On Democratic Integration and Free Speech: Response to Tariq Modood and Randall Hansen

Erik Bleich

I am grateful for the opportunity to respond to these thought-provoking essays by Tariq Modood and Randall Hansen, as they touch on issues of perennial concern to citizens of liberal democracies. The terms of Muslim integration and the protections granted to freedom of speech are particularly pressing issues in the wake of recent events, and the Danish cartoon controversy opens an important window into these debates.

The cartoons as tools that help construct images of Muslims

Given the dominant public framing of Muslims as a “problematic” group in contemporary Europe, I thoroughly disagree with Hansen’s argument that equating Islam with terrorism, violence, and death is not racism. In the September 2006 Council for European Studies newsletter, I argue that Muslims are being constructed as the newest ethno-racial outsiders in Europe. This construction is taking place by non-Muslim Europeans (and not by Muslims, as Hansen suggests) and it has all the earmarks of classic racialization: namely the essentializing of an entire group of people based on a primordial identity marker, and the classification of such a group as inherently dangerous and inferior.

While European Muslims are being constructed as ethno-racial outsiders in many places and in multiple ways, I do not believe that they are always cast in this role. What “Muslim” stands for is politically contested, and the Danish cartoons reveal this contestation. It is not true that the cartoons universally contribute to Muslims’ ethno-racial outsider status. Modood is wrong to assert that “they are all unfriendly to Islam and to Muslims”. Hansen comes closer to the mark by noting that the cartoons varied “from the anodyne and perhaps even amusing to the offensive”. I would go one step further than Hansen at the two extremes. On my reading, two of the images actively promote the view that Muslims cannot be integrated into Western Europe, while two others go beyond mere offensiveness into the realm of hate speech that should be sanctioned by law. The first point to emphasize, therefore, is that these cartoons were much more of a mixed-bag than commonly recognized, because the public’s eye has been drawn
to those that are unambiguously offensive. I will return to the most controversial images below, but first I would like to make the unusual case that at least two of the illustrations actually contained positive messages about Muslim integration in Denmark and in Western Europe.

One of these cartoons – apparently penned by someone pragmatically interested in the job as a children’s book illustrator – is a straightforward image of Muhammad as a shepherd-figure. Looking at this cartoon, one is struck by the fact that it could just as easily be a depiction of Moses or Jesus. In other words, this image puts Muhammad squarely in the Abrahamic tradition, signalling, one could easily argue, the compatibility of Islam with Judeo-Christian heritage. Although observant Muslims may object to this cartoon on the grounds that it violates the norm against pictures of the Prophet, for less observant members of the faith and for those of other religions, this portrayal may actually foster sympathy and understanding. The second image is one discussed by Hansen, namely that of a schoolboy clad in standard-issue Western youth garb who has written on the chalkboard “The editorial team of Jyllands-Posten is a bunch of reactionary provocateurs”. This is expressly not a picture of the Prophet and therefore does not contravene religious prohibitions. Rather, it is an immigrant child who is both cheeky and savvy enough to thumb his nose at the media. The Muhammad depicted here is not a sheltered, conservative, fundamentalist boy, but rather a well-integrated Muslim child, perhaps representative of Muslims not only in Denmark but also of those across Europe.

**Trust democratic institutions**

In spite of these positive images of Muslims, there remain enough doubts about the role of Muslims in Europe that I have to take issue with core aspects of Hansen’s article. Hansen comes out fighting, announcing that he is offering a “robust” defence of the right to free expression. But at times, his vision of how to defend such an important right verges on the authoritarian. This is particularly so in the last two paragraphs of his essay, in which he deploys phrasing such as “this offence is the price of living in a liberal society, one that has been paid by many groups before”, “people have been told...they simply had to accept it”, “they have to decide whether they wish to live in a liberal democratic society”, “if they do, they have to accept...” and, finally, that free speech “is part of the liberal democratic framework, not a negotiable addition to it”. Such firm phrases are consistent with Hansen’s argument that the weight of history demonstrates that other groups have integrated into settler societies in the past on the presumably rigid and static liberal terms dictated by the hosts. The overriding impression these formulations leave is that Muslims are demanding more than other groups have been granted. For Hansen, this appears to be the Muslim
exceptionalism, and it is something that cannot be tolerated. It is only by
democracies holding firmly to principles of liberal free speech that Muslims will
eventually be integrated as others have been in the past.

But it is untenable to maintain that other ethno-racial, religious, and linguistic
groups have not negotiated the terms of their integration into liberal democracies.
In fact, such negotiations are politics-as-usual, and major liberal democracies
have proven quite flexible even when it comes to core elements of their identity.
Jewish groups were among the leaders in pushing for provisions against incite-
ment to racial hatred in Britain in the early 1960s. Now, such anti-incitement
laws are common across Europe, but at the time, many MPs fretted about their
impact on the right to free speech. Latinos have successfully supported Spanish
language use in schools and in other public institutions across the United States,
in spite of the challenges it poses to many Americans' dearly held beliefs about
the English-speaking identity of their country. And Turkish groups helped push
for easier access to German citizenship in the 1990s, a revision that flew in the
face of long-standing convictions that membership in the nation was based on
blood not soil.

Such ethnic, racial, or religious lobbying has sparked major cultural and legal
changes in all liberal democracies. Thus, when Hansen asserts that those who
confront things that offend them “are free to protest them peacefully, but not to
demand their criminal sanction”, one wonders, why not? Lobbying for the ap-
lication of a law or a change in the law is part and parcel of democratic politics.
There are plenty of limits on speech in these societies, and I believe that the
appropriate boundaries must be worked out through democratic channels. Per-
haps it is not free speech that needs a robust defence from Muslims or their
sympathizers, but democracy that needs a rhetorical defence from ardent free
speech proponents. I have faith that the democratic institutions in Western
Europe are themselves robust enough to mediate such competing claims.

**Clarify acceptable boundaries**

Because I take the view that democratic institutions should be the venue for
determining the rules of the game, I think it is imperative that individuals, groups,
and countries delineate as clearly as possible the lines they wish to draw around
legally protected speech. While Modood and Hansen argue forcefully for more
respect for Muslims or for free expression, neither author explicitly identifies
the boundaries he advocates for freedom of speech. Modood strongly implies
that he believes the Danish cartoons should not be banned – that such images
should be “censured – rather than censored”. However, in the next paragraph he
admits that legal intervention is sometimes necessary, notably when speech “is
likely to reinforce prejudice and lead to acts of discrimination or victimization”.

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The bulk of his subsequent essay is devoted to the myriad ways in which these cartoons reflect and reinforce a profound lack of sympathy for Muslims in Europe, suggesting that legal intervention is justified in this case. Would Modood have these cartoons banned on these grounds? It is not clear.

Hansen is equally difficult to pin down when it comes to the question of which acts he deems acceptable and which he thinks cross the line. At the outset of Hansen’s chronology of events, he identifies the original domestic response to the cartoons’ publication as a “series of protests” that he labels “regular interest group activity”. But if protesting the publication is acceptable behaviour, then presumably Muslims, liberal intellectuals, and others should be expected to participate in such activities and should not be condemned for it. If everyone agrees that at least some of the cartoons were offensive, why should it be surprising or even annoying to Hansen that people complained about their publication?

To the extent that Hansen does identify what he deems unacceptable, it follows the sentence “In early 2006, things began to get ugly”. What comes next is an amalgam of acts, ranging from Saudi Arabia’s condemnation of the cartoons, to the burning of Danish flags in the Middle East, to demonstrations in London with “radical Islamists brandish[ing] placards”, to the burning of embassies in Syria and Lebanon, to people getting killed in Somalia, India, Pakistan, and Afghanistan. But which of these acts does Hansen condemn? It is unclear. Surely, most people would not countenance the sacking of embassies, riots, and killings. But does Hansen also condemn the burning of the Danish flag? Saudi Arabia voicing a public complaint? Placards brandished in London? The logic of his overarching support for free speech suggests that he does not, yet he uses these examples as part of a broad story he judges “ugly”.

What precisely does Hansen wish to defend? It is only through specifying Modood and Hansen’s positions on the toughest questions that we can see the true differences between them, and decide where we wish to situate ourselves in the debate. For my part, I belong to the near-unanimous chorus that decries the use of violence. Moreover, I side with Hansen’s underlying principles (and probably Modood’s) in that I would not bat an eyelash at the speech aspect of Saudi Arabia’s public criticism or of the Danish flag being burnt. Freedom of expression is important, and should be defended.

Where I believe I would differ from Hansen and where I might diverge from Modood (though I do not think so) is over the placards. Two of the statements Hansen identifies fall squarely in the realm of protected speech, namely those that announce “Europe is the cancer and Islam is the cure”, and, perhaps ironically, “Free speech go to hell”. However, the one reading “Europe will pay, your 9/11 is on its way” (aside from being a little late, coming in the wake of the Madrid
and London bombings) promises violence. More dramatically, the placards that call upon readers to “Slay/butcher/massacre/behead/exterminate those who insult Islam” are unambiguous in their aim. These placards, by threatening or inciting violence, cross the acceptable boundaries of free speech. If Hansen wishes to robustly defend free speech, he should defend (to the death?) the right of Muslims to carry such placards. For my part, I side with the Crown Prosecution Service, which advised Scotland Yard that public order offences had been committed during this demonstration, including incitement to racial hatred. My stand against incitement is not as controversial as it would have been in earlier decades, yet it is important to note that hard-core free speech advocates should oppose legal action against those who carried the placards. Does Hansen?

Perhaps the harder task is to elaborate principles that allow us to determine which if any of the cartoons should be legally actionable. I believe that it must remain permissible to criticize elements of a religion, even interpretations of core beliefs. However, a line is crossed when criticism evolves into essentializing, stereotyping, and branding the entire group as dangerous or inferior with the likelihood of stirring up hatred. Such criticism is hate speech, and I believe it should be penalized by law. On these principles, I view the cartoons that depict Mohammad with a sword and a bomb as hate speech. By casting Mohammad, the spiritual forefather of the entire group, as inextricably linked to violence, the message is clear – all Muslims are linked to violence. Here, I side with Modood’s analysis that the cartoons are “not just about one individual but about Muslims per se”. Modood’s logic suggests that he agrees that these images should be actionable, but he does not come out and say this, and I am puzzled as to why not. Hansen ostensibly opposes legal penalties for the publication of these cartoons. Yet, ironically, Hansen himself seems open to banning hate speech, calling it “the only conceivable grounds” for censoring the cartoons. His defence against doing so is that the sword/bomb cartoons do not equate Muslims with terrorists. If these cartoons do not link Muslims with violence, what do they do? And if they do link Muslims with violence (and/or terrorism), does Hansen concede that they should be banned as hate speech?

Danish law forbids dissemination of threatening, insulting, or degrading material on account of race, colour, national or ethnic origin, or sexual inclination, but not on the grounds of religion. I would advocate that this list be extended to include religion, as it has been in some countries, and that it be limited to incidents that are likely to stir up hatred. This second qualification would exclude acts such as a shepherd-like depiction of Mohammad that some Muslims view as insulting by virtue of Islam’s prohibition on images of the Prophet, but that would fail to generate animosity among non-Muslims. I wish to be clear, though, that the lines of legally acceptable speech I advocate are just that: lines that I advocate. I believe they make sense in most or all developed democracies.
However, in keeping with my argument about the value of democratic institutions, I recognize that different countries have drawn legal boundaries in different ways for locally important reasons. So while I believe that some of the placards and some of the cartoons should be legally banned, it is the task of individual societies to hash out this argument and to arrive at workable solutions through their domestic democratic institutions.

**Censuring versus censoring**

Although legislation against hate speech and incitement is sometimes enforced in courts, often it is more useful as a symbol of discourse that society deems unambiguously out of bounds. As such, it is not the only tool at our disposal in debates about integration and free speech. Modood is correct that censuring is at least as important as censoring when negotiating these matters. The terms of integration and boundaries of acceptable speech are fluid and contested, and individuals, groups, and societies constantly work to define these for themselves. I believe that it is vital for those offended by public statements to voice their complaints and even to seek redress through normal democratic channels, just as it is critical that those defending the right to be offended stand up for that principle. All sides must be free to speak their minds, subject to the limitations of incitement and hate speech I have outlined above. It is through the careful juxtaposition of multiple arguments that citizens are persuaded to condemn or to applaud the cartoons, or to develop more complex and nuanced feelings about their effects on the world. From this perspective, Modood’s and Hansen’s essays are more than just scholarly analyses of the current situation; they are also forceful contributions to debates about social integration and free speech. While I’ve tried to highlight some limitations and alternatives to each author’s perspective, I applaud their efforts to stimulate our thinking.

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**Liberalism, Multiculturalism, Danish Cartoons, Islamist Fraud, and the Rights of the Ungodly**

Brendan O’Leary

The late Ernest Gellner argued that liberalism is a “miracle”, by which he meant both that its emergence is not easy to explain, and that it is not the “natural”

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