

INDEX

- Abbas, Shemeem Burney, 177, 177n39, 179n44
- Abrogated blasphemy laws
 overview, 4, 18–19
 Netherlands. (*See* Netherlands)
 Norway. (*See* Norway)
 United Kingdom. (*See* United Kingdom)
- Accelerants
 overview, 709
 defined, 708
 speaker affinity groups as, 710
 speakers as, 709–10
 victim affinity groups as, 710–11
 victims as, 711
- Accidental blasphemy, 168, 186
- Achterbusch, Herbert, 360
- Active blasphemy laws
 overview, 15–16
 Finland. (*See* Finland)
 Germany. (*See* Germany)
 Greece. (*See* Greece)
 Italy. (*See* Italy)
 Poland. (*See* Poland)
- Actus reus* of blasphemy, 122–23, 205, 468–69
- Adams, John, 104
- Affinity groups
 speaker affinity groups
 as accelerants, 710
 as audience, 705–6
 as decelerants, 712
 victim affinity groups
 as accelerants, 710–11
 as audience, 705–6
 as decelerants, 713
- Afghanistan, blasphemy laws in, 575
- African Union, 675–76
- Ahern, Dermot, 466–67
- Ahmed, Asad Ali, 176–77, 177n38, 188
- Aikenhead, Thomas, 141n30
- Akram, Zamir, 664, 669
- Alekhina, Mariya Vladimirovna, 295, 296n5
- Ali, Ayaan Hirsi, 171, 628
- Alivizatos, Nicos, 406, 407–8
- al Qaeda, 1, 73–74, 650–51
- America Alone* (Steyn), 484, 490n30, 499
- Amnesty International, 512–13
- Amor, Abdelfattah, 649
- Amos, Tori, 194
- Andorra, blasphemy laws in, 155n105
- Androulakis, Mimis, 395–96, 403
- Antinous, 579n10
- Anti-Semitism
 in Canada, 482–84
 in Finland, 330
 in France, 69
 in Norway, 570–71
- “Apocalypse” (art work), 284–85
- Apostasy, 141–42
- Aquinas, Thomas, 580n12, 582n23
- Arab League, 675–76
- Argentina
 National Institute Against Discrimination, Xenophobia and Racism, 672
 16/18 process in, 659, 672, 676
- Årsheim, Helge, 19
- Arthur, George, 513

- Artistic expression
 generally, 263n16
 in *Charlie Hebdo*, 355
 in ECtHR, 269–72, 279–81
 gratuitous offence and, 272–73
 in Greece, 394–401
 justified blasphemy and, 423–24
Otto-Preminger-Institut v. Austria,
 269–72
 in Poland, 423–27
 political speech versus, 279–81
- Asad, Talal, 392n6
- Ashraf, Sana, 172n18
- Atheist Union of Greece, 403
- Atkinson, Rowan, 613
- Audience
 overview, 702–3
 captive audience problem, 687,
 687n25, 687n28
 fighting words and, 703–4
 incitement to hatred laws and, 704–5
 speaker affinity groups as, 705–6 (*See also* Speaker affinity groups)
 speaker-audience-victim analysis,
 701–2
 victim affinity groups as, 705–6
 (*See also* Victim affinity groups)
- Augustine of Hippo (Saint), 171, 580n12
- Australia
 Australian Capital Territory
 blasphemy laws in, 517–18
 Law Reform (Abolition &
 Repeals) Act 1996, 517–18
 blasphemy laws in
 generally, 4
 overview, 18, 510–12, 532–33
 challenges posed by, 527–32
 historical background, 513–14
 reform proposals, 521–27
 Broadcasting Act 1942, 521
 Commission on Human
 Rights, 526–27
 Constitution, 524–25
 Criminal Code Act 1995, 514
 definition of blasphemy in, 519
 hate speech laws in, 527–28, 530–31
 Human Rights and
 Equal Opportunity
 Commission, 526–27
- Human Rights Committee General
 Comment 34 and, 524
 ICCPR and, 524, 526–27
 insult and ridicule, protection
 against, 532–33
 Law Reform Commission, 525–26
 Model Criminal Code, 520
 National Gallery of Victoria, 510–11
 National Human Rights
 Consultation, 526–27
- New South Wales
 Blasphemous and Seditious Libels
 Act 1827, 513
 blasphemy laws in, 512, 514
 Crimes Act 1900, 514, 519
 Defamation Act 1974, 514
 hate speech laws in, 530–31
 Imperial Acts Application Act
 1969, 514
 insult and ridicule, protection
 against, 528
 Law Reform Commission, 526
 Religious Opinions Act 1871
 (proposed), 522
 Norfolk Island, blasphemy laws in, 514
 Northern Territory, blasphemy laws
 in, 517
- Queensland
 blasphemy laws in, 516–17
 insult and ridicule, protection
 against, 527
 Objectionable Literature Act
 1954, 518
- Rationalist Society, 523
- sacrilege laws in, 520n40
- South Australia
 blasphemy laws in, 514, 517
 Classification of Theatrical
 Performances Act 1978, 517
 Criminal Law and Penal Methods
 Reform Committee, 525
 insult and ridicule, protection
 against, 528
- Tasmania
 blasphemy laws in, 513, 519
 Criminal Code Act 1924, 515–16
 insult and ridicule, protection
 against, 527
 Police Offences Act 1935, 516

- Victoria
 blasphemy laws in, 514
 Crimes Act 1958, 515
 insult and ridicule, protection
 against, 527
 Racial and Religious Tolerance
 Act 2001, 527–28, 529–30,
 529n85, 531–32, 531n94
 Western Australia
 blasphemy laws in, 517
 insult and ridicule, protection
 against, 528
 Jetties Regulations 1940, 518
- Austria
 blasphemy laws in, 96–97, 118–19,
 173–74, 181
 Copyright Act, 285
 in ECtHR, 97
 Freedom Party, 284–85, 285n108
 16/18 process in, 676
- Avebury, Lord, 130, 601–2
- Äystö, Tuomas, 15
- Bakewell, Joan, 126n61
- Bangstad, Sindre, 564
- Ban Ki-Moon, 174–75
- Barelwis sect, 176–77, 188
- Barendt, Eric, 614
- de la Barre, Chevalier, 29
- Baudelaire, Charles, 35n30
- Baumgartner, Christoph, 170
- Bazian, Hatem, 160
- Beard, Mary, 579n10
- Behemoth (band), 425–26
- Benedict XVI (Pope), 89, 350, 367
- Benesch, Susan, 702
- Berger, Peter, 170–71
- Bhatti, Shahbaz, 653, 671
- Bhutto, Benazir, 178
- Bible
 Denmark, desecration in, 444, 445–46
 Poland
 blasphemy in, 96–97
 desecration in, 425–26
 as religious object, 414–15
 as source of blasphemy laws, 199–200
 United Kingdom, blasphemy in, 204,
 227–28, 519, 577
- Bielefeldt, Heiner, 439–41
- Binderup, Lars Grassmé, 16–17
- Black, Hugo, 108
- Blackstone, William, 201–2, 227
- Blair, Tony, 129n81
- Blasphemy. *See specific topic*
- Blasphemy: How the Religious Right
 is Hijacking Our Declaration
 of Independence* (Dershowitz),
 103–4
- Blasphemy laws. *See specific topic*
- Blunkett, David, 128, 601–2
- Boko Haram, 73–74
- Bolkestein, Frits, 628
- Bonner, Hypatia Bradlaugh, 586n34
- Book of Common Prayer*, 121
- Bouyeri, Mohammed, 628–29
- Bradlaugh, Charles, 586, 586n34
- Brandeis, Louis, 296n8
- Breivik, Anders, 497, 498–99, 671
- British Broadcasting Corporation
 (BBC), 95, 123–24, 126,
 126n61, 163n145, 600, 695n58
- Burke, Edmund, 498
- Bury, J.B., 190n91
- Bush, George H.W., 107
- Bush, George W., 107
- de Cambacérès, Jean Jacques Regis, 33
- Cameron, David, 92
- Canada
 Alberta Human Rights Code, 482, 484
 anti-Semitism in, 482–84
 blasphemy laws in
 generally, 4
 overview, 17–18, 480–81, 508–9
 minority religions and, 481
 British Columbia Human Rights
 Code, 482, 484, 495
 Canada Human Rights Act, 482,
 482n9, 483, 484
 Charter of Rights and Freedoms,
 482–83
 Criminal Code
 blasphemy under, 480–81, 480n1
 hate speech under, 481–82, 482n8,
 483, 485
 hate speech laws in
 overview, 481–82
 challenges of, 485–87

- Canada (*cont.*)
 Islam and, 484–85, 489–91
 Mark Steyn case, 495–99
 religion as target of hate speech laws, 482–85
 Holocaust denial in, 483
 Human Rights Tribunal, 483
 incitement to hatred laws in, 481–82
 insult and ridicule, protection against, 499–501
 Inter-faith Bridging Programme, 676
 New Brunswick Human Rights Code, 483–84
 Northwest Territories Human Rights Code, 482
 religious membership, attribution of belief and, 487–89
 Saskatchewan Human Rights Code, 482, 483
 16/18 process in, 659, 663, 673, 676
 Western Guard Party, 483
 Captive audience problem, 687, 687n25, 687n28
 Carey, Lord, 162, 617–18
 Carr, Bob, 528
 CERD. *See* Committee on the Elimination of All Forms of Racial Discrimination (CERD)
 Chait, Jonathan, 252, 253
 Charbonnier, Stéphane, 1
 Charles I (England), 201
 Charles VII (France), 27
 Charleston shooting (2015), 709–11, 709n21, 710n22, 714n35, 715–16
Charlie Hebdo (French magazine)
 generally, 359–60
 artistic expression in, 355
 blasphemy case against, 46–48
 British blasphemy laws and, 617
 chilling effect on, 360
 Danish Cartoon Controversy compared, 355–56
 Dutch blasphemy laws and, 638–39
 freedom of expression and, 251
 Greek blasphemy laws and, 408–9
 hate speech in, 248
 immoral cartoons in, 55, 58–59
 Islam versus Christianity and Judaism in, 341–42
 Italy
 blasphemy laws and, 353–56
 defamation of religion laws and, 354
 Muhammad, depictions of generally, 56, 159n127
 as artistic expression, 355
 as blasphemy, 57–58, 341–42
 ECtHR jurisprudence and, 286–87
 Italian blasphemy laws and, 353–56
 Norwegian blasphemy laws and, 573–74
 refusal of other media to publish cartoons, 250
 terrorism, linking Islam to, 58
 terrorist attack against (*See* *Charlie Hebdo* attack (2015))
 xenophobic cartoons in, 55, 58–59
Charlie Hebdo attack (2015)
 generally, 1–2, 53, 139, 432, 455, 645, 702
 overview, 12
 blasphemy as cause of, 147–49, 223
 Committee of Ministers and, 225
 freedom of expression and, 81–82
 German blasphemy laws and, 358
 insult and ridicule as cause of, 194
 Norwegian blasphemy laws and, 19
 Parliamentary Assembly and, 225
 public order and, 249
 16/18 process and, 20, 667
 workplace, effect on, 697–98
 Chassan, Joseph Pierre, 37
 Chatelain, R.T., 37
 Chikh, Slimane, 664
 Chile
 blasphemy laws in, 559, 559n27
 Oficina Nacional de Asuntos Religiosos, 672
 16/18 process in, 659, 672
 Chilling effect
 of blasphemy laws
 in Ireland, 456
 in Pakistan, 175n28
 in Poland, 427–28

- on *Charlie Hebdo*, 360
 Danish Cartoon Controversy and, 452
 freedom of expression, chilling effect
 of terrorism on, 360
 China, censorship in, 221
 Christian V (Norway), 555–56
 Christianity
 Bible. (*See* Poland)
 blasphemy in, 140–41, 199–200
 Charlie Hebdo, Islam versus
 Christianity and Judaism
 in, 341–42
 discrimination against, 225, 226,
 358–60
 European Union, attempts to enshrine
 Judeo-Christian heritage
 in, 87–88
 hostility toward, 162n141
 secularism versus, 225–26
 Christodoulos (Archbishop), 396, 410
 Christopoulos, Dimitris, 403, 406, 407
Christus mit der Gasmask (art work), 360
 Church Café (Finnish Internet
 forum), 329
 Church of England
 generally, 205, 609
 British blasphemy laws limited to,
 124–26, 131, 203, 597, 601–2,
 603, 608, 614n114, 615
 Church of Ireland, 603
 Church of Norway, 560n30
 Church of Scientology, 171, 301n33
 Churches, protection against defamation
 as reason for restrictions on
 freedom of expression, 234–35
 Cianitto, Cristiana, 16
City of God (Augustine), 580n12
 Civility, 501–4
 Cizik, Richard, 712
 Clashing universalisms, 76–81
 “Clash of civilisations”
 generally, 224
 overview, 168
 blasphemy laws and, 175–78
 human rights and, 224–25
The Clash of Civilisations
 (Huntington), 627
 Clémenceau, Georges, 38
 Clinton, Hillary, 91, 174, 214–15, 657
 Coke, Lord, 587, 588n42
 Coleman, Peter, 512, 524
 Coleridge, Lord, 203–4, 589
 Commission on Human Rights
 (UNCHR)
 generally, 649
 blasphemy laws and, 144–45
 Declaration on Religious
 Intolerance and Discrimination
 and, 648–49
 Defamation of Religion Resolutions,
 2–3, 57, 67–69, 115, 208–9,
 650–53
 historical background, 646–47, 677
 Otto-Preminger-Institut case, 144–45
 Sub-Commission on the Prevention
 of Discrimination and
 Protection of Minorities, 677
 Committee on the Elimination of All
 Forms of Racial Discrimination
 (CERD), 403–4, 405, 570
 Committee of Ministers
 blasphemy laws and, 5
 Charlie Hebdo attack and, 225
 ECHR and, 475
 Ireland and, 473, 475
 Communitarianism versus
 individualism, blasphemy laws
 and, 212–15
 Conscience, freedom of. *See* Freedom
 of conscience
 Constantine (Rome), 579–80
 Context
 of blasphemy, 302
 of blasphemy laws, 217–19
 of expression, 305–6
 Convention on the Rights of Persons
 with Disabilities, 567
 Convention against Torture, 648
 Conversion blasphemy, 187–88
 Copenhagen attack (2015), 1, 358, 432,
 447, 455
 Copernicus, Nicolaus, 215–16
 de Cordier, Thierry, 396–98
 Cornils, Matthias, 15–16, 17
Corpus Christi (play), 400–1, 400n33,
 402, 404n43, 406

- Council of Europe
 Committee of Ministers
 blasphemy laws and, 5
Charlie Hebdo attack and, 225
 Ireland and, 473, 475
 ECtHR. (See European Court of Human Rights (ECtHR))
 Parliamentary Assembly. (See Parliamentary Assembly)
 Venice Commission (See Venice Commission)
- Cox, Neville, 12, 170, 179, 226, 229, 243–44, 460
- Cram, Ian, 13, 287n113
- The Crisis of Rights* (Christopoulos), 409
- Criticism of religion, right of, 375–77
- Croatia, blasphemy laws in, 96–97
- Crucifixes, 351n36
- Cruz, Ted, 91
- “Cultural racism,” 492n41
- Cumper, Peter, 13–14
- Curtis Culwell Center attack (2015), 1, 358
- Cyprus, blasphemy laws in, 96–97
- Czech Republic, blasphemy laws in, 96–97
- Dacey, Austin, 142
- Dalloz (publisher), 37
- Danish Cartoon Controversy
 generally, 139, 179n44, 194, 223, 250, 286–87, 341, 359, 432, 452–53, 455, 702
 attempts to prosecute regarding, 436–37
Charlie Hebdo compared, 355–56
 chilling effect and, 452
 Copenhagen attack and, 1
 differential treatment of Islam and Christianity, 162n144
 ECtHR and, 146
 in Finland, 327, 333, 336
 freedom of expression and, 251
 incitement to hatred laws and, 187
 insult and ridicule, cartoons as, 499–500
 lack of prosecution regarding, 173
 in Netherlands, 639
 in Norway, 562, 573
 protests regarding, 707–8
 refusal of other media to publish cartoons, 250
 self-censorship and, 452
 self-restraint model and, 161–62
 16/18 process and, 672, 675
 workplace, effect on, 697–98
- Danish PEN (NGO), 432, 441–42, 447, 453
- Danish People's Church (Folkekirke), 448–49, 450
- Dansk Muslims Forening, 450
- Darski, Adam “Nergal,” 415n13, 425–26
- Darwin, Charles, 588–89
- Das Liebeskonzil* (film), 269, 273
- Dawkins, Richard, 507
- Death penalty for blasphemy, 182
- Death to Prison, Freedom to Protest* (Pussy Riot song), 310
- Debate-speech, 287–93
- Decelerants
 after provocation, 715–16
 defined, 708–9
 before provocation, 714
 during provocation, 714–15
 speaker affinity groups as, 712
 speakers as, 712
 victim affinity groups as, 713
 victims as, 713
- Declaration on Religious Intolerance and Discrimination, 646–49, 651, 677
- Defamation of religion laws
 overview, 207–10
 blasphemy laws compared, 150n74
 changes in blasphemy laws and, 117–20
 in Finland, 322–23, 324
 freedom of conscience and, 207–8, 651–53
 freedom of expression, protection of churches against as reason for restrictions on, 234–35
 in Germany
 basic principles, 367–69
 fundamental rights analysis, 373–74
 public order as argument for prohibition of, 370–73
 hate speech laws compared, 68–69

- Human Rights Council and, 115
 incitement to hatred laws and, 208
 in Italy
 overview, 346–47
 Charlie Hebdo, depictions of
 Muhammad in, 354
 individuals, 348–50
 religious denominations, 350–52
 mens rea in, 349, 352
 in Norway, 571–73
 public morality and, 80n59
 Special Rapporteur and, 652–53
 Defamation of Religion Resolutions,
 2–3, 57, 67–69, 115, 208–9,
 650–53
 Deference by European Court of Human
 Rights, 143–47, 146n55, 264–66,
 265n21, 271–72, 275–77, 288–
 89, 290, 420
 Defining characteristics, religion
 and, 71–72
 Definitions
 blasphemy, 57, 140–42, 198–99,
 203–4, 227–28, 459–60, 519,
 577–78
 religion, 207
 Deliberative democracy, 213
 Denmark
 abolition, 432
 Alien's Act, 17, 432, 438–39
 blasphemy laws in
 generally, 4, 97, 173–74, 181
 overview, 16–17, 431–32, 451–55
 arguments for abolishing, 442–44
 arguments for retaining, 444–45
 conformity with other
 countries, 443
 dormant nature of, 434–39
 freedom of expression versus, 442–43
 historical background, 433
 minority religions, effect on, 453,
 454
 narrow construction of, 444
 as outdated, 442
 prosecutions under, 434–37, 444
 public order and, 433, 444, 445,
 453–55
 rarity of use, 173
 religious community
 requirement, 443
 religious promulgators and, 438–
 39, 450–51
 status of offence and, 434–39
 Conservative People's Party, 446, 451
 Copenhagen attack (2015), 1, 358,
 432, 447, 455
 Criminal Law Council
 report, 442–45
 generally, 432, 441, 451
 arguments for abolishing blas-
 phemy laws, 442–44
 arguments for retaining blas-
 phemy laws, 444–45
 Danish PEN and, 447
 political parties, views of, 445–47
 religious communities, views
 of, 448–51
 Danish Cartoon Controversy. (*See*
Danish Cartoon Controversy)
 Danish PEN (NGO), 432, 441–42,
 447, 453
 Danish People's Party, 441–42, 447,
 451
 freedom of expression in, 442–43
 hate speech laws in, 434, 444, 452,
 454
 Institute for Human Rights, 432, 439,
 441
 insult and ridicule, protection
 against, 433–34, 444–45, 452
 Jesus, depictions of, 435–36
 Jews in, 449–50, 453
 Liberal Alliance, 441–42, 446–47
 Ministry of Justice, 435–36, 448
 multiculturalism in, 443
 Penal Code of 1866, 433
 Penal Code of 1933
 Article 140 generally, 431–32
 Article 266b, 434, 444, 452, 454
 Criminal Law Council report
 and, 442–45
 dormant nature of, 434–39
 historical background, 433
 Institute for Human Rights
 and, 441
 political parties, views of, 445–47

- Denmark (*cont.*)
 recent developments, 441–42
 religious communities, views
 of, 448–51
 Special Rapporteur and, 440
Quran, desecration of, 453–54
 Red-Green Alliance, 446
 religious sensitivities, protection of,
 433–34, 452
 Roman Catholicism in, 449
 16/18 process in, 670–71, 672, 676
 Social Democratic Party, 445–46,
 451
 Socialist People's Party, 446
 Social-Liberal Party, 446
 Special Rapporteur and, 17, 432,
 439–41, 453
 Venice Commission and, 443
 Venstre Party, 446
 “Your Faith—My Faith,” 676
 Denning, Lord, 166, 600
 Dershowitz, Alan, 103–4
Dialogue (Dutch magazine), 625
 Dignity
 freedom of expression and, 286n109
 hate speech laws and, 246–47
 religious sensitivities, protection
 of, 255
 Dimitras, Panayote, 404–5, 404n45, 406
Discourses on Livy (Machiavelli), 109–12
 Disruption of religious proceedings
 in Finland, 322–23
 in Italy, 352–53
 in Poland, 415–16
 Doe, Norman, 117, 119, 601, 602, 603,
 604, 605, 606–7
 Donahoe, Eileen, 658
 Donatist Schism, 579–80
 Dormant blasphemy laws
 overview, 4, 16–18
 Australia. (*See* Australia)
 Canada. (*See* Canada)
 Denmark. (*See* Denmark)
 Ireland. (*See* Ireland)
 United States. (*See* United States)
 Double standards regarding blasphemy
 laws, 2–4
 Douglas, Lawrence, 243
 Douglas, William O., 108
 Douthat, Ross, 226
 Dupin, André, 39
 Dutch Association against Cursing, 626
 Dworkin, Ronald, 152, 188, 246–47, 250
 East India Company, 587–88
 Ecclesiastical courts in England, 200–1,
 584–86
 ECHR. *See* European Convention on
 Human Rights (ECHR)
 ECtHR. *See* European Court of Human
 Rights (ECtHR)
 Edmund-Davies, Lord, 205
 Edward VI (England), 121
 Eliot, T.S., 210, 221–22
 Elizabeth I (England), 582n23
 Ellis, Anthony, 229
 Emanuel American Methodist
 Episcopal Church (Charleston)
 shooting (2015), 709–11,
 709n21, 710n22, 714n35,
 715–16
 Employment, religious rights and. (*See*
 Workplace, religious rights in)
 End Blasphemy Laws Now
 campaign, 403–5
 England. *See* United Kingdom
 English Reformation, 121–22, 201, 582
 Erdoğan, Recep Tayyip, 358
 Ergüven, Abdullah Rıza, 300–1
 Esposito, John L., 715
 European Commission on Human
 Rights
 generally, 421n36
 Ireland and, 460–61
Otto-Preminger-Institut v. Austria,
 270n40
 Poland and, 420, 426
 European Convention on Human
 Rights (ECHR)
actus reus of blasphemy and, 468
 ambivalence regarding blasphemy
 laws, 97
 Article 7, 603, 616
 Article 8, 286
 Article 9
 generally, 426, 578n7

- balancing with Article 10, 151–52,
 235–36, 272, 286–87, 473–75,
 598–99, 600
- blasphemy under, 603
- freedom of conscience and, 413–14,
 460–61, 683–84, 685–86
- gratuitous offence and, 273
- insult and ridicule, protection
 against, 143–44, 271
- political speech versus artistic
 expression, 279–81
- private offence under, 146
- public life, religion in, 234
- Article 10
- generally, 282, 283, 288, 416, 459,
 605
- balancing with Article 9, 151–52,
 235–36, 272, 286–87, 473–75,
 598–99, 600
- France and, 42
- freedom of expression under,
 260–65, 267–68, 565–66, 683–
 84, 685–86
- gratuitous offence and, 274–75
- Halla-aho case and, 332
- insult and ridicule, protection
 against, 97, 143–44
- Otto-Preminger-Institut v. Austria*,
 270–71
- political speech versus artistic
 expression, 279–81
- religious sensitivities, protection
 of, 476, 605
- satire and, 284–86
- shift in jurisprudence under, 145
- blasphemy laws and, 603–4, 616
- Committee of Ministers and, 475
- freedom of conscience in, 235–36
- freedom of expression in, 260–65,
 267–68, 565–66, 683–84,
 685–86
- immoral speech and, 54–55, 60–61,
 62–63, 77, 80
- insult and ridicule under, 363, 683
- jurisdiction, 146
- Muslim clothing under, 292n132
- negative obligations under, 288n115
- positive obligations under, 288n115
- public manifestation of religious
 belief under, 89n8
- restrictions on speech under, 54–55,
 60–61, 62–63, 77, 80
- resurrection of blasphemy laws
 and, 151–52
- right to blasphemy in, 114, 133
- United Kingdom and, 609
- incorporation in, 597
- workplace, applicability to, 686–88,
 687n24
- European Court of Human Rights
 (ECtHR)
- generally, 4–6
- overview, 15, 259–60, 293
- actus reus* of blasphemy and, 468
- artistic expression in, 269–72, 279–81
- assimilationism in, 112–13
- Austria in, 97
- blasphemy laws and
- generally, 416–17
- overview, 143–47, 296–300,
 591–93
- divisions regarding, 300
- flaws in reasoning regarding, 297
- shift in jurisprudence of, 281,
 286–87, 303–4
- toleration of, 296–97, 298
- Choudhury v. United Kingdom*, 591, 684
- Danish Cartoon Controversy and, 146
- “deep end of pool” metaphor,
 266n22, 269
- deference by, 143–47, 146n55, 264–
 66, 265n21, 271–72, 275–77,
 288–89, 290, 420
- France in, 42–43, 45–48, 49
- freedom of conscience in, 235–36
- freedom of expression in, 265–66
- Gay News v. United Kingdom*, 598–99
- Giniewski v. France*, 281–82
- gratuitous offence, 271, 272–75,
 312–13, 504
- Handyside v. United Kingdom*, 262–65
- hate speech laws in, 68–69, 245
- Holocaust denial in, 243n44
- Human Rights Committee
- compared, 55n4
- İ.A. v. Turkey*, 276–77, 300–3

- European Court of Human Rights (ECtHR) (*cont.*)
 immoral speech in, 62–63
 insult and ridicule, protection against, 270–71, 683–84
 Ireland in, 98, 473–75
Jersild v. Denmark, 267–68
Klein v. Slovakia, 283–84, 303
 level of scrutiny in, 278–79
Lingens v. Austria, 266–67
 margin of appreciation, 264–69, 265n21, 271–72, 275–77, 288–89, 290, 420
Mouvement Raeliën Suisse v. Switzerland, 288–93
 Muslim clothing in, 292n132
 Netherlands in, 636
 Norway in, 565–66
 offensive speech in, 238
Otto-Preminger-Institut v. Austria, 42–43, 144, 173, 269–72, 312, 683–84
 political speech
 artistic expression versus, 279–81
 blasphemy versus, 304–11
 “Pussy Riot” case. (*See* “Pussy Riot” case)
 reform models in, 165
 religious sensitivities, protection of, 270–71, 380
 right to blasphemy in, 114
 “rule of law” test, 416, 416n15
 “shallow end of pool” metaphor, 265–69, 266n22
TV Vest AS & Rogaland Pensjonistparti v. Norway, 565–66
 United Kingdom in, 19, 97–98, 126–27, 461, 591–93, 598–99, 604–6, 609, 616
Vereinigung Bildener Künstler v. Austria, 284–86
Wingrove v. United Kingdom, 275–76, 599–600, 604–5
 European Humanist Federation, 404, 404n43
 European Union *See also specific country*
 blasphemy laws in, 3, 96–99
 Charter of Fundamental Rights, 88
 Judeo-Christian heritage, attempts to enshrine in, 87–88
 16/18 process and, 675–76
 Evangelical Lutheran Church of Finland, 320–21, 324
 Evatt, Clive, 523
 Expression, freedom of. (*See* Freedom of expression)
- Facebook
 Greece, blasphemous posts in, 399–400
 Muhammad, offensive statements regarding on, 328–29
Family Guy (television program), 186
 Farinacius, Prosper, 553
 Feinberg, Joel, 59n15, 60, 278n77, 686
 Fenwick, Helen, 280n83
 Feuerbach, Ludwig, 391–92
 Fielding, Henry, 124–25
Field of Dreams (film), 189
The Fifteen Plagues of Maidenhead (Read), 585
 Fighting words, 185n70, 546–49, 703–4
 Finland
 anti-Semitism in, 330
 blasphemy laws in
 generally, 4, 97, 411n1
 overview, 15, 317–18, 337–38
 attempts to abolish, 337, 337n73
 convictions under, 326–30
 discussion of, 333–36
 historical background, 318–22
 legal analysis of, 322–26
 Netherlands compared, 338n76
 religious community requirement, 324–26
 secularism and, 334
 societal context, 318–22
 uniqueness of religion and, 334–35
 Constitution, 319, 321
 Constitutional Law Committee, 323
 Criminal Code, 317, 318, 318n3, 319, 334–35, 338
 Danish Cartoon Controversy in, 327, 333, 336
 defamation of religion laws in, 322–23, 324

- disruption of religious proceedings
 in, 322–23, 324
 Freedom of Religion Act, 319, 321–
 22, 324–26
 “immigration criticism,” 322
 incitement to hatred laws in, 326
 independence of, 319
 insult and ridicule, protection
 against, 323
 Jesus, depictions of, 327–28
 Legal Affairs Committee, 323
 mosques, vandalism of, 329–30
 Muhammad, depictions of, 327, 328
 multiculturalism in, 321
 Muslims in, 320–21
 Parliamentary Assembly and, 332–33
 Patent and Registration Office, 325
 Perussomalaiset Party, 322, 322n18,
 330
 Suomen Sisu (political organisation),
 322, 330
 Suomen Vastarintaliike (political
 organisation), 322
 Vapaa-Ajattelijatry (association),
 327–28
 Finnish Orthodox Church, 324
Fitna (film), 632–33
 Flaubert, Gustave, 35n30
 Fletcher, Robin, 532
 Fokas, Effie, 16
 Forman, Miloš, 303
For the Freedom of Art (Takis), 406
 Fortser, William, 522
 Fortuyn, Pim, 628
Forum externum, 305, 312
Forum internum, 305, 312, 335
 Fox, Jonathan, 99
 Fragmentation of international law, 4–9
 France
 Act of 22 July 1791, 30–31
 Act of 17 May 1819, 34–36, 35n30
 Act of 25 March 1822, 36–37
 Act of 29 July 1881, 38–40, 41–42,
 46, 51–52
 Act of 9 December 1905, 40, 50, 51
 anti-Semitism in, 69
 blasphemy laws in
 overview, 12, 25, 52
 in Alsace-Moselle, 50–52
 general principles of contemporary
 law, 41–49
 Pietists and, 35–36
 pre-Revolution, 26–29
 Revolution to Third Republic,
 30–38
 Third Republic, 38–40
 Charlie Hebdo. (See *Charlie Hebdo*
 (French magazine))
 Civil Code, 41
 Civil Constitution of the Clergy
 (1790), 30
 Constitution, 39, 50–51
 Constitutional Charter of 1814, 34
 Criminal Code of 1791, 30
 Criminal Code of 1810, 31–34
 Déclaration des droits de l’homme
 (1789), 25, 41
 in ECtHR, 42–43, 45–48, 49
 German Criminal Code, applicability
 in Alsace-Moselle, 50–52
 Marchandeu decree, 40
 Paris attacks (2015), 68, 645
 Pleven Act, 40
 Francis (Pope), 11, 194–95
 Frankfurt, Harry, 170
 Frankfurter, Felix, 107–8
 Frederickson, George M., 492
 Frederiksen, Mette, 445–46
 Freedom of conscience
 blasphemy laws versus, 616
 defamation of religion laws and,
 207–8, 651–53
 in ECHR, 235–36
 Article 9, 413–14, 460–61, 683–84,
 685–86
 in ECtHR, 235–36
 freedom of expression, protection as
 reason for restrictions on, 235–37
 Human Rights Committee and, 77–78
 ICCPR and, 208, 413–14
 intellectual liberty and, 215–17
 in Ireland, 464
 in Poland, 413–14, 413n8
 public morality and, 77–79
 religious sensitivities, protection of,
 151n86

- Freedom of expression
 artistic expression (See Artistic expression)
 blasphemy laws versus, 168, 616
Charlie Hebdo attack and, 81–82
 chilling effect of terrorism on, 360
 criminalisation of speech, 207–8, 209
 criticism of religion, right of, 375–77
 Danish Cartoon Controversy and, 251
 debate-speech, 287–93
 democracy and, 262–63, 263n13, 265–69
 in Denmark, 442–43
 dignity and, 286n109
 in ECHR, 260–65, 267–68, 565–66, 683–84, 685–86
 in ECtHR, 265–69
 fighting words, 185n70, 546–49
 in Germany
 criticism of religion, right of, 375–77
 insult and ridicule, protection against as reason for restrictions on, 381–82
 justification for restrictions on, 377
 practice of religion, protection as reason for restrictions on, 378–79
 religion-specific protection, 385–87
 religious sensitivities, protection as reason for restrictions on, 380–81
 tolerance, protection as reason for restrictions on, 382–85
 gratuitous offence and, 271, 272–75, 312–13
 hate speech laws versus, 497
 ICCPR and, 78, 164n150, 197, 206, 209
 individual and, 263, 287–93
 in Ireland, 458–59, 468
 Islam and, 147–48
 “marketplace of ideas,” 296n8
 in Poland, 416–21
 political speech
 artistic expression versus, 279–81
 blasphemy versus, 304–11
 public debate and, 312–13
 public morality and, 76–77
 restrictions on
 churches, protection against
 defamation as reason for, 234–35
 freedom of conscience, protection as reason for, 235–37
 hate speech laws, 245–48, 255
 Holocaust denial, 63–64, 242–45
 offensive speech, 237–42
 public order, protection as reason for, 248–49, 255
 religious sensitivities, protection as reason for, 237–45
 rights versus responsibilities, 249–53
 satire, 284–86
 self-restraint model and, 161–62
 societal progress and, 263
 in United Kingdom, 612–15
 in United States, 545–49
 viewpoint-based restrictions on, 549
 weight of expression, 262–65
Freethinker (British magazine), 589
The Free Thinker (Norwegian magazine), 557–58
 Future of blasphemy laws, 19–21
 Gaenswein, Monsignor, 350
 Galileo Galilei, 215–16
 Garcia, Rodrigo, 359
 Garcia Oliva, Javier, 599, 601
 Gasparri, Alberto, 194
 Gates, Robert M., 214–15
 Gatti, Mauro, 96–97
Gay News (British magazine), 126n61, 589–90, 598–99
 Gearty, Conor, 265, 266n22
 Geller, Pamela, 1
 German Law Association, 362
 Germany
 Basic Law
 generally, 387
 criticism of religion, right of, 375
 fundamental rights
 analysis, 373–74
 Holocaust denial under, 63
 insult and ridicule, protection against, 362, 366, 369
 practice of religion, protection as reason for restrictions on
 freedom of expression, 378

- public order and, 363
- religion-specific protection, 385, 386–87
- restrictions on freedom of expression, 377
- blasphemy laws in
 - generally, 4, 15–16, 97, 173–74, 181, 192–93
 - overview, 387–88
 - attempts to abolish, 361–62
 - changes in, 117, 118, 119
 - Charlie Hebdo* attack and, 358
 - constitutional legitimacy of, 374–75
 - convictions under, 361
 - Holocaust denial compared, 63–64
 - public order as argument for, 363
 - support for, 363
- Criminal Code
 - generally, 629
 - blasphemy in, 117, 358, 361, 362
 - defamation of religion laws in, 367–69, 370, 373–74
 - insult and ridicule, protection against, 364, 367
 - religious sensitivities, protection of, 364, 367
 - restrictions on freedom of expression under, 377
 - tolerance, protection of, 382–83
- defamation of religion laws in
 - basic principles, 367–69
 - fundamental rights analysis, 373–74
 - public order as argument for prohibition of, 370–73
- freedom of expression in
 - criticism of religion, right of, 375–77
 - insult and ridicule, protection against as reason for restrictions on, 381–82
 - justification for restrictions on, 377
 - practice of religion, protection as reason for restrictions on, 378–79
 - religion-specific protection, 385–87
 - religious sensitivities, protection as reason for restrictions on, 380–81
 - tolerance, protection as reason for restrictions on, 382–85
- German Law Association, 362
- hate speech laws in, 379
- insult and ridicule, protection against, 364–67, 381–82, 411n1
- Muhammad, depictions of, 361
- Quran*, desecration of, 370–71
- religion-specific protection, 385–87
- religious sensitivities, protection of, 364–67, 380–81
- tolerance, protection of, 382–85
- Ghanea, Nazila, 20
- The Ghost* (film), 360
- Gil, Guilhem, 12
- Giménez Barbat, María Teresa, 412n5
- Godard, J.P., 43–44
- God has no need of a public attorney: Church, Blasphemy, and Golden Dawn* (HLHR book), 402–3
- Golgota Picnic* (art work), 359
- Goodall, Kay, 604, 618
- Gorgoroth (Norwegian band), 424–25
- Gratuitous offence, 271, 272–75, 312–13, 504
- Greece
 - artistic expression in, 394–401
 - Bavarian Code of 1813, 391–92
 - blasphemy laws in
 - generally, 4, 97
 - overview, 16, 389–91, 408–10
 - attempts to abolish, 401–5
 - Charlie Hebdo* and, 408–9
 - debate regarding, 406–8
 - discriminatory application of, 408
 - historical background, 391–94
 - prosecutions under, 394–401
 - resurfacing of, 391
 - uniqueness of religion and, 407–8
 - Constitution, 390, 398, 402n37
 - Criminal Code
 - Article 198, 390, 403–4
 - Article 199, 390, 398, 403–4
 - Criminal Law of 1834, 391
 - Facebook, blasphemous posts on, 399–400
 - “God’s Advocates,” 389
 - Golden Dawn Party, 400–1

- Greece (*cont.*)
 Hellenic League for Human Rights (HLHR), 402–3
 Human Rights Committee and, 404n42
 insult and ridicule, protection against, 390, 411n1
 Jesus, depictions of, 394–401
 Ministry of Justice, 405
 Ministry of Press and Tourism, 393
 “Morality Police Force,” 392
 Office of the Ombudsman, 402
 Organization for the Promotion of Greek Culture, 402
 self-censorship in, 406–7
 Greece (Ancient), blasphemy laws in, 199
 Greek Helsinki Monitor, 404–5, 404n43
 Greek Orthodox Church, 408
 Greve, Vagn, 454
 Griffith, Samuel, 516–17
 Grosz, George, 360
- Habermas, Jürgen, 213
 Haderer, Gerhard, 398–99
 Hadrian (Rome), 579n10
 Hagen, Carl I., 561, 562
Hail Mary (film), 43–44
 Hajncel, Paweł, 427
 Hale, Lord, 202–3, 581–82, 581n20, 583, 584, 586, 588, 589
 Halla-aho, Jussi, 322, 330–33, 334, 336
 Hamblen, Andrew, 20
 Handyside, Richard, 264
 Hannaford, John, 530
 Harassment in workplace, 688–91
 Hare, Ivan, 19, 603–4, 607, 614
 Harries, Richard, 160
 Harris, Evan, 608–10
 Hate speech laws. (*See also* Incitement to hatred laws)
 generally, 14
 overview, 20–21, 210–12
 attribution of belief and, 487–89
 in Australia, 527–28, 530–31
 beliefs versus groups as targets of speech, 486–87
 in Canada
 overview, 481–82
 challenges of, 485–87
 Islam and, 484–85, 489–91
 Mark Steyn case, 495–99
 religion as target of hate speech laws, 482–85
 civility versus, 502–3
 conduct as speech, 701n1
 defamation of religion laws compared, 68–69
 in Denmark, 434, 444, 452, 454
 dignity and, 246–47
 in ECtHR, 68–69, 245
 freedom of expression versus, 497
 in Germany, 379
 gratuitous offence and, 504
 history of violence and, 497–98
 ICCPR and, 68–69, 379
 incitement to hatred laws versus, 247–48
 misinformation and, 496
 in Netherlands
 blasphemy versus hate speech, 636–37, 638
 criticism of religion versus, 638–40
 homosexuality and, 635
 in Norway
 overview, 566–71
 anti-Semitism and, 570–71
 blasphemy versus hate speech, 571
 disability and, 567
 homosexuality and, 567, 569
 Nazis and, 569–70
 in Poland, 418
 public debate and, 496–97
 religious hate speech, 210–12
 restrictions on speech, 245–48, 255
 16/18 process and, 211
 in United States, 549
 violence, prevention of, 211–12
 Havansi, Erkki, 335
 Hayat, Farooq, 181n53
 Hayat, Zahra, 177, 181n52, 182, 185n68, 192–93
 Hellenic League for Human Rights (HLHR), 402–3
 Henriksson, Anna-Maja, 333–34
 Henry, Patrick, 105
 Henry VIII (England), 121, 582, 582n23

- Herrenberg, Tom, 174–75, 175n28
 Herzfeld, Michael, 392n6
 Hess, Rudolf, 569
 Hill, Mark, 13, 19, 603
 Hillgruber, Christian, 363
 Historical background of
 blasphemy laws
 overview, 199–200
 in Australia, 513–14
 in Denmark, 433
 in Finland, 318–22
 in Greece, 391–94
 in Italy, 342–44
 in Netherlands, 620–23
 in Norway, 554–60
 in Poland, 413
 in United Kingdom, 94–96, 121–27,
 199, 200–6, 596–601
 in United States, 535–39
 Hitchens, Christopher, 507
 Hochmann, Thomas, 183
 Holder, Cindy, 160
 Holdsworth, William S., 588
 Holmes, Oliver Wendell, 217, 250–51,
 296n8
 Holocaust denial
 generally, 14
 blasphemy compared, 242–45
 in Canada, 483
 in ECtHR, 243n44
 in Germany, 63
 in Netherlands, 639
 restrictions on, 63–64, 242–45
 Honour killings, 340n4
 Howard, Erica, 19
 Humanist Union of Greece, 403–4
 Human Rights Committee
 overview, 6–7
 blasphemy laws and, 76–77, 116,
 132, 206, 298–99
 ECtHR compared, 55n4
 freedom of conscience and, 77–78
 General Comment 34
 Australia and, 524
 blasphemy laws and, 76–77, 116,
 132, 167, 206, 298–99
 Ireland and, 471–72, 473, 477
 Greece and, 404n42
 incitement to hatred laws and, 705
 Norway and, 564–65
 public morality and, 79, 80
 Human Rights Council
 Declaration on Religious Intolerance
 and Discrimination and, 647
 defamation of religion laws
 and, 115
 Defamation of Religion Resolutions
 and, 209
 incitement to hatred laws and, 115
 Norway and, 565
 16/18 process. (*See* 16/18 process)
 Human Rights First, 674
 Human Rights Watch, 512–13
 Hungary, blasphemy laws in, 120
 Huntington, Samuel, 164n149,
 175n29, 627
 Hussain, Abid, 472
 Al Hussein, Zeid Ra'ad, 645
 Huxley, Thomas, 588–89
 ICCPR. *See* International Covenant
 on Civil and Political Rights
 (ICCPR)
 Iceland, blasphemy laws in, 153, 411–12
 ICERD. *See* International Convention
 on the Elimination of All
 Forms of Racial Discrimination
 (ICERD)
 İhsanoğlu, Ekmeleddin, 653, 656–57
 Illman, Mika, 331–32
 Immoral speech. (*See also* Public
 morality)
 in *Charlie Hebdo* cartoons, 55, 58–59
 community, offensiveness to, 62–67
 ECHR and, 54–55, 60–61, 62–63,
 77, 80
 ICCPR and, 54–55, 60–61, 77, 79–80
 individuals, offensiveness to, 59–62
 “N” word, 60, 61
 political correctness and, 60n16
 restrictions on, 55–56, 59–67
 Immutability
 religion and, 69–71
 religious sensitivities, as argument
 for protection of, 230–32
 Inadvertent blasphemy, 168, 186

- Incitement to hatred laws. (*See also* Hate speech laws)
 overview, 115, 704n12
 arguments against model, 156–57
 arguments for model, 155–56
 audience and, 704–5
 blasphemy versus
 incitement, 615–16
 in Canada, 481–82
 Danish Cartoon Controversy
 and, 187
 defamation of religion laws and, 208
 in Finland, 326
 hate speech laws versus, 247–48
 Human Rights Committee
 and, 705
 Human Rights Council and, 115
 ICCPR and, 197, 208, 704–5, 705n15
 in Ireland, 462, 468
 in Italy, 346, 356
 in Netherlands, 632–35
 “Pussy Riot” case and, 305, 313–14
 Rabat Plan of Action and, 115–17,
 115n6, 155, 171n13
 as reform model, 154–58
 religious sensitivities and, 167n3,
 172
 16/18 process, under, 155, 657–58,
 673–74
 in United Kingdom, 128–31, 610–12,
 615–16
 Venice Commission and, 155,
 155n105
- India
 Penal Code, 172, 175–76, 182, 184–
 85, 189, 190, 592n62
 religious conflict in, 172, 187–88
- Individualism versus communi-
 tarianism, blasphemy laws
 and, 212–15
- Indonesia
 Ministry of Religious Affairs, 671–72
 16/18 process in, 671–72, 676
- Inequal power. *See* Powerlessness
- The Innocence of Muslims* (film), 174,
 194, 341, 359–60, 675, 707n20
- Innocent III (Pope), 580–81
- Inquisition, 215–16, 580
- Insult and ridicule, protection against
 overview, 137–40
 argument for, 99–103
 in Australia, 532–33
 as basis of blasphemy laws, 682–86
 blasphemy distinguished, 596
 in Canada, 499–501
Charlie Hebdo attack and, 194
 civility and, 501–4
 Danish Cartoon Controversy and,
 499–500
 in Denmark, 433–34, 444–45, 452
 in ECHR, 363, 683
 Article 9, 143–44, 271
 Article 10, 97, 143–44
 in ECtHR, 270–71, 683–84
 in Finland, 323
 in Germany, 364–67, 381–82, 411n1
 in Greece, 390, 411n1
 indirect insult, 630–32
 in Ireland, 464–66
 in Italy, 346–47, 354, 411n1
 in Netherlands, 630–32
 in Poland, 413–14, 417–21
 public significance of religion
 and, 507–8
 “Pussy Riot” case and, 305, 312
 rational criticism versus, 505–6
 in United Kingdom, 588–94, 596
 in United States, 545–46
 Venice Commission and, 6
- Intellectual liberty, blasphemy laws
 and, 215–17
- Intent to cause harm, blasphemy laws
 and, 182–83
- Inter-American Court of Human
 Rights, 559, 559n27
- Inter-faith disputes, 141
- International Convention on the
 Elimination of All Forms
 of Racial Discrimination
 (ICERD), 19, 354–55, 403–4,
 526, 567, 570
- International Covenant on Civil and
 Political Rights (ICCPR)
 generally, 184, 578n7
 overview, 6–8
 abrogated blasphemy laws and, 19

- Australia and, 524, 526–27
 blasphemy laws and, 116, 206
 freedom of conscience and, 208, 413–14
 freedom of expression and, 78, 164n150, 197, 206, 209
 hate speech laws and, 68–69, 379
 immoral speech and, 54–55, 60–61, 77, 79–80
 incitement to hatred laws and, 197, 208, 704–5, 705n15
 Ireland and, 477–78
 Norway and, 564
 restrictions on speech under, 54–55, 60–61, 77, 79–80
 16/18 process and, 664–65, 666, 667–68, 673
 United States and, 197–98
 International Crisis Group, 512–13
 International Humanist and Ethical Union, 404
 Internet, blasphemy laws and, 220–21
 Intra-faith disputes, 141
 Ioakeimidis, Christos, 396
 Iran
 blasphemy laws in, 173–74, 438
 censorship in, 221
 Ireland
 bill to abolish blasphemy ban, 457
 blasphemy laws in
 generally, 4, 97, 192–93, 674
 overview, 17, 456–57, 478–79
 attempts to abolish, 456–57
 chilling effect of, 456
 Constitutional Convention, criticism by, 470
 Constitution and, 458–61
 Constitution Review Group, criticism by, 469–70
 dearth of case law regarding, 460
 freedom of expression
 versus, 468
 Law Reform Commission, criticism by, 467–69
 Pakistan compared, 64, 173
 Censorship of Films Act 1923, 461
 Committee of Ministers and, 475, 476–77
 Constitutional Convention, 65n30, 461, 467, 470
 Constitution of 1922, 459, 463–64
 Constitution of 1937
 Article 40.1, 464
 Article 40.6.1, 458–59, 469, 470–71
 Article 44, 460–61, 460n18, 464
 blasphemy under, 64–65, 456–57, 458–61, 603
 fundamental rights under, 458
 promulgation of, 458
 unenumerated rights under, 458
 Constitution Review Group, 459, 461, 469–70
 Corway v. Independent Newspapers (Ireland) Ltd., 603–4
 Defamation Act 1961, 462–64, 471
 Defamation Act 2009
 generally, 65n29, 89–90, 90n14, 298, 456–57, 470–71, 674
 overview, 64–66, 464–67
 insult and ridicule, protection against, 17, 228, 464–66
 Pakistan compared, 173
 as reform model, 149–54
 Section 36, 464–66
 Section 37, 464–66
 Department of Justice and Equality, 467
 Director of Film Classification, 461
 in ECtHR, 98, 473–75
 equal treatment of religion in, 460–61, 460n18
 European Commission on Human Rights and, 460–61
 freedom of conscience in, 464
 freedom of expression in, 458–59, 468
 Human Rights Committee General Comment 34 and, 471–72, 473, 477
 ICCPR and, 477–78
 incitement to hatred laws in, 462, 468
 insult and ridicule, protection against, 464–66
 Law Reform Commission, 461, 462, 463, 464–65, 467–69
 Law Reform Commission Act 1975, 467

- Ireland (*cont.*)
 Parliamentary Assembly and, 473, 475–77
 Prohibition of Incitement to Hatred Act 1989, 462, 468
 Rabat Plan of Action and, 473, 477–78
 religious sensitivities, protection of, 475–77
 Special Rapporteur and, 472
 Stephen Fry incident, 462
 Universal Periodic Review and, 472–73
 Venice Commission and, 473, 476–77
- Irish Faith Centre, 98
- Irving, David, 63
- ISIL. *See* Islamic State of Iraq and the Levant (ISIL)
- Islam
 Barelwis sect, 176–77, 188
 blasphemy in, 80–81, 140–41, 164n151
 blasphemy laws and, 197
 Canada, hate speech laws in, 484–85, 489–91
Charlie Hebdo, Islam versus Christianity and Judaism in, 341–42
 defining characteristics and, 71–72
 in Denmark, 450
 freedom of expression and, 147–48
 Halla-aho case and, 330–32, 333
 immutability and, 69–71
jihād, 74–75
 Muslim clothing, 292n132
 “Muslim Tide” and, 484, 489–91, 497, 498
 as political ideology, 491
 public morality and, 81, 82–83
Quran (*See Quran*)
 race versus culture, 491–92
 secularism versus, 225–26
 sensitivity to blasphemy, 150–52, 334
shari’a law, 73–74, 75
 terrorism, linking to, 58–59, 73–75, 491–95
- Islamabad Declaration, 676
- Islamic Council of Victoria, 531
- Islamic Defence Council, 561
- Islamic State of Iraq and the Levant (ISIL), 1, 68, 73–74, 645
- “Islamophobia”
 OIC and, 649, 650–51
 self-restraint model and, 160–61, 160n135
 16/18 process in, 660–62, 664, 665, 666
- Italy
 Albertine Statute of 1848, 342–43, 345
 blasphemy laws in
 generally, 4, 97
 overview, 16, 339–42, 356–57
Charlie Hebdo, depictions of Muhammad in, 353–56
 confessional principle, 343–44
 crucifixes and, 351n36
 decriminalisation of, 346
 historical background, 342–44
 in Kingdom of Sardinia, 342
 reform of, 346–47
 religious denomination requirement, 347
 secularity principle, 344
 Constitution, 343–44, 345, 347, 357
- Criminal Code
 Article 402, 343, 344–46, 348n23
 Article 403, 347, 348–50, 353, 354
 Article 404, 347, 350–52
 Article 405, 347, 352–53
 Article 406, 343
 Article 409, 353n40
 Article 594, 346–47
 Article 595, 346–47
 Article 724, 343, 344, 345–46
- defamation of religion laws in
 overview, 346–47
Charlie Hebdo, depictions of Muhammad in, 354
 individuals, 348–50
 religious denominations, 350–52
 disruption of religious proceedings in, 352–53
 funerals, disruption of, 353n40
 honour killings in, 340n4
 incitement to hatred laws in, 346, 356

- insult and ridicule, protection
 against, 346–47, 354, 411n1
 Lateran Treaty of 1929, 343, 344, 345
 multiculturalism in, 339, 340–41
 National Institute for Statistics, 339n1
 religious factor in culturally motivated
 crimes, 340
 religious sensitivities, protection of,
 346–47, 354
 Rocco Criminal Code of 1932, 343–44
 unification of, 342
 Villa Madama Agreements of 1984, 344
 Zanardelli Criminal Code of 1889,
 342–43, 346, 516–17
- Jackson, Robert H., 108
 Jaeger, Hans, 557
 Jahangir, Asma, 154, 208, 652–53
 James I (England), 580n12
 James II (England), 201
 Janssen, Esther, 19
 Jazairi, Idriss, 664
 Jefferson, Thomas, 104, 107
 Jensen, Siv, 562
 Jeremy, Anthony, 614
Jerry Springer: the Opera (play), 95,
 123–24, 163n145, 591n55, 600,
 606–7, 695n58
 “Je Suis Charlie,” 1, 53, 83, 148, 341, 408–9
 Jesus
 generally, 111
 Denmark, depictions in, 435–36
 Finland, depictions in, 327–28
 Greece, depictions in, 394–401
 hate speech regarding, 245
 offensive depictions of, 162n144,
 237, 252
 workplace, blasphemy in, 692–94
Je vous salue, Marie (film), 519
Jihad, 74–75
 John (England), 580–81
 John Paul II (Pope), 281
 Jones, Terry, 214–15, 706–7, 707n20,
 712–13, 715
 Jones, William Lorando, 512, 521–22
 Judaism
 anti-Semitism
 in Canada, 482–84
 in Finland, 330
 in France, 69
 blasphemy in, 140–41, 199–200
Charlie Hebdo, Islam versus Christianity
 and Judaism in, 341–42
 in Denmark, 449–50, 453
 European Union, attempts to
 enshrine Judeo-Christian
 heritage in, 87–88
 Julius Caesar (Rome), 579–80
Juristikirje (Finnish magazine), 335
 Justified blasphemy, 423–24
Jyllands-Posten (Danish newspaper),
 58, 162n144, 286–87, 359,
 360, 698n68. (See also Danish
 Cartoon Controversy)
- Kahn, Robert, 14, 152n88, 225, 250
 Kallinikos (Metropolitan), 396
 Kamali, Mohammad Hashim, 150–51,
 157
 Kant, Immanuel, 191n94
 Karzai, Hamid, 707n20
 Kazantzakis, Nikos, 394
 Keane, David, 159n127
 Kearns, Paul, 142n38
 Kekkonen, Urho, 320
 Keller, Helen, 216
 Khan, Muhammad Asif, 181n53, 182,
 185n68
 Khomeini, Ruhollah, 561
 King, Martin Luther Jr., 594n67,
 716–17
 King Abdullah Bin Abdulaziz
 International Centre for
 Inter-religious and
 Inter-cultural Dialogues, 676
 Kirill (Patriarch), 308, 312
 Kirkup, James, 685n14
 Klinsmann, Jürgen, 367
 Knechtle, John C., 14
 Koch, Henning, 454
 Koestler, Arthur, 330n52
 Koltay, András, 14–15
 Koskinen, Harro, 319, 320, 327, 338
 Kostaras, Alexandros, 389
 Kozak, Michael G., 665, 666
Kropotkin Vodka (Pussy Riot song), 309

- Kulesza, Jan, 16
 Kulesza, Joanna, 16
- LaBute, Neil, 360
 Laclau, Ernesto, 402
 Lady Gaga, 194
 LaNauze, John A., 525
 Langer, Lorenz, 152n91
 Lassen, Eva Maria, 16–17
The Last Days of the Romanovs (Wilton), 330
The Last Temptation of Christ (film), 44, 394–96, 403, 559
 Laws, John, 578n7, 593
 League of Defence Against Sects, 425
 Legate, Bartholomew, 580n12
 Leigh, Ian, 596
 Lennon, Ann (Annie), 523
 Lester, Anthony, 604
 Lester, Lord, 613–14
 Levy, Leonard, 143
 Lewis, Tom, 15, 312–13
 “Liberalism of fear,” 168, 179–85
 “The Liberalism of Fear” (Shklar), 168
The Life of Jesus (Haderer), 398–99
 Likelihood of harm from blasphemy, 302, 305
- Limon, Marc, 20
 Lintula, Oula-Antti, 337
 Lisbon Treaty, 87
 Lithuania, blasphemy laws in, 96–97
Little Red School Book, 264
 Locke, John, 498, 587
 Loizos, Phillipos, 399–400, 402–5, 406
 Louis IX (France), 26
 Louis XII (France), 27
 Louis XIV (France), 28
 “The Love Affairs of Jesus Christ” (film manuscript), 435
 “The Love That Dares to Speak its Name” (Kirkup), 126, 126n62, 589–90, 598–99, 685, 685n14, 699n70
 Lucius III (Pope), 580
 Luther, Martin, 218
- Macaulay, Lord, 175–76, 189, 190
 Machiavelli, Niccolò, 13, 109–12
Machina (Polish magazine), 426
Maclean’s (Canadian magazine), 484
 Madison, James, 98, 105, 107
 Madonna, 194, 426, 626
 Mahmood, Saba, 148n70
 Malaysia, 16/18 process in, 673
 Malta, blasphemy laws in, 96–97
 Mandela, Nelson, 716–17
 Mansfield, Lord, 578n7, 588n42
The Many Faces of Jesus (film), 126
 Margin of appreciation in European Court of Human Rights, 143–47, 146n55, 264–66, 265n21, 271–72, 275–77, 288–89, 290, 420
Maria Syndrome (play), 359, 374
 “Marketplace of ideas,” 296n8
 Márquez, Gabriel García, 457
Massacre (Siné), 126
 McConnell, James, 153–54
 McCrea, Ronan, 87
 McGonagle, Tarlach, 17
 McKellen, Ian, 699n70
 McNally, Terrence, 400–1
 Meischberger, Walter, 284–85, 286
 “The Memorial and Remonstrance against Religious Assessments” (Madison), 105
- Mens rea*
 of blasphemy, 125–26, 205, 206, 466
 of defamation of religion, 349, 352
- Metaxas, Ioannis, 393
- Mexico
 General Directorate for Religious Associations, 672
 Interfaith Councils, 676
 National Council to Prevent Discrimination, 672
 16/18 process in, 672, 676
- Michel, Albert Edward, 516
Midsummer Night’s Dance (Salama), 319
- Mill, John Stuart, 61, 61n18, 231–32, 263
 Milton, John, 505
- Models of reform
 overview, 163–66
 incitement to hatred, 154–58
 resurrection of blasphemy laws, 149–54
 self-restraint, 158–63

- Mohammed Gets a Boner* (play), 360
 Møller, Per Stig, 454
 de Montesquieu, Baron, 541, 541n54
Monty Python's Flying Circus (television program), 186, 186n73, 188
Monty Python's Life of Brian (film), 126, 186, 186n73, 558–59, 626
 Moon, Richard, 17–18
 Moral objections to blasphemy laws, 179–80
 Mortensen, Reid, 529
 Mouffe, Chantal, 402
M to the power of N (Androulakis), 395–96, 403
 Muhammad (Prophet)
 Barelwis sect and, 176–77
 blasphemy and, 150, 157, 178, 182, 183–84, 194
 Charlie Hebdo, depictions in
 generally, 56, 159n127
 as artistic expression, 355
 as blasphemy, 57–58, 341–42
 ECtHR jurisprudence and, 286–87
 Italian blasphemy laws and, 353–56
 Danish Cartoon Controversy. (See Danish Cartoon Controversy)
 Facebook, offensive statements regarding on, 328–29
 Finland, depictions in, 327, 328
 Germany, depictions in, 361
 Halla-aho case and, 330–32, 333
 hate speech regarding, 245
 offensive depictions of, 237, 252
 terrorism, cartoons linking to, 437
 Yasak Tümceler, depiction in, 276–77, 300–1
 YouTube video controversy, 223, 251–52
 Mühl, Otto, 284–85
 Muiznekis, Nils, 403
 Muslim clothing, 292n132
 “Muslimophobia,” 160–61, 160n135
 “Muslim Tide,” 484, 489–91, 497, 498
 Musri (Imam), 713

 Nalliah, Daniel, 531
 Narrow scope of blasphemy laws, 183–84
 Nash, David, 190, 520

 National Coalition Against Censorship, 402
 National Gallery of Victoria, 510–11
 National Secular Society, 126n62, 699n70
 Nayler, James, 576n2
Nearer to Thee (Reve), 625
 Necessity test for blasphemy laws, 421–23
 Netherlands
 blasphemy laws in
 generally, 3n5, 4
 overview, 19, 619–20, 640–41
 Charlie Hebdo and, 638–39
 Communism, in response to, 620–23
 Finland compared, 338n76
 hate speech laws
 versus, 636–37, 638
 historical background, 620–23
 intent element, 623–24
 repeal of, 153, 298, 411–12, 635–38
 Constitution, 636
 Criminal Code of 1881
 overview, 620
 Article 137c, 630, 631–32, 633
 Article 147(1), 621, 623–25
 blasphemy under, 629
 Danish Cartoon Controversy in, 639
 Defamation of Islam case, 619, 630–32, 638
 Democratic Party, 629, 635
 Donkey trial, 619, 623–26
 in ECtHR, 636
 Freedom Party, 628
 French Criminal Code and, 620
 group defamation in, 630, 631–32, 633–34
 hate speech laws in
 blasphemy versus hate speech, 636–37, 638
 criticism of religion versus, 638–40
 homosexuality and, 635
 Holocaust denial in, 639
 incitement to hatred laws in, 632–35

- Netherlands (*cont.*)
 insult and ridicule, protection
 against, 630–32
 Labour Party, 628
 Liberal Party, 628
 Ministry of Justice, 629, 639–40
 National Railway Company, 621
 “new politics” in, 628
 “pillar system” in, 627–28
 Reformed Protestant Party, 625,
 635–36
 Scientific Research and
 Documentation Centre, 629,
 639–40
 VARA (broadcasting company), 626
 Neuvonen, Riku, 318, 326
 “New atheists,” 507
 “New racism,” 492n41
New York Times, 224, 360
 Nieznalska, Dorota, 423–24
 Niinistö, Ville, 333–34
 9/11 attacks, 650–51
 Norway
 blasphemy laws in
 generally, 4, 439, 443
 overview, 19, 553–54, 574–75
 Charlie Hebdo and, 573–74
 Charlie Hebdo attack and, 19
 historical background, 554–60
 reform proposals, 561–63
 repeal of, 298, 411–12, 574
 Boot Boys case, 569–70
 Broadcast Act, 565–66
 Christian Vs Norske Lov (Christian
 V’s Norwegian Law), 555–56
 Church Ordinance, 555
 Constitution, 556, 561, 564
 Criminal Code of 1842, 556–57
 Danish Cartoon Controversy in, 562,
 573
 defamation of religion laws in, 571–73
 in ECtHR, 565–66
 Film Board of Norway, 558–59
 Freedom of Expression Commission,
 562n44
 Gulatingslov (canonical law), 554–55
 hate speech laws in
 overview, 566–71
 anti-Semitism and, 570–71
 blasphemy versus hate speech, 571
 disability and, 567
 homosexuality and, 567, 569
 Nazis and, 569–70
 Human Rights Committee and, 564–65
 Human Rights Council and, 565
 ICCPR and, 564
 Law on Christian Dissenters of 1845,
 557, 557n13, 559n29
 Law on Faith Communities of
 1969, 560
 Norwegian Anti-Racist Centre, 570
 Penal Code of 1902
 generally, 553, 553n2
 blasphemy under, 557–58
 declaration of faith under, 562n44
 defamation of religion
 under, 571–72
 hate speech under, 566–69
 reform proposals, 561–63
 Progress Party, 561, 562
 16/18 process in, 671
 Vigrid case, 570–71
 Norwegian Anti-Racist Centre, 570
 Nuotio, Kimmo, 334
 “N” word, 60, 61
 Nygaard, William, 561

 Oaths, 586–88
 Obama, Barack, 214–15, 666, 712
 Offensive speech, 237–42
 Office of the High Commissioner on
 Human Rights (OHCHR)
 generally, 8
 Rabat Plan of Action, 115–17,
 115n6
 16/18 process and, 660, 667–68, 673
 Olav Haraldsson (Norway), 554
 Olesen, Jens Arnfred, 557–58
 Organisation of Islamic
 Co-Operation (OIC)
 generally, 68, 83, 170, 174, 334
 criticism of, 652–53
 Defamation of Religion Resolutions
 and, 2–3, 152, 208, 577n3, 650–53
 “Islamophobia” and, 649, 650–51
 rapprochement with West, 653

- 16/18 process in, 209–10, 646,
 653–54, 655–58, 659–68, 670,
 675–76, 678–79
 terrorism and, 74
 Organisation of Islamic States, 97
 Organization for the Promotion of
 Greek Culture, 402
 Organization of the Islamic
 Conference. (See Organisation
 of Islamic Co-Operation (OIC))
 Orhun, Ömür, 664
 Otto-Preminger-Institut, 269–70
Outlook (art exhibition), 396–98, 401–2,
 403, 406
 Øverland, Arnulf, 558
Oxford English Dictionary, 207
 Paisios, Elder, 399
 Pakistan
 blasphemy laws in
 generally, 14, 66n32, 173–74, 179n44,
 181, 189, 192–93, 438, 575, 674
 overview, 175–77
 chilling effect of, 175n28
 death penalty, 182
 draconian nature of, 173, 178
 extra-judicial attacks and, 185n69
 Ireland compared, 64, 173
 overbreadth, 183–84
 recommendations regarding, 184–85
 religious identity and, 169–70
 resistance to change, 191
 standing, 182
 vagueness, 183–84
 Criminal Code, 182
 Defamation of Religion Resolutions
 and, 115, 208, 650–51
 National Conference on Interfaith
 Harmony, 676
 Penal Code, 182
 16/18 process in, 671, 675, 676
 Pannick, David, 274
 Pannizar, Oskar, 269
 Papaioannou, Kostis, 404, 405
 Paraskeoupoulos, Nikos, 404
 Paris attacks (2015), 68, 645
 Parker, Lord, 589
 Parker, Thomas, 594n67
 Parliamentary Assembly
 overview, 4–6
 blasphemy laws and, 4–6, 332–33,
 416–17, 605, 616
Charlie Hebdo attack and, 225
 Christianity, on discrimination
 against, 225
 Finland and, 332–33
 Ireland and, 473, 475–77
 Poland and, 416–17
Passion (art work), 423–24, 424n39
 Passive blasphemy, 191n96
 Patrick, Jeremy, 10–11, 481
 Paul III (Pope), 582n23
 Pell, George, 510–11
 Penalties for blasphemy, 182
The People vs. Larry Flynt (film), 44, 283,
 303, 626
 Petraeus, David, 214–15
 Pew Forum, 3n5
 Pew Research Center, 195, 512–13
 Philippe de Valois, 26
 Philipson, Gavin, 280n83
 Piddington, Albert, 523
 Pietists, 35–36
Pig Coat of Arms (art work), 320
Pig Messiah (art work), 320
 Pilavakis, Marios, 396
Piss Christ (art work), 194, 510–11, 519
Platformes (Greek activist
 platform), 401–2
 Poland
 artistic expression in, 423–27
 Bible
 blasphemy of, 96–97
 desecration of, 425–26
 blasphemy laws in
 generally, 4, 10, 97
 overview, 16, 411–16, 427–28
 chilling effect of, 427–28
 freedom of expression
 versus, 416–21
 frequency of use, 412–13, 412n6
 historical background, 413
 necessity test, 421–23
 objects of religious worship,
 414–15, 417–21
 proportionality test, 421–23

- Poland (*cont.*)
 public debate regarding, 416
 Roman Catholicism and, 414n10
 Constitution, 412–13, 413n8, 416,
 418, 421, 421n37
 Constitutional Tribunal, 418n22,
 421n36
 disruption of religious proceedings
 in, 415–16
 European Commission on Human
 Rights and, 420, 426
 freedom of conscience in, 413–14,
 413n8
 freedom of expression in, 416–21
 hate speech laws in, 418
 insult and ridicule, protection
 against, 413–14, 417–21
 League of Defence Against Sects, 425
 Parliamentary Assembly and, 416–17
 Penal Code of 1932, 413
 Penal Code of 1997
 Article 26, 423n38
 Article 195, 415–16
 Article 196, 412n6, 413–15, 416–
 21, 424–28
 Article 256, 418
 Public Office for Statistics, 414n10
 religious sensitivities, protection of,
 413–14, 417–21
 Political correctness, 60n16
 Political speech
 artistic expression versus, 279–81
 blasphemy versus, 304–11
 Pooley, Thomas, 583n24
 Pope, blasphemy of in workplace, 691–92
 Portalis, J.E., 30, 36
 Portugal, blasphemy laws in, 96–97, 118
 Post, Robert, 181–82, 191, 192, 235, 241–42
 Power, Hilary, 20
 Powerlessness
 as argument in favor of legal
 protection against
 blasphemy, 101
 religious sensitivities, as argument
 for protection of, 232–33
 self-restraint model and, 160–61, 162
 Practical objections to blasphemy
 laws, 180–82
 Pringle, Helen, 18
 Proportionality test for blasphemy
 laws, 421–23
 Protestant Reformation, 200, 360, 555
 Public debate
 blasphemy versus
 in Poland, 416
 in United States, 538
 freedom of expression and, 312–13
 hate speech laws and, 496–97
 Public morality. (*See also*
 Immoral speech)
 blasphemy laws and, 56, 76–81
 clashing universalisms and, 76–81
 defamation of religion laws and, 80n59
 freedom of conscience and, 77–79
 freedom of expression and, 76–77
 Human Rights Committee and, 79, 80
 Islam and, 81, 82–83
 secularism and, 82
 Public order
 blasphemy laws and
 overview, 219–20
 in Denmark, 433, 444, 445, 453–55
 in Germany, 363
Charlie Hebdo attack and, 249
 defamation of religion laws, as
 argument for, 370–73
 freedom of expression, protection
 as reason for restrictions on,
 248–49, 255
 Punishment motive, blasphemy laws
 and, 168, 189–92
*Punk Prayer: Virgin Mary, Drive Putin
 Away* (Pussy Riot song), 15,
 177–78, 294–95, 304
 “Pussy Riot” case
 generally, 15, 175, 191–92, 359–60
 overview, 177–78, 294–96
 context of expression in, 305–6
 extremism and, 304, 309
 gratuitous offence and, 312–13
 incitement to hatred laws and, 305,
 313–14
 insult and ridicule, protection
 against, 305, 312
 political speech versus blasphemy
 in, 304–11

- religious sensitivities, protection of, 305, 312
- sentences in, 310, 311–12
- Putin, Vladimir, 15, 295, 305, 306–8, 309, 310, 311
- Putin Wet Himself* (Pussy Riot song), 308–9, 310
- Pyysiäinen, Ilkka, 336
- Qatar
 - Doha Conference for Interfaith Dialogue, 676
 - 16/18 process in, 659, 665, 676
- Quran*
 - Denmark, desecration in, 453–54
 - Germany, desecration in, 370–71
 - group defamation and, 633
 - sensitivity to blasphemy and, 150
 - terrorism and, 74–75
 - United States, burnings in, 214–15, 706–7, 707n20, 712–13, 715
- Rabat Plan of Action (RPA)
 - generally, 8n24, 181, 184, 187, 193
 - overview, 8, 155n104, 299n24
 - blasphemy laws and, 132, 167, 173, 299–300
 - incitement to hatred laws and, 115–17, 115n6, 155, 171n13
 - Ireland and, 473, 477–78
 - 16/18 process and, 666, 667–68, 673
- Rabczewska, Dorota “Doda,” 417–21
- Racism
 - “cultural racism,” 492n41
 - “new racism,” 492n41
 - race versus culture, 491–92
- Ramadan, Tariq, 158
- Rational criticism, 505–6
- Rationalist Society, 523
- Ratzinger, Joseph. *See* Benedict XVI (Pope)
- Rawls, John, 98, 111
- Read, James, 585
- Reagan, Ronald, 107
- Reform models
 - overview, 163–66
 - incitement to hatred, 154–58
- resurrection of blasphemy
 - laws, 149–54
 - self-restraint, 158–63
- Release the Cobblestones* (Pussy Riot song), 309, 310
- Religion, freedom of. (*See* Freedom of conscience)
- Religious characteristics of blasphemy, 140–42
- Religious identity, blasphemy laws and overview, 168
 - overly restrictive view of, 169–72
- Religious organisations, protection against defamation as reason for restrictions on freedom of expression, 234–35
- Religious sensitivities, protection of overview, 137–40, 254
 - argument for, 99–103
 - decline of religion in Europe and, 229–30
 - in Denmark, 433–34, 452
 - dignity and, 255
 - in ECHR, 476, 605
 - in ECtHR, 270–71, 380
 - free choice as argument against, 230–32
 - freedom of conscience and, 151n86
 - freedom of expression, as reason for restrictions on, 237–45
 - in Germany, 364–67, 380–81
 - immutability as argument for, 230–32
 - incitement to hatred laws and, 167n3, 172
 - in Ireland, 475–77
 - Islam, sensitivity to blasphemy in, 150–52
 - in Italy, 346–47, 354
 - offensive speech and, 237–42
 - in Poland, 413–14, 417–21
 - powerlessness as argument for, 232–33
 - public versus private nature of religion, 233–34
 - “Pussy Riot” case and, 305, 312
 - uniqueness of religion and, 229, 241
 - in United Kingdom, 588–94
 - Venice Commission and, 158–59

- Republican theory, blasphemy laws
and, 109–12
- Resolution 16/18. *See* 16/18 process
- Resurrection of blasphemy
laws, 149–54
- van het Reve, Gerard Kornerlis,
320n11, 625
- Ridicule, protection against. (*See* Insult
and ridicule, protection against)
- Rigby, Lee, 671, 672
- Right to blasphemy
overview, 13, 114–17
blasphemy laws and, 132–33
in ECHR, 114, 133
in ECtHR, 114
evolution of, 117–20
in United Kingdom
abolition of offence, 128–32
historical background, 121–27
- Robinson, Phil, 189
- Roman Catholicism
in Denmark, 449
Poland, blasphemy laws in, 414n10
- Rome (Ancient)
blasphemy laws in, 190n91, 199
religion and state in, 579–80, 579n10
- Romney, Mitt, 105n63
- Roof, Dylan, 709–11, 709n21, 710n22,
714n35, 715–16
- Rose, Flemming, 162n142, 251, 436, 452
- Ross, Robert Samuel, 522–23
- Ross's Monthly* (Australian
magazine), 522–23
- Rousseau, Jean Jacques, 111n93
- RPA. *See* Rabat Plan of Action (RPA)
- Rubio, Marco, 91
- Rumi, 163
- Rushdie, Salman, 125, 139, 146, 184,
223, 359, 460–61, 499–501, 561,
564, 591n54, 599, 627, 684
- Russia
blasphemy laws in, 177–78, 191–92
extremism in, 304, 309
“Pussy Riot” case. (*See* “Pussy
Riot” case)
16/18 process in, 665
- Russian Orthodox Church, 15, 304–9,
311–12, 313–14
- Saarela, Anna, 326, 334–35
- Sacrilege laws, 520n40, 544–45
- Sajó, Andras, 88n7
- Salama, Hannu, 319–20, 320n11, 327,
336, 338
- Salvation Army, 532
- Samutsevich, Yekaterina Stanislavovna, 295
- Sandberg, Russell, 13, 19, 601, 602, 603,
604, 605, 606–7, 614
- Sanders, Bernie, 91n17
- San Marino, blasphemy laws in, 155n105
- Sarafinos, Dimitris, 408
- The Satanic Verses* (Rushdie), 223, 359,
460–61, 499–501, 561, 591,
591n54, 599, 627, 684
- Satire, 284–86
- Satirical blasphemy, 168, 186, 195
- Saudi Arabia
blasphemy laws in, 173–74
16/18 process in, 659, 665–66
- Scarman, Lord, 204, 519, 590–91, 598
- Scharffs, Brett, 20–21
- Scheffer, Paul, 628
- Schroeter, Werner, 269
- Scorsese, Martin, 44, 394, 559
- Scot, Daniel, 531
- Secular-faith disputes, 141
- Secularism
Christianity versus, 225–26
in Finland, 334
Islam versus, 225–26
public morality and, 82
- Sedley, Charles, 585
- Sedley, Steven, 584n28
- Self-censorship
Danish Cartoon Controversy and, 452
in Greece, 406–7
in United States, 360
- Self-restraint model, 158–63
- de Sénancour, E., 37
- Separation of powers, 541–42, 541n55
- Seppo, Juha, 319
- Seraphim (Bishop), 401, 405
- Serrano, Andres, 510–11
- Seutonius, 579n10
- Sexual harassment, 696–98
- Shadows of Humour* (performance art
group), 426–27

- Shari'a* law, 73–74, 75
 Sharples, Eliza, 586n34
 Sherwood, Yvonne, 575
 Shklar, Judith, 168, 168n4, 179
 Siddall, Nicholas, 698n67
 Siddique, Osama, 177, 181n52, 182, 192–93
 Simojoki, Martti, 319
 Siné, 126
 Singapore, 16/18 process
 in, 659, 666
 Singleton, Chris, 715–16
 16/18 process. (*See also specific country implementing*)
 generally, 11, 115n8, 167
 overview, 20, 209–10, 645–46, 677–80
 African Union and, 675–76
 appropriate mechanisms (paragraph 5(b)), 671–72
 Arab League and, 675–76
 blasphemy laws and, 673–74
 Charlie Hebdo attack and, 20, 667
 creation of, 653–54
 Danish Cartoon Controversy and, 672, 675
 debate, promotion of (paragraph 5(h)), 658, 676–77
 domestic implementation
 of, 668–71
 European Union and, 675–76
 expectations for, 654–55
 externalisation of, 669
 “Geneva game,” 659–68, 669
 hate speech laws and, 211
 ICCPR and, 664–65, 666, 667–68, 673
 implementation of, 654–55
 incitement to hatred laws under
 (paragraph 5(f)), 155, 657–58, 673–74
 intolerance, speaking out against
 (paragraph 5(e)), 657–58, 675–76
 “Islamophobia” and, 660–62, 664, 665, 666
 Istanbul Ministerial Meeting, 658–59
 Istanbul Process, 659–68
 objectives of, 660–62
 Office of the High Commissioner
 on Human Rights and, 660, 667–68, 673
 OIC and, 209–10, 646, 653–54, 655–58, 659–68, 670, 675–76, 678–79
 oversight, lack of, 669
 policy and, 670
 politics of, 655–58
 Rabat Plan of Action and, 666, 667–68, 673
 recommendations regarding, 679–80
 reporting process, 660
 as soft law, 668–69
 Universal Periodic Review and, 670
 Western Group and, 646, 657, 659–68, 670, 678–79
 Skinner, Quentin, 111
 Slovakia, blasphemy laws in, 96–97
 Social characteristics of
 blasphemy, 140–42
The Social Contract (Rousseau), 111n93
South Park (television program), 186, 188
 Spain
 blasphemy laws in, 96–97, 119, 411n1
 Penal Code, 411n1
 Speaker affinity groups
 as accelerants, 710
 as audience, 705–6
 as decelerants, 712
 Speakers
 as accelerants, 709–10
 as decelerants, 712
 speaker-audience-victim analysis, 701–2
 Special Rapporteur
 overview, 7–8
 blasphemy laws and, 299
 Declaration on Religious Intolerance
 and Discrimination and, 648–49, 651
 defamation of religion laws and, 652–53
 Denmark and, 17, 432, 439–41, 453
 Ireland and, 472
 Specific scope of blasphemy laws, 183–84
 Speech, freedom of. (*See Freedom of expression*)
 “The Splendour of Truth” (John Paul II), 281
 Stability. *See* Public order

- Stafford, Dwayne, 710–11
 Standing in blasphemy laws, 182
Starry Messenger (Galileo), 215–16
 Statistics on blasphemy laws, 195–97
Stephen's Digest of the Criminal Law, 577
 Steyn, Lord, 262–63
 Steyn, Mark, 484, 490n30, 491–99,
 492n40, 494n46
 Stone, Harlan F., 108
 Stop the Islamization of Norway, 572
Submission (film), 341, 628–29
 Sue, Eugène, 35n30
 Suhm, Anders, 556
Summa Theologica (Aquinas), 580n12,
 582n23
 Sumner, Lord, 219–20, 583
 Sweden
 blasphemy laws in, 118, 439, 443
 16/18 process in, 665
 Swift, Jonathan, 506
 Switzerland, blasphemy laws in, 411n1
- Takis, Andreas, 406
 Taseer, Salman, 653, 671
 Taylor, John, 202–3, 581–83
 Taylor, John Ross, 483
 Temperman, Jeroen, 15, 236–37, 701,
 705n15
- Terrorism
 generally, 627
 al Qaeda, 1, 73–74, 650–51
 Boko Haram, 73–74
 cartoons linking Islam to, 58
 Charlie Hebdo attack (See *Charlie Hebdo* attack (2015))
 chilling effect of, 360
 Copenhagen attack (2015), 1, 358,
 432, 447, 455
 Curtis Culwell Center attack (2015),
 1, 358
 ISIL, 1, 68, 73–74, 645
 Islam, linking to, 58–59, 73–75, 491–95
 Muhammad, cartoons linking to, 437
 9/11 attacks, 650–51
 OIC and, 74
 Paris attacks (2015), 68, 645
 Thomas, Clarence, 183
 Thorsen, Jens Jørgen, 435–36
- Thrane, Marcus, 557
 Thursby, Gene R., 189n87, 190n92
 Tiberius (Rome), 190n91
Time (magazine), 251–52
Titanic (German magazine), 359–60
 Tolerance, protection of, 382–85
 Tolokonnikova, Nadezhda
 Andreyevna, 295
 Tolvanen, Matti, 335
 Tomasz D., 424–25
Tom Jones (Fielding), 124–25
 Török, Bernát, 236, 237, 239, 248
 Torture, 220
 Treaty on the Functioning of the
 European Union, 412n5
 Treby, George, 587–88, 588n42
 Treilhard, Jean-Baptiste, 33
The Tribune (Dutch Communist
 newspaper), 621
 Trump, Donald, 58, 68, 91
 Tsakirakis, Stavros, 395
 Tsapogas, Michael, 391, 392, 406–7, 408
 Tulkki, Kaj-Erik, 335
 Tumyr, Arne, 572–73
 Turkey, 16/18 process in, 673
 Tyndareus, 586n35
- Uddin, Asma, 169–70, 172
 UNCHR. See Commission on Human
 Rights (UNCHR)
- United Kingdom
 Act of the Six Articles 1539, 121
 Acts of Uniformity 1549/1552, 121
 Anti-Terrorism, Crime and Security
 Bill 2001 (proposed), 601–2,
 610–11
 Bible, blasphemy of, 204, 227–28,
 519, 577
 Bill of Rights (1689), 201
 Blasphemy Abolition Bill 1995
 (proposed), 601–2
 Blasphemy Act 1697, 122n40,
 584n29
 blasphemy laws in
 generally, 4
 overview, 19, 90, 576–79, 594,
 595–96, 616–18
 abolition of offence, 128–32, 153

- alternative offences, 610–15
 case law regarding, 597–98
 changes in, 117, 118, 119, 123–24, 298
Charlie Hebdo and, 617
 Church of England, limitation to, 124–26, 131, 203, 597, 601–2, 603, 608, 614n114, 615
 definition of blasphemy, 227–28
 discriminatory nature of, 615
 dissolution of government and, 582–83
 extralegal prosecutions, 123–24, 126–27
 freedom of conscience and, 616
 freedom of expression and, 616
 historical background, 94–96, 121–27, 199, 200–6, 596–601
 incitement to hatred laws versus, 615–16
 oaths and, 586–88
 overbreadth, 616
 repeal of, 96, 130n87, 131, 206, 276n64, 591, 591n55, 595, 601, 602, 608–10, 685n16
 as strict liability offence, 597
 vagueness, 616
Bowman v. Secular Society, 589, 589n47
 British Board of Film Classification, 126–27, 461
 British Broadcasting Corporation (BBC), 95, 123–24, 126, 126n61, 163n145, 600, 695n58
 British Social Attitudes Surveys, 92n24
 Broadcasting Act 1990, 606–7
Calvin's Case, 587, 588, 588n42
 Communications Act 2003, 153–54
 Coroners and Justice Act 2009, 130n87
 Court of High Commission, 200–1
 Crime and Disorder Act 1998, 595–96
 Criminal Justice and Immigration Act 2008, 96, 130n87, 131, 206, 276n64, 591, 595, 601, 602, 608–10, 685n16
 Criminal Law Act 1967, 122n40
 definition of blasphemy in, 577–78
 Denmark, desecration in, 444, 445–46
 ecclesiastical courts in, 200–1, 584–86
 ECHR, incorporation of, 597
 in ECtHR, 19, 97–98, 126–27, 461, 591–93, 598–99, 604–6, 609, 616
 Employment Equality (Religion and Belief) Regulations 2003, 610
 Equality Act 2010, 93, 688, 688n29, 691, 694–95, 700, 700n73
 Equality Commission for Northern Ireland, 93–94
 freedom of expression in, 612–15
Gabriels v. Lambeth, 698–700
Green (R. on application of) v. Westminster Magistrates Court, 95, 123–24, 602, 606–7
Heafield v. Times Newspapers, 691–92
 House of Lords Select Committee on Religious Offences in England and Wales, 596, 600–1, 602, 604–6
 Human Rights Act 1998, 93, 265, 597, 609, 688n30
 Human Rights and Equality legislation, 93
 incitement to hatred laws in, 128–31, 610–12, 615–16
 influence of English law, 578–79
 insult and ridicule, protection against, 588–94, 596
 Inter-Faith Network, 676
 Law Commission, 601
 libel in, 199, 297n12
 Magna Carta, 580–81, 580n14
Monopolies of East India Co. v. Sandys, 587–88
Muir v. Penisarwaun Care Home Ltd., 692–94
 National Secular Society, 126n62, 699n70
 Oaths Act 1888, 586n34
 Obscene Publications Act 1959, 607
 Public Order Act 1986, 96n40, 129, 206, 595, 610
 Race Relations Act 1976, 611n99
 Racial and Religious Hatred Act 2006
 generally, 602, 606, 610, 616–18

- United Kingdom (*cont.*)
 overview, 128–32
 freedom of expression
 under, 612–15
 incitement to hatred under, 96,
 610–12
 incitement to hatred under, 155,
 206, 276n64, 595
 16/18 process and, 673
Ramsey and Foote, R. v., 589
 Religious Offences Bill 2002
 (proposed), 602
 religious sensitivities, protection
 of, 588–94
 renewed prominence of religion in
 public sphere, 92–94
Richmond Pharmacology v. Dhaliwal,
 688–91
 right to blasphemy in
 abolition of offence, 128–32
 historical background, 121–27
 Sacrament Act 1547, 121
 secularism in, 89
 See of Rome Act 1536, 122
 Serious Organised Crime and
 Police Bill 2004–2005
 (proposed), 610–11
 Sex Discrimination Act 1975, 696n61
 16/18 process in, 659, 663, 671, 673, 676
 Star Chamber, 584–86
Stewart v. Cleveland Guest
 (*Engineering*) Ltd., 696–97
Taylor's Case, 202–3, 581–82, 581n20
 Theatres Act 1968, 606–7
Weeks v. Newham College of Further
Education, 697
Whitehouse and Lemon v. Gay News,
 204–6, 589–90
- United Nations
 generally, 512–13
 Commission on Human Rights. (*See*
 Commission on Human Rights
 (UNCHR))
 Declaration on Religious Intolerance
 and Discrimination, 646–49,
 651, 677
 Defamation of Religion Resolutions,
 2–3, 57, 67–69, 115, 208–9
- Economic and Social Council
 (ECOSOC), 646–47, 677
 fragmentation within, 8–9
 Human Rights Committee. (*See*
 Human Rights Committee)
 Human Rights Council. (*See* Human
 Rights Council)
 ICCPR. (*See* International Covenant
 on Civil and Political Rights
 (ICCPR))
 OHCHR. (*See* Office of the High
 Commissioner on Human
 Rights (OHCHR))
 Rabat Plan of Action (*See* Rabat Plan
 of Action)
 Special Rapporteur. (*See* Special
 Rapporteur)
 Universal Periodic Review, 472–73
- United States
 assimilationism in, 107–9, 113
 Bill of Rights, 541–42
 blasphemy laws in
 generally, 4
 overview, 18, 90, 534–35, 549–50
 case law regarding, 543–44
 Constitutional restrictions on,
 197–98, 197n16
 current status of, 540
 First Amendment and, 536,
 591n56
 freedom of expression
 versus, 545–49
 historical background, 535–39
 prosecutions under, 535–39
 public debate versus, 538
 state statutes, 173–74, 173n23, 192
- Civil Rights Act of 1964, 694
 Colorado, blasphemy laws, 536
 Curtis Culwell Center attack
 (2015), 1, 358
 Declaration of Independence
 (1776), 104
 Delaware, blasphemy laws
 in, 538–39
 fighting words in, 185n70, 546–49,
 703–4
 First Amendment
 generally, 525n64

- overview, 103–9
- Australia compared, 525
- blasphemy laws and, 536, 591n56
- captive audience problem, 687, 687n25
- Establishment Clause, 91–92, 105, 542–43, 544, 546, 549–50
- freedom of expression and, 171, 545–49
- Free Exercise Clause, 105, 542, 543, 546
- historical background, 540–41
- jurisprudence regarding, 105–9
- offensive speech and, 241–42
- restrictions on blasphemy laws and, 197–98, 197n16
- sacrilege laws and, 544–45
- Fourteenth Amendment, 543
- freedom of expression in, 545–49
- Griffin v. City of Portland*, 694–95
- hate speech laws in, 549
- ICCPR and, 197–98
- immoral speech in, 62
- incorporation to states, 543
- insult and ridicule, protection against, 545–46
- intent to cause harm in, 183n62
- judicial review in, 192
- Justice Department, 672
- Massachusetts, blasphemy laws in, 173–74, 173n23, 192, 535, 578n8
- National Coalition Against Censorship, 402
- New York
 - blasphemy laws in, 536–37, 543, 545–46
 - establishment of religion in, 542
- 9/11 Backlash Taskforce, 672
- Office of Faith-Based Community Initiatives, 676
- Oklahoma, blasphemy laws in, 173–74
- Pennsylvania, blasphemy laws in, 173–74, 534n3, 537–38, 543–44
- Quran*, burnings of, 214–15, 706–7, 707n20, 712–13, 715
- religious tests in, 92, 104–5
- renewed prominence of religion in public sphere, 91–92
- Republican Party, 107
- sacrilege laws in, 544–45
- self-censorship in, 360
- separation of powers in, 541–42, 541n55
- 16/18 process in, 209–10, 659, 662, 665, 672, 673, 675, 676
- South Carolina, blasphemy laws in, 173–74
- State Department, 512–13
- viewpoint-based restrictions on freedom of expression in, 549
- Wyoming, blasphemy laws in, 173–74
- Universal Declaration of Human Rights, 114–15, 207–8, 648, 705n15
- Universal Periodic Review, 472–73, 565, 670
- Universal Rights Group, 655
- Unsworth, Clive, 143
- Valls, Manuel, 25
- Van Gogh, Theo, 139, 341, 619, 628–29
- Vapaa-Ajattelijat ry (Finnish association), 327–28
- VARA (Dutch broadcasting company), 626
- Vaz, Keith, 617
- Venice Commission
 - blasphemy laws and, 153
 - Denmark and, 443
 - freedom of conscience versus freedom of expression, 165
 - incitement to hatred laws and, 155, 155n105
 - insult and ridicule, protection against, 6
 - Ireland and, 473, 476–77
 - religious sensitivities, protection of, 158–59
- Veraart, Wouter, 631
- Verdens Gang* (Norwegian newspaper), 573
- Vermeulen, Ben, 631
- Vespasian (Rome), 579n10
- Victim affinity groups
 - as accelerants, 710–11
 - as audience, 705–6
 - as decelerants, 713

- Victims
 as accelerants, 711
 as decelerants, 713
 speaker-audience-victim
 analysis, 701–2
- Vilification laws. *See* Insult and ridicule, protection against
- Vilks, Lars, 1
- Violence, hate speech laws and, 211–12
- Virolainen, Jyrki, 336
- Visconsi, Elliott, 203
- Visions of Ecstasy* (film), 97–98, 126–27, 127n66, 275–76, 461, 599–600
- Voltaire, 29
- Waldron, Jeremy, 246–47, 506
- Wallin, Elisabeth Ohlson, 327
- Warsi (Baroness), 93
- Watson, Alan, 180
- Weaver, Russell, 18
- Weigel, George, 87–88
- Westergaard, Kurt, 437
- Western Group, 16/18 process in, 646, 658, 659–68, 670, 678–79
- Western legal doctrine, 9–12, 13–15
- Western Standard* (Canadian magazine), 484
- West Nickel Mines School shooting, 715, 716
- Whitehouse, Mary, 126, 589–90, 685
- Wilders, Geert, 1, 619, 628, 632–35
- Wildhaber, Luzius, 281n87
- Williams, Rowan, 13, 90, 99–103, 222
- Wilton, Robert, 330
- Wingrove, Nigel, 97–98, 126–27
- Workplace, religious rights in
 overview, 20, 681–82, 700
 captive audience problem, 687, 687n25
- Charlie Hebdo* attack, effect of, 697–98
- Danish Cartoon Controversy, effect of, 697–98
- ECHR, applicability of, 686–88, 687n24
- harassment and, 688–91
- offensive imagery or slogans, 696–98
- profane language involving sacred, 691–95
- sexual harassment, 696–98
- written materials, circulation of, 698–700
- Wprost* (Polish magazine), 426
- Xenophobic speech
 overview, 67–69, 76
 in *Charlie Hebdo* cartoons, 55, 58–59
- Defamation of Religion Resolutions and, 67–69
- defining characteristics and, 71–72
- immutability and, 69–71
- religion, linking race to, 69–73
- restrictions on, 55–56, 67–69
- terrorism, linking Islam to, 58–59, 73–75
- Yale University Press, 161–62
- Yasak Tümcüler* (Ergüven), 276–77, 300–1
- YouTube, Muhammad video controversy, 223, 251–52
- Zero tolerance toward blasphemy laws
 overview, 168
 limits of, 173–75
- Zia-ul-Haq, Muhammad, 176, 178, 182, 189
- Zizek, Slavoj, 402