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## Princes and prophets: democracy and the defamation of power

Herrenberg, T.

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## Bibliography

## Books, chapters, and articles

- Abspoel, J.J., *Studenten, moordenaars en ander volk. Kritische kanttekeningen van een officier van justitie*, Ede: L.J. Veen 1979
- Akdeniz, Y. & K. Altiparmak, ‘Judgement in the case of Artun and Güvener v. Turkey (monitoring report)’, *Human Rights Joint Platform*, December 2016
- Alexander, L., ‘Incitement and Freedom of Speech’, in: D. Kretzmer & F. Kershman Hazan, (eds.), *Freedom of Speech and Incitement Against Democracy*, The Hague: Kluwer Law International 2000, p. 101-118
- Alexander, Y., E.H. Brenner & S. Tutuncuoglu Krause, *Turkey: Terrorism, Civil Rights, and the European Union*, Routledge: London and New York 2008
- Aswad, E.M., ‘To Ban or Not to Ban Blasphemous Videos,’ *Georgetown Journal of International Law*, 2013, p. 1313-1328
- Baelde, R., *Studiën over Godsdiendstdelicten*, Den Haag: Martinus Nijhoff 1935
- Barendt, E., *Freedom of Speech*, Oxford: Oxford University Press 2005
- Bemmelen, van, J.M., ‘Belediging en vrijheid van meningsuiting’, *Nederlands Juristenblad*, 1969, p. 433-443
- Bhagwat, A., & J. Weinstein, ‘Freedom of Expression and Democracy’, in: A. Stone & F. Schauer (eds.), *The Oxford Handbook of Freedom of Speech*, Oxford: Oxford University Press 2021, p. 82-105
- Bie, van der, R., ‘Kerkelijkheid en kerkelijke diversiteit, 1889–2008,’ in: *Religie aan het begin van de 21ste eeuw*, Den Haag/Heerlen: Centraal Bureau voor de Statistiek [central bureau of statistics] 2008, p. 13-25
- Bodel Nyenhuis, J.T., *De wetgeving op drukpers en boekhandel in de Nederlanden tot in het begin der XIX<sup>DE</sup> eeuw*, Amsterdam 1892
- Bos, D., *Willem III, Koning Gorilla, met een inleiding van Dennis Bos*, Soesterberg: Aspekt 2007
- Brocx, A., & J.C. Stuart, *Nederlandsche regtspraak, of verzameling van arresten en gewijsden van den Hoogen Raad der Nederlanden en verdere rechtscollegien* (Zevende deel), ’s Gravenhage: De gebroeders Van Cleef 1841
- Brown, A., *Hate Speech Law: A Philosophical Examination*, New York/London: Routledge 2015
- Bychawska-Siniarska, D., *Protecting the right to freedom of expression under the European*

*Convention on Human Rights: A handbook for legal practitioners*, Council of Europe  
2017

Cliteur, P., ‘Godslastering en zelfcensuur na de moord op Theo van Gogh,’ in *Nederlands Juristenblad* 2004, no. 45, p. 2328–2335

Cliteur, P., 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

Cliteur, P., & T. Herrenberg, (eds.), *The Fall and Rise of Blasphemy Law*, Leiden: Leiden University Press 2016

Cliteur, P., *Theoterrorism v. Freedom of Speech: From incident to precedent*, Amsterdam: Amsterdam University Press 2019

Clooney, A. & P. Webb, ‘The Right to Insult in International Law’, *Columbia Human Rights Law Review*, 2017, p. 1-55

Cohen, A.J., ‘What Toleration Is,’ *Ethics*, 2004, p. 68-95

Colenbrander, H.T., ‘Willem I en de mogendheden (1815-1824)’, in: D. van Blom et al (ed.), *De Gids*, Amsterdam 1931, p. 370-407

Constandse, A., ‘Een geval van godslastering’, *De Gids*, 1979, p. 400-408

Cox, N. ‘Justifying blasphemy laws: freedom of expression, public morals, and international human rights law’, *Journal of Law and Religion*, 2020, p. 33-60

Creppell, I., ‘Toleration, Politics and the Role of Mutuality,’ in: M.S. Williams & J. Waldron (eds.), *Toleration and its Limits*, New York: New York University Press 2008, p. 315-359

Delbecke, B., *De lange schaduw van de grondwetgever: Perswetgeving en persmisdrijven in België (1831-1914)*, Gent: Academia Press 2012

Dijck, van, G., M. Snel & T. Van Golen, *Methoden van rechtswetenschappelijk onderzoek*, Den Haag: Boom juridisch 2018

Dobinson, I. & F. Johns, ‘Qualitative Legal Research’, in: M. McConville & W.H. Chui (eds.), *Research Methods for Law*, Edinburgh University Press 2007, p. 46-68

Dworkin, R., ‘Foreword,’ in: I. Hare & J. Weinstein (eds.), *Extreme Speech and Democracy*, Oxford University Press 2009, p. v-ix

Ekeli, K.S., ‘Democratic legitimacy, political speech and viewpoint neutrality’, *Philosophy and Social Criticism*, 2020, p. 723-752

Fekkes, J., *De God van je tante. Ofwel het Ezel-proces van Gerard Cornelis van het Reve*, Amsterdam: De Arbeiderspers 1968

Foakes, J., *The Position of Heads of State and Senior Officials in International Law*, Oxford: Oxford University Press 2014

Folkard, H.C., *The Law of Slander and Libel: Including the Practice, Pleading, and Evidence, Civil and Criminal, with Forms and Precedents: Also Contempts of Court and the Procedure in Libel by Indictment and Criminal Information*, London: Butterworth & co. 1908 (7th ed.)

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

Gils, van, J.C.L.M., *Eenige Aantekeningen op de Artikelen 111 en 112 van het Wetboek van Strafrecht*, Amsterdam: Delsman & Nolthenius 1895

Greenawalt, K., ‘Free speech justifications’, *Columbia Law Review* 1989, p. 119-155

Groenendijk, C.A., ‘Belediging van bevriende staatshoofden (art. 117 Wetboek van Strafrecht)’, *Rechtsgeleerd Magazijn Themis*, 1968, p.1-28

Habermas, J., ‘Intolerance and discrimination’, *International Journal of Constitutional Law*, 2003, p. 2-12

Hare, I., ‘Blasphemy and Incitement to Religious Hatred: Free Speech Dogma and Doctrine’, in: I. Hare & J. Weinstein (eds.), *Extreme Speech and Democracy*, Oxford: Oxford University Press 2010, p. 289-310

Hare, I., ‘The English Law of Blasphemy: The “Melancholy, Long, Withdrawing Roar”’, in: P. Cliteur & T. Herrenberg (eds.), *The Fall and Rise of Blasphemy Law*, Leiden: Leiden University Press 2016, p. 49-69

Hayek, F.A., *The Constitution of Liberty*, Chicago/London: University of Chicago Press 2011 (1960)

Heinze, E., ‘Wild-West Cowboys versus Cheese-Eating Surrender Monkeys: Some Problems in Comparative Approaches to Hate Speech’, in: I. Hare & J. Weinstein (eds.), *Extreme Speech and Democracy*, Oxford: Oxford University Press 2010, p. 182-203

Heinze, E., *Hate Speech and Democratic Citizenship*, Oxford University Press 2016

Heusde, van, A.C., *De vrijheid van drukpers hier te lande uit een historisch oogpunt beschouwd*, Haarlem: Van Loghem Jr 1847

Howland, C.W., ‘The Challenge of Religious Fundamentalism to the Liberty and Equality Rights of Women: An Analysis under the United Nations Charter’, in: *Columbia Journal of Transnational Law*, 1997, p. 271–377

Ingber, S., ‘The Marketplace of Ideas: A Legitimizing Myth,’ *Duke Law Journal*, 1984, p. 1-91

- Janssens, A.L.J., & A.J. Nieuwenhuis, *Uitingsdelicten*, Deventer: Kluwer 2011
- Jones, P., ‘Blasphemy, Offensiveness and Law’, *British Journal of Political Science*, 1980, p. 129-148
- Kahn, R.A., ‘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. 167-193
- Kann, H.E., *Overzigt der hedendaagsche Nederlandsche wetgeving in zake van laster, hoon, en belediging*, ’s-Gravenhage 1866
- Karsten, E.H., ‘Fransche uitgeweken in het Koningrijk der Vereenigde Nederlanden’, in: J.W. Bok & W.B.J. van Eyk (eds.), *Vaderlandsche letteroefeningen*, Utrecht 1865, p. 65-87
- Kelsen, H., *General Theory of Law and State*, Cambridge: Harvard University Press 1949
- Kennedy, J.C., *A Concise History of the Netherlands*, Cambridge: Cambridge University Press 2017
- Kennedy, J.C., *Een beknopte geschiedenis van Nederland*, Amsterdam: Prometheus 2017
- Klausen, J., *The Cartoons that Shook the World*, New Haven/London: Yale University Press 2009
- Koch, J., *Koning Willem I 1772-1843*, Amsterdam: Boom 2013
- Koch, J., *Oranje in revolutie en oorlog: Een Europese geschiedenis 1772-1890*, Amsterdam: Boom 2018
- Kossmann, E.H., *The Low Countries 1780-1940*, Oxford: Clarendon Press 1978
- Langer, L., *Religious Offence and Human Rights: The Implications of Defamation of Religions*, Cambridge: Cambridge University Press 2014
- Leiter, B., *Why Tolerate Religion?*, Princeton/Oxford: Princeton University Press 2013
- Lemmens, W., ‘Het ontluikend liberalisme: Franse migranten, hun netwerken en journalistieke activiteiten in de Zuidelijke Nederlanden (1815-1820)’, *Belgisch Tijdschrift voor Filologie en Geschiedenis*, 2011, p. 1165-1191
- Leo, L.A., F.D. Gaer & E.K. Cassidy, ‘Protecting Religions From ‘Defamation’: A Threat To Universal Human Rights Standards,’ *Harvard Journal of Law & Public Policy*, 2011, p. 769-784
- Levy, L.W., *Blasphemy: Verbal Offenses Against the Sacred, from Moses to Salman Rushdie*, Chapel Hill & London: The University of North Carolina Press 1993
- Limon, M., Ghanea, N. & H. Power, ‘Freedom of Expression and Religions, the United Nations

- and the ‘16/ 18 Process’”, 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. 645-680
- Luttenberg, G., *Luttenberg’s chronologische verzameling der wetten en besluiten, betrekkelijk het openbaar bestuur in de Nederlanden sedert de herstelde orde van zaken in 1813*, Zwolle: W.E.J. Tjeenk Willink 1844
- Marshall, P. & N. Shea, *Silenced: How Apostasy and Blasphemy Codes are Choking Freedom Worldwide*, Oxford: Oxford University Press 2011
- McGonagle, T., *Freedom of expression and defamation: A study of the case law of the European court of Human Rights*, Council of Europe 2016
- McKinnon, C., *Toleration: A Critical Introduction*, Oxford: Routledge 2006
- Meulen, van der, D., *Koning Willem III 1817-1890*, Amsterdam: Boom 2013
- Meulen, van der, J.D., *De belediging van hoofden van bevriende staten. Preadvies uitgebracht voor de Nederlandse Vereniging voor Rechtsvergelijking*, Deventer 1970
- Mill, J.S., *On Liberty*, London: Longman, Greens and co 1865 (1859)
- Moorman van Kappen, O., ‘Bijdrage tot de codificatiegeschiedenis van ons strafrecht rond het begin van de negentiende eeuw: het ontwerp-lijfstraffelijk wetboek van 1804’, *BMGN – Low Countries Historical Review*, 1978, p. 299-332
- Mowbray, A., *Cases, Materials, and Commentary on the European Convention on Human Rights*, Oxford: Oxford University Press 2012
- Nash, D., *Acts against God*, London: Reaktion Books 2020
- Nicholson, P.P., ‘Toleration as a moral ideal,’ in: J. Horton & S. Mendus (eds.), *Aspects of Toleration: Philosophical Studies*, London/New York: Methuen & Co. 1985, p. 158-173
- Noorloos, van, L.A., *Strafbaarstelling van ‘belediging van geloof’ Een onderzoek naar mogelijke aanpassing van de uitingsdelicten in het Wetboek van Strafrecht, mede in het licht van internationale verdragsverplichtingen*, Den Haag: Boom Lemma uitgevers 2014
- Noyon-Langemeijer-Remmelink, *Het Wetboek van Strafrecht*, art. 111 Sr (aant. [comment] 4)
- Nuyens, W.J.F., *Geschiedenis van het Nederlandsche volk, van 1815 tot op onze dagen. Eerste deel*, Amsterdam: C.L. van Langenhuyzen 1883
- O’Flaherty, M., ‘Freedom of Expression: Article 19 of the International Covenant on Civil and Political Rights and the Human Rights Committee’s General Comment No 34’, *Human Rights Law Review*, 2012, p. 627-654

- Plooy, J., *Strafbare godslastering*, Amsterdam: Buijten & Schipperheijn 1986
- Post, R., ‘Hate Speech’, in: I. Hare & J. Weinstein (eds.), *Extreme Speech and Democracy*, Oxford University Press 2009, p. 123-138
- Post, R., ‘Legitimacy and Hate Speech’, *Constitutional Commentary*, 2017, p. 651-659
- Post, R., ‘Managing Deliberation: The Quandary of Democratic Dialogue,’ *Ethics*, 1993, p. 654-678
- Post, R., ‘Religion and Freedom of Speech: Portraits of Muhammad,’ in: S. Mancini & M. Rosenfeld (eds.), *Constitutional Secularism in an Age of Religious Revival*, Oxford University Press 2014, p. 326-342
- Post, R.C., ‘The Social Foundations of Defamation Law: Reputation and the Constitution’, *California Law Review*, 1986, p. 691-742
- Rehman, J., & Berry, S.E., ‘Is “Defamation of Religions” passé? The United Nations, Organisation of Islamic Cooperation, and Islamic State Practices: Lessons from Pakistan’, *The George Washington International Law Review*, 2012, p. 431-472
- Roon, van, E., ‘Majesteitsschennis onder Willem I. Hoon, laster, en smaad in Zuid-Holland tijdens de Belgische Opstand’, *HOLLAND. Historisch Tijdschrift*, 2019, p. 4-12
- Rose, F., *The Tyranny of Silence*, Washington D.C.: Cato Institute 2014
- Satzger, H., ‘Strafbare Beleidigung eines ausländischen Staatsoberhaupts durch politische Satire? – Was kann Deutschland aus dem Fall Böhmermann lernen?’, 2017, *Juridiska Föreningens Tidskrift*, p. 707-716
- Sautyn Kluit, W.P., ‘Dagblad-vervolgingen in België; 1815-1830’, in: R. Fruin (ed.), *Bijdragen voor Vaderlandsche Geschiedenis en Oudheidkunde*, ’s-Gravenhage 1892, p. 307-394
- Simons, D., *De vrijheid van drukpers in verband met het Wetboek van Strafrecht*, ’s-Gravenhage: Belinfante 1883
- Slaughter, M.M., ‘The Salman Rushdie Affair: Apostasy, Honor, and Freedom of Speech’, *Virginia Law Review*, 1993, p. 153-204
- Smidt, H.J., *Geschiedenis van het Wetboek van Strafrecht : volledige verzameling van regeeringsontwerpen, gewisselde stukken, gevoerde beraadslagingen, enz (Tweede Deel)*, Haarlem: H.D. Tjeenk Willink 1891
- Speake, J. & LaFlaur, M., *The Oxford Essential Dictionary of Foreign Terms in English*, Oxford: Oxford University Press 2002
- Stephen, H.J., *Stephen's Commentaries on the Laws of England*, London: Butterworth 1922 (17th ed.)

- Stokkom, van, B.A.M., H.J.B. Sackers and J.-P. Wils, *Godslastering, discriminerende uitingen wegens godsdienst en haatuitingen*, Den Haag: Boom Juridische uitgevers 2007
- Streckfuss, D., ‘Kings in the Age of Nations: The Paradox of Lèse-Majesté as Political Crime in Thailand’, *Comparative Studies in Society and History*, 1995, p. 445- 475
- Stutje, J.W., ‘Ferdinand Domela Nieuwenhuis (1846-1919), Revolte en melancholie. Romantiek in Domela’s kritiek op de moderniteit’, *Tijdschrift voor Sociale en Economische Geschiedenis*, 2008, p. 3-27
- Tak, P.J.P., *The Dutch Criminal Justice System*, Nijmegen: Wolf Legal Publishers 2008
- Temperman, J. & Koltay, A. (eds.), *Blasphemy and Freedom of Expression: Comparative, Theoretical and Historical Reflections after the Charlie Hebdo Massacre*, Cambridge: Cambridge University Press 2017
- Temperman, J., ‘Blasphemy and the European Court of Human Rights: A Small Step Forward, a Giant Leap Back’, in: P. Czech et al. (eds.), *European Yearbook on Human Rights 2019*, Intersentia 2019
- Temperman, J., ‘Freedom of Expression and Religious Sensitivities in Pluralist Societies: Facing the Challenge of Extreme Speech’, *BYU Law Review*, 2011, p. 729-756
- Temperman, J., *Religious Hatred and International Law: The Prohibition of Incitement to Violence or Discrimination*, Cambridge: Cambridge University Press 2016
- Thompson, F.M.L., *English Landed Society in the Nineteenth Century*, London: Routledge & Kegan Paul 1963
- Verheijen, B., *Nederland onder Napoleon: Partijstrijd en natievorming 1801-1813*, Nijmegen: Vantilt 2017
- Visconti, E., ‘The Invention of Criminal Blasphemy: Rex v. Taylor (1676)’, *Representations*, 2008, p. 30-52
- Vleugel, A., *Het juridisch begrip van godsdienst*, Deventer: Wolters Kluwer 2018
- Vreede, G.W., ‘Een woord over de Wet van 28 September 1816 (Staatsblad no. 51), tot vaststelling van straffen voor hen, die vreemde Mogendheden beleedigen’, in: C.A. den Tex & J. van Hall (eds.), *Nieuwe bijdragen voor regtsgeleerdheid en wetgeving. Tweede deel voor het jaar 1852*, Amsterdam 1852, p. 185-194
- Weber, M., ‘Politics as a Vocation’, in: *From Max Weber: Essays in Sociology* (translated, edited, and introduced by H.H. Gerth & C. Wright Mills), New York: Oxford University Press 1946, p. 77-128
- Weijermars, J., *Stepbrothers: Southern Dutch Literature and Nation-building Under Willem I, 1814-1834*, Leiden/Boston: Brill 2015

Weinstein, J., ‘An Overview of American Free Speech Doctrine and its Application to Extreme Speech’, in: I. Hare & J. Weinstein (eds.), *Extreme Speech and Democracy*, Oxford University Press 2009, p. 81-91

Wils, L., ‘De taalpolitiek van Willem I’, *Bijdragen en Mededelingen betreffende de Geschiedenis der Nederlanden*, 1977, p. 81-87

## Parliamentary and government documents

### *The Netherlands*

#### Bulletin of Acts and Decrees (*Staatsblad*)

- Bulletin of Acts and Decrees 1816, no. 51
- Bulletin of Acts and Decrees 1830, no. 15
- Bulletin of Acts and Decrees 1934, no. 40
- Bulletin of Acts and Decrees 1978, no. 155
- Bulletin of Acts and Decrees 2014, no. 39
- Bulletin of Acts and Decrees 2019, no. 277

#### Treaty Series (*Tractatenblad*)

- Treaty Series 1978 no. 177

#### Netherlands Government Gazette (*Nederlandsche Staatscourant*)

- Netherlands Government Gazette of 2 February 1814
- Netherlands Government Gazette of 21 February 1818

#### Proceedings of the States General (*Handelingen der Staten-Generaal*) and parliamentary document (*Kamerstukken*)

- Proceedings of the States General, 1815-1816, no. XLII, 1
- Proceedings of the States General, 1815-1816, no. XLII, 3
- Proceedings of the States General, 1815-1816, 25 September 1816
- Proceedings of the States General, 1815-1816, 28 September 1816
- Proceedings of the States General, 1817-1818, no. XX, 2
- Proceedings of the States General, 1817-1818, 3 February 1818
- Proceedings of the States General, 1817-1818, 20 February 1818
- Proceedings of the States General, 1829-1830, no. XXI, no. 1
- Proceedings of the States General, 1829-1830, 17 May 1830
- Proceedings of the States General, 1829-1830, 18 May 1830
- Proceedings of the States General, 1829-1830, 22 May 1830
- Proceedings of the States General, 1829-1830, 29 May 1830

- Proceedings of the States General, 1878-1879, no. 110, 3
- Proceedings of the States General, 1879-1880, report of 16 July 1880
- Proceedings of the States General, 1880-1881, 29 October 1880
- Parliamentary documents, House of Representatives, 1880-1881, 25 October 1880, 102
- Parliamentary documents, House of Representatives, 1930-1931, no. 348, 2
- Parliamentary documents, House of Representatives, 1930-1931, no. 348, 3
- Parliamentary documents, House of Representatives, 1930-1931, no. 348, 4
- Parliamentary documents, House of Representatives, 12 June 1931
- Parliamentary documents, House of Representatives, 1931-1932, no. 34, 1
- Parliamentary documents, House of Representatives, 26 May 1932
- Parliamentary documents, House of Representatives, 27 May 1932
- Parliamentary documents, House of Representatives, 31 May 1932
- Parliamentary documents, House of Representatives, 1 June 1932
- Eindverslag der Commissie van Rapporteurs, 6 October 1932
- Proceedings of the States General 1933-1934, 237, no. 4
- Parliamentary documents, House of Representatives, Question of 22 February 1966
- Parliamentary documents, House of Representatives, 1970-1971, no. 11249, 2
- Parliamentary documents, House of Representatives, 1970-1971, no. 11249, 3
- Parliamentary documents, House of Representatives, 1975-1976, no. 11249, 6
- Parliamentary documents, House of Representatives, 11 November 2004, no. 29854
- Parliamentary documents, House of Representatives, 2009-2010, no. 32203, 2
- Parliamentary documents, House of Representatives, 2009-2010, no. 32203, 3
- Parliamentary documents, House of Representatives, 2012-2013, Supplement no. 1467
- Parliamentary documents, House of Representatives, 16 April 2013
- Parliamentary documents, House of Representatives, 20 March 2013
- Parliamentary documents, House of Representatives, 2015-2016, no. 34456, 2
- Parliamentary documents, House of Representatives, 2015-2016, no. 34456, 3
- Parliamentary documents, House of Representatives, 2016-2017, no. 34456, 4
- Parliamentary documents, House of Representatives, 2016-2017, no. 34456, 6
- Parliamentary documents, House of Representatives, 2016-2017, no. 34456, 7

Parliamentary documents, House of Representatives, 2016-2017, no. 34456, 8  
Parliamentary documents, House of Representatives, 2016-2017, no. 34456, 15  
Proceedings of the States General, House of Representatives, 2017-2018, 8 February 2018

Parliamentary documents, Senate, 3 November 1932  
Parliamentary documents, Senate, 1967-1968, 13 March 1968  
Parliamentary documents, Senate, 3 December 2013  
Parliamentary documents, Senate, 2013-2014, no. 32203, E  
Parliamentary documents, Senate, 2013-2014, 32203, F  
Parliamentary documents, Senate, 2017-2018, no. 34456, A  
Parliamentary documents, Senate, 2017-2018, no. 34456, B  
Parliamentary documents, Senate, 2018-2019, no. 34456, C  
Parliamentary documents, Senate, 2018-2019, 12 March 2019  
Parliamentary documents, Senate, 2018-2019, 19 March 2019

#### Government letter

Secretary of State for Justice and Security, Letter of 20 April 2016 concerning ‘punishable insults to heads, or members of the government, of a friendly state’

#### *Germany*

*Gesetz zur Reform der Straftaten gegen ausländische Staaten, Bundesgesetzblatt*, 2017, no. 48

#### *Belgium*

Parliamentary documents, Belgian House of Representatives (*Belgische Kamer van volksvertegenwoordigers*), 3 March 2021, Doc. No. 55 1824/001

## Cases

### *The Netherlands*

Court of The Hague, 17 June 1886, in *Weekblad van het Recht* 15 July 1886

Court of The Hague, 17 November 1887, in *Weekblad van het Recht* 19 January 1888

Court of Leeuwarden, 7 April 1888, in *Weekblad van het Recht* 31 July 1888

Court of Amsterdam, 5 October 1888, in *Weekblad van het Recht* 22 October 1888

Court of Amsterdam, 2 June 1896, in *Weekblad van het Recht* 18 September 1896

Court of Amsterdam, 15 October 1914, in *Weekblad van het Recht*, 28 October 1914

Court of Amsterdam, 23 June 1965, ECLI:NL:RBAMS:1965:AB5727

Court of Amsterdam, 30 July 2007, ECLI:NL:RBAMS:2007:BB1044

Court of The Hague, 12 May 2015, ECLI:NL:RBDHA:2015:5392

Court of The Hague, 18 November 2019, ECLI:NL:RBDHA:2019:12069

Provinciaal Geregtshof Groningen, 21 October 1840, in *Weekblad van het Regt* 27 December 1840 and *Weekblad van het Regt* 31 December 1840

Leeuwarden Court of Appeal, 31 May 1888, in *Weekblad van het Recht* 31 July 1888

Leeuwarden Court of Appeal, 17 January 1889, in *Weekblad van het Recht* 11 February 1889

Amsterdam Court of Appeal, 2 December 1914, in *Weekblad van het Recht* 28 December 1914

Arnhem Court of Appeal, 31 October 1935, in *Weekblad van het Recht* 8 January 1936

Amsterdam Court of Appeal, 28 May 2014, ECLI:NL:GHAMS:2014:1945

Dutch Supreme Court, 16 February 1841 in *Weekblad van het Regt* 8 March 1841

Dutch Supreme Court, 10 January 1887, in *Weekblad van het Recht* 20 January 1887

Dutch Supreme Court 24 May 1937, in *Weekblad van het Recht* 14 September 1938

Dutch Supreme Court, 7 November 1967, in *Nederlandse Jurisprudentie* 1968/44

Dutch Supreme Court, 5 November 1968, in *Nederlandse Jurisprudentie* 1969/78

Dutch Supreme Court ,19 June 1998, in *Nederlandse Jurisprudentie* 1998/800

Dutch Supreme Court, 19 April 2005, in *Nederlandse Jurisprudentie* 2005/566

Dutch Supreme Court, 4 November 2011 ECLI:NL:HR:2014:3083

Bijzondere Raad van Cassatie, 12 August 1946, in *Nederlandse Jurisprudentie* 1946/654

*Belgium*

Constitutional Court of Belgium, 28 October 2021, cause list number (*rolnummer*) 7434, ruling no. (*Arrest nr.*) 157/2021

*United States*

*Cantwell v. Connecticut*, 310 U.S. 296 (1940)

*Terminiello v. City of Chicago*, 337 U.S. 1 (1949)

*Garrison v. Louisiana*, 379 U.S. 64 (1964)

*Brandenburg v. Ohio*, 395 U.S. 444 (1969)

*European Court of Human Rights*

European Court of Human Rights, 7 December 1976, 5493/72 (*Handyside v. United Kingdom*)

European Court of Human Rights, 8 July 1986, 9815/82 (*Lingens v. Austria*)

European Court of Human Rights, 23 April 1992, 11798/85 (*Castells v. Spain*)

European Court of Human Rights, 20 September 1994, 13470/87 (*Otto-Preminger-Institut v. Austria*)

European Court of Human Rights, 25 November 1996, 17419/90 (*Wingrove v. the United Kingdom*)

European Court of Human Rights, 25 June 2002, 51279/99 (*Colombani and others v. France*)

European Court of Human Rights, 13 September 2005, 42571/98 (*I.A. v. Turkey*)

European Court of Human Rights, 2 August 2006, 50692/99 (*Aydin Tatlav v. Turkey*)

European Court of Human Rights, 15 March 2011, 2034/07 (*Otegi Mondragon v. Spain*)

European Court of Human Rights, 14 March 2013, 26118/10 (*Eon v. France*)

European Court of Human Rights, 13 March 2018, 51168/15 and 51186/15 (*Stern Taulats and Roura Capellera v. Spain*)

European Court of Human Rights, 25 October 2018, 38450/12, (*E.S. v. Austria*)

European Court of Human Rights, 19 October 2021, 42048/19 (*Vedat Şorli v. Turkey*)

*Human Rights Committee*

Human Rights Committee, *Adimayo M. Aduayom, Sofianou T. Diasso and Yawo S. Dobou v. Togo*, UN Doc. CCPR/C/51/D/422/1990, 423/1990 and 424/1990

Human Rights Committee, *Tae Hoon Park v Republic of Korea*, UN Doc. CCPR/C/64/D/628/1995

Human Rights Committee, *Rafael Marques de Morais v. Angola*, UN Doc. CCPR/C/83/D/1128/2002

Human Rights Committee, *Zeljko Bodrožić v Serbia and Montenegro*, UN Doc. CCPR/C/85/D/1180/2003

## United Nations documentation

United Nations Commission on Human Rights, UN Doc. E/CN.4/1999/L.40

United Nations Commission on Human Rights, UN Doc. E/CN.4/1999/SR.61

United Nations Commission on Human Rights, UN Doc. E/CN.4/1999/L.90

United Nations Commission on Human Rights, UN Doc. E/CN.4/RES/1999/82

Commission on Human Rights, Report on the 55<sup>th</sup> Session (22 March – 30 April 1999)

Human Rights Council, UN Doc. A/HRC/19/L.7

General Assembly, UN Doc. A/RES/68/169

‘Freedom of expression and incitement to racial or religious hatred’, OHCHR side event during the Durban Review Conference, Geneva, 22 April 2009, Joint statement by Mr. Githu Muigai, Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; Ms. Asma Jahangir, Special Rapporteur on freedom of religion or belief; and Mr. Frank La Rue, Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Human Rights Committee, General comment No. 34, UN Doc. CCPR/C/GC/34, 2012

Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, 2013, UN Doc. A/HRC/25/58

Interim report of the Special Rapporteur on freedom of religion or belief, UN. Doc. A/72/365, 2017

Human Rights Council, Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, 6 April 2018, A/HRC/38/35  
D. Kaye, ‘Letter of 14 October 2016’

Human Rights Committee, UN Doc. CCPR/C/SR.3350

Human Rights Committee, ‘Concluding observations on the second periodic report of Thailand’, 25 April 2017, UN Doc. CCPR/C/THA/CO/2

## Newspapers

### *English*

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

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

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

‘Key facts after fallout from film mocking Islam’s prophet Muhammad’, *Associated Press*, 14 September 2012

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

‘Protests at ‘insulting’ film spread across Muslim world’, *The Times*, 14 September 2012

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

‘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

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

‘Protest over anti-Islam film hits US embassy in London’, *The Guardian*, 17 September 2012

‘Protests Turn Violent Around Asia’, *Associated Press*, 17 September 2012

‘The Video Did It’, *The Wall Street Journal*, 17 September 2012

‘Paris Prosecutors Open Inquiry Into Protest at U.S. Embassy’, *The New York Times*, 18 September 2012

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

‘Suicide Bomber in Afghanistan Strikes Minibus, Killing Mostly Foreign Workers’, *The New York Times*, 19 September 2012

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

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

‘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

‘World Muslim group demands laws against ‘Islamophobia’’, *Reuters News*, 25 September 2012

‘Man behind anti-Islam film arrested, detained in Calif.’, *The Washington Post*, 28 September 2012

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

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

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

‘Germany reviewing Turkey demand for charges over ‘bestiality’ satire,’ *Agence France Presse*, 11 April 2016

*Dutch*

*De Koning komt!*, Recht voor Allen 24 April 1886

Provinciale Overijsselsche en Zwolsche Courant 21 July 1891

Algemeen Handelsblad 22 July 1891

*Zaak-Methöfer te Arnhem*, Algemeen Handelsblad 27 June 1893

*Beleediging van den Duitschen Keizer*, Nieuwsblad van het Noorden 26 September 1894

*Beleediging van den tsaar*, De Telegraaf 8 June 1915

*Beleediging van den Tsaar*, Arnhemse Courant 14 June 1915

*Majesteitsschennis?*, De Tribune 26 June 1925

*Beleediging van president Von Hindenburg*, Het Vaderland 18 May 1933

*Lou de Visser voor de rechtbank*, Provinciale Geldersche en Nijmeegsche Courant 18 May 1933

*Lou de Visser verdacht van beleediging*, Dagblad De Grondwet 20 May 1933

*Smalende godslastering. Eerste vervolging volgens art. 147 W.v.S.* De Telegraaf 20 May 1933

*Eerste overtreding van het godslasteringswetje*, Algemeen Handelsblad 31 May 1933

*Eerste vervolging op grond van het Godslasteringswetje*, Het Volk 31 May 1933

*Tweede Godslasteringsproces*, Het Volk 1 June 1933

*Een brochure met godslasterlijken inhoud. Tweede geval voor de rechtbank, thans te Rotterdam behandeld, De Telegraaf 2 June 1933*

*Beschuldigd van smalende godslastering. Vrijspreek en ontslag van rechtsvervolging, De Telegraaf 14 June 1933*

*Smalende godslastering, Algemeen Handelsblad 14 June 1933*

*Godslastering. Nog geen veroordeling, Leeuwarder Courant 16 June 1933*

*Godslastering, De Telegraaf 16 June 1933*

*L. de Visser staat terecht, Algemeen Handelsblad 30 June 1933*

*Godslasterende afbeelding voor het raam, Het Vaderland 21 September 1934*

*Godslastering. N.S.B.-er veroordeeld, De Tijd 21 September 1934*

*Beschuldigd van beleediging van den Koning van Italië, Nieuwsblad van Friesland 1 October 1934*

*Koning van Italie beleedigd. Literator staat terecht, Provinciale Overijsselsche en Zwolsche Courant 1 October 1934*

*Smaadschrift? Dr. W. van Ravesteijn vrijgesproken, Leeuwarder Nieuwsblad 5 October 1934*

*Een bevriend staatshoofd beleedigd?, De Telegraaf 18 October 1935*

*Beleediging van Hitler, Leidsch Dagblad 16 October 1936*

*Maurits Dekker over Hitler. Honderd gulden boete geëischt wegens beleediging van Hitler, Bataviaasch Nieuwsblad 4 May 1938*

*Hitler beleedigd, Bataviaasch Nieuwsblad 6 May 1938*

*Maurits Dekker tot f 100 boete veroordeeld. Rechtbank acht brochure opzettelijk beleedigend*, *Algemeen Handelsblad* 6 May 1938

*Nederland erkent Franco de jure*, *De Leidsche Courant* 24 February 1939

*Beleediging van Franco*, *De Bredasche Courant* 15 March 1939

*Beleediging van Franco*, *De Maasbode* 27 May 1939

*Mag Franco een moordenaar genoemd worden?*, *De Waarheid* 13 March 1952

*Leuzen-kladden voorwaardelijk gestraft*, *Het vrije volk: democratisch-socialistisch dagblad* 16 March 1966

*Wegens opzettelijke beleidiging veroordeeld*, *Algemeen Handelsblad* 16 March 1966

*Merkwaardige rechtszitting over „godslastering.” f. 100,- boete geëist tegen Van het Reve*, *De Waarheid* 21 October 1966

*Anti-Oranje Provo's voor de rechter*, *Het Parool* 11 February 1967

*Drie weken voor redacteuren van ‘Bikkelacht’*, *Leeuwarder courant* 24 February 1967

*Cassatieberoepen demonstranten verworpen*, *Algemeen Handelsblad* 8 November 1967

*Peter Schat zwijgend voor hof*, *Het vrije volk: democratisch-socialistisch dagblad* 18 September 1969

*Kabinet verdeeld over godslastering; Verdonk en Donner botsen over aanpak*, *NRC Handelsblad* 15 November 2004

*Ministers oneens over vervolgen godslastering*, *de Volkskrant* 15 November 2004

*Godslastering niet harder aangepakt; Donner neemt aankondiging terug*, NRC Handelsblad

16 November 2004

## Diplomatic correspondence

James to Lord Castlereagh, 29 March 1816, in: H.T. Colenbrander, *Gedenkstukken der Algemeene Geschiedenis van Nederland van 1795 tot 1840. Achtste deel. Eerste stuk. Regeering van Willem I 1815-1825*, 's-Gravenhage 1915

Van Nagell to the King, 10 April 1816, in: H.T. Colenbrander, *Gedenkstukken der Algemeene Geschiedenis van Nederland van 1795 tot 1840. Achtste deel. Tweede Stuk. Regeering van Willem I 1815-1825*, 's-Gravenhage 1915

James to Lord Castlereagh, 12 April 1816, in: H.T. Colenbrander, *Gedenkstukken der Algemeene Geschiedenis van Nederland van 1795 tot 1840. Achtste deel. Eerste stuk. Regeering van Willem I 1815-1825*, 's-Gravenhage 1915

Chad to Lord Castlereagh, 5 September 1816, in: H.T. Colenbrander, *Gedenkstukken der Algemeene Geschiedenis van Nederland van 1795 tot 1840. Achtste deel. Eerste stuk. Regeering van Willem I 1815-1825*, 's-Gravenhage 1915

Chad to Lord Castlereagh, 9 September 1816, in: H.T. Colenbrander, *Gedenkstukken der Algemeene Geschiedenis van Nederland van 1795 tot 1840. Achtste deel. Eerste stuk. Regeering van Willem I 1815-1825*, 's-Gravenhage 1915

Chad to Lord Castlereagh, 13 September 1816, in: H.T. Colenbrander, *Gedenkstukken der Algemeene Geschiedenis van Nederland van 1795 tot 1840. Achtste deel. Eerste stuk. Regeering van Willem I 1815-1825*, 's-Gravenhage 1915

Van Nagell to Wellington, 16 September 1816, in: H.T. Colenbrander, *Gedenkstukken der Algemeene Geschiedenis van Nederland van 1795 tot 1840. Achtste deel. Eerste stuk. Regeering van Willem I 1815-1825*, 's-Gravenhage 1915

## Reports

Full Report of the Trial of G.W. Foote and W.J. Ramsey, for Blasphemy, Before Lord Chief Justice Coleridge, London: Progressive Publishing Company 1883

Human Rights Watch, *Turkey: Violations of Free Expression in Turkey*, 1999

Venice Commission, *Blasphemy, Insult and hatred: finding answers in a democratic society. Science and technique of democracy*, No. 47, Luxembourg: Council of Europe Publishing, 2008, p. 32

Organization for Security and Co-operation in Europe, *Defamation and Insult Laws in the OSCE Region: A Comparative Study*, 2017,

<https://www.osce.org/files/f/documents/b/8/303181.pdf>

United States Commission on International Religious Freedom, Annual Report 2013

Overseas Security Advisory Council, *Lèse Majesté: Watching what you say (and type) abroad* (report), 2019, <https://www.osac.gov/Content/Report/e48a9599-9258-483c-9cd4-169f9c8946f5>

U.S. Commission on International Religious Freedom, *Violating Rights: Enforcing the World's Blasphemy Laws*, 2020, <https://www.uscirf.gov/publication/violating-rights-enforcing-worlds-blasphemy-laws>

## Internet

‘UN rights body ditches religious “defamation” idea’, 24 March 2011,

<http://www.washingtonpost.com/wp-dyn/content/article/2011/03/24/AR2011032403901.html>

‘U.N. Religious ‘Defamation’ Resolution is Not Dead, Says Islamic Bloc’, 30 March 2011,

<http://cnsnews.com/news/article/un-religious-defamation-resolution-not-dead-says-islamic-bloc>

‘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>

‘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>

‘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/>

‘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/>

‘Hillary Clinton Condemns Anti-Islam Film’, 13 September 2012,

<http://www.ibtimes.com/hillary-clinton-condemns-anti-islam-film-full-text-788950>

‘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>

‘Free Speech in the Age of YouTube; Barack Obama couldn’t censor that anti-Islam film – even if he wanted to’, 17 September 2012, <https://foreignpolicy.com/2012/09/17/free-speech-in-the-age-of-youtube/>

‘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](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)

‘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>

‘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](http://www.eu-un.europa.eu/articles/en/article_12602_en.htm)

‘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>

‘Charlie Hebdo: Major manhunt for Paris gunmen’, 8 January 2015,  
<https://www.bbc.com/news/world-europe-30719057>

‘Geen vervolging voor ‘fuck de koning’ - valt binnen context publiek debat’, 28 May 2015,  
<https://www.nrc.nl/nieuws/2015/05/28/geen-vervolging-om-in-zaak-fuck-de-koning-a1415969>

‘Geen vervolging in ‘fuck de koning’-zaak’, 28 May 2015,  
<https://www.ad.nl/binnenland/geen-vervolging-in-fuck-de-koning-zaak~a4d5ab56/?referrer=https://www.google.com/>

‘Thailand: UN rights expert concerned by the continued use of lèse-majesté’, 7 February 2017,  
<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21149&LangID=E>

‘Lèse-Majesté in Germany – A Relic of a Long-Gone Era?’, 23 February 2017,

<https://blogs.loc.gov/law/2017/02/lse-majest-in-germany-a-relic-of-a-long-gone-era/>

‘UN expert urges governments to end “demonization” of critical media and protect journalists’, 3 May 2017,

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21557&LangID=E>

‘Man jailed for 35 years in Thailand for insulting monarchy on Facebook’, 9 June 2017,

<https://www.theguardian.com/world/2017/jun/09/man-jailed-for-35-years-in-thailand-for-insulting-monarchy-on-facebook>

‘Press briefing note on Thailand’, 13 June 2017,

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21734&LangID=E>

‘Thailand: Absurd lese-majeste charges against 85-year-old scholar for comments on 16th Century battle’, 7 December 2017, <https://www.amnesty.org/en/latest/news/2017/12/thailand-absurd-lese-majeste-charges-against-85-year-old-scholar-for-comments-on-16th-century-battle/>

‘Cambodia parliament adopts lese-majeste law, prompting rights concerns’, 14 February 2018, <https://www.reuters.com/article/us-cambodia-king-idUSKCN1FY0RV>

‘Rapper jailed for three and a half years after criticising Spanish royal family’, 24 February 2018, <https://www.independent.co.uk/arts-entertainment/music/news/rapper-jailed-lyrics-spanish-royal-family-valtonyc-josep-miquel-arenas-beltran-a8226421.html>

‘Spanish rapper on the run after ‘terror lyrics’ prison sentence’, 25 May 2018,

<https://www.bbc.com/news/blogs-trending-44253045>

‘OM wil geen straf voor beledigende Erdogan-mails Limburgse ‘digibeet’’, 8 February 2019, <https://nos.nl/artikel/2271072-om-wil-geen-straf-voor-beledigende-erdogan-mails-limburgse-digibeet.html>

‘Vrijspreek voor belediging Turkse president’, 22 February 2019,

<https://www.rechtspraak.nl/Organisatie-en-contact/Organisatie/Rechtbanken/Rechtbank-Den-Haag/Nieuws/Paginas/Vrijspreek-voor-belediging-Turkse-president.aspx>

‘For a teacher in France, a civics class was followed by a gruesome death’, 17 October 2020,

<https://www.reuters.com/article/france-security-school-parents-idINKBN27201Z>

‘Debat over de vrijheid van meningsuiting’, 12 November 2020,

[https://www.tweedekamer.nl/kamerstukken/plenaire\\_verslagen/kamer\\_in\\_het\\_kort/debat-over-de-vrijheid-van-meningsuiting](https://www.tweedekamer.nl/kamerstukken/plenaire_verslagen/kamer_in_het_kort/debat-over-de-vrijheid-van-meningsuiting)

‘Pakistan: Christian on blasphemy charges must be freed – experts’, 21 October 2021,

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27681&LangID=E>