

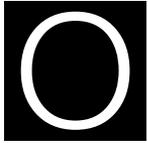
RISKS OF APPEASEMENT: THE FAILURE OF THE EAST AND THE WEST IN THE MUHAMMAD CARTOON CONTROVERSY

The 12 editorial cartoons of the Danish newspaper, Jyllands-Posten, in 2005 should not be considered an insult to the Muslim world. Therefore, appeasement to extreme reactions by the Muslim community, such as the apology of the Politiken newspaper in 2010, does nothing more than magnify the problem of admitting and imposing self-censorship. There is a great need to redefine what we call freedom of speech and make clear that respect and tolerance do not imply deprivation of our most basic freedom: to articulate critical opinions freely.

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n 30 September 2005, on the third page of its Weekend Culture section, the Danish newspaper *Jyllands-Posten* presented 12 cartoons depicting the Prophet Muhammad. The Cultural Editor of the newspaper, Flemming Rose, published the cartoons because he aimed to defend the right of freedom of speech and equal treatment of all cultures and belief systems against the new kind of emerging self-censorship aware of Islamist taboos. Most of the cartoons are quite satirical but the most controversial one depicts Prophet Muhammad carrying a lit bomb in the shape of a turban on his head, which is decorated with the Islamic creed also known as the *shahadah*. Following this cartoon's publication, the public protested in Denmark and the Muslim community demanded an explanation. This paper argues that the publication of the cartoons was an act of satire that lies within the framework of the law. The cartoons depict a specific reality, which is extremism and radicalism among some Islamic groups. Exposing this reality is important because it provides a mode of discourse which can help overcome the challenges posed by the coexistence of groups with opposing value systems. Finally, the article aims to point out the risks of limiting freedom of expression.

Freedom of Speech

Let us begin by revisiting the basic articles that outline the contours of discussion on freedom of speech in the world and in Europe. Censorship shakes the foundation of our democracies, freedom of speech, even in the occurrence of public due to a "provocative" publication.

Articles 18 and 19¹ of the Universal Declaration of Human Rights state that freedom of expression is the cornerstone of any democratic society. The European Court of Human Rights (ECHR) in agreement with articles 18 and 19 has also established freedom of speech as an integral part of its principles with Article 10. According to Article 10(1)², everyone has the right to freedom of expression which must be exercised without interference by public authority.

In the case of the cartoons, Henning Fode, the Head of Public Prosecutors in Denmark, found no basis for the argument that the cartoons constituted a criminal offence. According to Henning Fode's analysis³, Article 10(1) also includes expressions that may shock, offend or disturb.⁴ However, he remarks that exercis-

¹ The Universal Declaration of Human Rights, Articles 18 and 19, *United Nations*, <http://www.un.org/en/documents/udhr/index.shtml#a19>

² The European Convention on Human Rights, Article 10(1), *United Nations*, <http://www.hri.org/docs/ECHR50.html#C.Art10>

³ Decision on Possible criminal proceedings in the case of *Jyllands-Posten's* Article, Henning Rose, "The Face of Muhammed," http://www.rigsadvokaten.dk/media/bilag/afgorelse_engelsk.pdf

⁴ *Ibid*, p. 4

ing freedom of expression carries duties and responsibilities which “under Article 10(2)⁵ it may i.e. be subject to restrictions and penalties as prescribed by law and which are necessary in a democratic society, i.e. be proportionate to the legitimate aim pursued.”⁶ Furthermore, in the end he adds:

In case of conflicts between the right to freedom of expression and protection of other rights comprised by ECHR, the freedom of expression of the press in particular carries great weight if it concerns a subject of general interest, as the press fulfills a central function in a democratic society.⁷

This statement supports the point that freedom of expression should not be censored by any authority for the sake of peace in the community.

There is No Case of Blasphemy Under the Scope of Danish Law

Section 140 in the Danish Penal Code states: “Those who publicly mock or insult the doctrines or worship of any religious community that is legal in this country, shall be punished by fine or imprisonment for up to four months.”⁸

In addition, according to the Section 266b: “.. [those who] threaten, insult or degrade a group of persons on account of their race, color, national or ethnic origin, belief or sexual orientation,”⁹ can receive up to two years of imprisonment.

According to the decision of the Director of Public Prosecutions, Henning Fode¹⁰ the publication of the Muhammad cartoons neither intended to insult Muslims nor to depict them as criminals or terrorists. There was not enough proof to characterize the publication as blasphemy in the terms described above in Danish law. Additionally, the court remarked that terror acts had been carried out in the name of Islam and it was not illegal under the Danish law to illustrate those acts in a satirical framework. As elaborated in Fode’s decision:

⁵ The European Convention on Human Rights, Article 10(2), <http://www.hri.org/docs/ECHR50.html#C.Art10>

⁶ Decision on Possible criminal proceedings in the case of Jyllands-Posten’s Article “The Face of Muhammed”, Henning Rose, p.4, http://www.rigsadvokaten.dk/media/bilag/afgorelse_engelsk.pdf

⁷ *Ibid*, p. 4

⁸ Section 140 of the Danish Penal Code, http://www.themis.dk/synopsis/docs/Lovsamling/Straffeloven_kap_15.html

⁹ Section 263 of the Danish Penal Code, http://www.themis.dk/synopsis/docs/Lovsamling/Straffeloven_kap_27.html,

¹⁰ Decision on Possible criminal proceedings in the case of Jyllands-Posten’s article “The Face of Muhammed”, Henning Rose, pp. 9-10, http://www.rigsadvokaten.dk/media/bilag/afgorelse_engelsk.pdf

I have today decided not to institute criminal proceedings in the case of *Jyllands-Posten's* article *The Face of Muhammad* which was published on 30 September 2005 and where complaints were filed against *Jyllands-Posten* for violation of Sections 140 and 266 b of the Danish Criminal Code.

There is No Case of Clear Blasphemy under the Scope of Islam Itself

According to Sheikh Sa`ûd al-Funaysân, former Dean of Islamic Law, al-Imâm Islamic University, there are three opinions concerning the permissibility of depicting Islamic figures, the first considers them completely unlawful, the second considers them lawful and the third considers them lawful under certain conditions.

The scholar concludes:

From all of this, I hold that the pictures used to make cartoon movies are among the images that are permissible to produce – and Allah knows best. Consequently the sale, purchase, and viewing of cartoons is also permitted as long as all of these activities are engaged in according to the dictates of Islamic Law.¹¹

It is clear though that there is also a debate within the Muslim community itself. Muslim belief is not clear when it comes to the depiction of holy figures of Islam since some schools mention that it can be done but others do not allow it. Finally, expressions like, “Allah knows best”, leave a great gap to be interpreted in any way.

Even if we consider that there is a solid and clear prohibition of depicting Islamic figures in the Muslim community, this prohibition is valid and applied only to those groups who accept those particular Islamic beliefs and follow those values, norms and rules. As a result, it cannot be claimed that the values and beliefs of a group can or should be imposed on the whole body of a society. In addition, religion is by definition obedient to the higher authority of a state's law (in this case the Danish law and the decision of the court) and the decrees of the ECHR – both of which protect freedom of speech. *JyllandsPosten* is a newspaper which circulates in Denmark, a European country, and thus it is subject to European and Danish Law. Legally, the case does not qualify for blasphemy or discrimination as shown by Fode's decision. Given the controversial nature of Islamic interpretations even if

¹¹ Sheikh Sa`ûd al-Funaysân, “Drawing Pictures & Producing Animated Cartoons,” *Islamtoday.com*, 16 February 2006, <http://en.islamtoday.net/artshow-383-3367.htm>

the cartoons could be considered blasphemous by a religious school, this cannot have the same gravity and importance since the law cannot be changed according to the beliefs or interpretations of a single group. Therefore, the law and not the beliefs of certain groups has the final word.

How Can the Victimization of Muslims Lead to Discrimination?

In liberal societies, all groups expect to be treated equally and enjoy the same level of freedoms. Accordingly, Muslims as a religious group enjoy the same level of rights and freedoms as all other groups. A cartoon publication could concern any attribute of any group, in this case holy figures of Islam, and as a result it cannot be claimed that this publication targeted Muslims and in a discriminatory way. European law is against discrimination in terms of religion and beliefs. According to Article 9 of the ECHR, "Everyone has the right to freedom of thought, conscience and religion."¹² Muslims consider themselves the victims of discrimination by acts like the cartoons. Examined from another point of view, the argument can be reversed: When a group of people requests special treatment and particular attention to their beliefs then they become the cause of their own discrimination by simply asking for special treatment due to their religious group. Satire is not discrimination. Rather, it is equal treatment, in this case in the form of satire that could be addressed to anybody. Therefore, the protests and the violent events that followed the publication do not hold any ground. These reactions also point out that Muslims in this case, demand a privileged treatment, not equality. As Cultural Editor Hemming Rose posed it:

"The publication of the cartoons did not aim to discriminate against religious minorities."

We have a tradition of satire when dealing with the royal family and other public figures, and that was reflected in the cartoons...by treating Muslims in Denmark as equals they made a point: We are integrating you into the Danish tradition of satire because you are part of our society, not strangers. The cartoons are including, rather than excluding, Muslims.¹³

¹² The European Convention on Human Rights, Article 9, *United Nations*, <http://www.hri.org/docs/ECHR50.html#C.Art10>

¹³ Flemming Rose, "Why I Published Those Cartoons", *The Washington Post*, 19 February 2006, <http://www.washingtonpost.com/wp-dyn/content/article/2006/02/17/AR2006021702499.html>

The publication of the cartoons did not aim to discriminate against religious minorities. The editor of the newspaper made it clear that the publication had no intention of stereotyping Muslims and that “the cartoonists treated Islam the same way they treat Christianity, Buddhism, Hinduism and other religions.”¹⁴ In return, the harshest criticism was towards the cartoon depicting the prophet with a bomb in his turban. Muslims considered it to be a manifestation of the generalization that Muslims are terrorists or that their prophet was a terrorist. However the same

image can be seen differently: As a criticism of only those people who are committed to terrorist activity and who, through their actions, degrade Islam and harm its reputation. Satire, as used in the Danish cartoons, in other words, could be seen to have a positive contribution to the image of Islam overseas.

“The reactions because of the publication of the cartoons escalated when Danish Muslim leaders took the case to the greater Muslim community in the Middle East.”

Furthermore cartoons are an artistic expression as well as a humorous act. Satire and ridicule can very well become extremist if we could ever claim that the arts can be interpreted as extreme as such. Any effort that attempts to pose limits on satire is nothing but censorship and the degradation of a

fine art, for art is inextricably connected with freedom of expression. One function of art among its many is to reveal, inspire, question, unleash criticism and create social inquiry. Depriving art of freedom of expression deprives it of its functions and deteriorates its thematology. To put art under limitations is equal to violating freedom of speech since the artist will be forced to abstain from voicing certain issues. According to the Encyclopedia Britannica Online, “Satire is an artistic form in which human or individual vices, folly, abuses, or shortcomings are held up to censure by means of ridicule, derision, burlesque, irony, or other methods, ideally sometimes with the intent to bring about improvement”¹⁵ Satire can be hostile, merciless and outrageous and this is how it is supposed to be. It is the people’s safety valve in a democratic system.

¹⁴ Flemming Rose, “Why I Published Those Cartoons”, *The Washington Post*, 19 February 2006, <http://www.washingtonpost.com/wp-dyn/content/article/2006/02/17/AR2006021702499.html>

¹⁵ “Satire”, *Britannica.com*, <http://www.britannica.com/EBchecked/topic/524958/satire>

The Failure of the West

Religion belongs only to the personal-private sphere. Liberal societies are a mosaic of many sub-groups (such as religious and cultural groups) with different identities and attributes which are embraced and protected by the larger society. The law provides freedom to those individuals who wish to practice their religion requiring, though, that they do not contradict the citizens' legal responsibilities of maintaining public law and order. Guiding our public secular lives and behavior according to divine guidelines within a liberal society is completely unacceptable and anachronistic. According to Weber's thesis of "Occidental Rationalism", our societies have moved from a value-based rationality towards a goal-oriented rationality. Societies, according to Weber, are organized under a bureaucratic framework and are guided by ethical utilitarianism. Religion has no place in public affairs; it belongs to pre-modern times. This does not mean that a society should neglect the dynamics and the influence of religious groups. On the contrary, it should protect them but limit them in their religious affairs in so much as they are, not allowed to interfere in matters beyond the religious sphere. Any statement, including Politiken's¹⁶ recent apology on 26 February 2010, which urges for the responsible use of freedom of speech is a clear failure to addressing these issues properly. In this apology Politiken recognizes how Muslim tradition was insulted by the reprinting of the cartoons. Their tactic, under the scope of tolerance and in an effort to assuage the excited crowds, was appeasement. Their apology worked to mollify the rage of the Muslim community, but it only functioned as a stopgap which legitimized the reactions rather than correct them. An apology is given when there is actual blame to put on an action. This initiative of issuing an apology when there is no need for any may give ground for similar future cases and pave the way for censorship.

Furthermore, appeasement only leads to the exploitation of tolerance by extremist groups or people who are not willing to integrate the Western society. A strategy of appeasement can only restore order and tranquility for a short time. When the press "pulls back" on such a simple issue, there is a guarantee of more demands in the future. Not addressing the issue with all sincerity is a loss for the democratic system. Following this logic, a Jyllands-Posten editorial claimed: "we are on our way to a slippery slope where no one can tell how the self-censorship will end,"¹⁷

¹⁶ "Danish newspaper apologizes in Muhammad cartoons row", *The Guardian*, 26 February 2010, <http://www.guardian.co.uk/world/2010/feb/26/danish-cartoons-muhammad-politiken-apology>,

¹⁷ "What the Muhammad cartoons portray", *BBC News*, 2 January 2010, http://news.bbc.co.uk/2/hi/middle_east/4693292.stm

What Is to be Done?

The world benefits from globalization. Large cities in the world are turning into melting pots where cultures mix with each other and create new trends brighter and vibrant. This is the optimistic side of the story.

Within the immigrant communities, the values of respect and freedom of expression have been often misinterpreted. There is a great need to redefine these terms and speak directly to the communities that feel insulted by actions such as the publication of the cartoons elaborated above. Respect works both ways. Why should freedom of speech be less respected than the religious beliefs of a certain group? The notion of “intellectual honesty” should guide future policies. Intellectual honesty is a state in which anyone can express their opinion freely without fear of provoking a group or an individual. It is an ideal situation where opinions, even if extreme, are not conceived as insults or mockery, but on the contrary can initiate constructive dialogue. When such a level of maturity is achieved in the sub groups of societies, criticism can be shared without restraint imposed by a group’s value system. Nothing qualifies as “sacred” or untouchable when intellectual maturity exists.

In societies like Denmark, artists can legitimately criticize and ridicule political figures, gods or whatever else they want to “attack”. This right and freedom has been acquired through ages after great effort. One step backwards from this basic principle can pull down the whole progress. The cartoon controversy is at the tip of an iceberg which consists of numerous cases such as the assassination of Theo Van Gogh in Amsterdam, the price on the head of Salman Rushdie, and the simple inability of the Danish writer Kare Bluitgen to find an illustrator for his book on the life of Muhammad. In Rose’s words:

I commissioned the cartoons in response to several incidents of self-censorship in Europe caused by widening fears and feelings of intimidation in dealing with issues related to Islam. And I still believe that this is a topic that we Europeans must confront, challenging moderate Muslims to speak out. The idea wasn’t to provoke gratuitously -- and we certainly didn’t intend to trigger violent demonstrations throughout the Muslim world. Our goal was simply to push back self-imposed limits on expression that seemed to be closing in tighter.¹⁸

¹⁸ Flemming Rose, “Why I Published Those Cartoons”, *The Washington Post*, 19 February 2006, <http://www.washingtonpost.com/wp-dyn/content/article/2006/02/17/AR2006021702499.html>

Rose is clearly concerned for a lack of Intellectual Maturity. He explains that the purpose of the publication was a reaction to the suffocation of free voices. A key component of the “clash” of cultures is coming to the surface, one side representing freedom of expression and another claiming that there are certain issues that cannot be treated within this context because of their special meaning for a group. There are people who are not supportive of the values of democracy and freedom even though they reside in democratic states. One of the factors that can be attributed to this lack of understanding can be religion.

The Failure of the East and Islam

The reactions because of the publication of the cartoons escalated when Danish Muslim leaders took the case to the greater Muslim community in the Middle East.¹⁹ It was that moment that fury and violence along with death threats and the burning of embassies in the Middle East began.

According to the words of the scholar, Yusuf al-Qaradawi, freedom of expression and criticism are fundamental values in Muslim belief. Islam not only adopts these values among its principles, but it also calls for “more than just ‘freedom’, making it an obligation to say, express and criticize whatever relates to the interest of the community, general morals and public ethics.”²⁰ It is an interesting point of view but quite controversial according to the extreme reaction of the Muslim community. Since Muslims are urged to criticize with no fear and limits and since criticism is not only a right but also an obligation, then the actual reason for the whole crisis is an important question to be raised. Freedom of speech and criticism cannot be case specific. As a result, Islam cannot exclude self-criticism for the sake of its own principles on free expression and criticism. Thus, the reactions to the criticism of Islam were incompatible with the Islamic principles.

“Islam cannot exclude self-criticism for the sake of its own principles on free expression and criticism. Thus, the reactions to the criticism of Islam were incompatible with the Islamic principles.”

¹⁹ Sten Rynning Camilla and Holgmard Schmidt, “Muhammad Cartoons in Denmark: From Freedom of Speech to Denmark’s Biggest International Crisis Since 1945”, University of Southern Denmark, UNISCI Discussion Paper, 2006

²⁰ Yusuf al-Qaradawi, “Islam, Freedom and Artistic and Literary Innovation”, *Islamonline.net*, 19 January 2011, http://www.islamonline.net/en/IOLYouth_C/1278407318354/1278406708816/Islam,-Freedom-and-Artistic-and-Literary-Innovation

Professor of Religion, International Affairs and Islamic Studies at Georgetown University, John L. Esposito, claims that media and the society have created a kind of Islamophobia and that the cartoons are inflammatory because they do not target personalities like Osama Bin Laden or other named terrorists but the Muslim community in general.²¹ He also adds that there is not only freedom of expression but also freedom of religion and that this kind of stance towards Islam creates a deep gap that does not keep abreast of the demands of globalization where tolerance and mutual understanding are more essential than ever before in order for different cultures to co-exist. He argues that “belief as well as unbelief needs to be protected.”²² However, in the end he clearly criticizes the extreme reaction of the Muslim community and makes it clear that “a sharp line must be drawn between legitimate forms of dissent and violent demonstrations or attacks on embassies that inflame the situation, and reinforce Western stereotypes.”²³

Another voice from the Muslim world which criticizes the violent protesters and extremists is Dr. Hesham Hassaballa. In his article, “What Would Muhammad Do”²⁴ Dr Hessaballa supports the argument that the cartoons were offensive and repulsive. They degrade not only the prophet, but the whole Muslim community. Muslims have the right to protest in the same way that the newspapers have the right to publish those cartoons. In his article, he brings forth the example of the prophet who took no violent action against those who confronted him. Finally, the author claims that there are many other civilized and more efficient ways to protest and manifest opinions. He furthermore stresses that this protesting stance is the one which enhances the stereotypes against Muslims: Muslims failed to use this opportunity to “show the world the true face of Prophet Muhammad -the face we know and love- to contrast the ugly face that was printed by the Danish newspaper”²⁵. On the contrary the violent protests confirmed the image that people of the West construct about Muslims, “that Muslims are little more than backward, angry barbarians. How sad. How very sad indeed.”²⁶

Islam also failed to address the issue properly. When we mention “the failure of Islam”, we mean first of all the trigger to all the violent events that was pulled by the Danish imams of the Islamic Faith Community and then all the events perpetuated by Muslims that followed like an unstoppable torrent.

²¹ John L. Esposito, “Muslims and the West: A Culture War?”, *Islamica Magazine*, No.14, <http://www.gallup.com/poll/21454/muslims-west-culture-war.aspx>

²² *Ibid*

²³ *Ibid*

²⁴ Dr. Hesham Hassaballa, “What Would Muhammad Do”, *The American Muslim (TAM)*, 4 February 2006, http://theamericanmuslim.org/tam.php/features/articles/what_would_muhammad_do_wvmd/

²⁵ *Ibid*

²⁶ *Ibid*

To that point, I shall not only mention why this behavior was not justified in terms of freedom of speech and basic secular values as I did in previous sections but if we should concentrate solely on the mishandling of the situation by Muslims themselves. The extreme response has caused even greater damage to the image of Muslims worldwide and has deepened the gap between the oriental and the occidental. It has also revealed an unwillingness to establish a dialogue on sensitive topics. No one is prevented from trying to peacefully persuade others that their view is the right one. But such persuasion has to be kept within civilized bounds. Opinions as Dr Hassaballa's are paradigmatic and should represent the entire Muslim world in peaceful methods of protest. How it will be conceived and what kind of image Islam as a religion will present to the rest of the world lies only in the hands of its congregations. Muslims are an integral part of western societies. Moreover, Muslim communities should keep their beliefs as internal values and sets of rules within all the rights and benefits that secular societies grant to their members without exceptions or special treatment.

Conclusion

The extreme responses (death threats, embassies burnt to ground, prices on heads of artists, etc.) by Danish Imams, Danish Muslims and the Middle East prepares the ground for the discussion of a new kind of terror, that of censorship. It also raises the question of whether (and what kind of) mutual tolerance exists between both sides and why there should be special treatment of specific issues like Islam. In other words, gradual surrender of the cornerstone of the democracy –freedom of speech– for the sake of a group of people who consider criticism an insult must be halted. This position is enhanced by the decision of the Regional Public Prosecutor in Viborg who discontinued his investigation (filed by a number of Muslim organizations on 27 October 2005 and based on the claim that *Jyllands-Posten* had committed an offence under section 140 and 266(b) of the Danish Criminal Code which concerns blasphemy and disturbance of public order), as he found no basis for concluding that the cartoons constituted a criminal offence on 6 January 2006.

By discussing the above case, I have aimed to introduce new ways of approaching the issue of Islam other than self-censoring. The risks attached to this case can also be generalized for the entire EU initiative to promote religious freedoms, as demonstrated in the recent conclusions²⁷ of the Council of Europe. Exchanging ideas does not imply domination of one culture by the other. The unwillingness of discussion shown by the Islamic side does not comply with the principles of

²⁷ Council Conclusions on intolerance, discrimination and violence on the basis of religion or belief, http://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/EN/genaff/119404.pdf

freedom of speech. Criticism even to the extreme and the values of the European-western culture were the result of procedures that have lasted for hundreds of years dating back to the European Enlightenment. In 1689 England's Bill of Rights which granted freedom of speech in Parliament was established. In 1789 the Declaration of the Rights of Man and of the Citizen in the French Revolution affirmed freedom of speech as an inalienable right. And finally the Universal Declaration of Human Rights takes place in 1948 along with the European Convention on Human Rights in 1950. Taking into consideration the values and rights provided by those texts, criticism and human inquiry can not be restricted because of religious beliefs. The "tolerant" stance currently applied in the EU needs to be replaced with the honesty and maturity of the modern era. The apology of *Politiken* and all the statements or voices that recommend "responsible" use of freedom of speech are very tricky and pose a danger to the future of liberal society. When censoring, a new form of terrorism sprouts, invisible but present, suppressing speech, the arts and creative thinking for the sake of respecting divine beliefs.