Copts.’⁸⁴²

Roughly speaking, the video consists of two parts. The first part pictures an angry mob of Muslims rioting in the streets of modern-day Egypt. In the opening scenes, Muslims plunder

⁸³⁷ ‘From Man Who Insulted Muhammad, No Regret’, *The New York Times*, 26 November 2012.

⁸³⁸ ‘Director in hiding but unapologetic about his film’, *The Times*, 13 September 2012.

⁸³⁹ ‘Director in hiding but unapologetic about his film’, *The Times*, 13 September 2012.

⁸⁴⁰ ‘From Man Who Insulted Muhammad, No Regret’, *The New York Times*, 26 November 2012.

⁸⁴¹ ‘From Man Who Insulted Muhammad, No Regret’, *The New York Times*, 26 November 2012.

⁸⁴² ‘From Man Who Insulted Muhammad, No Regret’, *The New York Times*, 26 November 2012.

what appears to be a pharmacy, burn houses and kill a woman wearing a crucifix. Security forces are depicted observing the mayhem but unwilling to intervene.

In the second part the video shifts to the past and focuses on the prophet Muhammad and a group of looters surrounding him. Scenes likely to be offensive to many Muslims are those in which Muhammad is talking to a donkey, womanizing, and advocating slavery. Moreover, he is called ‘a murderous thug’ and is in general pictured as a vicious warlord. Many, if not all of the references to the prophet Muhammad and the Islamic religion were, to the dismay of the actors, added in post-production by means of overdubbing.⁸⁴³ In a statement to *CNN*, the actors said: ‘We are shocked by the drastic rewrites of the script and lies that were told to all involved. We are deeply saddened by the tragedies that have occurred.’⁸⁴⁴ An actress also said that ‘the original script did not include a Prophet Muhammed character ‘and that ‘she and other actors complained that their lines had been changed.’⁸⁴⁵

Despite the fact that *Innocence of Muslims* sparked controversy in September 2012, versions of the video, entitled *The Real Life of Muhammad* and *Muhammad Movie Trailer*, had already been posted on YouTube early in July 2012.⁸⁴⁶ Yet it did not attract serious attention until parts of the video, dubbed in Arabic, were picked up by Egyptian television station Al-Nas and broadcast on 8 September 2012.⁸⁴⁷ A short while later the video reached hundreds of thousands of Egyptian viewers online.⁸⁴⁸ The scenes that were broadcast by Al-Nas included

⁸⁴³ ‘Man Behind Anti-Islam Video Gets Prison Term’, *The New York Times*, 8 November 2012.

⁸⁴⁴ ‘Staff and crew of film that ridiculed Muslims say they were ‘grossly misled’’, 13 September 2012, <http://edition.cnn.com/2012/09/12/world/anti-islam-film/>.

⁸⁴⁵ ‘Staff and crew of film that ridiculed Muslims say they were ‘grossly misled’’, 13 September 2012, <http://edition.cnn.com/2012/09/12/world/anti-islam-film/>.

⁸⁴⁶ ‘Key facts after fallout from film mocking Islam’s prophet Muhammad’, *Associated Press*, 14 September 2012; ‘Man behind anti-Islam film arrested, detained in Calif.’, *The Washington Post*, 28 September 2012; ‘From Man Who Insulted Muhammad, No Regret’, *The New York Times*, 26 November 2012.

⁸⁴⁷ ‘Foreign aid under fire on many fronts’ *The Washington Post*, 2 October 2012.

⁸⁴⁸ ‘Foreign aid under fire on many fronts’ *The Washington Post*, 2 October 2012.

images implying that the Qur'an was plagiarized from the New Testament and a scene that pictures Muhammad talking to a donkey.⁸⁴⁹

3. What followed the release of *Innocence of Muslims*

The broadcasts by Al-Nas triggered protests in Egypt's capital city of Cairo, which in turn set off a snowball effect in parts of the Islamic world. The events included a rampage on the US embassy in Tunisia;⁸⁵⁰ violations of the territory of the U.S. embassy in Egypt;⁸⁵¹ a car bombing in Afghanistan as a reprisal for *Innocence of Muslims*, which killed 14 people, mostly foreign civilian workers;⁸⁵² violent demonstrations in Pakistan;⁸⁵³ a clash between hundreds of demonstrators and local police near the US embassy in Jakarta, Indonesia;⁸⁵⁴ roughly 500 people demonstrating outside the Swiss embassy in Tehran, Iran;⁸⁵⁵ a protest outside the US embassy in Doha, Qatar, where demonstrators shouted anti-U.S. slogans and called for the US ambassador to Qatar to leave;⁸⁵⁶ thousands of Muslims demonstrating against the video in

⁸⁴⁹ 'Low-budget Muhammad film attempts to depict prophet as fraud', 12 September 2012, <http://www.theguardian.com/world/2012/sep/12/low-budget-muhammad-film-prophet>.

⁸⁵⁰ 'Violence ups ante for Tunisia's new rulers', *The Washington Post*, 21 September 2012.

⁸⁵¹ 'Anger Over a Film Fuels Anti-American Attacks in Libya and Egypt', *The New York Times*, 12 September 2012.

⁸⁵² 'Suicide Bomber in Afghanistan Strikes Minibus, Killing Mostly Foreign Workers', *The New York Times*, 19 September 2012.

⁸⁵³ 'Deadly Violence Erupts in Pakistan on a Day Reserved for Peaceful Protests', *The New York Times*, 22 September 2012; 'Nineteen killed in Pakistan day of protest after Obama broadcast fails to calm fury', *The Times*, 22 September 2012.

⁸⁵⁴ 'Protests Turn Violent Around Asia', *Associated Press*, 17 September 2012.

⁸⁵⁵ 'Protests at 'insulting' film spread across Muslim world', *The Times*, 14 September 2012. The Swiss embassy in Tehran represents the interests of the United States in Iran.

⁸⁵⁶ 'Mideast Turmoil: Amid Chaos, Extremists Spur Violence – Inflamed by Anti-Islam Video, Marchers Target U.S. and Other Western Allies; Iran Calls for a 'United Response'', *The Wall Street Journal*, 15 September 2012.

India, burning US flags and calling U.S. President Barack Obama a terrorist;⁸⁵⁷ 300 Muslims in Colombo, Sri Lanka, calling for the creators of *Innocence of Muslims* to be hanged;⁸⁵⁸ and the killing of the United States ambassador to Libya, Christopher Stevens, and three of his fellow Americans, Sean Smith, Tyrone S. Woods, and Glen A. Doherty.⁸⁵⁹ In a few Western parts of the world, including London, Paris and Jerusalem, people demonstrated against the film.⁸⁶⁰

4. *Innocence of Muslims*: Law and politics

As far as domestic law is concerned, the video was lawful. The current interpretation of the First Amendment to the US Constitution allows for blasphemy in public discourse, and the video fell short of ‘incitement to violence.’⁸⁶¹ From an international law perspective, despite some politicians claiming the opposite,⁸⁶² the video also did not violate established free

⁸⁵⁷ ‘Mideast Turmoil: Amid Chaos, Extremists Spur Violence – Inflamed by Anti-Islam Video, Marchers Target U.S. and Other Western Allies; Iran Calls for a ‘United Response’’, *The Wall Street Journal*, 15 September 2012.

⁸⁵⁸ ‘International: Cartoon row: Film protests’, *The Guardian*, 20 September 2012.

⁸⁵⁹ ‘In Libya, Chaos Was Followed by Organized Ambush, Official Says’, *The New York Times*, 14 September 2012.

⁸⁶⁰ ‘Protest over anti-Islam film hits US embassy in London’, *The Guardian*, 17 September 2012; ‘Paris Prosecutors Open Inquiry Into Protest at U.S. Embassy’, *The New York Times*, 18 September 2012; ‘Rioters besiege British, German and US embassies in Khartoum’, 15 September 2012, <https://www.theguardian.com/world/2012/sep/14/rioters-besiege-western-embassies-khartoum>.

⁸⁶¹ See ‘That Anti-Muhammad Film: It’s Totally Protected by the 1st Amendment’, 13 September 2012, <http://www.theatlantic.com/national/archive/2012/09/that-anti-muhammad-film-its-totally-protected-by-the-1st-amendment/262324/>; ‘Free Speech in the Age of YouTube; Barack Obama couldn’t censor that anti-Islam film – even if he wanted to’, 17 September 2012, http://www.foreignpolicy.com/articles/2012/09/17/free_speech_in_the_age_of_youube.

⁸⁶² See for example ‘World Muslim group demands laws against ‘Islamophobia’’, *Reuters News*, 25 September 2012 (claiming the video was a ‘flagrant incitement to violence’).

expression norms. Although article 20(2) of the ICCPR does require the prohibition of ‘any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence’, the video did not amount to this.⁸⁶³

Besides a matter of law, the video, and more generally the right to defame religion, became subject of debate in international politics, with various pre-eminent politicians blaming the video for the turmoil. The United States Ambassador to the United Nations at the time Susan Rice stated: ‘What sparked the recent violence was the airing on the Internet of a very hateful, very offensive video that has offended many people around the world.’ She called the video ‘the proximate cause’ of the riots.⁸⁶⁴ By way of its spokesperson, the US White House claimed that the violent protests were ‘in response to a video, a film, that we have judged to be reprehensible and disgusting.’⁸⁶⁵ Secretary of State Hilary Clinton argued that the video ‘has led to these protests in a number of countries.’⁸⁶⁶

At the United Nations level, then Secretary-General Ban Ki-moon stated that ‘it is very disgraceful and shameful that (...) people are provoking the values and beliefs of other people. Many world leaders have issued strong statements – I was one of them – strongly condemning [this] kind of very senseless, disgraceful act. This must stop.’⁸⁶⁷ ‘At the same time’, Ban Ki-moon continued, ‘I am also speaking out loudly against those people who really fan the flames

⁸⁶³ See for a discussion E.M. Aswad, ‘To Ban or Not to Ban Blasphemous Videos’, *Georgetown Journal of International Law*, 2013 p.1313-1328 (‘not banning the anti-Islam video was in line with the existing international human rights law regime’, at p. 1316). For an analysis of Article 20(2) ICCPR, see J. Temperman, *Religious Hatred and International Law: The Prohibition of Incitement to Violence or Discrimination*, Cambridge: Cambridge University Press 2016.

⁸⁶⁴ As quoted in ‘The Video Did It’, *The Wall Street Journal*, 17 September 2012; the interview on Fox News can be seen at <http://www.youtube.com/watch?v=xk6s5FkObt0>.

⁸⁶⁵ As quoted in ‘The Video Did It’, *The Wall Street Journal*, 17 September 2012.

⁸⁶⁶ See ‘Hillary Clinton Condemns Anti-Islam Film’, 13 September 2012, <http://www.ibtimes.com/hillary-clinton-condemns-anti-islam-film-full-text-788950>.

⁸⁶⁷ ‘Press Conference by Secretary-General Ban Ki-moon at United Nations Headquarters’, 19 September 2012, <http://www.un.org/press/en/2012/sgsm14518.doc.htm>.

of this intolerance and hatred, using these kinds of opportunities. I again strongly urge calm and reason and tolerance and forgiveness. These are things which we have to do.’⁸⁶⁸ When Ban Ki-moon was asked particularly about ‘the argument of freedom of expression that has been raised’, he called ‘the inalienable right to freedom of expression’ a ‘very fundamental’ right. However, that right ‘should not be abused by individuals’ and ‘must be guaranteed when [it is] used for common justice, common purpose.’ ‘When some people use this freedom of expression to provoke or humiliate some others’ values and beliefs, then this cannot be protected in such a way’, the Secretary-General submitted.⁸⁶⁹

Representatives of the European Union, the Organisation of Islamic Cooperation, the Arab League and the Commission of the African Union issued a joint statement that stated ‘While fully recognizing freedom of expression, we believe in the importance of respecting all prophets, regardless of which religion they belong to.’⁸⁷⁰ The representatives ‘[reiterated their] strong commitment to take further measures and to work for an international consensus on (...) full respect of religion, including on the basis of UN Human Rights Council resolution 16/18.’⁸⁷¹

The political responses largely fell into two categories. Responses in the first category are of an empirical nature, they concern whether the video was the cause of the turmoil that followed. The second category, although not entirely distinct from the first, regards the

⁸⁶⁸ ‘Press Conference by Secretary-General Ban Ki-moon at United Nations Headquarters’, 19 September 2012, <http://www.un.org/press/en/2012/sgsm14518.doc.htm>.

⁸⁶⁹ ‘Press Conference by Secretary-General Ban Ki-moon at United Nations Headquarters’, 19 September 2012, <http://www.un.org/press/en/2012/sgsm14518.doc.htm>.

⁸⁷⁰ ‘Joint statement on Peace and Tolerance by EU High Representative, OIC Secretary General, Arab League Secretary General, and AU Commissioner for Peace and Security’, 20 September 2012, http://www.eu-un.europa.eu/articles/en/article_12602_en.htm.

⁸⁷¹ ‘Joint statement on Peace and Tolerance by EU High Representative, OIC Secretary General, Arab League Secretary General, and AU Commissioner for Peace and Security’, 20 September 2012, http://www.eu-un.europa.eu/articles/en/article_12602_en.htm.

importance of free expression, including expression that is derogatory of cherished religious symbols, in an interconnected world.

With regard to the first matter, the question of causation, it should be noted that there was a time-span of about two months between the publication of the video (July 2012)⁸⁷² and the eruption of riots (September 2012), after parts of the video were broadcast by Egyptian television station Al-Nas.⁸⁷³ It was reported by multiple news outlets that various actors played a role in encouraging or instigating unrest. For example, *The Washington Post* reported that the Muslim Brotherhood in Egypt called for protests.⁸⁷⁴ *The Wall Street Journal* featured an article which said that in Cairo, ‘protesters rallied to the Embassy at the prompting of Islamist Facebook groups and hard-line Salafi preachers who frequently preach on Islamist satellite channels.’⁸⁷⁵ *USA Today* reported that the spokesperson for the Egyptian Salafist Noor party, ‘which holds about 25% of the seats in parliament, called on people to go to the Embassy. He also called on non-Islamist soccer hooligans, known as Ultras, to join the protest.’⁸⁷⁶ Protests in Yemen ‘came hours after a Muslim cleric, Abdul Majid al-Zindani, urged followers to emulate the protests in Libya and Egypt.’⁸⁷⁷ In Tunisia, ‘a hard-line Islamist instigated a violent rampage at the U.S. Embassy’, according to the Tunisian authorities.⁸⁷⁸ *The Daily Telegraph*

⁸⁷² ‘From Man Who Insulted Muhammad, No Regret’, *The New York Times*, 26 November 2012; ‘World News: U.S. Missions Stormed in Libya, Egypt – Movie Critical of Prophet Muhammad Spurs Attack in Benghazi, Killing American; Protesters Breach Wall of Cairo Compound’, *The Wall Street Journal*, 12 September 2012.

⁸⁷³ ‘Foreign aid under fire on many fronts’ *The Washington Post*, 2 October 2012.

⁸⁷⁴ ‘More protests erupt in Muslim world’, *The Washington Post*, 14 September 2012.

⁸⁷⁵ ‘World News: U.S. Missions Stormed in Libya, Egypt – Movie Critical of Prophet Muhammad Spurs Attack in Benghazi, Killing American; Protesters Breach Wall of Cairo Compound’, *The Wall Street Journal*, 12 September 2012.

⁸⁷⁶ ‘Deadly embassy attacks were days in the making’, 12 September 2012,

<http://usatoday30.usatoday.com/news/world/story/2012/09/12/deadly-embassy-attacks-were-days-in-the-making/57752828/1>.

⁸⁷⁷ ‘Turmoil Over Contentious Video Spreads’, *The New York Times*, 14 September 2012.

⁸⁷⁸ ‘Violence ups ante for Tunisia’s new rulers’, *The Washington Post*, 21 September 2012.

reported that Hassan Nasrallah, the leader of Hezbollah, ‘denounced the film as an even greater insult to Islam than The Satanic Verses.’⁸⁷⁹ ‘Responding to his call for a demonstration of public anger in Lebanon, thousands of followers of the Shia militant group, which is funded and armed by Iran, massed in the slums of south Beirut. “The whole world needs to see your anger on your faces, in your fists and your shouts,” Sheikh Nasrallah said.’⁸⁸⁰ According to *The Washington Post*, the organized rally was ‘also an attempt to show the party’s strength’⁸⁸¹, and was aimed ‘to show that the political alliance that many observers refer to as the ‘axis of resistance’ – Hezbollah, Syria and Iran – is still holding strong. Demonstrators carried pictures of Assad and Syrian flags in the crowd on Monday, and some carried Iranian flags, too.’⁸⁸² *The Washington Post* also reported that ‘Hezbollah has called for demonstrations to continue and take place in other cities across Lebanon in coming days. Sunni leaders, not to be outdone by their Shiite counterparts, also announced more protests on Monday. The controversial Sunni sheikh Ahmad Assir, who is based in the city of Sidon, announced a demonstration for his followers later this week.’⁸⁸³

⁸⁷⁹ ‘Violent protests over US-made film spill into more Islamic nations’, *The Daily Telegraph*, 18 September 2012.

⁸⁸⁰ ‘Violent protests over US-made film spill into more Islamic nations’, *The Daily Telegraph*, 18 September 2012.

⁸⁸¹ ‘Thousands in Beirut protest anti-Islam video in Hezbollah show of strength’, 17 September 2012, http://www.washingtonpost.com/world/middle_east/thousands-in-beirut-protest-anti-islam-video-in-hezbollah-show-of-strength/2012/09/17/821b9188-00f5-11e2-b257-e1c2b3548a4a_story.html.

⁸⁸² ‘Thousands in Beirut protest anti-Islam video in Hezbollah show of strength’, 17 September 2012, http://www.washingtonpost.com/world/middle_east/thousands-in-beirut-protest-anti-islam-video-in-hezbollah-show-of-strength/2012/09/17/821b9188-00f5-11e2-b257-e1c2b3548a4a_story.html.

⁸⁸³ ‘Thousands in Beirut protest anti-Islam video in Hezbollah show of strength’, 17 September 2012, http://www.washingtonpost.com/world/middle_east/thousands-in-beirut-protest-anti-islam-video-in-hezbollah-show-of-strength/2012/09/17/821b9188-00f5-11e2-b257-e1c2b3548a4a_story.html.

These reports indicate that rather than natural, the riots in response to the video were, at least in part, manufactured. Shortly after the protests erupted, *The New York Times* columnist Ross Douthat gave the following explanation:

‘There is certainly unreason at work in the streets of Cairo and Benghazi, but something much more calculated is happening as well. The mobs don’t exist because of an offensive movie, and an American ambassador isn’t dead because what appears to be a group of Coptic Christians in California decided to use their meager talents to disparage the Prophet Muhammad. What we are witnessing, instead, is mostly an exercise in old-fashioned power politics, with a stone-dumb video as a pretext for violence that would have been unleashed on some other excuse. (...) Today’s wave of violence (...) owes much more to a bloody-minded realpolitik than to the madness of crowds. (...) What we’re watching unfold in the post-Arab Spring Mideast is the kind of struggle for power that frequently takes place in a revolution’s wake: between secular and fundamentalist forces in Benghazi, between the Muslim Brotherhood and its more-Islamist-than-thou rivals in Cairo, with similar forces contending for mastery from Tunisia to Yemen to the Muslim diaspora in Europe.’⁸⁸⁴

Rather than being *the* cause, let alone the proximate cause, a more accurate picture would regard the video as *an early* link in a chain of events that ultimately led to the turmoil, while the time period of two months between the release of the video and the first riots suggest that other factors than the video were far more proximate.

Writing on the role of middlemen in protests over offensive expression, George states that ‘If provocative symbols do not always and everywhere produce strong reactions, it must follow that some other intervening factor affects how people in a given time and place respond. This intervention comes in the form of middlemen who decide whether it is in their interests to

⁸⁸⁴ ‘It’s Not About The Video’, *The New York Times*, 16 September 2012.

transform a potential provocation into a full-blown protest.’⁸⁸⁵ ‘While a mix of anti-US sentiment and religious fervor helped ensure the video’s value as an international injustice symbol,’ George observes, ‘detailed forensics reveal that those who did the most to push that narrative out were motivated primarily by domestic political interests.’⁸⁸⁶ George calls *Innocence of Muslims* ‘an archetypal cross-border case of hate spin’⁸⁸⁷ that, barring its technological aspects, mostly ‘followed the same pattern as Satanic Verses and the Jyllands-Posten cartoons.’⁸⁸⁸

That brings us to the second element of these political responses, namely that of the value of free expression. Elsewhere⁸⁸⁹ I have criticized these statements for their incompatibility with international human rights norms and elusiveness (for example, Ban Ki-moon’s requirements of ‘common justice and purpose).’ More generally, in my view these statements provide a weak endorsement of free expression.

In turn, my stance has attracted criticism. Robert Kahn writes that

‘Some opponents of blasphemy laws make arguments and take positions that have little basis in social scientific and humanistic understandings of blasphemy and anti-blasphemy laws and, at the

⁸⁸⁵ C. George, *Hate Spin: The Manufacture of Religious Offense and Its Threat to Democracy*, Cambridge: The MIT Press 2016, p. 19.

⁸⁸⁶ C. George, *Hate Spin: The Manufacture of Religious Offense and Its Threat to Democracy*, Cambridge: The MIT Press 2016, p. 70.

⁸⁸⁷ C. George, *Hate Spin: The Manufacture of Religious Offense and Its Threat to Democracy*, Cambridge: The MIT Press 2016, p. 57.

⁸⁸⁸ C. George, *Hate Spin: The Manufacture of Religious Offense and Its Threat to Democracy*, Cambridge: The MIT Press 2016, p. 66.

⁸⁸⁹ T. Herrenberg, ‘Denouncing Divinity: Blasphemy, Human Rights, and the Struggle of Political Leaders to defend Freedom of Speech in the Case of Innocence of Muslims,’ in: *Ancilla Iuris*, 2015.

same time, weaken the ability of human rights advocates to present compelling arguments to those individuals, communities and leaders who still support blasphemy laws.⁸⁹⁰

Kahn identifies three ‘counterproductive ways opponents of blasphemy bans present their case’, namely ‘a tendency to (1) treat religious identity as more malleable than other identities and use this as a reason to oppose blasphemy bans (2) take a ‘zero tolerance’ approach to blasphemy bans under which a restriction on blasphemy anywhere is a threat to freedom everywhere and (3) fall into a clash-of-civilizations trap, in which blasphemy bans become a flash point between a modern West and Islam (little different from struggles over the hijab and burqa).⁸⁹¹

My criticism falls in the second category. Kahn writes:

‘A (...) zero-tolerance question involves what one is allowed to say about blasphemy laws while remaining a member of the international human rights community in good standing. Is it permissible for global leaders (for example, the Secretary General of the United Nations) to say things that might appear to offer legitimacy to supporters of blasphemy laws? Maybe not. Tom Herrenberg takes Secretary General Ban Ki-Moon to task for saying that the film *The Innocence of Muslims* is a humiliating abuse of freedom of speech, one that should not be legally protected. According to Herrenberg, the Secretary General’s statement ‘nurtures confusion’ and provides a signal to demonstrators against the film that ‘they [the demonstrators] might be right.’ Later in the article, he takes Hillary Clinton to task for stating that the film was made to provoke rage. While Herrenberg accepts that politicians should be allowed to comment on controversial issues, he will not allow them to “deviate from principles enshrined in human rights law”.

⁸⁹⁰ R.A. Kahn, ‘Rethinking Blasphemy and Anti- Blasphemy Laws’, in: J. Temperman & A. Koltay (eds.), *Blasphemy and Freedom of Expression: Comparative, Theoretical and Historical Reflections after the Charlie Hebdo Massacre*, Cambridge: Cambridge University Press 2017, p. 168.

⁸⁹¹ R.A. Kahn, ‘Rethinking Blasphemy and Anti- Blasphemy Laws’, in: J. Temperman & A. Koltay (eds.), *Blasphemy and Freedom of Expression: Comparative, Theoretical and Historical Reflections after the Charlie Hebdo Massacre*, Cambridge: Cambridge University Press 2017, p. 168.

But what about Secretary General Moon's freedom of speech? Perhaps Secretary General Ban Ki-Moon is naïve or has fallen under the thumb of the Organization of Islamic Cooperation. It is perfectly legitimate to fault the Secretary General for bad politics, but Herrenberg's language suggests that a human rights spokesperson is simply not allowed to say anything that suggests blasphemy might constitute real harm (in some situations) lest that statement render aid and comfort to those countries that make frequent use of anti-blasphemy laws. While there is a logic to this position, there is also a logic about the value of free and fair debate. If one of the harms of anti-blasphemy laws is that they prevent debates about religion, Herrenberg's position does the same for debates about international human rights law.⁸⁹²

Kahn raises interesting points. Perhaps I was a bit too harsh on these politicians, as they tried to crisis manage the situation, trying to cool the heads by validating some of the protesters' grievances. Also, it could be that I was not sensitive enough to the broader political interests involved; interests that need to be protected and that might require a little apology for your standards. That broader political interests were at stake is evident. George, for example, in explaining the condemnations of the video by the US government,⁸⁹³ notes that 'the United

⁸⁹² R.A. Kahn, 'Rethinking Blasphemy and Anti- Blasphemy Laws', in: J. Temperman & A. Koltay (eds.), *Blasphemy and Freedom of Expression: Comparative, Theoretical and Historical Reflections after the Charlie Hebdo Massacre*, Cambridge: Cambridge University Press 2017, p. 174-175.

⁸⁹³ The US government aired ads in Pakistani media, in which President Barack Obama and Secretary of State Hillary Clinton condemned the video, 'emphasizing that it was not produced or authorized by the United States government', see 'Obama administration airs ads in Pakistan, condemning anti-Islam film', 20 September 2012, <https://www.politico.com/blogs/politico44/2012/09/obama-administration-airs-ads-in-pakistan-condemning-anti-islam-film-136174>. A spokesperson for the US government said about the decision to air ads on Pakistani television: 'As you know, after the video came out, there was concern in lots of bodies politic, including Pakistan, as to whether this represented the views of the U.S. Government. So in order to ensure we reached the largest number of Pakistanis – some 90 million, as I understand it in this case with these spots – it was the judgment that this was the best way to do it.' See 'Obama administration airs ads in Pakistan, condemning anti-Islam film', 20 September 2012, <https://www.politico.com/blogs/politico44/2012/09/obama-administration-airs-ads-in-pakistan-condemning-anti-islam-film-136174>.

States relies heavily on the cooperation of Muslim countries for its military and counterterrorism operations and therefore cannot afford to alienate them.⁸⁹⁴

These things aside, let me say, first, that my criticism was not intended to ‘prevent debates about international human rights law.’ I don’t see how my language ‘suggests that a human rights spokesperson is simply not allowed to say anything that suggests blasphemy might constitute real harm (in some situations).’ Bearing in mind the considerations on causality mentioned earlier, it can hardly be argued that the video constituted the real harm (although, obviously, it caused harm to the religious feelings of many believers). Moreover, my intention was not to prevent debates about human rights law. Just as Kahn I am in favour of free and fair debate. Rather, I merely intended to draw attention to the in my view weak endorsement of a core democratic value, namely free expression.

Although I do subscribe to the notion that politics and law are separate domains governed by their own logic, I don’t find it very persuasive to endorse the right to free expression and suggest the repeal of blasphemy bans in international human rights law on one hand, while on the other hand, issue political statements that contradict these norms. If freedom of expression is important and blasphemy bans are detrimental to that right, should that not only be stated by a matter of international law, but also actively and openly stated by high-level political leaders in real-life cases?

Conclusion

A noticeable aspect of blasphemy is its informal dimension. Over the last decades there have been various attempts to silence blasphemers not by the legal process, but informally, such as

⁸⁹⁴ C. George, *Hate Spin: The Manufacture of Religious Offense and Its Threat to Democracy*, Cambridge: The MIT Press 2016, p. 67-68.

by way of intimidation. The *Rushdie affair* and *Danish cartoons controversy* being two well-known examples. This chapter discussed a more recent example of these types of episodes: the crude *Innocence of Muslims* video that was derogatory of the prophet Muhammad. This short video was followed by unrest in various parts of the world. Although some blamed the video as the cause of the turmoil, a closer examination reveals that it was primarily an instance of what the scholar of communication studies George calls ‘hate spin’, the ‘manufactured vilification or indignation, used as a political strategy that exploits group identities to mobilize supporters and coerce opponents.’ In their responses to the video, some high-level politicians, I argued, offered weak endorsements of the right to free expression, as they seemed to introduce new, stricter norms for protectable anti-religious expression.

