

Free speech in tolerant society: the case of the Mohammed cartoons

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- *In this article are set out the legal repercussions of the known as “the case of the Mohammed cartoons” and also the parliamentary discussions at the Danish Parliament about the articles in the Penal Code against blasphemy and racism. It is also analysed the subsequent debate focused in self-censorship of public opinion about the issues related with the Muslim immigration and, in the final section, it is proposed which should be the attitude of the media with regard to the integration of minorities from other cultural, ethnic and/or religious provenance.*

Keywords

Public opinion, immigration, Islam, self-censorship, offence, integration.

“The media say what they wish about Islam because they can.”

Edward W. Said, *Covering Islam*

“Without empathetic participation in the feeling of outrage, and perhaps even privately deeming outrage in itself to be backward, a too-easy slide into self-serving emotionalism, yet out of a belief in the right of the other to take offense, and particularly out of conviction that underdogs should not have their subordination redoubled by having it prescribed to them in what form they should object to being subordinated, the intellectual is prepared to respect and perhaps even defend other people's taking offense, in much the same way that he or she might respect someone's refusal to eat pork, while privately feeling the taboo is benighted and superstitious”

J. M. Coetzee, *Giving offense*

1. The publication of the cartoons

On 30 September 2005, the most widely circulated newspaper in Denmark, *Jyllands-posten* (JP), published a three column article in its cultural supplement written by Flemming Rose, culture editor, entitled “Mohammed's face” (*Muhammeds ansigt*) in which he said that “modern secular society is rejected by some Muslims. They demand a special position when they insist that their religious feelings should be taken especially into account. This is irreconcilable with free speech and with a secular democracy, in which one must be prepared to be the object of offence, scorn and ridicule”.¹

1 ROSE, F. “Muhammeds ansigt”, *Jyllands-posten*, KuturWeekend (30/09/05): 3.

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The article was accompanied by 12 cartoons, some of which showed the prophet Mohammed. The most controversial was an image of the prophet with a turban in the form of a lit bomb on which the Islamic profession of faith could be read: "There is no god but Allah and Mohammed is his prophet".

The newspaper's editorial went further into the same issue. It said that the solemnity with which Muslims presented themselves in the Danish public sphere "is related to an exaggerated and almost infirm susceptibility to any contradiction, which is interpreted as provocation at the drop of a hat. Any provocation against one of these sanctified imams or crazy mullahs is interpreted as a provocation against the prophet himself and the sacred book, the Koran. [...] The world over there is satire in films, in the theatre and in literature but no-one dares laugh at Islam. And that's because a load of imams and mullahs, who feel justified to interpret the word of the prophet, can't stand the offence of being the object of an intelligent satire." According to the editor, this has meant that, in the West, the fashion of being politically correct forces us to understand and forgive "the threatening voices of a medieval darkness", forcing us to argue with "a conception of the world that the West gave up with the Enlightenment".²

So the aim explicitly pursued by the newspaper's editors was the growing self-censorship of creators when it comes to Islam. In this context, *self-censorship* is understood as the tacit acceptance of blackmail, threat or intimidation that makes someone stop saying, writing or drawing something they would say, write or draw if these conditioning factors did not apply. It therefore seems that free speech constitutes the thematic core of what has subsequently

become known as "the case of the Mohammed cartoons"³ since, on the one hand, the JP editors stated that this freedom was being threatened surreptitiously and, on the other, they protected themselves behind the same free speech in order to start up a debate.⁴

As far as is possible, the following pages reconstruct the socio-political context of this controversy, paying particular attention to the legislative discussion and legal decisions, as well as to Danish public debate concerning new Muslim citizens. The debate has several facets including both foreign politics and Danish integration, as well as the clash between the West and Islam and also free speech. The presence of Muslim citizens, symbols and customs in a small-sized, ethnically and religiously homogeneous country constitutes a challenge, the consequences of which are still unknown. The resulting discussions tend to become radicalised, not only due to the worrying terrorist violence imposed by a culture of fear but also due to the fear of forgetting what had been learned from a past of European barbarism. The discourse of tolerance that prevails in the West's self-image naturally imposes discursive restrictions that, in one way or another, influence its concept of free speech. We begin by seeing tolerance as respect and continue with political correctness, which is no more than silencing some words that may be offensive and replacing them with others. Given this situation, some discourses and practices insist on the importance of maintaining this respect, while others claim that it constitutes a defeat for enlightened culture. The media form an essential part of this debate, which is why we need to reflect on the role they must play in the policy to integrate new citizens with non-Christian religious affiliations.

2 "Truslen fra mørket", *Jyllands-posten* (30/09/05): 10.

3 The case is not limited to the publication of the cartoons but also the international effects it led to: riotous protests in Afghanistan, Syria, the Lebanon and other countries, assaults on Scandinavian embassies, the boycott of Danish products, burning of flags and 139 deaths. This article does not deal with the responsibilities concerning these events, as nothing contained in the intention of the illustrators or writers justifies the subsequent acts of violence.

4 The Danish prime minister, Anders Fogh Rasmussen, in his letter replying to complaints about the cartoons from 11 ambassadors from Arab countries, also appealed to this free speech: "Free speech is the very foundation of Danish democracy. It has a wide range and the Danish government cannot exercise influence on the press", cited in Larsen and Seidenfaden (2006): 191-192.

2. The case: background and legal repercussions

2.1. Articles in the Danish Penal Code against blasphemy and racism

Shortly after the cartoons were published, several Muslim associations took the editors to court for having offended members of Islam, basing their arguments on articles 140 and 266b of the Danish Penal Code:

- 140. Whosoever mocks or ridicules the dogma or faith of any legal religious community shall be punished with a fine or a prison sentence of up to four months.
- 266b. Whosoever expresses declarations or other kinds of communication, publicly or with the intention of disseminating these in a wide circle, in which a group of people is threatened, mocked or degraded because of their race, skin colour, national or ethnic origin, beliefs or sexual orientation, shall be punished with a fine or a prison sentence of up to two years.

These articles, which were considered applicable in the case against the JP editors, have hardly been used in the last 100 years. Even during the 20th century, the aforementioned article on blasphemy (140) was the object of numerous legislative initiatives proposing it should be annulled. Even in 1930 the majority of a committee to modify the Penal Code proposed, unsuccessfully, to eliminate this article because “when the limits of free speech are violated indecently, the condemnation expressed by public opinion is a much more effective and a more natural reaction than the application of a punishment. We may suppose, in general, that people who value religious feelings do not wish punishment to be applied for blasphemous expressions or actions and that people who do not have religious feelings to protect will perceive, in general, the application of a punishment as a folly that merely incites contradiction”.⁵ The key concept of the arguments offered more than 70 years ago is that of “indecenty”, which presupposes social

consensus regarding what is considered likely to be offensive; in other words, a tacit agreement that exercises its function of regulating society without judicial institutions needing to be involved. Moreover, a consensus that owes its existence to a certain social, economic, cultural and religious homogeneity. Once this consensus no longer exists, when what ideologically characterises society is the diversity of opinion and a degree of tolerance or even indifference towards another’s opinions, then there is once again a need to resort to judicial bodies to intercede in conflicts that cannot be arbitrated by a society in which informal agreement has disappeared regarding the hierarchy of values. This so-called “relativism” of values (an expression that has succeeded by labelling, not very precisely, what is actually a sometimes reasonable difference of opinion concerning the purpose of life⁶, more present in cities than in rural areas such as the west coast of Jutland, is not necessarily a symptom of the decadence of culture but of a lack of agreement on what is considered offensive, this being indicated, for example, by a term such as ‘decency’ falling into disuse. Or perhaps we should push our interpretation further and claim that, once tolerance towards unfamiliar ways of life has impregnated all the layers of society, and for good reason, it is the very concept of offence that has become obsolete.

In the 1970s, article 140 was applied to two cases of artists who had mocked God and Christ, setting them in sexually ambiguous situations. But in neither of these cases were the artists prosecuted. The maturity of Danish society to accept mockery, together with the gradual dissolution of religious and moral homogeneity and the liberalisation of sexual practices, counted as tacit sources of legal grounds for not applying this article.

The last time someone was condemned for violating the article in question was in 1938, in the midst of an anti-Semitic campaign. That is why this is normally referred to as the “forgotten article”. Such is the case that, on 18 March 2005, before the aforementioned affair of the cartoons, a motion was discussed in parliament to eliminate this article,

5 Rigsadvokaten, Bilag 1, J. nr. RA-2006-41-0151, Gennemgang af relevant retsregler mv., 15/03/2006.

6 According to the expression by I. Berlin ([1958] 1989: 187).

presented by the political party *Dansk Folkeparti*.⁷ This motion was a result of some Muslim associations wishing to sue the Danish public television channel for broadcasting the film *Submission*, by Theo van Gogh, with a script by Ayaan Hirsi Ali.

Parliament ended up voting against the bill, as it only received the support of the *Dansk Folkeparti* MPs. The grounds for proposing this legislative amendment emphasised the difficulty of legislating on the 'good tone' of a conversation, as well as the censoring force of allegedly offended feelings on possible offenders, obliging the latter to keep quiet. Hence conservative politicians and those defending "Danishness" felt it was not necessary to keep this article. According to them, enlightened thought had opposed Christendom in the name of science since the time of Voltaire, and many of the works produced since then that go to make up the ambivalent identity of the enlightened West would have been prohibited if presumably offended religious feelings had been used as a criterion to measure free speech. They continued by claiming that, if the article in question were not removed, the problem would not be that some legal actions would end up being successful but that the police stations and courts would be inundated with suits because of "offended religious feelings", when really these were matters "that should not be decided in a court but in free and open debate".⁸

In the subsequent parliamentary discussion, the minister for Justice (*Det Konservative Folkeparti*) claimed that the article on blasphemy did not aim to silence those who

criticised religion but to prevent religion from being mocked: "in plain speech, the decisive aspect in applying the article on blasphemy is not that something has been criticised but how it has been criticised".⁹ The minister insisted that this legal limitation to the way in which criticism is carried out helps to ensure certain rules are respected in public debate, given that "for some people, religious issues form a part of what is most significant and fundamental in general". Against the criticisms of those proposing the legislative initiative, who claimed that this law imposed a kind of tyranny in the public sphere, the minister stated that the article works "like a small elegant filter because you think twice before expressing yourself in the public sphere, to provide constructive criticism without ridiculing others".

In his arguments in favour of the article, theologian Søren Krarup, member of *Dansk Folkeparti*, reasoned as follows: "On principle and in religious terms, an article of law that punishes blasphemy is a perfect misunderstanding in a Christian country."¹⁰ The idea that we must defend God's honour with the law in our hands is almost blasphemy. Mohammed took arms to revenge, in 622, the mockery he had been subjected to in Mecca and, since then, mocking the prophet has carried a death sentence, which opposes the words of the New Testament by Jesus, as the king of peace, who even on the cross set himself up as a target for offence and ridicule. Jesus did not even hire a Roman lawyer when he was taken before his judge on earth, Pilate. On the contrary, he said that Pilate did not have any true power over him; the same as a group of people who, full of

7 The Danish Popular Party, led by Pia Kjaersgaard, is (in 2007) the third political force in the country with 24 members in Parliament (*Folketinget*). The principles of its political programme centre around "Danishness", as shown by the following statements taken from their declaration of principles: "The country is constructed based on Danish cultural heritage and Danish culture must therefore be conserved and strengthened. [...] Denmark is not a country of immigrants and has never been one. That is why we will not accept a multi-ethnic transformation of the country. Denmark is the country of the Danish and citizens must have the opportunity to live under the rule of law, certain that it is evolving in accordance with Danish culture".

<http://www.dansksfolkeparti.dk/sw/ffrontend/show.asp?parent=19185&menu_parent=22669&layout=0>.

8 <http://www.ft.dk/Samling/20042/lovforslag/L131/som_fremsat.htm>

9 <[http://www.ft.dk/Samling/20042/salen/L131_BEH1_37_25_\(NB\).htm](http://www.ft.dk/Samling/20042/salen/L131_BEH1_37_25_(NB).htm)>. The rest of the citations from this section, if not otherwise specified, are in this reference.

10 Cf. article 4 of the fundamental Law of the Kingdom of Denmark: "The Evangelical Lutheran Church is the church of the Danish people and, as such, is sustained by the State".

hatred, were mocking him. Only one had such power”.¹¹ Leaving to one side the paradox present in the statement that a law on blasphemy is “almost blasphemy”, the words of *Dansk Folkeparti* show the Christian roots of its arguments and, in short, the basis of Danish democracy. “We know that an absolute presupposition of Danish society is the separation that results from the Christian distinction between a spiritual and a secular regime, or between the kingdom of God and that of Caesar. And wherever this separation does not exist or is not known, what we call secular freedom or free speech is not possible, since the protection demanded by some citizens for their objectives and interests on account of their sacred nature leads to limiting a use of freedom that could result, for example, in them feeling offended”. The separation of these two orders, the origin of liberal tolerance, is argued here as being the core of Western freedoms and one that must be protected, if necessary, to the detriment of the rights of new minorities to see their beliefs respected.

This Christian argument was used strategically by the Social Democratic representative, Morten Bødskov, to state that “we do not believe that religious beliefs must constitute the basis of an amendment of the penal code. We think that the bill’s observations are too impregnated with this. If, according to the *Socialdemokratiet*, we must change the law we will do so based on political attitudes, such as the fact that the penal code must not hinder the path of free debate on the existence of religious orientations in Danish society”. In other words, the law must be based on political conceptions that are free from religious connotation to thereby comply with the requirement of liberal regimes for inclusiveness. As also claimed by the representative of another progressive party, the argument offered by *Dansk Folkeparti* did not use political reasons but “theological discussions and suppositions and statements about other religions”. In Rawls’ terms, the consensus on which legislation is based must be political and not metaphysical, so that all citizens can identify with it.

It’s true that the political motivations of the time stopped the presumably progressive parties from supporting any initiative by *Dansk Folkeparti* and that events obliged them to argue without openly presenting their true reasons, but this does not stop the parliamentary discussion from revealing a relevant displacement of free speech. In other words, while free speech, at its beginning, served to oppose power and thereby to ensure the right of minorities and individuals to dissent from the majority, now it was the minorities who were claiming the need to limit free speech to protect themselves from the criticism of the powerful majority. This is clear from the fact that it was the supposed “xenophobes” from *Dansk Folkeparti* who wanted the article on blasphemy to be annulled, while the parties on the left, whose ideology leads them to defend the country’s cultural and religious diversity, were in favour of maintaining an article that, as they themselves had stated time and time again, had last been used in a prosecution in 1938.

So, in the speeches by the socialist party (*Socialdemokratiet*) and the eco-socialist party (*Enhedslisten*), it was claimed that “various cultures coming to Denmark should not be a problem for free speech”. Moreover, in their turn to speak the representatives from these parties took the opportunity to label the generalisations implicit in the speeches by the members of *Dansk Folkeparti* as Islamophobic, seeing Islam as a religion linked to terror and Muslims as fundamentalists. Consequently, such positions related to what the conservative parties call multiculturalism,¹² defend a respectful use of free speech that does not encourage hatred of what is foreign or demagoguery against Muslims. That is why they argued in favour of limiting free speech or, more precisely, of a responsible use of this freedom, precisely to protect these minorities. As said by the member of the independent left-wing party: “Free speech sometimes comes into conflict with other human rights. Then we must weigh up which must predominate. For example, the possibility of protecting the minority in society is also an essential right. That’s why we believe it is

11 <http://www.ft.dk/Samling/20042/lovforslag/L131/som_fremsat.htm>.

12 On the political use of Islamophobia and multiculturalism, cf. Timothy Garton Ash, “Multiculturalismo en el Reino Unido” in *El País*, 04/02/07.

crucial for us to have the chance to protect people from abuse, threat or humiliation because of their belief, sexual orientation, ethnic origin or other reasons". The secular nature of this political party led it to consider that this protection was already offered by the so-called "article against racism" (*racismeparagraffen*, 266b).

So, in reality, both parties, those of the left and the right, defended the suppression of article 140 or the article on blasphemy, albeit for different reasons. The former for exclusively political reasons, to allow the true separation of State and Church that, in turn, would require an amendment of the Danish constitutional base, and the latter by virtue of the very Christian tolerance expressed not only in the words of Christ but also in the process of enlightenment that Lutheranism had exercised over the Christian doctrine.

2.2. The suit and the judicial decision

The action brought before the court in Viborg by several Muslim associations located in Denmark was rejected at the first trial and the Crown Prosecution then gave its decision, with a subsequent hearing by the court at Aarhus.

The reason provided by the ruling does not offer anything relevant from a legal point of view, as it restricts itself to stating that, as there was no will to offend or insult Muslims, the articles in question were not applicable: "Although the text by Flemming Rose can be read as incitement to mockery, scorn and ridicule, which may be necessary, according to the author, in order to highlight and deal with the problem of self-censorship, the drawings are not of this nature. One cannot rule out, with any certainty, that the drawings have offended honour of some Muslims but there are no grounds to suppose that the drawings were designed or created to be offensive or that their objective was to display manifestations that may demean Muslims in the eyes of their fellow citizens".¹³ This justification therefore seems to support, *a posteriori*, a decision that has already been taken: not to allow the feeling of offence of a social minority to alter the uses and customs of a country in which irony and satirical tradition are well established. It is true that

this is not the argument given by the judge but we must suppose, and with good reason, that the precedent that would have resulted from punishment being given was an underlying reason for this legal ruling.

3. Multicultural reactions: self-censorship, political correctness and offence

3.1. A meta-debate?

One of the basic institutions of liberal democracies is the public debate carried out in society. However, the frontiers of public debate are not clearly defined. Jürgen Habermas claims that, in "political, scientific or literary controversies, [...] the public does not consist of an area of viewers and listeners but of an area of speakers and receivers parrying with each other. It is an exchange of reasons, not a convergence of views. Participants in discourses that are concentrated on a common thing turn their back, as it were, on their private lives. They do not need to talk about themselves. The public and private sphere are not mixed but enter into a complementary relationship".¹⁴ These are dialogues or exchanges of opinion in which individuals form their own ideas and adopt a conception of the political and social reality of their surroundings that will allow them to exercise their political rights in an informed way and, in the best of cases, will strengthen the state's democratic life. These conversations usually deal with issues disseminated by the mass media, so that we may plausibly state that the mass media establish the agenda to be debated and that, therefore, they hold democratic responsibility.

In the case in point, the JP editors claim that public debate in Denmark is in bad shape, as some citizens wish to exclude certain issues from the public area claiming that they deserve special respect on the part of those citizens who do not share their way of life or their beliefs, because they affect issues that their religion considers to be taboo, as seems to be the case of the representation of Mohammed by Muslims.¹⁵

13 <<http://www.cfje.dk/cfje/lovbasen.nsf/ID/LB04926989>>.

14 HABERMAS (2006): 19.

They also state that complaints by these minorities are accompanied by veiled or explicit threats that have managed to intimidate creators and journalists to the extent of silencing them. The result is that press and media professionals avoid some issues out of fear and not out of respect.¹⁶ So, as supported by the ruling from the court at Aarhus, the intention of the writers is not to mock Muslims or to ridicule them but to reflect on the health of public debate in Denmark. The illness diagnosed by these editors is the severe self-censorship caused by the fear of possible violent consequences of publishing controversial subjects. The debate, therefore, is rather a meta-debate, i.e. a debate about the state of public debate. In fact, all serious debate is meta-debate because, when there is serious but reasonable disagreement, it is necessary to talk about the very possibility of dialogue, about the capacity of the citizens involved to understand each other, as well as about the meaning of the very terms under which dialogue must be carried out. And it makes no sense to apply discursive limitations to serious meta-debate, as these very restrictions are the object of discussion.

The initial piece of the meta-debate is the text by Flemming Rose that accompanies the cartoons, as well as the editorial from the same day. The two pieces may be considered as contributions to a debate on self-censorship in public debate. Not only because of their content but also because, due to the way they are presented, they are liable to be considered as relevant, calm, reasonable and even moderate contributions, i.e. they meet some of the traits considered by John Stuart Mill as essential to the morality of public discussion ([1869] 1984: 122). So these two texts are not mere mockery or insult of religion nor do they wish to offend, but they are dealing with a matter of public interest and thereby help to form readers' opinions.

Notwithstanding this, Larsen and Seidenfaden's analysis denies the major premise: "If we observe the criticism submitted by ethnic minorities without forgetting the rhetoric used in this context, self-censorship seems to stand out more because of its absence rather than its obstructive influence on political debate".¹⁷ These authors present numerous examples of speeches and articles, not only by representatives of the *Dansk Folkeparti*, in which Muslim immigration is classified as an "occupation force", as "colonisation" from an inferior level of society and the representation of an "ideology of evil". Islam is seen as a threat to the future of Denmark and Europe and it is claimed we must defend ourselves by sending them "back to their medieval countries". Even the minister of Culture, five days before the cartoons were published, claimed that it was necessary to "end decades of tyranny of politically correct opinion" and to accept that "a parallel society is developing in the midst of our country in which minorities observe their medieval rules and anti-democratic ideas. We cannot accept this. This is the new front of the cultural battle."¹⁸ This reference to what is politically correct offers a rhetorical key to interpretation since, if there is a tyranny that restricts discourse, then such revelation appears subversive. It is "conservative discourse of subversive appearance"¹⁹ that makes a great show of being shocked, claiming it has the courage to tell the truth, something not held by those subject to the tyranny of what is politically correct.

This discourse becomes something like the bastard child of a politically correct society, which gives way with "tremulous docility" before those who have been supposedly "offended" by cartoons²⁰ of the prophet of their religion. What fans this conservative discourse is the excesses of multiculturalism, of what is politically correct.

15 On this ban and its origins, cf. Oleg Grabar (1981): 87-109. Rather than iconoclastic, it seems we should talk of an "aniconic" attitude (cf. Richard Ettinghausen and Oleg Grabar (1996): 28).

16 "We have heard many people vehemently defend the sacrosanct free speech. And talk about the fact that this should not be used to disrespect one's fellow man. Why do they call it *respect* when they really mean *fear*?", Fernando Savater (2007): 236.

17 Larsen and Seidenfaden (2006): 20.

18 *Idem*, 18.

19 Salvador Cardús, "De lo correcto a lo biempensante", *La Vanguardia*, 16/05/07.

This attitude, born in the North American university campuses in the eighties, arose out of respect for ethnic, cultural, religious and sexual minorities as a limitation to free speech and self-imposed due to multicultural belief and due to a radical interpretation of tolerance. Out of respect, voices remain silent that, not without condescension, may be offensive for a minority. This principle undoubtedly has a commendable intent, as demonstrated by the goal used to justify limiting free speech: namely, a conception of a 'good life' that includes respect for differences, expressed in how these differences are handled every day. Something that goes beyond co-existence and is more community spirit. Free speech is secondary to this conception of good and becomes an instrument to achieve this purpose. Contrary to considering free speech as an unlimited right, the mere mention of which serves as justification, Stanley Fish states that "free speech is never a value in and of itself but is always produced within the precincts of some assumed conception of the good, to which it must yield in the event of conflict".²¹

Notwithstanding this, good intentions do not always lead to actions in accordance with the circumstances. A couple of recent stories in West Yorkshire, an English county with a considerable number of inhabitants of non-British origin, illustrate the absurdity of a multiculturalism that respects based on condescending ignorance. In Batley, a town of 43,000 inhabitants, in a school for children under seven, books containing pigs were removed from classrooms. Ms. Barbara Harris, director of the Park Road Junior Infant and Nursery School, defended this measure because "we try to be sensitive to the fact that, for Muslims, talking about pigs is offensive".²² Four years later, in Huddersfield, the organisers of a children's music festival changed the title of the "Three Little Pigs" to the "Three Little Puppies" because, as claimed by a teacher in a local school, "we must be sensitive

if we want to be multicultural. It was felt that it would be more responsible not to use the three little pigs. We were afraid that some Muslim children would not sing the words about pigs. We didn't want to run this risk. If changing a few words prevents offence, then we will change them".²³ These well-intentioned multiculturalists did not think of investigating whether the Koran merely prevents the eating of pigs or also singing about pigs or simply talking about them. After reversing the decision to modify the title one day later, a member of the local educational institution stated that "no complaints have been received from the allegedly offended people",²⁴ so that the proposal was overly sensitive, a case in which putting yourself in the place of another leads to becoming sensitive about a false fact, to creating an erroneous image of the other, treating them with a sensitivity they have neither demanded nor require.

In short, the JP editors showed themselves to oppose such abuses of what is politically correct, as they did not attribute such actions to reasonable self-restriction but to self-censorship provoked by intimidation on the part of Muslims. For their part, Larsen and Seidenfaden demonstrate that the discourse of what is politically correct does not govern Danish public debate, especially since the *Dansk Folkeparti* forms part of Anders Fogh Rasmussen's coalition government. If these authors' analysis is correct, then the supposed meta-debate is no more than an excuse to promote an Islamophobic discourse that sees Muslims as a danger for Denmark's individual freedoms. However, this political use of immigrants by JP does not stop a debate arising on what "Danishness" means and on citizenship. Indeed, this debate starts with decidedly gratuitous provocation (such as the cartoons) and may be offensive, which leads us to our last question: how should the media handle this multicultural phenomenon?

20 Savater (2007): 133.

21 Quoted in Vila-Sanjuán (2004): 415.

22 "School bans pigs stories", 4/03/03, <http://news.bbc.co.uk/2/hi/uk_news/england/2818809.stm>.

23 "Church school renames *Three Little Pigs* to avoid offending Muslims", *Daily Mail*, 15/03/07.

24 "Comeback for 'non-offensive' pigs", 16/03/07, <http://news.bbc.co.uk/2/hi/uk_news/england/bradford/6456961.stm>.

3.2. Otherness as perceived by the media: respect and information

It is not misguided to state that the Mohammed cartoons that accompanied the text mentioned in the previous section had a provocative intent, i.e. they were designed to provoke a negative reaction in those who would see them as violating a religious precept. Provocation does not always help public debate creatively but admitting it is a symptom of the good discursive health of a society. Public debate carried out without obstacles and without suspicion is one in which participants can live together with mockery, as they are sufficiently assured for mockery not to mean their rights as citizens are not respected. Hence, in confirming the hobbling and weakened state of public discussion, it is necessary, according to the illustrators, to assume a healthy appearance by provoking.

In all eras there have been forms of art or burlesque in which provocation was used to convey messages or to question the way in which certain issues were being handled in the public sphere. Traditionally, provocation did not form part of large-scale public debate and was confined to small, not very representative areas of public opinion, in general. For example, we should think of the Weimar Republic's tradition of political cabaret or of the later underground forms, fanzines, visual experiments that will never be seen on television or websites of small "groupuscules".

The free speech that, in principle, protected such provocation was not meant to protect majorities but minorities. The tradition of cabaret, for example, was opposed to 'good' customs in the name of liberating women and homosexuals and it criticised politicians and social hypocrisy. That's why a problem arises when it is the minorities who are being mocked. Benjamin Barber presented this question well in an article published while the conflict was still raging: "The original Danish provocation, together with the subsequent editorial arrogance of European directors who published the offensive cartoons again, actually reflects the West's incapacity to understand the meaning and purpose of its

much-publicised tradition of freedom of the press and to accept at least part of the responsibility for the consequences of the aforementioned incapacity, as this has affected Muslim societies the world over. [...] Free speech exists to offset power. The rule is simple: the law may insist on formal parity in order to protect free speech, but democratic freedom requires the scope of free speech to be restricted by the realities of power and by the responsibilities these entail. The more powerful the orator, the less need for an absolute right to free speech; the more vulnerable and weak, the greater the need. [...] Although laws protecting free speech apply a neutral criterion, those employing this right effectively, especially when the content is subversive or offensive, must ask themselves not only if they have a right to say what they are saying but whether, when they do so, they are preventing or extending an abuse of power."²⁵

Afterwards, when those who supposedly talk on behalf of the country's moral majority arrogate unlimited free speech, it is therefore logical to allude to the responsibility of journalists. What do they have to bear in mind with regard to their responsibility? It's unlikely they could take into account the possible offence that might be felt by those minorities suffering mockery. When all is said and done, offence depends on each person's degree of susceptibility and it is impossible to distinguish real from fake. So that, instead of using the presumable feeling of offence of others as a criterion to measure the appropriateness of publishing a text or cartoon that is likely to offend, mass media professionals should notice whether their work contributes to damaging the freedoms of the minority that is being mocked.

The problem becomes more complicated when we remember that what characterises these minorities is their religion and when, therefore, what they are demanding protection for is precisely religious dogma. What is at stake is whether religious beliefs must be respected. The initiative of JP, whether justified by the existence of self-censorship or not, is placed within the context of anti-religious secularity

25 Benjamin Barber, "¿Guerra cultural o mala interpretación de la libertad?", *El País*, 24/02/06.

26 Savater (2007): 150. However, this anti-religious feeling is not directed with the same animosity towards Protestantism, strongly established in Danish society, the supposed legacy and inspiration of European enlightenment.

that believes "religious beliefs and traditions should not enjoy special dispensation, as they often demand".²⁶ There are numerous voices against the increase in religions or the so-called "return of religiousness"²⁷ that are calling for a secularity that focuses respect on people and not on religion, as if the latter were the primordial source of personal identity and should therefore be protected against criticism.

A. C. Grayling states that the respect due to religion is the same as that due to issues chosen by individuals. So "the respect due our fellow humans must be based on their humanity, irrespective of the things they cannot choose (ethnic group, age, sexuality, natural talents, presence or absence of a handicap) and must be conditioned (i.e. not for intrinsic reasons) by the things that are chosen (political affiliation, belief system, lifestyle)".²⁸ If we accept that religion is an option chosen by citizens,²⁹ then the use of free speech is justified to criticise them, as the act of silencing requires "people who do not accept the beliefs and practices of the believers to treat them in a way that implicitly accepts the value given to them by those who do believe",³⁰ ending up by annulling, in advance, all attempts at criticism.

This radical secularism defends an approach to religions or religiousness in general that is free from any complex. A society based on the permanent criticism of its very fundamentals, it is argued, does not have a reason to

consider some issues as immune. The question, however, is not purely intellectual or academic but also has political implications, as numerous stereotypes have penetrated the socially extended image of Islam, sometimes resulting from ignorance that, in turn, may help to weaken the freedoms of the Muslim minority.

Integration policies are the area in which both "conservatives" and "progressists" act out their differences. On the one hand, Denmark is seen as an archetypical nation state³¹ that defends its identity as the last unionising element of a society threatened by the growing cultural, ethnic and religious diversity of its inhabitants. This presentation of the problem reflects a world view that has gradually stiffened since the beginning of this new century, according to which the West, enlightenment, the rule of law, the Christian legacy and democratic freedoms are all opposed to an East where darkness, totalitarianism, Islamic fundamentalism and the domination of people by a minority all prevail. A division that, in terms of immigration policy, is the equivalent of polarisation between integration and maintaining one's own identity, between unity and diversity, between a homogeneous secular nation and a variegated multicultural society.³² A division that, in turn, is reproduced in the self-images of Denmark, on the one hand, that of those who defend Danishness at all cost and who see

27 Cf. Corm (2007): chapters 1 and 2, stating that this return by religion is secondary to political or nationalist motivations.

28 Grayling (2007): 18.

29 "What power and what organisational force would a purely voluntary faith maintain?" wonders Michael Walzer (1998: 83). In other words, can we say that individuals choose their religion in the same way as they choose their aesthetic, political or consumer preferences, for example? Can religiousness survive "in a system where there is a network of free associations"? "What is certain is that we do not know to what extent "identity" and "faith" depend on coercion, nor whether they can occur under conditions of freedom" (Walzer (1995): 21).

30 Grayling (2007): 19.

31 The concept of cultural homogeneity is, in this way, the most important defining element in constructing the Danish nation", Ulla Holm, "Dinamarca: ¿el patito feo de la política internacional?", <<http://www.realinstitutoelcano.org/analisis/932.asp>>.

32 "On both sides, the radicals have tried to eliminate the middle ground, and this is extremely dangerous. The Muslims who vandalised embassies and brandished placards vowing to execute the cartoonists have fulfilled the stereotypical view of "Islam" in the west: a religion seen as violent, fanatical, self-destructive and atavistically opposed to freedom. At the same time, those who aggressively support the repeated publication of the cartoons embody the view many Muslims have of "the west": as arrogant, disdainful of religion, chronically Islamophobic, and guilty of double standards - proudly boasting of its tolerance, but not applying it to anything Islamic. When the dust has settled after the crisis, these negative stereotypes will be more entrenched, to the detriment of a final reconciliation", Karen Armstrong, "We can defuse this tension between competing conceptions of the sacred", *The Guardian*, 11/03/06.

foreigners as a potential long-term threat and, on the other hand, that of those who see Denmark as a country that welcomes foreigners, that defends tolerance and international respect for human rights. After the end of the golden age of Scandinavian social democracy, this confrontation has gradually shifted towards the former.

This perpetration of stereotypes may be considered as one of the lessons to be learned from the exercise that Flemming Rose proposed for the Danish cartoonists.³³ In the aforementioned message, the editor invited them to draw Mohammed “as they see him”. And how do they see him? Well, as presented by the western media, so that what is actually at stake in the cartoons is the very image of the Muslim religion disseminated by the western media, and more specifically the Danish media. We undoubtedly have to assess empirically which conception of Islam is being propagated via the media. However, it seems plausible to suggest that the news usually emphasises the link between Islam and violence, highlighting terrorists’ religious motives and presenting, ultimately, a west-oriented biased view of the Muslim religious phenomenon.³⁴ What is shown in the

cartoons and in the journalistic initiative is the “western perception of the Islamic phenomenon”.³⁵ Could it be otherwise? In other words, is an image possible without stereotypes? Can an image of the other be constructed that does not bring with it centuries and centuries of platitudes?³⁶

It is plausible to claim that there is something of truth in these stereotypes. In any case, this hypothesis cannot be rejected *a priori*, as there are numerous examples that support it. However, the rhetoric behind these stereotypes of the “clash of civilisations”³⁷ does not take other factors into consideration (social, economic, demographic, geopolitical, etc.), such as the internal pluralism of Islam, essential for any exhaustive and informed view of the plural societies in Europe.

We are therefore faced with a *de facto* question³⁸ namely, can Islamist terrorist violence be attributed to Islam? Must journalists be thoroughly informed of the reasons for the violence? Must they read Islamic theologians and pay attention to all the versions of this religion? In short, can this question be resolved by describing the facts adequately,

33 This is one of the conclusions reached by Anne Sofie Aanes in her thesis “Karikaturesagen – en diskursanalyse af fællesskabskonstruktioner i avisdebatten”. After an exhaustive analysis of the reactions during the “cartoon crisis” in the Danish press, she concludes that the discourse of culture clash became hegemonic, to such an extent that the radical counter-position between “them and us” providing its thematic structure was also adopted by discourses attempting to accentuate citizenship as a common feature of all those involved in the debate, both Christian and Muslim Danes.

34 In this respect we should read the claim by Georges Corm on “the tranquil aplomb with which academic or journalistic discourses let us enter the most outdated platitudes without bothering to introduce the tiniest nuance”, thereby contributing to “the perverse omnipresence of the religiousness and religion”, in Corm (2007): 24.

35 PHARES, W. “La Jihad viñetesca”, Grupo de Estudios Estratégicos (GEES). In: *Colaboraciones*, no. 833, 06/03/06 <<http://www.gees.org/articulo/2225>>.

36 This same question was asked, not without a certain deceptive intent, by the people behind a float that took place in the Düsseldorf carnival procession on 19 February 2007, showing two Islamic terrorists armed with explosives, guns and scimitars, both with signs saying “Reality” and “Cliché”. It is symptomatic of these cartoons’ strength to incite debate that the footnote of the paper that reproduced these signs added a question mark. This reveals that figures are not only seen as potentially offensive but are above all interpreted as public contributions to the debate on stereotypes that is inevitably generated by the mass media. Meanwhile, the Council of Muslims in Germany contributed to the debate with a new reactive stereotype, saying that this was “provocation for provocation’s sake” (*La Vanguardia*, 20/02/07).

37 So, according to Henry Kamen, what is settled in this conflict is “whether our century is to be that of enlightenment or darkening”, “Los enemigos de la libertad humana”, *El Mundo*, 07/04/06.

38 “The maxim of argument that there may be in the discussion of a moral problem is the establishment of facts but when the facts have been established, diverging opinions may still be presented regarding questions of value. So it is not possible to do any more than accept the disagreement, try to persuade the other using non-rational means or, in the last resort, fight against him” (Hare [1997] 2000: 51).

clarifying the diverse trends of Islam and doing justice to this religion's more tolerant versions? If this requirement is not met, there is the risk of throwing the baby out with the bathwater, i.e. Islam and the citizens who believe in it with those who hide behind it in order to commit violent acts.

Instructive in this instance is the debate initiated by the German TV channel, ZDF, on broadcasting a programme about Islam entitled "Friday's word" (*Wort zum Freitag*), echoing its "Sunday's word" (*Wort zum Sonntag*), dedicated to Christianity. This new programme was not aimed at Muslims but at all German society that did not know much about Islam, as stated by the chief editor of ZDF, Nikolaus Brenner. He then added, "That's why society has the right to get to know this religion better via questions. Hence I imagine a dialogue format".³⁹ To this, the secretary general of the Central Council of Muslims, Aiman Mazyek, answered that it did not make sense to use this programme as a forum in which to tackle Islam. He postulated that "it is more a question of creating, according to the constitutional principle of the German constitution and in a similar way to "Sunday's word", a forum for sermons by representatives from other religious communities". So that, according to Mazyek, Islamic associations should be responsible for the content of the broadcast, although he did not specify how to contrive a "tranquil and open debate" with these groups. This is something that was finally carried out with the first broadcast, in this case on an SWR radio station, of "Friday's word" on 20 April 2007, precisely by the aforementioned Aiman Mazyek. This initiative supposes the recognition of the existence of 3.5 million Muslims, putting Islam on a more normal footing by increasing people's knowledge of this not only on the part of Muslims but also the rest of society, as this programme will be the same as those already being broadcast for Christianity and Judaism. In fact, the broadcasting of "Friday's word" merely implements the German

constitutional mandate that obliges the state media to offer a space for religious beliefs, to meet the demands of all taxpayers. As mentioned by one of the directors of the radio station, Peter Voß, it was a question of offering Muslims the chance to preach their faith, so it is not designed for Muslims to talk about Islam but for them to publicly profess their faith via a state channel, although the idea was for the editorial office to monitor the programme's content, something that does not happen with the programme dedicated to Christianity. As a result of the debate that arose on announcing this broadcast, it was discussed whether more radical Islamists might use the programme to disseminate their faith, something which Peter Voß had not even contemplated, as he trusted that "there are quite a few Muslims who follow the liberal tradition and wish to live in Germany according to the country's customs and, therefore, who can take charge of the programme".⁴⁰

This is a more advanced debate than the Danish one, something which can be attributed to Islam being more on a normal footing rather than its incipient state in Denmark. This sociological trend was revealed in the words of the Home Secretary, Wolfgang Schäuble, for the Conference on Islam held in Berlin, "Islam forms part of Germany and of Europe; it forms part of our present and our future. Muslims are welcome in Germany and we are therefore asking ourselves who should represent Islam, who is authorised to do so, who is representative, as well as the difference there must be between informing and proselytising".⁴¹

This is a debate that, in the same way as in the case of the cartoons, is actually a meta-debate, i.e. a discourse in Habermas' terms, in which the new rules of debate are discussed, in which the claims to truth of those involved become problematic. What is discussed is who the programme should be aimed at, i.e. what purpose must it fulfil: can it aspire to inform without resorting to any kind of

39 "ZDF und Muslime streiten über 'Wort zum Freitag'", *Frankfurter Allgemeine Zeitung*, 19/02/07.

40 "Man muß einen Anfang wagen" at <<http://www.swr.de>>.

41 "Der Islam ist Teil Deutschlands", *Süddeutsche Zeitung*, 25/09/06.

proselytising? What would be bad in that? We concede that proselytising would not be justified, as the media should not be responsible for carrying out the work befitting the different religions. But we might aspire to the media helping not only to cultivate the virtues of our world view per se or of the community but also to the cosmopolitan education of citizens. This is the aspiration of Martha Nussbaum, for example, who claims that “we will not know what we are judging until we see the meaning of an action according to the actions of the person who carries it out”.⁴² This degree of understanding of otherness makes no sense without a correction of otherness that is not necessarily supported by the possible self-criticism carried out by others. In other words, not only on internal criticism but on external, i.e. based on the values of the western tradition per se.

This German example leads us to wonder whether media professionals should propitiate peaceful co-existence in diverse societies, encouraging social conciliation instead of aggravation. When all is said and done, information per se cannot be the ultimate purpose of journalists. Quite the reverse; they must facilitate public discussion, attending not only to issues that may lead to a negative response or mere morbidity, but especially to those that can help the coming-together of citizens, albeit with discrepancies.

As a normative proposal, we may therefore venture that the purpose of the work of mass media professionals should be to avoid the ill-will of serious disagreement and to propitiate an understanding of otherness that is shown to be reasonable and prepared to respect the basic institutions of the host country. But this aim has a *petitio principii*, i.e. as in Rawls' terms, the reasonableness or decency of the other is precisely what is in question. So debate must not presuppose the desirability of reaching an understanding with the other but must be started in order to clarify whether the other deserves to be understood under his or her own terms. In short, whether the link between Islam and violence is real or is an excuse used by fanatics. And here we find ourselves back at the beginning, namely the urgent need to resolve the issue of Islamic theology and traditions. In this

respect, provocation and mockery allow us to diagnose the degree of modernity, in the European sense of the term (if there is any other) of Muslims located in the West. If they accept this, then they may be considered as sufficiently enlightened (and perhaps as decadent) as Europeans. If, on the other hand, they persist in their desire for unconditional respect for their religious precepts, then we will have to consider whether the unequal distribution of the duty of tolerance involved in these people living in a secular society does not constitute an excessive demand.

42 NUSSBAUM (2005): 30.

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