

Cambridge University Press

978-1-107-03957-5 - Religious Offence and Human Rights: The Implications of Defamation of Religions

Lorenz Langer

Frontmatter

[More information](#)

Religious Offence and Human Rights

Should international law be concerned with offence to religions and their followers? Even before the 2005 publication of the Danish Mohammed cartoons, Muslim States have endeavoured to establish some reputational protection for religions on the international level by pushing for recognition of the novel concept of 'defamation of religions'. This study recounts these efforts as well as the opposition they aroused, particularly by proponents of free speech. It also addresses the more fundamental issue of how religion and international law may relate to each other. Historically, enforcing divine commands has been the primary task of legal systems, and it still is in numerous municipal jurisdictions. By analysing religious restrictions of blasphemy and sacrilege as well as international and national norms on free speech and freedom of religion, Lorenz Langer argues that, on the international level at least, religion does not provide a suitable rationale for legal norms.

Lorenz Langer is a lecturer at the University of Zurich, Switzerland, and a Senior Research Fellow at its Centre for Research on Direct Democracy. He is also the managing editor of the Swiss Review of European and International Law.

Cambridge University Press

978-1-107-03957-5 - Religious Offence and Human Rights: The Implications of Defamation of Religions

Lorenz Langer

Frontmatter

[More information](#)

CAMBRIDGE STUDIES IN INTERNATIONAL AND COMPARATIVE LAW

Established in 1946, this series produces high-quality scholarship in the fields of public and private international law and comparative law. Although these are distinct legal sub-disciplines, developments since 1946 confirm their interrelations.

Comparative law is increasingly used as a tool in the making of law at national, regional and international levels. Private international law is now often affected by international conventions, and the issues faced by classical conflicts rules are frequently dealt with by substantive harmonisation of law under international auspices. Mixed international arbitrations, especially those involving state economic activity, raise mixed questions of public and private international law, while in many fields (such as the protection of human rights and democratic standards, investment guarantees and international criminal law) international and national systems interact. National constitutional arrangements relating to 'foreign affairs', and to the implementation of international norms, are a focus of attention.

The series welcomes works of a theoretical or interdisciplinary character, and those focusing on the new approaches to international or comparative law or conflicts of law. Studies of particular institutions or problems are equally welcome, as are translations of the best work published in other languages.

General Editors James Crawford SC FBA *Whewell Professor of International Law,*
 Faculty of Law, University of Cambridge
 John S. Bell FBA *Professor of Law, Faculty of Law, University of*
 Cambridge

A list of books in the series can be found at the end of this volume.

Cambridge University Press

978-1-107-03957-5 - Religious Offence and Human Rights: The Implications of Defamation
of Religions

Lorenz Langer

Frontmatter

[More information](#)

Religious Offence and Human Rights

The Implications of Defamation of Religions

Lorenz Langer



CAMBRIDGE
UNIVERSITY PRESS

Cambridge University Press

978-1-107-03957-5 - Religious Offence and Human Rights: The Implications of Defamation of Religions

Lorenz Langer

Frontmatter

[More information](#)

CAMBRIDGE
UNIVERSITY PRESS

University Printing House, Cambridge CB2 8BS, United Kingdom

Cambridge University Press is part of the University of Cambridge.

It furthers the University's mission by disseminating knowledge in the pursuit of education, learning and research at the highest international levels of excellence.

www.cambridge.org

Information on this title: www.cambridge.org/9781107039575

© Lorenz Langer 2014

This publication is in copyright. Subject to statutory exception and to the provisions of relevant collective licensing agreements, no reproduction of any part may take place without the written permission of Cambridge University Press.

First published 2014

Printed in the United Kingdom by Clays, St Ives plc

A catalogue record for this publication is available from the British Library

Library of Congress Cataloguing in Publication data

Langer, Lorenz, 1975- author.

Religious offence and human rights : the implications of defamation of religions / Lorenz Langer.

pages cm. - (Cambridge studies in international and comparative law)

Based on the author's thesis (doctoral - Rechtswissenschaftlichen Fakultät der Universität Zürich, 2013), under the title: Law, religious offence and human rights : defamation of religions and the rationales of speech regulation.

Includes bibliographical references.

ISBN 978-1-107-03957-5

1. Hate speech. 2. Offences against religion. 3. Freedom of expression.

4. Human rights and international law. I. Title.

K5210.L46 2014

345'.0256-dc23

2013048895

ISBN 978-1-107-03957-5 Hardback

Cambridge University Press has no responsibility for the persistence or accuracy of URLs for external or third-party internet websites referred to in this publication, and does not guarantee that any content on such websites is, or will remain, accurate or appropriate.

Contents

<i>Acknowledgements</i>	page ix
<i>Abbreviations</i>	xii
<i>Table of cases</i>	xix
<i>Table of legislation</i>	xxix
<i>Table of international and regional materials</i>	xxxvii
Introduction	1
I ‘No explanation will suffice – it is an insult’	1
II How does – or should – the law respond to offence?	8
A Offence and the law	11
B Legal relevance of insult to religions?	13
C Overview	15
III Bacon’s idols: a note on observational standpoints	19
IV Terminology	22
Part I	29
1 The Danish cartoons revisited	31
I A brief account of events	34
II Reactions to the controversy	46
2 Legal responses to religious insult	51
I Before and after the cartoons: the ubiquity of religious offence	51
II <i>The Satanic Verses</i>	56
III Proceedings after the cartoons	64
A In national courts	64
1 Denmark	64
2 France	73
3 Canada	77
4 Other jurisdictions	80
5 Muslim countries	82

vi CONTENTS

B	International fora	83
1	European Court of Human Rights	84
2	UN Human Rights Committee	85
3	UN Committee on the Elimination of Racial Discrimination	88
3	The current legal framework	91
I	International instruments	92
A	The Universal Declaration of Human Rights	92
1	Freedom of expression (Art. 19)	92
2	Freedom of religion (Art. 18)	94
3	Non-discrimination and equality (Arts. 2 and 7)	96
B	The International Covenant on Civil and Political Rights	96
1	Freedom of expression and hate speech (Arts. 19 and 20)	97
i	Potential protection for the offender: Art. 19 ICCPR	103
ii	The perspective of the offended: Art. 20	113
2	Freedom of religion (Art. 18 ICCPR)	118
C	The 1981 Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief	125
D	International Convention on the Elimination of All Forms of Racial Discrimination	133
E	Conclusion	141
II	Regional instruments	142
A	Overview	142
B	European Convention on Human Rights	143
1	Causing (religious) offence: Arts. 10 and 17 ECHR	144
2	Combating religious offence: Arts. 9 and 14 ECHR	154
4	Invention of new alternatives? The concept of defamation of religions before and after the cartoons	160
I	Prologue: defamation of religions before the cartoons	165
II	Enter defamation: the first resolution at the Commission	169
III	The cartoons and their aftermath: the apogee of religious defamation	177
IV	Exit defamation?	189

5	Defining defamation	199
I	Defamation as a legal concept	199
II	Conceptual analysis: elements of religious defamation	209
A	Insult to religions	209
B	Freedom of religion	213
C	The relationship with freedom of expression	214
D	Incitement to religious hatred	216
E	Discrimination, racism and Islamophobia	218
F	The adoption of new norms	225
III	Institutional responses	228
IV	Conceptual criticism	239
V	Prospects	249
	Part II	257
6	First principles: norms and norm-rationales	259
7	Norm-rationales for the regulation of speech	272
I	Speech and the law	272
II	Justifications for free speech	274
A	Intrinsic justifications for free speech	276
B	Instrumental justifications for free speech	278
1	The discovery of truth and the marketplace of ideas	278
2	Free speech and the organisation of public life	282
III	Rationales for speech restriction	290
A	Preventing 'harm' to individuals: reputation, honour and offence	294
B	Speech and societal harm	299
IV	Human rights – the official rationale?	310
8	The religious rationale	320
I	Religion, offence and the law	320
II	The inside perspective: religious norms on offence	324
III	Legal enforcement of religious speech norms	334
9	Religion, its defamation and international law	352
I	The persisting relevance of religious law	352
II	Human rights and international law: the issue of interpretation and the balancing fallacy	370
III	Conclusion	377

Cambridge University Press
978-1-107-03957-5 - Religious Offence and Human Rights: The Implications of Defamation
of Religions
Lorenz Langer
Frontmatter
[More information](#)

viii	CONTENTS	
	Annex	381
	I Voting record – Commission on Human Rights and Human Rights Council	381
	II Voting record – General Assembly	382
	<i>Bibliography</i>	383
	<i>Index</i>	409

Cambridge University Press

978-1-107-03957-5 - Religious Offence and Human Rights: The Implications of Defamation of Religions

Lorenz Langer

Frontmatter

[More information](#)

Acknowledgements

This monograph is the revised and considerably shortened version of a doctoral thesis submitted to the University of Zurich. While writing and preparing my thesis for publication, I have benefited from the generosity and help of numerous individuals and institutions. Rather than last but not least, I would like to first and foremost thank my wife Teresa for her unfaltering support, her unrivalled patience and her nonpareil forbearance. The book would not have seen the light of the day without her, and it is therefore dedicated to her, and to our daughter Leanne.

I was very fortunate to have Professor Daniel Thürer as an experienced, wise and patient supervisor who granted me extensive latitude to pursue my research interests. During my time at the Institute of International Law at the University of Zurich, he has been an excellent and inspirational mentor. Most importantly, he has provided a formative influence and a model for a humanist approach to international law that transcends the narrow focus on treaty provisions and court decisions.

At the University of Zurich, I am also indebted to Professor Thomas Gächter, who kindly supported funding applications to the Swiss National Science Foundation and to the University's Research Fund; I am equally grateful for the advice on academic and other matters he is always willing to share. My thanks go to the Swiss National Science Foundation and the Research Fund of the University of Zurich as well: their funding has allowed me to focus on my research in a way that would be impossible in most other settings. Furthermore, I would like to thank Professors Andreas Auer, Oliver Diggelmann and Helen Keller for support and advice. Marianne Pfister of the Institute of International Law has been equally helpful, as have the staff of the University's Law Library, and particularly Maryam Soliman.

Cambridge University Press

978-1-107-03957-5 - Religious Offence and Human Rights: The Implications of Defamation of Religions

Lorenz Langer

Frontmatter

[More information](#)

X ACKNOWLEDGEMENTS

It was a great privilege to spend one and a half years as a Visiting Researcher at the Yale Law School in New Haven. I am grateful to the two sponsors of my stay: Dean Robert Post, who combines academic brilliance with kindness, and who offered important insights into the complexities of free speech, and Professor W. Michael Reisman, who has opened my eyes to the methodological challenges of international law. At the Law School, I am also indebted to Professor James Silk of the Lowenstein International Human Rights Clinic, to Toni Davis and Maria Dino of the Graduate Programme, and to the staff of the Lillian Goldman Law Library and Evelyn Ma in particular. Special thanks go to Student Computing Coordinator Marcin Kloc, who has repeatedly resuscitated my computer and, more importantly, recovered my work from the eternal hunting grounds of lost computer data. Beyond the Law School, I thank Professor Gerhard Böwering of Yale University's Department of Religious Studies, from whose lectures on Islam I have greatly benefited and who provided expert help on Arabic terminology. I am also grateful to Professor of Sociology Philip Gorski and to Rabbi Shua Rosenstein of the Chabad House. In addition, I am indebted to the Staff of Beinecke Library for granting me access to the papers of David Low.

Further back, at least chronologically, go my thanks to Professor Jonathan Riley-Smith, my supervisor during my studies in mediaeval history in Cambridge. His courses and writings on crusading history have taught me to take religious fervour seriously, and not to mistake it for a mere pretext for economic interests, or a purely political tool.

I have also benefited from manifold support from friends, colleagues, and experts. Dr Andreas Th. Müller, equally competent on legal and religious matters, has offered encouragement and numerous helpful comments, and generously sacrificed a considerable amount of time to read the entire manuscript. Michal Merling has read the parts on Jewish and Israeli law and has verified references to judgments in Hebrew. Dr Conor Hanley has also read parts of the book, sharing his expertise on Irish law and the common law more generally. Maryam S. Khan kindly discussed Pakistani constitutional and criminal law. Professor Jytte Klausen gave advice on Danish issues. Dr Christoph Spénlé and Sibylle Obrist from the Swiss Federal Department of Foreign Affairs have shared insights on the discussions over religious defamation at the Human Rights Council. Further support, advice or inspiration has been provided by Professor Abdullahi Ahmed An-Na'im, Dr Or Bassok, Dominique Dagorne, Dr Diane Desierto, Dr Nicolas Diebold, Zahra

Cambridge University Press

978-1-107-03957-5 - Religious Offence and Human Rights: The Implications of Defamation of Religions

Lorenz Langer

Frontmatter

[More information](#)

ACKNOWLEDGEMENTS xi

Ejehi, Dr Lorenza Ferrari, Professor Daniel Girsberger, Professor Andreas Glaser, Dr Florian Grisel, Jayme Herschkopf, Dr Sara Iglesias, Dr Gunnar Nordèn, Dr Silvia Tellenbach and Sadri Saieb from the Swiss Institute of Comparative Law. It goes without saying that although they have all offered valuable assistance and information, they bear no responsibility for the use made of that information. Nor is it their fault if their substantial support has resulted in a less-than-substantial outcome.

It has been a pleasure working with Cambridge University Press, where Finola O'Sullivan has been a very supportive editor. Thomas O'Reilly, Samantha Richter, Elizabeth Spicer and Richard Woodham ensured a smooth production process, and Jeremy Langworthy provided very expeditious and to-the-point copy-editing. I am also indebted to three anonymous readers who have provided helpful comments and criticism, and to Professor James Crawford for including the book in the Cambridge Studies in International and Comparative Law series.

Last, and not least either, I thank my parents, Arlette and Hermann Langer, for manifold, long-lasting and on-going support, encouragement and help.

Legal and political developments have generally been considered up to December 2012, although a few more recent judgments and events have also been taken account of; websites have, unless indicated otherwise, been accessed last on 31 December 2012.

Abbreviations

Abbreviated journal names are not listed in the following table; they are printed in full in the bibliography.

Romanisation of Arabic terms in most cases follows the second edition of the *Encyclopaedia of Islam*, although for terms that are frequently and commonly used in English, an anglicised version is substituted: hence Quran and Quranic rather than *Qurʾān* or *Qurʾānic*; Mohammed rather than *Muḥammad*; Allah rather than *Allāh*; Shia and Shiites as well as Sunni and Sunnis instead of *Shīa*, *Shīʿis*, *Sunnī* and *Sunnīs*; fatwa instead of *fatwā*; and most importantly, Sharia instead of *sharīʿa*.

Since in the *Economist*, the running order of sections is different in each regional edition, its articles are quoted without page numbers.

AAS	<i>Acta Apostolicae Sedis</i>
ACHPR	African Charter on Human and Peoples’ Rights, 27 June 1981, 1520 UNTS 245
ACHR	American Convention on Human Rights, 22 November 1969, 1144 UNTS 144
al.	alinea
AP	Additional Protocol
Aug. civ.	Aurelius Augustinus, <i>De civitate Dei – The City of God against the Pagans</i> , trans. G. E. McCracken and D. Wiesen, Loeb Classical Library, 7 vols. (Cambridge, MA: Harvard University Press, 1957–72)
Aug. conf.	Aurelius Augustinus, <i>Confessiones—Confessions</i> , ed. W. Watts, Loeb Classical Library, 2 vols. (London: Heinemann, 1951)
Aug. ep.	Aurelius Augustinus, <i>Epistulae</i> , 5 vols., ed. A. Goldbacher, Corpus Scriptorum

	Ecclesiasticorum Latinorum (Vienna: F. Tempsky, 1895–1903)
BDoR	Kocku von Stuckrad (ed.), <i>The Brill Dictionary of Religion</i> , 5 vols. (rev. edn, Leiden: Brill, 2006)
BGBL	<i>Bundesgesetzblatt</i> (Austria)
BVerfGE	<i>Entscheidungen des Bundesverfassungsgerichts</i> (Judgments of the Federal Constitutional Court of Germany)
CA	Court of Appeals
can.	Canon Cat. <i>Catechismus Catholicae Ecclesiae</i> (Città del Vaticano: Libreria Editrice Vaticana, 1997)
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CCPR	UN Human Rights Committee
CEDAW	Convention on the Elimination of all Discrimination against Women
CERD	UN Committee on the Elimination of Racial Discrimination
CESCR	UN Committee on Economic, Social and Cultural Rights
CETS	Council of Europe Treaty Series
CFM	OIC Council of Foreign Ministers
CHR	UN Commission on Human Rights
CIC	Deutsche Bischofskonferenz (ed.), <i>Codex iuris canonici</i> (Latin-German) (5th edn, Kevelaer: Butzon and Bercker, 2001)
CIC 1917	Benedict XV, <i>Codex iuris canonici</i> (Rome: Typis Polyglottis Vaticanis, 1917)
Cic. leg.	Marcus Tullius Cicero, <i>De legibus</i> (lateinisch-deutsch), trans. R. Nickel, Sammlung Tusculum (Zurich: Artemis and Winkler, 1994)
Cic. off.	Marcus Tullius Cicero, <i>De officiis</i> , ed. W. Miller, Loeb Classical Library (London: Heinemann, 1961)
Cod. Theod.	Paul Krüger and Theodor Mommsen (eds.), <i>Codex Theodosianus</i> , 3 vols. (Hildesheim: Weidmann, 1990)
CoE	Council of Europe
Cor.	Corinthians
CRC	Convention on the Rights of the Child
CTS	Clive Parry (ed.), <i>The Consolidated Treaty Series</i> , 231 vols. (Dobbs Ferry: Oceana, 1969–1981)

xiv ABBREVIATIONS

dec.	decision
Deut.	Deuteronomy
Dig.	Theodor Mommsen, Paul Krueger and Alan Watson (eds.), <i>The Digest of Justinian, Latin/English</i> , 4 vols. (Philadelphia: University of Pennsylvania Press, 1985)
DKK	Danish krone
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
ECommHR	European Commission on Human Rights
ECOSOC	UN Economic and Social Council
ECtHR	European Court of Human Rights
EI ²	P. J. Bearman <i>et al.</i> (eds.), <i>Encyclopaedia of Islam</i> , 12 vols. (2nd edn, Leiden: Brill, 1960–2006)
Ej ²	Michael Berenbaum and Fred Skolnik (eds.), <i>Encyclopaedia Judaica</i> , 22 vols. (2nd edn, Detroit: Macmillan Reference, 2007)
Eoj ²	Jacob Neusner, Alan J. Avery-Peck and William Scott Green (eds.), <i>The Encyclopaedia of Judaism</i> , 4 vols. (2nd edn, Leiden: Brill, 2005)
EoR ²	Jones, Lindsay (ed.), <i>Encyclopedia of Religion</i> , 15 vols. (2nd edn, Detroit: Macmillan Reference, 2005)
ER	English Reports
EU	European Union
Ex.	Exodus
Firth and Rait	C. H. Firth and Robert S. Rait, <i>Acts and Ordinances of the Interregnum, 1642–1660</i> , 3 vols. (London: HM Stationery Office, 1911)
Frowein- Peukert ³	Jochen Abraham Frowein and Wolfgang Peukert, <i>Europäische Menschenrechtskonvention: EMRK- Kommentar</i> (3rd edn, Kehl am Rhein: Engel, 2009)
FSC	Federal Shariat Court (Pakistan)
Fulcher <i>hist.</i>	Fulcher of Chartres, <i>Historia Hierosolymitana</i> , ed. H. Hagenmeyer (Heidelberg: Carl Winter, 1913)
GA	UN General Assembly
Gen.	Genesis
Georges	Georges, Karl Ernst, <i>Ausführliches lateinisch-deutsches Handwörterbuch</i> , 2 vols. (8th edn, Hannover: Hahn, 1913/1918)

Herod.	Herodotus, <i>The Persian Wars</i> , ed. A. D. Godley, Loeb Classical Library, 3 vols. (London: Heinemann, 1920)
HL Deb.	House of Lords Debates
Hom. <i>Od.</i>	Homer, <i>Odyssey</i> , ed. A. T. Murray, Loeb Classical Library, 2 vols. (London: Heinemann, 1919)
HRC	UN Human Rights Council
HRG	Adalbert Erler, Wolfgang Stammeler and Dieter Werkmüller (eds.), <i>Handwörterbuch zur deutschen Rechtsgeschichte</i> , 5 vols. (Berlin: Schmidt, 1964–98)
HRG ²	Wolfgang Stammeler <i>et al.</i> , <i>Handwörterbuch zur deutschen Rechtsgeschichte HRG</i> (2nd edn, Berlin: E. Schmidt, 2004–)
IACommHR	Inter-American Commission on Human Rights
IACtHR	Inter-American Court of Human Rights
ICCPR	International Covenant on Civil and Political Rights
ICCPR OP I	Optional Protocol to the International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
IESS	William A. Darity (ed.), <i>International Encyclopedia of the Social Sciences</i> , 9 vols. (2nd edn, Detroit: Macmillan Reference, 2008)
<i>Inst.</i>	Paul Krüger and Theodor Mommsen (eds.), <i>Institutiones, Corpus Iuris Civilis</i> 1 (11th edn, Berlin: Weidmann'sche Buchhandlung, 1908)
IS	OIC Islamic Summit
JCP	Juris-classeur périodique
Lev.	Leviticus
LexMA	<i>Lexikon des Mittelalters</i> , 9 vols. (Munich: Artemis, 1977–99)
Liv.	Titus Livius, <i>Ab urbe condita – From the Founding of the City</i> , ed. B. O. Foster, Loeb Classical Library, 14 vols. (London: Heinemann, 1958–67)
LJ	Lord Justice of Appeal
Lk	Luke
LNTS	League of Nations Treaty Series

xvi ABBREVIATIONS

<i>m. Sanh.</i>	<i>Mishna Sanhedrin</i> , in Jacob Neusner, <i>The Mishnah: A New Translation</i> (New Haven: Yale University Press, 1988), 583–608
Matt.	Matthew
Menge-Güthling	Menge, Hermann and Otto Güthling, <i>Griechisch-deutsches und deutsch-griechisches Wörterbuch: Teil 1: griechisch-deutsch</i> (Berlin: Langenscheidt, 1913)
Mk	Mark
MPEPIL	Wolfrum, Rüdiger (ed.) <i>Max Planck Encyclopedia of Public International Law: Online-Edition</i> (Oxford University Press, 2008–12), <www.mpepil.com>
NAM	Non-Aligned Movement
NCE ²	Catholic University of America (ed.), <i>New Catholic Encyclopedia</i> , 15 vols. (2nd edn, Detroit: Gale 2003)
NGO	Non-governmental organisation
NIDB	Sakenfeld, Katharine Doob (ed.), <i>The New Interpreter's Dictionary of the Bible</i> , 5 vols. (Nashville: Abingdon, 2006)
Nov.	Schoell, Rudolf and Wilhelm Kroll (eds.), <i>Novellae, Corpus Iuris Civilis</i> 3 (7th edn, Berlin: Weidmann'sche Buchhandlung, 1895)
OAS	Organisation of American States
OECD	Organisation for Economic Co-operation and Development
OED Online	<i>Oxford English Dictionary Online</i> (Oxford University Press, 2012), <www.oed.com>
OEIW	John L. Esposito (ed.), <i>The Oxford Encyclopedia of the Islamic World</i> , 6 vols. (Oxford University Press, 2009)
OHCHR	Office of the United Nations High Commissioner for Human Rights
OIC	Organisation of the Islamic Conference (prior to June 2011); Organisation of Islamic Co-operation (after June 2011)
OJ	Official Journal
OSCE	Organisation for Security and Co-operation in Europe

Ov. met.	Publius Ovidius Naso, <i>Metamorphoses</i> , trans. F. J. Miller, Loeb Classical Library 42–3, 2 vols. (London: Heinemann, 1928)
PACE	Parliamentary Assembly of the Council of Europe
PBUH	‘Peace Be upon Him’, honorific for the prophet Mohammad
Plat. nom.	Plato, <i>Nomoi</i> , Werke in acht Bänden, griechisch und deutsch (Darmstadt: Wissenschaftliche Buchgesellschaft, 1990)
Plat. pol.	Plato, <i>Politeia</i> , Werke in acht Bänden, griechisch und deutsch (Darmstadt: Wissenschaftliche Buchgesellschaft, 1990)
PLD	All-Pakistan Legal Decisions
PPC	Pakistan Penal Code
PV	<i>Procès-verbaux</i> (verbatim records of meetings)
QB	Queen’s Bench
Qur.	<i>The Qur’an: A New Translation</i> by M. A. S. Abdel Haleem, Oxford World’s Classics (Oxford University Press, 2005)
Rad. Niger, re milit.	Radulphus Niger, <i>De re militari et triplici via peregrinationis ierosolimitane</i> , ed. L. Schmugge (Berlin: De Gruyter, 1977)
RE	Georg Wissowa et al. (eds.), <i>Paulys Realencyclopädie der classischen Altertumswissenschaft</i> , 84 vols. (Stuttgart: J. B. Metzler, 1893–1973)
Sanh.	<i>Sanhedrin</i> , The Babylonian Talmud, ed. Isidore Epstein, 35 vols. (London: Soncino Press, 1978), VII
SC	UN Security Council
Soph. Antig.	Sophocles, <i>Antigone</i> , Loeb Classical Library (London: Heinemann, 1912)
Soph. El.	Sophocles, ‘Electra’, in H. Lloyd-Jones (ed.), <i>Ajax, Electra, Oedipus Tyrannus</i> , Loeb Classical Library (Cambridge MA: Harvard University Press, 1994), 165–321
Soph. Oid. T.	Sophocles, ‘Oedipus Tyrannus’, in H. Lloyd-Jones (ed.), <i>Ajax, Electra, Oedipus Tyrannus</i> , Loeb Classical Library (Cambridge MA: Harvard University Press, 1994), 326–483
SR	Summary Records

xviii ABBREVIATIONS

Sub-Comm.	UN Sub-Commission on Prevention of Discrimination and Protection of Minorities (prior to 1999); UN Sub-Commission on the Promotion and Protection of Human Rights (after 1999)
Suet. <i>Tib.</i>	Gaius Suetonius Tranquillus, ‘Tiberius’, in J. C. Rolfe (ed.), <i>The Lives of the Caesars</i> , Loeb Classical Library (Cambridge, MA: Harvard University Press, 1989), I, 290–401
Tert. <i>virg.</i>	Tertullianus, ‘ <i>De virginibus velandis</i> ’, in V. Bulhart (ed.), <i>Ad martyras, Ad Scapulam, De fuga in persecutione, De monogamia, De virginibus velandis, De pallio</i> , Corpus Scriptorum Ecclesiasticorum Latinorum 76 (Vienna: Tempsky, 1957), 79–103
TGI	Tribune de Grande Instance
Thom. <i>summ. theol.</i>	Thomas Aquinas, <i>Summa theologiæ</i> , Latin text and English translation, introductions, notes, appendices, and glossaries, ed. T. Gilby, 60 vols. (London: Blackfriars, 1964)
Tim.	Timothy
TRE	Horst Robert Balz, Gerhard Krause and Gerhard Müller (eds.), <i>Theologische Realenzyklopädie</i> , 38 vols. (Berlin: de Gruyter, 1977–2004)
UfR	Ugeskrift for Retsvæsen
UN	United Nations
UNHCHR	United Nations High Commissioner for Human Rights
UNOG	United Nations Office at Geneva
UNTS	United Nations Treaty Series
VCLT	Vienna Convention on the Law of Treaties
Verg. <i>Aen.</i>	Publius Vergilius Maro, <i>Aeneis</i> , <i>lateinisch-deutsch</i> , ed. G. Fink (Düsseldorf: Artemis and Winkler, 2005)
Vit. <i>Bon.</i>	Willibaldus Moguntinus, ‘ <i>Vita Bonifatii</i> ’, in W. Levison (ed.), <i>Scriptores rerum Germanorum</i> 57, MGH (Hanover: Hahn, 1905), 1–58
vol., vols.	volume, volumes
WLR	Weekly Law Reports (England and Wales)
ZaöRV	Zeitschrift für ausländisches öffentliches Recht und Völkerrecht

Cambridge University Press

978-1-107-03957-5 - Religious Offence and Human Rights: The Implications of Defamation of Religions

Lorenz Langer

Frontmatter

[More information](#)

Table of cases

A International and regional

African Commission on Human and Peoples' Rights

Constitutional Rights Project, Civil Liberties Organisation and Media Rights Agenda v. Nigeria (ACommHPR), Communication nos. 140/94, 141/94, 145/95 (1999)

European Court of Human Rights and European Commission on Human Rights

Aydin Tatlav v. Turkey, Application no. 50692/99, ECtHR (2 May 2006)

Banković and Others v. Belgium and Others (dec.), Application no.

52207/99, ECtHR, Grand Chamber (12 December 2001)

Belilos v. Switzerland, Application no. 10328/83, ECtHR (29 April 1988), Series A no. 132

Case 'Relating to Certain Aspects of the Laws on the Use of Languages in Education in Belgium' v. Belgium (Merits), Application nos. 1474/62;

1677/62; 1691/62; 1769/63; 1994/63; 2126/64, ECtHR (23 July 1968),

Series A no. 6

Castells v. Espagne, Application no. 11798/85, ECtHR (23 April 1992), Series A no. 236

Chauvy and Others v. France, Application no. 64915/01, ECtHR (29 June 2004), ECHR Reports 2004-VI

Choudhury v. United Kingdom, Application no. 17439/90, ECommHR (5 March 1991)

Church of Scientology and 128 of its members v. Sweden, Application no. 828/78, ECommHR, Plenary (14 July 1980)

Cyprus Case, Application no. 157/56, ECommHR (2 June 1958), 2 Yearbook ECHR, 174

Cambridge University Press

978-1-107-03957-5 - Religious Offence and Human Rights: The Implications of Defamation of Religions

Lorenz Langer

Frontmatter

[More information](#)

XX TABLE OF CASES

- De Wilde, Ooms and Versyp ('Vagrancy') v. Belgium (Merits),
Application nos. 2832/66; 2835/66; 2899/6, ECtHR, Plenary (18 June 1971), Series A no. 12
- Dubowska and Skup v. Poland, Application nos. 33490/96, 34055/96,
ECommHR (18 April 1997)
- Engel and Others v. Netherlands (Merits), Application nos. 5100/71,
5101/71, 5102/71, 5354/72, 5370/72, ECtHR, Plenary (8 June 1976),
Series A no. 22
- Eweida and Others v. United Kingdom, Applications nos. 48420/10,
59842/10, 51671/10, 36516/10, ECtHR (15 January 2013)
- Garaudy v. France (dec.), Application no. 65831/01, ECtHR (24 June
2003), ECHR Reports 2003-IX
- Giniewski v. France, Application no. 64016/00, ECtHR (31 January 2006),
ECHR Reports 2006-I
- Glimmverveen and Hagenbeck v. Netherlands, Application nos. 8348/
78, 8406/78, ECommHR (11 October 1979)
- Gündüz v. Turkey, Application no. 35071/97, ECtHR (4 December 2003),
ECHR Reports 2003-XI
- H. v. Belgium, Application no. 8950/80, ECommHR (16 May 1984)
- H., W., P. and K. v. Austria, Application no. 12774/87, ECommHR
(12 October 1989)
- Handyside v. United Kingdom, Application no. 5493/72, ECtHR, Plenary
(7 December 1976), Series A no. 24
- İ.A. v. Turkey, Application no. 42571/98, ECtHR (13 September 2005),
ECHR Reports 2005-VIII
- Ireland v. United Kingdom, Application no. 5310/71, ECtHR, Plenary
(18 January 1978), Series A no. 25
- Ivanov v. Russia, Application no. 35222/04, ECtHR (20 February 2007)
- Jersild v. Denmark, Application no. 15890/89, ECtHR, Grand Chamber
(23 September 1994), Series A no. 298
- Karataş v. Turkey, Application no. 23168/94, ECtHR, Grand Chamber
(8 July 1999), ECHR Reports 1999-IV
- Kimlya and Others v. Russia, Application nos. 76836/01 and 32782/03,
ECtHR (1 October 2009), ECHR Reports 2009
- Klein v. Slovakia, Application no. 72208/01, ECtHR (31 October 2006)
- KPD v. Germany, Application no. 250/57, ECommHR (20 July 1957)
- Lautsi v. Italy, Application no. 30814/06, ECtHR, Grand Chamber (18
March 2011), ECHR Reports 2011
- Lawless v. Ireland no. 3 (Merits), Application no. 332/57, ECtHR
(1 July 1961), Series A no. 3

Cambridge University Press

978-1-107-03957-5 - Religious Offence and Human Rights: The Implications of Defamation of Religions

Lorenz Langer

Frontmatter

[More information](#)

TABLE OF CASES xxi

- Leela Förderkreis e.V. and Others v. Germany, Application no. 58911/00, ECtHR (6 November 2008)
- Lehideux and Isorni v. France, Application no. 24662/94, ECtHR, Grand Chamber (23 September 1998), Reports of Judgments and Decisions 1998-VII
- Leroy v. France, Application no. 36109/03, ECtHR (2 October 2008)
- Leyla Şahin v. Turkey, Application no. 44774/98, ECtHR, Grand Chamber (10 November 2005), ECHR Reports 2005-XI
- Lingens v. Austria, Application no. 9815/82, ECtHR, Plenary (8 July 1986), Series A no. 103
- Loizidou v. Turkey (preliminary objections), Application no. 15318/89, ECtHR (23 March 1995), Series A no. 310
- Mohammed Ben El Mahi and Others v. Denmark, Application no. 5853/06, ECtHR (11 December 2006)
- Mouvement raëlien suisse v. Switzerland, Application no. 16354/06, ECtHR, Grand Chamber (13 July 2012), ECHR Reports 2012
- Müller and Others v. Switzerland, Application no. 10737/84, ECtHR (24 May 1988), Series A no. 133
- Murphy v. Ireland, Application no. 44179/98, ECtHR (10 July 2003), ECHR Reports 2003-IX
- Norwood v. United Kingdom, Application no. 23131/03, ECtHR (16 November 2004), ECHR Reports 2004-XI
- Orban and Others v. France, Application no. 20985/05, ECtHR (15 January 2009).
- Otto-Preminger-Institut v. Austria, Application no. 13470/87, ECommHR (13 January 1993)
- Otto-Preminger-Institut v. Austria, Application no. 13470/87, ECtHR (20 September 1994), Series A no. 295-A
- Perinçek v. Switzerland, Application no. 27510/08, ECtHR (17 December 2013)
- Refah Partisi (the Welfare Party) and Others v. Turkey, Application nos. 41340/98, 41342/98, 41343/98 and 41344/98, ECtHR (31 July 2001)
- Refah Partisi (the Welfare Party) and Others v. Turkey, Application nos. 41340/98, 41342/98, 41343/98 and 41344/98, ECtHR, Grand Chamber (13 February 2003), ECHR Reports 2003-II
- Saadi v. United Kingdom, Application no. 13229/03, ECtHR, Grand Chamber (29 January 2008), ECHR 2008
- Schimanek v. Austria, Application no. 32307/96, ECtHR (1 February 2000)
- Seurot v. France, Application no. 57383/00, ECtHR (18 May 2004)

Cambridge University Press

978-1-107-03957-5 - Religious Offence and Human Rights: The Implications of Defamation of Religions

Lorenz Langer

Frontmatter

[More information](#)

xxii TABLE OF CASES

Sürek and Özdemir v. Turkey, Application nos. 23927/94 and 24277/94, ECtHR, Grand Chamber (8 July 1999)

Thorgeirson v. Iceland, 13778/88, ECtHR (25 June 1992), Series A no. 239

Ukrainian Media Group v. Ukraine, Application no. 72713/01, ECtHR (29 March 2005)

Vejdeland and Others v. Sweden, Application no. 1813/07, ECtHR (9 February 2012)

Vereinigung Bildender Künstler v. Austria, Application no. 68354/01, ECtHR (25 January 2007)

Wingrove v. United Kingdom, Application no. 17419/90, ECtHR (25 November 1996), Reports of Judgments and Decisions 1996-V

Wirtschafts-Trend Zeitschriften-Verlags GmbH v. Austria, Application no. 58547/00, ECtHR (27 October 2005)

Witzsch v. Germany, Application no. 7485/03, ECtHR (13 December 2005)

X v. Germany, Application no. 92/35/81, ECommHR (16 July 1982)

X Ltd and Y v. United Kingdom, Application no. 8710/79, ECommHR, Plenary (7 May 1982)

Zana v. Turkey, Application no. 18954/91, ECtHR, Grand Chamber (25 November 1997), Reports of Judgments and Decisions 1997-VII

Inter-American Court of Human Rights and Inter-American Commission on Human Rights

Case of ‘The Last Temptation of Christ’ (Olmedo-Bustos and Others) v. Chile (Inter-American Court of Human Rights), Series C no. 73 (5 February 2001)

Compulsory Membership in an Association Prescribed by Law for the Practice of Journalism (IACtHR), Advisory Opinion OC-5/85, IACHR Series A no. 5 (13 November 1985)

Verbitsky v. Argentina, Case no. 11.012, Report no. 22/94, 3 HRR 52 (IACommHR, 20 September 1994)

UN Committee on the Elimination of Racial Discrimination

Saada Mohamad Adan v. Denmark, Communication no. 43/2008, UN Doc. CERD/C/77/D/43/2008 (13 August 2010)

A.W.R.A.P. v. Denmark, Communication no. 37/2006, UN Doc. CERD/C/71/D/37/2006 (8 August 2007)

Kamal Quereshi v. Denmark, Communication no. 33/2003, UN Doc. CERD/C/66/D/33/2003 (9 March 2005)

Cambridge University Press

978-1-107-03957-5 - Religious Offence and Human Rights: The Implications of Defamation of Religions

Lorenz Langer

Frontmatter

[More information](#)

TABLE OF CASES xxiii

P.S.N. v. Denmark, Communication no. 36/2006, UN Doc. CERD/C/71/D/36/2006 (8 August 2007)

UN Human Rights Committee

Adrakhim Usaev v. Russian Federation, Communication no. 1577/2007, UN Doc. CCPR/C/99/D/1577/2007 (19 July 2010)

Aster v. Czech Republic, Communication no. 1575/2007, UN Doc. CCPR/C/95/D/1575/2007 (27 March 2009)

Blaga v. Romania, Communication no. 1158/2003, UN Doc. CCPR/C/86/D/1158/2003 (30 March 2006)

Brandsma v. Netherlands, Communication no. 911/2001, UN Doc. CCPR/C/80/D/977/2001 (1 April 2004)

Cridge v. Canada, Communication no. 1529/2006, UN Doc. CCPR/C/95/D/1529/2006 (27 March 2009)

Eduardo Mariategui and Others v. Argentina, Communication no. 1371/2005, UN Doc. CCPR/C/84/D/1371/2005 (16 August 2005)

Fatima Andersen v. Denmark, Communication no. 1868/2009, UN Doc. CCPR/C/99/D/1868/2009 (4 September 2010)

Faurisson v. France, Communication no. 550/1993, UN Doc. CCPR/C/58/D/550/1993 (8 November 1996)

Frantisek Brychta v. Czech Republic, Communication no. 1618/2007, UN Doc. CCPR/C/97/D/1618/2007 (27 October 2009)

Hertzberg and Others v. Finland, Communication no. 61/1979, UN Doc. CCPR/C/15/D/61/1979 (2 April 1982)

J. R. T. and the W. G. Party v. Canada, Communication no. 104/1981, UN Doc. CCPR/C/18/D/104/1981 (6 April 1983)

Kasem Said Ahmad and Asmaa Abdol-Hamid v. Denmark, Communication no. 1487/2006, UN Doc. CCPR/C/92/D/1487/2006 (18 April 2008)

Kungurov v. Uzbekistan, Communication no. 1478/2006, UN Doc. CCPR/C/102/D/1478/2006 (20 July 2011)

Länsman and Others v. Finland, Communication no. 511/1992, UN Doc. CCPR/C/52/D/511/1992 (26 October 1994)

M. A. v. Italy, Communication no. 117/1981, UN Doc. A/39/40, at 190 (21 September 1981)

Maria Vassilari and Others v. Greece, Communication no. 1570/2007, UN Doc. CCPR/C/95/D/1570/2007 (19 March 2007)

Mohamed El-Hichou v. Denmark, Communication no. 1554/2007, UN Doc. CCPR/C/99/D/1554/2007 (22 July 2010)

Cambridge University Press

978-1-107-03957-5 - Religious Offence and Human Rights: The Implications of Defamation of Religions

Lorenz Langer

Frontmatter

[More information](#)

xxiv TABLE OF CASES

- Nahlik v. Austria, Communication no. 608/1995, UN Doc. CCPR/C/57/D/608/1995 (22 July 1996)
- Omar Sharif Baban v. Australia, Communication no. 926/2000, UN Doc. CCPR/C/80/D/926/2000 (6 August 2003)
- Ross v. Canada, Communication no. 736/1997, UN Doc. CCPR/C/70/D/736/1997 (26 October 2000)
- Sechremelis and Others v. Greece, Communication no. 1507/2006/Rev.1, UN Doc. CCPR/C/100/D/1507/2006/Rev.1 (25 October 2010)
- Sing v. France, Communication no. 1876/2009, UN Doc. CCPR/C/102/D/1876/2009 (22 July 2011)
- Zündel v. Canada, Communication no. 953/2000, UN Doc. CCPR/C/78/D/953/2000 (29 July 2003)

B National

Canada

- Little Sisters Book and Art Emporium v. Canada (Minister of Justice) (Supreme Court of Canada), [2000] 2 SCR 1120 (15 December 2000)
- R v. Big M Drug Mart Ltd (Supreme Court of Canada), [1985] 1 SCR 295 (24 April 1985)
- R v. Butler (Supreme Court of Canada), [1992] 1 SCR 452 (27 February 1992)
- Switzman v. Elbing and AG of Quebec (Supreme Court of Canada), [1957] SCR 285 (8 March 1957)
- Warman v. Lemire (Canadian Human Rights Tribunal), 2009 CHRT 26 (2 September 2009)

Denmark

- Carsten Juste and Flemmig Rose v. Michael Christiani Havemann (Københavns Byret (District Court Copenhagen)), BS 41B 2591/2006 (13 September 2007)
- Carsten Juste and Flemmig Rose v. Michael Christiani Havemann (Østre Landsret (Eastern High Court)), BI 96800J – KUH (3 October 2008)
- Det Islamiske Trossamfund i Danmark v. Jyllandsposten (1) (Retten i Århus (Court of First Instance)) (26 October 2006)
- Det Islamiske Trossamfund i Danmark v. Jyllandsposten (2) (Vestre Landsret (High Court)), U.2008.2302.V, UfR Online (19 June 2008)

Cambridge University Press

978-1-107-03957-5 - Religious Offence and Human Rights: The Implications of Defamation of Religions

Lorenz Langer

Frontmatter

[More information](#)

Rigsadvokaten (Director of Public Prosecutions), J. Nr. RA-2006-41-0151
(15 March 2006)

France

GIP (Marithé François Girbaud) v. Croyance et libertés (Cour de cassation, 1re civ.), Arrêt no. 05-15.822 (14 November 2006), Recueil Dalloz 2007, p. 2072

Loi visant à réprimer la contestation de l'existence des génocides reconnus par la loi (Conseil Constitutionnel), Décision no. 2012-647 DC (28 February 2012)

Philippe Val and Editions Rotative v. Union des organisations Islamiques de France (Cour d'appel, Paris, 11ème ch. sect. A), Dossier no. 07/02873 (12 March 2008)

Société des Habous and Others v. Ph. Val et Société Editions Rotative (TGI Paris, 17e ch. corr.), Juris-Data no. 2007-327959 (22 March 2007), JCP G II 100079, 81 La Semaine Juridique – Edition générale 27–31

Germany

Lüth (Bundesverfassungsgericht), BVerfGE 7, 198 (15 January 1958)
Schmid/Spiegel (Bundesverfassungsgericht), BVerfGE 12, 113 (25 January 1961)

'Soldaten sind Mörder' (Bundesverfassungsgericht), BVerfGE 93, 266 (10 October 1995)

Strauß-Karikatur (Bundesverfassungsgericht), BVerfGE 75, 369 (3 Juni 1987)

Urteil gegen Dr. K. (Landgericht Köln), 151 Ns 169/11 (7 May 2012)

Israel

Criminal Appeal 697/98 Tatiana Sozkin v. State of Israel (Supreme Court of Israel), Takdeen Elyon 98 (2), 5758/59-1998, p. 1 (1998)

Pakistan

Abu-Dawood Muhammad Sadiq v. Government of Pakistan (Federal Shariat Court), PLD 1982 FSC 36 (1983)

Abu Dawood Muhammad Sadiq v. Registration Officer, PLD 1986 SC 564 (16 April 1984)

Ansar Burney v. Federation of Pakistan, PLD 1983 FSC 73 (10 August 1982)

Muhammad Ismail Qureshi v. Islamic Republic of Pakistan, PLD 1991 FSC 10 (30 October 1990)

Ramzan Qureshi v. Federal Government, PLD 1986 FSC 200 (1986)

Cambridge University Press

978-1-107-03957-5 - Religious Offence and Human Rights: The Implications of Defamation of Religions

Lorenz Langer

Frontmatter

[More information](#)

xxvi TABLE OF CASES

Muhammad Riaz v. Federal Government (Federal Shariat Court), PLD 1980 FSC 1 (23 September 1980)

South Africa

Mohamed and Another v. Jassiem (Supreme Court of South Africa (Appellate Division)), SA 673 (SCA) (26 September 1996)

Switzerland

A v. Römisch-katholische Kirchgemeinde B. sowie Römisch-katholische Landeskirche des Kantons Luzern (Federal Supreme Court), BGE 129 I 68 (18 December 2002)

X v. Römisch-katholische Landeskirche des Kantons Luzern (Federal Supreme Court), 2C_406/2011 (9 July 2012)

United Kingdom

Case de Libellis Famosis, or of Scandalous Libels (Star Chamber), 77 ER 250 (1609)

R (on the application of Stephen Green) v. City of Westminster Magistrates' Court and Others (High Court (Queen's Bench Division, Administrative Court)), [2007] EWHC 2785 (Admin) (5 December 2007)

R v. Chief Metropolitan Stipendiary Magistrate, ex p. Choudhury (Queen's Bench Division), [1991] 1 QB 429 (9 April 1990)

R v. Secretary of State for the Home Department, ex p. Simms (House of Lords), [2000] 2 AC 115, HL (8 July 1999)

Reynolds v. Times Newspapers Ltd and Others (House of Lords), [2001] 2 AC 127 (28 October 1999)

Whitehouse v. Lemon (House of Lords), [1979] 2 WLR 281 (21 February 1979)

United States

Abrams and Others v. United States, 250 US 616 (10 November 1919)

American Booksellers Association v. Hudnut (7th Circuit) 771 F 2d 323 (27 August 1985)

Associated Press and Others v. United States, 326 US 1 (18 June 1945)

Beauharnais v. Illinois, 343 US 250 (28 April 1952)

Bose Corp. v. Consumers Union of United States, Inc., 466 US 485 (30 April 1984)

Boy Scouts of America and Others v. Dale, 530 US 640 (28 June 2000)

Brandenburg v. Ohio, 395 US 444 (9 June 1969)

Cambridge University Press

978-1-107-03957-5 - Religious Offence and Human Rights: The Implications of Defamation of Religions

Lorenz Langer

Frontmatter

[More information](#)

TABLE OF CASES xxvii

- Brown and Others v. Entertainment Merchants Association and Others, Slip Opinion no. 08–1448 (27 June 2011)
- Cantwell and Others v. Connecticut, 310 US 296 (20 May 1940)
- Chaplinsky v. New Hampshire (Supreme Court), 315 US 568 (9 March 1942)
- Cohen v. California, 403 US 15 (7 June 1970)
- Consolidated Edison Company of New York, Inc. v. Public Service Commission of New York 447 US 530 (20 June 1980)
- Dennis and Others v. United States, 341 US 494 (4 June 1951)
- Federal Communications Commission v. Pacifica Foundation and Others, 438 US 726 (3 July 1978)
- Feiner v. New York, 340 US 315 (15 January 1951)
- Gertz v. Robert Walch, Inc., 418 US 323 (25 June 1974)
- Griswold v. Connecticut, 381 US 479 (7 June 1965)
- Hollingsworth and Others v. Perry, Slip Opinion no. 12–144 (26 June 2013)
- Hustler Magazine, Inc. and Others v. Falwell, 485 US 46 (24 February 1988)
- Jacobellis v. Ohio, 378 US 184 (22 June 1964)
- Joseph Burstyn, Inc. v. Wilson, Commissioner of Education of New York and Others, 343 US 495 (26 May 1952)
- Kennedy, Attorney General, v. Mendoza-Martinez 372 US 144 (18 February 1963)
- Lamont, dba Basic Pamphlets v. Postmaster General, 381 US 301 (24 May 1965)
- Miller v. California, 413 US 15 (21 June 1973)
- National Endowment for the Arts and Others v. Finley and Others, 524 US 569 (25 June 1998)
- New York v. Ferber, 458 US 747 (2 July 1982)
- New York Times Co. v. Sullivan, 376 US 254 (9 March 1964)
- New York Times Co. v. United States, 403 US 713 (30 June 1971)
- Palko v. Connecticut, 302 US 319 (6 December 1937)
- Perry v. Brown, 671 F 3d 1052 (3rd Cir. 2012) (7 February 2012)
- Perry and Others v. Schwarzenegger, 704 F Supp 2d 921 (N.D. California 2010) (4 August 2010)
- Police Department of the City of Chicago and Others v. Mosley, 408 US 92 (26 June 1972)
- R.A.V. v. City of St Paul, 505 US 377 (22 June 1992)
- Rosenblatt v. Baer, 383 US 75 (21 February 1966)
- Roth v. United States, 354 US 476 (24 June 1957)

xxviii TABLE OF CASES

Smith, President of the village of Skokie, Ill. and Others v. Collin and Others (cert. denied), 439 US 916 (16 October 1978)
 Snyder v. Phelps and Others, US Slip Opinion 09–751 (2 March 2011)
 State of Missouri v. Holland, United States Game Warden, 252 US 416 (19 April 1920)
 Terminiello v. Chicago, 337 US 1 (16 May 1949)
 United States v. Associated Press, 52 F Supp 362 (S.D.N.Y., 1943) (6 October 1943)
 United States v. Stevens, Slip Opinion no. 08–769 (20 April 2010).
 United States v. Williams, 553 US 285 (19 May 2008)
 United States v. Windsor and Others, Slip Opinon no. 12–307 (26 June 2013)
 Virginia v. Black and Others, 538 US 343 (7 April 2003)
 Whitney v. California, 274 US 357 (16 May 1927)

Table of legislation

A International instruments

1774	Treaty of Küçük Kaynarca, 21 July 1774, 45 CTS 368
1815	Holy Alliance between Austria, Prussia and Russia, 26 September 1815, 65 CTS 199
1885	General Act of the Conference of Berlin concerning the Congo, 26 February 1885, 3 AJIL Suppl. 1909
1890	General Act of the Brussels Conference Relating to the African Slave Trade, 2 July 1890, 173 CTS 293
1910	Agreement for the Repression of Obscene Publications, 4 May 1910, 11 LNTS 438
1923	International Convention for the Suppression of the Circulation of and Traffic in Obscene Publications, 12 September 1923, 27 LNTS 213
1945	Charter of the United Nations, 26 June 1945
1947	Protocol to Amend the Convention for the Suppression of the Circulation of and Traffic in Obscene Publications, 12 November 1947, 46 UNTS 169
1948	Universal Declaration of Human Rights, 10 December 1948, UN GA Res. 217 A (III)
1949	Protocol amending the Agreement for the Suppression of the Circulation of Obscene Publications signed at Paris, on 4 May 1910, 4 May 1949, 30 UNTS 3 Draft Convention on the International Transmission of News and the Right of Correction, 13 May 1949, UN Doc. A/Res/ 277(III) (Annex)
1950	European Convention for the Protection of Human Rights and Fundamental Freedoms, 4 November 1950, CETS 5

xxx TABLE OF LEGISLATION

1953	Convention on the International Right of Correction, 31 March 1953, 435 UNTS 191
1965	International Convention on the Elimination of All Forms of Racial Discrimination, 21 December 1965, 660 UNTS 212
1966	International Covenant on Civil and Political Rights, 16 December 1966, 999 UNTS 172
	International Covenant on Economic, Social and Cultural Rights, 16 December 1966, 999 UNTS 4
	Optional Protocol to the International Covenant on Civil and Political Rights, 16 December 1966, 999 UNTS 302
1969	Vienna Convention on the Law of Treaties, 23 May 1969, 1155 UNTS 332
	American Convention on Human Rights, 22 November 1969, 1144 UNTS 144
1972	Charter of the Organisation of the Islamic Conference, 4 March 1972, 914 UNTS 103
1973	International Convention on the Suppression and Punishment of the Crime of Apartheid, 30 November 1973, 1015 UNTS 243
1979	Convention on the Elimination of all Discrimination against Women, 18 December 1979, 1249 UNTS 13
1981	African Charter on Human and Peoples' Rights, 27 June 1981, 1520 UNTS 245
1984	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 10 December 1984, 1465 UNTS 113
1987	Draft Statute of the International Islamic Court of Justice, 29 January 1987, OIC Doc. ICJ/2-86/D.7 (final)
1989	Convention on the Rights of the Child, 20 November 1989, 1577 UNTS 44
	Second Optional Protocol to the International Covenant on Civil and Political Rights, Aiming at the Abolition of the Death Penalty, 15 December 1989, 1642 UNTS 414
1990	Cairo Declaration on Human Rights in Islam, 5 August 1990, Annex to OIC Res. no. 49/19-P
	International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 18 December 1990, 2220 UNTS 93
1994	Arab Charter on Human Rights, 15 September 1994, Council of the League of Arab States (102nd sess.), Res. 5437