

Paul Cliteur

# Theoterrorism v. Freedom of Speech

From Incident to Precedent

Theoterrorism v. Freedom of Speech

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## Theoterrorism v. Freedom of Speech

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Paul Cliteur

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## Introduction

The world of Islam finds itself in a geo-civil war extended to the West. In this context violence is carried out in the name of God. Western opinion leaders fail to understand what is going on. Paul Cliteur is an exception. In this most valuable book he labels this phenomenon "theoterrorism". The term not only refers to physical terror equally against non-Muslims and enlightened Muslims, it is also an assault on two of the most valuable accomplishments of Western civilization: secularity/laïcité and freedom of expression. True, terror exists in all religions, but Islamic theoterrorism is directed particularly against secular cultural modernity.

Cliteur's book informs us about one of the most lethal weapons of Islamic theoterrorism: the accusation of Islamophobia. In a breathtaking tour that stretches from the Rudi Carrell case to the Rushdie affair, Paul Cliteur illuminates us about the way "modern hostage taking" takes place; it is not restricted to physical capture of a person. In my dialogue with Cliteur on this book I proposed to go further and view the accusation of Islamophobia figuratively as an instrument of hostage taking. Islamist and Muslim leaders coerce Western societies and they have been successful in imposing their will. As a Muslim who admires Western values I myself witness and deplore the Western response to this kind of Islamic theoterrorism: submission and cowardliness. Theoterrorism is far more than the extremism of violence.

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## **Preface**

The attacks of September 11th, 2001 were, according to the people who perpetrated these attacks, motivated by their religion or their ideology. The later President Obama (*b.* 1961), for one, did not believe them. In his speech in Cairo on 4 June 2009, he called those people "violent extremists". Hillary Clinton (*b.* 1947) repeated that stance in 2014. During her time as Secretary of State, Clinton said she had done everything to combat "violent extremism".

This position was in 2014 perhaps more difficult to maintain than in 2009. There were so many self-proclaimed religious groups around claiming to commit their acts in the name of religion. But Clinton remained defiant. The former First Lady also refused calling a spade a spade in one particular case: "Whether you call them ISIS or ISIL, I refuse to call them the Islamic State, because they are neither Islamic [n]or a state", Clinton said.

The tradition that denies that any relationship between religion and violence can exist, is firmly established nowadays. Is it because religious violence occurred so long ago in the Western world? Have we simply forgotten the religious wars of previous times? "Military fervor on behalf of faith has disappeared. Its only souvenirs are the marble effigies of crusading knights, reposing in the silent crypts of churches on their tombs", John William Draper (1811-1882) writes in his *History of the Conflict between Religion and Science* (1874).<sup>3</sup> Writing on the pernicious influence that religion had exerted on scientific progress, Draper thought this belonged to the past. He would have looked with surprise at some recent book titles: *God's Century: Resurgent Religion and Global Politics* (2011), <sup>4</sup> Is Religion Killing Us? Violence in the Bible and the Koran (2003), <sup>5</sup> Terror in the Mind of God: The Global Rise of Religious Violence (2003), <sup>6</sup> Making War in the Name of God (2007), <sup>7</sup> and God is

- 1 www.nytimes.com/2009/06/04/us/politics/040bama.text.html
- 2 https://edition.cnn.com/2014/10/06/politics/hillary-clinton-isis/
- $_3$  Draper, John William,  $\it History$  of the Conflict between Religion and Science, D. Appleton and Company, New York 1897 (1874), p. v.
- 4 Toft, Monica, Philpott, Daniel, Shah, Timothy Samuel, *God's Century: Resurgent Religion and Global Politics*, W.W. Norton's Company, New York/London 2011.
- 5 Nelson-Pallmeyer, Jack, *Is Religion Killing Us? Violence in the Bible and the Quran,* Trinity Press International, Harrisburg 2003.
- 6 Juergensmeyer, Mark, Terror in the Mind of God: The Global Rise of Religious Violence, Third Edition, Revised and Updated, University of California Press, Berkeley/Los Angeles/London 2003.
- 7 Catherwood, Christopher, *Making War in the Name of God*, Citadel Press, Kensington Publishing Corp., New York 2007.

not Great: How Religion Poisons Everything (2007).<sup>8</sup> That in the twenty-first century the "crusading knights", or the memory thereof, were a matter of great controversy would have astonished him.<sup>9</sup>

This book is dedicated to the relationship between one of the core principles of liberal democracy, viz. freedom of speech, and one specific form of terrorist violence, viz. violence exerted by Islamist terrorism.

Part of the definition of terrorism (not only Islamist terrorism but terrorism in general) is that it has a goal. In this book, I will focus on the terrorist goal to destroy one of the core principles of liberal democratic societies: the freedom of speech.

The politico-religious ideology (I will focus on *ideology* and not on *religion*) analyzed in this book is referred to by several different names. Fundamentalism, extremism, radicalism – and these are only a few of the epithets that are used in the scholarly literature and political discourse on the subject. The most popular label is "extremism". Although this term is current, I am reluctant to use it because it is too vague to be useful (there are many kinds of extremist behavior, after all). I choose "terrorism" instead because the term is used in legislation and scholarly literature. But even "terrorism" has many forms. Here I focus on *religious* terrorism, or what I call "theoterrorism". Theoterrorism is the type of terrorism that legitimizes violence by referring to the commands of "God". The theoterrorist believes and claims that the violence he exerts on the nation-state, its citizens, and its government is done "in the name of God".

Arguably, the theoterrorist *is wrong* in thinking he is a divinely appointed angel of vengeance, but I do not enter a discussion with theoterrorists, religious believers, or anyone else on whether the terrorist *is right* in his convictions, whether he rightly acts in the name of God. This would require an excursion into the philosophy of religion and theology that is beyond the scope of this book. I do not approach religion from a believer's perspective, and I will not, accordingly, criticize the religious terrorist for what he thinks about his religion. My approach to religion is mainly that of a social scientist who simply analyzes what other people think. In this case, what the religious terrorist thinks. What I do, is *trying to understand* how his worldview is constructed.

<sup>8</sup> Hitchens, Christopher, God is not Great: How Religion Poisons Everything, Twelve, New York/Boston 2007.

<sup>9</sup> Bin Laden, Osama, "Declaration of Jihad against Jews and Crusaders", in: Marvin Perry and Howard Negrin, eds., *The Theory and Practice of Islamic Terrorism: An Anthology,* Palgrave MacMillan, New York 2008, pp. 41-49.

<sup>10</sup> Juergensmeyer, Terror in the Mind of God.

Many people are reluctant to engage in this kind of research. They are concerned with something quite different, for instance protecting religious minorities from discrimination and the "stereotyping of their religion". Or they have the ambition to explain why the essence or the "true nature" of Judaism, Christianity, or Islam is averse to violence. With all due respect, this type of discourse is mainly moralistic or apologetic and not scholarly, because it starts from certain premises about what reality should look like, not what it's really like. It affects our critical judgment.

A reflection on the nature of theoterrorism is important, although there are many people who feel strongly that "their religion" cannot have anything to do with violence. In the Netherlands, there is the Remonstrant Church. A liberal type of church, it totals about 5,000 members and friends, divided over more than 40 congregations. Remonstrants were the first church in the world to open marriage for same-sex couples in 1986. They also ordain women as ministers. They advertise their church with slogans such as: "My God believes in me", "My God does not hate homosexuals". For a proper understanding of this book, it is important to understand that this kind of orientation on God and religion is *not* the focus of this book. Remonstrants project positive and sympathetic views onto their God, as is their right as believers, but from a scholarly point of view this approach is dangerously misleading. As Terri Murray makes clear in Thinking Straight about Being *Gay* (2015) this is not the mainstream way of thinking about homosexuality within the Christian tradition.<sup>11</sup> What I try to understand is how religion works in this world, not how I wish it would work.

I fear that these well-meaning people (Remonstrants), for all their good intentions, are also mistaken from another point of view. The greatest contribution you can make to the peaceful coexistence of people of good will is to make a *fair assessment* of the role radical religion plays in contemporary terrorism, and not to suppress people who dare to address this issue. This requires an open and honest analysis of the material before us. It is uninhibited scholarly discussion and scientific research that are primary to my project. If you turn fact-based analyses into a taboo, the discussion will go underground (as happens in contemporary societies). Discrimination, the making of scapegoats, the development of *Feindbilder* – these things proliferate in a society that fails to openly address such issues. It is for this reason that I do not shy away from the use of terms like "religious terrorism"

<sup>11</sup> Murray, T.M., Thinking Straight about Being Gay: Why It Matters if We're Born that Way, AuthorHouse, Bloomington 2015.

or "theoterrorism", and I defy those who think these terms cannot be used because they "discriminate" against "theos" (god) or "religion".

The term "theoterrorism" (and not the more general term "religious terrorism") is used because I focus on the "theistic god", that is the god of Judaism, Christianity, and Islam. These are "the religions of the Book", but also the religions of "God" (with a capital "g"). $^{12}$ 

Now, let me also try to say something about the second part of the title: Freedom of Speech. I do not proclaim freedom of speech to be "absolute". Freedom of speech or the freedom of expression is not unlimited, not even in the most tolerant countries. But in general, we may say that the right to read, criticize, satirize, ridicule, and mock even the most sacred symbols and icons of faith has become commonplace since the secularization process of the eighteenth and nineteenth centuries. Especially freethinkers, agnostics, and atheists (references to their names will be found profusely in the endnotes to this book), but also liberal religious believers have struggled for that right. After the Second World War, it was enshrined in many nation-states' constitutions and in treaty law.

This right is no longer uncontested.<sup>15</sup> There are two tendencies to be discerned in the most recent developments. On the one hand, we see the religious terrorists ("theoterrorists") trying to intimidate, threaten, and even kill authors, artists, and cartoonists like Salman Rushdie or Kurt Westergaard (or their publishers and translators). On the other hand, we see an embattled and confused political and intellectual elite that is not quite sure how to deal with this new situation.

In the late summer of 2012, the world was in turmoil over a new wave of violent protests against a film on the life of Mohammed posted on YouTube by an American citizen of Egyptian descent. The American ambassador to Libya Chris Stevens (1960-2012) was killed allegedly partly in response to this satirical movie. This situation reminded us of the days when the

 $_{\rm 12}$  Grayling, A.C., The God Argument: The Case against Religion and for Humanism, Bloomsbury, London 2013, p. 69.

<sup>13</sup> Nor is unlimited free speech defended by the most tolerance-loving authors, like: Hume, Mick, *Trigger Warning: Is the Fear of being offensive killing Free Speech?*, Willam Collins, London 2015 or Mill, John Stuart, *On Liberty*, 1859, With *The Subjection of Women* and *Chapters on Socialism*, Edited by Stefan Collini, Cambridge University Press, Cambridge 1989.

<sup>14</sup> See: Renan, Ernest, *L'Avenir de la science*, Présentation, chronologie, bibliographie par Annie Petit, GF-Flammarion, Paris 1995 (1890), p. 105.

<sup>15</sup> See e.g. Hume, *Trigger Warning*; Valkenberg, Sebastien, *Op denkles: hoe wapenen we ons tegen "Iedereen heeft zijn eigen waarheid" en andere modieuze denkbeelden*, Ambo/Anthos, Amsterdam 2015; Boudry, Maarten, *Illusies voor gevorderden: of waarom waarheid altijd beter is*, Polis, Antwerpen 2015.

British government struggled with a fatwa against British author Salman Rushdie, issued by the Islamist cleric Ayatollah Khomeini, and of the days when the Danish government had to deal with violent protests over twelve cartoons published in a Danish newspaper in 2005. Finally, in 2012, the US government was confronted with delicate policy questions on how to deal with fanatics inspired by a totally different worldview than that expressed in the American constitution. After the British, French, Danish, and Dutch authorities, the US authorities now faced the same perplexing quandaries regarding the defense of civil liberties.

What to do? Should we try to appease the aggressors by invoking "respect" and "dialogue" towards each other's convictions? But what if the other party demands no less than the reintroduction of blasphemy laws and the silencing of all criticism of religion? And this not only in Afghanistan or Saudi Arabia but also in democracies like the Netherlands, the United States, France, and Great Britain. Are these negotiable options? Can we make accommodations by relinquishing our most sacred principles? Or would this send the wrong message to the theoterrorists, who will then only up the ante and demand not only a ban on cartoons, works of art, plays, and novels but also censoring historical treatises?

And how to deal with Western citizens, intellectuals, artists, and newspaper editors who simply do not want to comply with the new rules of self-censorship? What if a Koran-burning pastor invokes the First Amendment? If a novelist does not want to accommodate the demands of the pious radicals? If a publishing house is reluctant to give in to threats and continues to publish a controversial book? If the editors of *Charlie Hebdo* continue to publish cartoons on the Prophet Mohammed, even though on 7 January 2015 so many of their colleagues were brutally murdered?<sup>16</sup> What if newspapers do not exercise self-censorship and publish cartoons the way they have always done?

These important policy questions have loomed over us at least since the *Rushdie Affair* (1989) and the *Cartoon Affair* (2005), but now they have become more manifest; have become universal, so to speak. And they have reached the United States in the "Terry Jones Affair" (the above-mentioned Koran-burning pastor) and the "Nakoula Affair" (the *Innocence of Muslims* film fragment), and France in the assault on the editorial offices of *Charlie Hebdo.*<sup>17</sup>

<sup>16</sup> See on this: Val, Philippe, Malaise dans l'inculture, Bernard Grasset, Paris, 2015; Fourest, Caroline, Éloge du blasphème, Bernard Grasset, Paris 2015; Bougrab, Jeanette, Maudites, Albin Michel, Paris 2015.

<sup>17</sup> Attali, Jacques et al., Nous sommes Charlie: 60 Écrivains unis pour la liberté d'expression, Les Livre de Poche, Paris 2015.

Since the riots in the Middle East and the killing of the American ambassador in Benghazi (Libya) in September 2012, reportedly caused, as said, by the publication of the trailer of the satirical film *Innocence* of Muslims, sparking what I have called "the Nakoula Affair", the situation has changed. Now the United States has its own "cartoon crisis" (or rather "movie crisis" or "YouTube crisis", or whatever you want to call it). Former Egyptian President Morsi (b. 1951) of the Muslim Brotherhood strongly condemned the "provocations" in the film and urged President Obama to "put an end to such behavior". 18 But is what an Islamist means by "putting an end to such behavior" not basically the abolition of the First Amendment? And can an American President do that? Western governments do their utmost to interpret these demands in terms of "respect" and "tolerance". Public intellectuals say, "the world doesn't love the First Amendment", implying that we had better stop believing in the universality of human rights. 19 "Americans need to learn that the rest of the world – and not just Muslims – see no sense in the First Amendment", they say. 20 But why stop at the First Amendment? Is it not clear that fundamentalists also advocate punishing homosexuals? And adulterous wives? And why, following the logic implicit in those words, not simply "accept" that the Taliban wants to stone a 14-year-old girl because she advocates the right to education for females living in Pakistan or Afghanistan?<sup>21</sup>

Western political leaders like Barack Obama and Hillary Clinton tried to assure violent crowds demonstrating in front of American embassies that the films posted on the internet do not reflect their country's official view of the prophet, as Dutch prime minister Jan-Peter Balkenende (b. 1956) and former Danish prime minister Anders Fogh Rasmussen (b. 1953) did before them. The makers of offensive cartoons, mocking movies, provocative novels, and incendiary works of art, they say, represent a highly personal view, not that of the state. This is also how Western politicians justify themselves to foreign heads of state who openly assert that if the West does not control its population (in suppressing their citizens' use of freedom of speech for criticism of religioncriticism of religion) they

<sup>18</sup> Lekic, Slobodan, "Egypt Protests: Mohamed Morsi Says Embassies Will Be Protected", in: *Huffpost World*, 13 September 2012.

<sup>19</sup> Posner, Eric, "The World Doesn't Love the First Amendment", in: *Slate, 25* September 2012.

<sup>20</sup> Ibid

<sup>21</sup> Yousuf, Hani, and Dumalao, Janelle, "Taliban vows to kill Malala Yousafzai, Pakistani peace activist, if she survives attack", in: *Huff Post Religion*, 13 October 2012.

do not control their population either (in plotting or even committing physical assaults).

But does the West's defense do the trick? In Afghanistan, the Taliban claimed that the movie satirizing the prophet was made with the permission of the US government. Former Secretary of State Hillary Clinton denies this, but according to the radicals, she evades the issue. By using the word "permission" they mean that the First Amendment of the American constitution prohibits the government from interfering with free expression. Does that not, they ask, make the American government – at least partly – responsible for the atrocious attacks on their holy icons? Why don't the US and other Western countries that condone the vilification of religious symbols *change* their constitutions? Why not bring their legislation in accordance with sharia law? Apparently, they are unwilling, are they not? If the Western countries persist in their assault on Islamic sacred symbols, Muslims are not only mandated but religiously and morally obligated to take revenge in the name of Allah, so the theoterrorists contend.

This book tries to address this issue openly, as should have been done much earlier perhaps. "Military fervor on behalf of faith" has not disappeared, as Draper thought at the end of the nineteenth century. It is back on the agenda. And the experience of the past two decades has taught us that liberal democracies cannot come to a resolution of this matter by ignoring the issue or giving evasive answers. The question of how to deal with this problem, the most pervasive of our time, remains on the agenda.

On 7 January 2015, during a meeting of the editors of the French satirical magazine *Charlie Hebdo*, two theoterrorists intruded into the building and killed those who were present: Charb, Cabu, Wolinski, Tignous, Honoré, Esla Cayat, Mustapha Qurrad, Bernard Maris, Michel Renaud, Frédéric Bousseau, Franck Brinsolaro, and Ahmed Merabet.<sup>24</sup> The assault on *Charlie Hebdo* was the most recent manifestation of a process that is analyzed in this book. This ignited a worldwide discussion on the meaning and significance of free speech, and in particular whether this principle is adequately protected in European nation-states.

<sup>22</sup> Basu, Moni & Watkins, Tom, "Staff and crew of film that ridiculed Muslims say they were 'grossly misled'", in: CNN 13 September 2012: "In Afghanistan, the Taliban charged that the movie was made with the permission of the US government. The First Amendment prohibits the government from interfering with free expression".

<sup>23</sup> See on this: Zee, Machteld, Choosing Sharia: Multiculturalism, Islamic fundamentalism & British Sharia Councils, Eleven, The Hague 2015; Manea, Elham, Women and Shari'a Law: the Impact of Legal Pluralism in the UK, I.B. Tauris, London and New York 2016.

<sup>24</sup> Attali, Jacques et al., Nous sommes Charlie, p. 9.

On 11 January four million protesters raised their voices against the atrocities which had befallen Paris. Forty-three heads of state were present (which is, as Bernard-Henri Lévy astutely remarked, one-fourth of the UN) during the demonstration.  $^{25}$ 

This book claims that the assault on free speech by religious fanatics can best be interpreted as a *terrorist* attack. That is, as a conscious plan to intimidate writers or artists. *Prima facie* this statement should not be experienced in any way as special, let alone controversial. Westergaard was attacked in his home on 1 January 2010 and the perpetrator was convicted for terrorism on 3 February 2011. He had attempted not only to kill the writer but also to destroy freedom of speech as an important principle of democracy. This being the case, there is remarkably little scholarly attention for theoterrorism in relation to free speech in journals dedicated to terrorism. Most experts on terrorism are focused on the traditional grand-scale attacks of the 9/11 type. It is my hope that this book will initiate some change in this respect too.

\*\*\*

Every book is based on other books. In my case, I am much indebted to Roger Scruton's *The West and the Rest* (2002), <sup>26</sup> Bassam Tibi's *Islamism and Islam* (2012), Meghnad Desai's *Rethinking Islamism* (2007), <sup>27</sup> and A.C. Grayling's *Liberty in the Age of Terror* (2008). <sup>28</sup>

The most decisive influence on the thesis developed here, curiously enough, were two films directed by Shekhar Kapur: *Elizabeth: The Virgin Queen* (1998) and *Elizabeth: The Golden Age* (2007). It was through these two films that I learned that our time resembles sixteenth-century England when Queen Elizabeth I tried to uphold national sovereignty in a time when terrorist threats were prevalent. In the Elizabethan era the "terrorists" were the Spanish who, while threatening to invade England, already had a fifth column inside the country in the form of priests and Catholic clergy in general.

<sup>25</sup> Lévy, Bernard-Henri, "Ce qui restera du janvier", in: Jacques Attali et al., *Nous sommes Charlie*, pp. 91-96.

<sup>26</sup> Scruton, Roger, *The West and the Rest: Globalization and the terrorist Threat,* Continuum, London / New York 2002.

<sup>27</sup> Desai, Meghnad, Rethinking Islamism: The Ideology of the New Terror, L.B. Taurus, London/New York 2007.

<sup>28</sup> Grayling, A.C., Liberty in the Age of Terror: A Defence of Civil Liberties and Enlightenment Values, Bloomsbury, London, Berlin, New York 2009.

Some of the material published in this book has been published before in anthologies, scholarly magazines, and contributions to newspapers and international conferences.  $^{29}$ 

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The book has seven chapters.

The first two chapters explore the so-called Rudi Carrell Affair. This affair is largely unknown outside of Germany and the Netherlands, but one of my claims in this book is that it foreshadows the Rushdie Affair of two years later.

Chapter 3 gives an analytical treatment of the type of theoterrorism that manifests itself in the intimidation of writers, cartoonists, and others that incur the wrath of Islamists, to wit "theoterrorism".

Chapter 4 deals with the Danish Cartoon Affair and chapters 5 and 6 with the Rushdie Affair, particularly with the reactions to Rushdie's predicament from important intellectuals and philosophers. Two are singled out, the Canadian philosopher Charles Taylor and the British philosopher Michael Dummett.

The book concludes with an assessment of the situation we are in now. I call this "modern hostage taking". Theoterrorists have managed to create a situation in which people like Rushdie or the Danish cartoonist Kurt

29 Parts of Chapter 1 and 2, on the Rudi Carrell Affair, have been published in: "The Rudi Carrell Affair and its significance for the tension between theoterrorism and religious satire", in: Ancilla *Iuris*, 2013: 13, pp. 15-42. The material on the Netherlands (Chapter 3) was first published in: "Constitutional Principles as State Territory", in: Iain T. Benson & Barry Bussey, eds., Religion, Liberty and the Jurisdictional Limits of the Law, LexisNexis, Toronto 2017, pp. 65-89. My criticism of Taylor and Dummett is worked out in: "Taylor and Dummett on the Rushdie Affair", in: Journal of Religion and Society, Volume 18 (2016), pp. 1-25. Parts of Chapters 5 and 6 were published as: "Rushdie's Critics", in: Paul Cliteur & Tom Herrenberg, eds., The Fall and Rise of Blasphemy Law, Leiden University Press, Leiden 2016, pp. 137-157 and in: "Is Humanism Too Optimistic? An Analysis of Religion as Religion", in: Andrew Copson & A.C. Grayling, eds., The Wiley Blackwell Handbook of Humanism, Wiley Blackwell, Chichester 2015, pp. 374-403. The ideas on "theoterrorism" and its biblical sources were first launched in: "A Secular Critique of Religious Ethics and Politics", in: Phil Zuckerman & John Shook, eds., The Oxford Handbook of Secularism, Oxford Handbooks, Oxford/New York 2016, pp. 389-400, and in: Cliteur, Paul, "Biblical Stories and Religion as the Root Cause of Terrorism", in: Mahmoud Masaeli & Rico Sneller, eds., The Root Causes of Terrorism: A Religious Studies Perspective, Cambridge Scholars Publishing, Cambridge 2017, pp. 1-27, and also in: "The Challenge of Theoterrorism", in: New English Review, May 2013, pp. 1-3. Chapter 7, on Modern hostage taking, was published in: "Modern hostage-taking: a serious problem for religious liberty today", in: Angus Menuge, ed., Religious Liberty and the Law, Routledge, London and New York 2017, pp. 175-190.

Westergaard are more or less kept "hostage" in their own countries. They live with severe limitations of their freedom of movement, even to such a degree that is it not exaggerated to qualify this as "modern hostage taking". I will conclude with some recommendations to end this situation.

Let me end this introduction by expressing my gratitude towards those who have played an important role in this project. I owe a great deal to the anonymous reviewers working for the journals mentioned, to my students, but also to my friends and colleagues who were prepared to read some parts of this manuscript. But the most I owe to the woman who has been a source of inspiration throughout my life and who is an important constitutional scholar in her own right.

Paul Cliteur Leiden, September 2018