



The Annual Press Freedom Round Table

'Offending, Shocking, Disturbing - A Free Press Right?'

**Göteborg, Sweden, 1 June 2008
Proceedings**

Miklos Haraszti, OSCE Representative on Freedom of the Media Moderator

There is a tremendous amount of media freedom problems in the world, and to my great sorrow, and to the sorrow of my generation, there is also a certain time travel backwards in many parts of the world. It is not only true in the new democracies, where we see a stubborn monopoly especially of television, which is not getting dissolved and it is even being cemented. We see the spreading pattern of administrative discrimination against the fragile independent print press, as it already exists in most of these new democracies which nevertheless favor the still existing state-owned press. We still see criminalization of journalism mistakes and offences, like verbal offences against privacy rights or violations of personality rights, instead of having all these offenses be handled in civil courts. We are seeing so many monopolies not in the hands of the state but in other hands. We are talking about brand new challenges to media freedom. One of them is our today's subject, the post-cartoon controversy. We will attempt, with the help of wonderful practicing journalists and philosophers of freedom of the press, to define the nature of a new censorship-like danger that affects us. Is that pressure dissolving or is it enhancing under our watch, and what can be done about it?

In the remote Jutland we discovered that even a pencil movement of a hand on paper could become a global issue, and even become the pretext for many governments and movements to repress the freedom of the media. The issue of the 12 cartoons published by *Jyllands-Posten* in 2005 is still evolving, and in the meanwhile we have seen plenty of new cases that go back to the sensitivity aroused by the cartoons in 2005. That sensitivity in most cases was used as a pretext.

Philippe Val, the editor of *Charlie Hebdo*, a French satirical newspaper that republished the cartoons, will tell you how it played out in France. There have been many trials in the Muslim world against all kinds of caricatures. The sensitivity there might be totalitarian and not necessarily religious. We also have on this first panel Jihad Momani, the former

editor of *Shihane*, Ali Dilem, one of the world's most persecuted cartoonists, we have Ulf Johansson, editor-in-chief of the Swedish *Nerike Allehanda*, and finally we have Ali Amar, publisher of *Le Journal Hebdomadaire* in Morocco.

Philippe Val will start because that was the only case to my knowledge where the criminal scenario was laid out in full, but with a happy, pro-freedom ending. He can tell you about the fate of his journal.

Philippe Val, Publisher and Editor, *Charlie Hebdo*, France

I had been following the Danish cartoon affair for quite some time and in fact, I must give credit to the managing editor of the daily *France-Soir*, who was the first editor in France to publish the cartoons. The paper was run by Jacques Lefranc; it was he who made the decision. And as a result of that decision, after the cartoons were published, he was fired the same day by the paper's owner. The managing editor was fired!! After witnessing the general indifference to the incident, I decided on my own, being both editor in chief and managing editor of my paper, to publish the cartoons, because I was outraged that a managing editor could be fired under such pretences in a democratic and secular country.

I asked one of my colleagues, Laurent Joffrin, who at the time was editor in chief of *Le Nouvel Observateur*, a major French weekly, if he would publish them along with me and various other national publications: *Libération*, *Le Monde*, *L'Express*... I suggested that we publish them altogether, on the same day, so that it would be over and done with and there would be no more talk of it. To show that it was possible to do so and then turn the page. Sort of a show of solidarity. I think in Italy *La Repubblica* had already published them and I believe *El País* in Spain as well. In Germany, one of the major dailies, maybe *Frankfurter Allgemeine*, had also published them. So it would be a sort of pan-European movement - we publish them and be done with the whole affair. We show that it's possible and that's it.

My colleagues were mostly in agreement, but they were opposed on one of two fronts. On one side, there were the paper's owners, on the other, the journalists themselves, for various reasons - ethical, political, moral, religious - 'reasonable' reasons, so to speak. So in the end it was only *L'Express* and we who published the cartoons, *L'Express* essentially reprinting the pages that we had assembled. We published them as part of a framework for analysis that included texts written by Arabic intellectuals as well as other sketches made by the paper's own team of cartoonists, as sort of a means of explaining the nature of the scandal. Because it just seemed so crazy that the issue could snowball to such insane proportions without us really understanding why. So publishing the cartoons was simply a way for us to show people what had sparked the scandal, otherwise you're just talking about the scandal without really knowing what provoked it, which is a bit strange in a democracy. Absurd, even. So *L'Express* and *Charlie Hebdo* published the cartoons.

The managing editor of *L'Express* received a phone call from his largest shareholder, an aircraft manufacturer as well as one of the largest arms manufacturers in France, Serge

Dassault. Dassault said to him, “You can’t publish those cartoons. I’m leaving for Saudi Arabia next week with the president to sell fighter jets. Who am I going to sell my fighter jets to now?” The managing editor of *L’Express* responded, “Well if you want to, you can stop the presses, but I’ll resign. You can have the pages taken off the printer. The paper will go out a day late. But I’m not calling the printer. You’ll have to do it yourself.” So Dassault said, “But that will cause an even bigger scandal.” To which the editor replied, “Yes, well, I did warn you that *L’Express* was not the right paper for you.” Dassault did finally leave for Saudi Arabia with President Chirac a few days later but he also sold the paper - a remarkable story in itself, because he entered into negotiations with a Belgian group to sell it only a few days later, as though to clearly make the point that he was dissociating himself from his own paper, a paper he had paid a fortune for and which had published the cartoons. So you see the impact, the drastic consequences of this story.

As for us, obviously when we printed the cartoons the president was quick to condemn the decision, which is really a bit bizarre because we were exercising a right, a democratic right. And the president, who should be the very embodiment of law and democracy, should not be accusing us of provocation when we are exercising that right. We were called to the Prime Minister’s office to try to dissuade us from publishing the drawings but the paper was already at the printer’s. At which point the main mosque in Paris, which is supposed to represent French Muslims, and the UOIF (l’Union des Organisations Islamiques de France), a much more radical association of Islamic organisations in France, brought complaints against us. They filed temporary injunctions to try to stop the paper from being published, to have it seized so it would not go out on the Wednesday, which would have been quite extraordinary. For an independent newspaper to be seized - independent or not, in fact - but in France that has not happened since 1881 at least, since the law guaranteeing freedom of the press was passed.

The injunction was denied, or rather, the case was thrown out on a procedural error. That same afternoon, the tribunal judge went on the radio saying that he regretted he was unable to hear the case but that he was forced to make his decision because of a procedural error. So he basically apologised publicly for allowing us to publish the cartoons. He said, “I’m sorry, I was unable to do my job, to prevent this [...]” A strange thing to say.

Later, there was a hearing to judge the merits of the case. Obviously, once we published the cartoons we had to be under police protection, there were a number of threats, etc. The hearing took place a year later, on the basis of the complaints brought by the Paris mosque and the UOIF and the World Islamic League, a group of Wahhabis, who, as I’m sure you well know, advocate a very hard-line approach to Islam.

So why did we publish the cartoons, and again, I stress, within an analytical context? Had they been racist cartoons, we would not have published them, or perhaps within a critical framework acknowledging that they were racist. We published them because they criticised, not Islam, but those who, in the name of Islam, commit acts of terror that have nothing to do with Islam. It’s satire - a satire on terror. I mean if we, in a democratic country, no longer have the right to laugh at those who want to terrorise us, there’s a real problem. So there was this unbelievable hearing that gave rise to a great deal of debate, which for the most part went rather well, I must say. The different sides of the issue were

argued and in the end, public opinion was very strongly on our side and we won the case. We won the case and, incredibly, the Paris mosque did not appeal the decision. Which distinguishes the Muslims who want to become integrated into a democratic, Republican state, from the UOIF, for example, which, being the more radical group, appealed the decision.

The appeal hearing was even nastier for them, because the court made it quite clear that by publishing the cartoons, we had opened a public debate and that the cartoons were clearly not racist and did not in any way incite racial hatred, and that in fact, my newspaper had been an active anti-racist paper for quite some time. So it was very difficult for them to attack us on racist grounds. They couldn't attack us on grounds of blasphemy because the offence of blasphemy does not exist in France, or at least not yet. So they went after us for racism - discrimination on the basis of origin and religion - which is incredible really, because our anti-racism record is indisputable.

Why were the cartoons not racist? Quite simply, because they were critical of religion where it interferes in matters of public interest, where it tries to replace lawmakers. It was not an intimate, personal Islamic spirituality that was under attack in these cartoons but Islam as a political force. In a democracy, a political force, one that claims the right to define the limits of the law, must expose itself to criticism and satire like anyone else. It is no longer a religion then, it is an ideology. So we have the right to criticise Islam when it masquerades as an ideology.

As for its followers, everyone is free to believe in what they choose and everyone's beliefs should be respected. No one should be discriminated against on the basis of their beliefs. But this case was important in France because for the first time, what was in question was not Islam's compatibility with other religions but Islam's compatibility with secularism and atheism, which is a much more delicate subject.

There's something else I wanted to say, and that's that we were told that now we have to be more responsible because of the Internet. With the ability to send information around the world at the speed of light, we now have to be more careful about what we do, in France for example, or Sweden or Germany or Spain - in constitutional democracies. You can't just go around saying whatever you like because now it travels at the speed of light to places where people may not be quite ready to hear or to see these things. So in other words, we have to accept an erosion of our freedoms as a consequence of technological progress, which is absurd. I don't think that we should accept this logic. Never! In fact, maybe our friends who don't have the good fortune to live in democratic countries should try adapting to freedom. It might actually help those fighting for democracy at the local level. We are not going to censor ourselves just because there happens to be a dictatorship a plane ride away from us.

One more important thing before I leave you. Our case was resolved favourably in the end, but many of the people who chose not to publish the cartoons, who argued that it was for ethical reasons, etc., many of them later admitted that it was fear that held them back. I think that if there's one thing we can feel as physical beings it is most certainly fear - fear of being hurt or killed, fear of terrorism, etc. But as citizens we must not be afraid. A democracy must not be afraid! Every time we back down we encourage

fanatics. This is not about hating anyone. This is simply about standing up for our rights, about constantly reasserting them, and never compromising our freedom of the press and freedom of expression.

Jehad Momani, former Editor in Chief, *Shihane*, Jordan

Thank you for giving me this valuable opportunity to share my thoughts on freedom of speech.

Dear friends, I believe that offending, shocking and disturbing should not be a journalist's objectives. Sometimes telling the truth forces a journalist to offend yet the question should be: do we have the right to offend, shock and disturb others under the banner of freedom of press or expression? In my opinion, in telling the truth and doing our job by emphasizing the facts, even if they are offending or shocking, is part of the sacrifice to our profession.

There is also loss of morality. When journalists build campaigns against individuals or nations we enter a minefield and immediately lose surveillance, honesty and neutrality. It is then very difficult for the journalist to go forward without taking risks, it is also not easy for journalists to go back, but that will be the only way to keep the respect that journalism has gained over the years. Journalists should not campaign or lobby because it goes against our role as independents. This is what journalists of the third world have learned from independent Western journalists; so this is what we have learned from your brave experiences in peacetime and during conflicts. Then why are we building campaigns against each other? Why are we disturbing our understanding and making hate rather than love and cooperation to make our walls closer so both we can together defeat extremism and terror?

Colleagues, we cannot respond to the threats and terror attacks by offending the Muslim nation because good Muslims share the same prophet with bad Muslims. Similarly, we should not offend all Jews because of Israeli occupation of the territories. This is what we call fairness, which is the most important element to keep journalism objective. Otherwise, offensive campaigns will destruct our efforts to build bridges—instead we will build walls between our civilizations. It is not a journalist's right to shock the world every year or two by making offensive remarks. This will lead to conflict and we will still exchange accusations. Lets use shocking, disturbing and offending elements not as purgative elements to encourage the clash of civilizations but to wake up all nations to stand against occupation, poverty, and hunger, corruption and dictatorships.

Dear colleagues, I see myself paying a very high price for my action two years ago. It was not out of courage to publish the cartoons of the prophet Mohammed. Instead, it was my job to inform people and purvey the truth about these caricatures, which was not just to shock the world but also to change it. I was punished because I called for rational responses to avoid a political and cultural conflict between our civilizations. One of the secrets of the cartoon scandal is that I became a victim because of a mistake, a shocking mistake by of one of the most respectable news agencies, Agence France-Presse. It was deadly mistaken to say that my newspaper, *Shihane*, was the first in the Arabic world to

republish the offensive cartoons of Prophet Mohammed. There were at least five publications in just Jordan before me—three daily newspapers and two weeklies, months before our publication. Also, there were four other publications in different Arabic countries, notably Saudi Arabia. I do not think anybody heard that in Saudi Arabia, where a small newspaper published the cartoons. Yemen, Egypt and Algeria were other countries that published them. The second mistake was that the reporter of Agence France-Presse linked my article “Muslims of the world, be reasonable” in which I called Muslims to compare these offensive cartoons to the terrorist attacks in a way to free things up in Jordan.

I ask now, who offended Islam more, terrorists or these cartoons? Personally, I still believe that the terrorist attacks offended us more than these cartoons. I was shocked by what happened in New York, London, and Madrid more than publishing these cartoons two and a half years ago shocked me. It was a nightmare from which I am still suffering. Including unemployment and civil diseases, I cannot forget the threat of my life and my family’s life from the cowards who never dare to reveal their names. I am also still waiting for the end of chaos, not just for me but also for the government of my country. I am also waiting for the accusation of blasphemy, of which the punishment if guilty would be the death penalty, to end.

We will reach this point. But it is the procedures. I remember when the head of Agence France-Presse called me to ask me about the publication of the cartoons. He said, “They will kill you Jihad.” Those were her words. Then I asked her not to release the news if she thinks it is dangerous to my life. But she said clearly that she would release the news. The hunger for popularity was more important, more valuable than people’s lives. This is what I call shocking, offending and disturbing in the news. It was picked up by other news agencies and television stations. And after one hour I became a criminal in my people’s eyes.

I was surprised to hear him say you don’t have to worry, Jihad because other newspapers published these cartoons before you did. He said things became serious and that the government has to say something to calm down the people. Then the minister’s council of Jordan released a strong statement against me and against the newspaper despite knowing that we were not the first to republish the cartoons. And of course we published these cartoons with a different purpose than our colleagues in European countries.

This part of the story tells us about the rights and violations in the journalism profession. I believe I was completely right to publish some of the cartoons, to tell my readers why Muslims are uprising all over the world and let them question whether they deserved the violence. But Agence France-Presse was wrong when they put shocking as a goal and not as a way to warn people ahead of my situation. I believe that the Jordanian government was wrong too when they followed the news and when they used me as part of a competition with other Muslim countries to show who offends Prophet Mohammed more than the others in a way to gain a cheaper popularity among Muslims. That was their goal. But I am not to say to our colleagues in Denmark or Sweden or other European countries whether they are right or wrong to publish these cartoons. However, it is my right as a reader to ask them about the goals and benefits, if there are any goals or benefits. Thank you very much.

Miklos Haraszti:

Thank you Jehad. Let me remind the audience that even if Agence France Presse possibly made a journalistic mistake that could have had its finger in your fate, but it was basically the political reaction in your country, a kind of foreign policy, very much mixed with general physical fear of possible retaliation, that prompted your trial and the picking on you, even though others also have published the cartoons.

Let us turn now to Ali Amar, co-founder and editor of *Le Journal Hebdomadaire*, which has had to change its title, simply because of its many troubles. Free journalism is so important in society—for example investigative reporting on government and corporate corruption done by your paper—and that is also a very important background to these trials, which, in the name of religious sensitivity, very often punish journalists who are inconvenient for governments.

Ali Amar, Publisher, *Le Journal Hebdomadaire*, Morocco

Most of you will have an image of Morocco that is somewhere between a traditional country and a more open, modern nation with close ties to Europe. A young king has brought in sweeping democratic changes rarely seen in the Arab world, and with respect to the press in particular, that may even be called a model for the region. Now for those of you who know Morocco well, and especially the Maghreb, what I say whenever I am called upon to speak about free expression in Morocco is that we have won with our fists a measure of freedom. We were playing on a basketball court but then we decided we wanted to play on a soccer field instead and so we pushed the limits of journalism ourselves. It's a battle that was fought and won by the independent press. It was not handed to us by the regime. Do not think that the regime suddenly changed because there was a new king. There was merely a hereditary transfer of power - not a change in regime.

I will say that there has been some progress, albeit slow, and that the changes, though temporarily stalled, are still more or less on track. So today I wanted to offer you a rather different perspective than what you might expect from a developing Arab country, or a Muslim country in general. Because what happened in Morocco after the Danish cartoons were published had little to do with either Islamists or a mob mentality among people who might have been offended by the cartoons. What I am going to share with you is a story involving my own paper, *Le Journal*.

Of course people were offended by the cartoons, but as you can see in this photo, there is a sign with a slogan that reads: "Yes to freedom of expression, no to incitement of hatred!" This is something you would not have seen even ten years ago in the Arab world. I'm talking about the first part of that slogan, the "Yes to freedom of expression." So that's something to be proud of. "No to incitement of hatred" speaks to the whole issue of moral order, which we are very much still dealing with. We are not yet at the point where we are able to say: "Yes we can accept criticism, even when it is directed at our religious beliefs."

But the protests were not really widespread – a few marginal Islamist organisations that were never able to mobilise much support. People never really rallied around the cartoon issue in Morocco. It just didn't inspire a massive movement. For the Israeli-Palestinian conflict, for the Iraq war, you see thousands of people in the street. But not for the cartoons.

As for the press, the media, obviously we were at the centre of the debate because we were following public reaction to it around the world. We talked about the symbolism of it, about the need for patience, about the controversy around the cartoons. We invited well-known experts to speak, addressing the issue from every angle – experts from France, Islamologists, sociologists, even intellectuals whose opinion on free expression was perhaps a bit more limited. We never imagined that we would unleash such a reaction – not from the people but from the government. Because you see, images like this, sketches, satire, even illuminations - the type you find in the history books - you just don't see in Morocco. The sacredness of the Prophet is such that this type of iconic representation is unheard of even today. I mean, we just stay away from it altogether. So this sort of sketch would probably never again be seen in a Moroccan newspaper.

But really, the cartoon issue goes back to the nature of the regime itself. In Morocco, the king is commander of the faithful. So it is first and foremost a political taboo. He is monarch by divine right. He is sacred. He calls himself an “executive monarch” so clearly he is not accountable in the political sense of the word because he makes all the decisions and no one can question him. To criticise Islam is to question the legitimacy of his authority. So obviously a newspaper that criticises the king on the basis of his actions, on how he governs, on the decisions he makes - even decisions on civil matters, decisions that have nothing to do with faith - is seen to be questioning his legitimacy. And *Le Journal* has always been very critical of the regime, so obviously we have drawn our share of censorship, legal problems, boycotts, etc., but our profile on the international scene, the fact that we are more and more known, has made it difficult for the regime to attack us openly, given its somewhat schizophrenic desire to be seen by the international community as modern.

So it has to use subterfuge, that is, to try and turn public opinion against us by organising protests itself, protests that are completely contrived and whose sole purpose is to discredit our editorial line. The government is going to try to make people believe that *Le Journal* has published the cartoons, when in fact, it has not. So they organise a number of sit-ins with these fake protestors holding signs made by that very well-oiled machine that is the Ministry of the Interior. The problem is that we were there with our own photographers so it wasn't very smart on their part. So we see this car pull up with Ministry of the Interior plates and it's dropping off all these “protestors” in front of our offices. The coverage by the state-run television stations was completely biased too. They used children, got them to memorise a few lines - a sort of fake testimony intended to solicit maximum emotion - all so that people would say “We must not tolerate this!” Government workers who were dropped off in front of the paper's offices with the police themselves providing their signs. Talk about full public service! They even made their own banners and brought them in their own vehicles. These poor protestors were not protestors at all, of course, but members of neighbourhood associations funded by the state that recruited people to chant extremely hostile slogans like: “You'd better start

worrying Jews, Mohammed's army is back." That sort of thing. And slogans like that were broadcast on the evening news.

Obviously we conducted an investigation and exposed them and suddenly the scheming stopped. I can talk about this today with a certain detachment but you have to realise that it was extremely serious. There were tons of people gathered in front of our offices and we have quite a few foreign journalists on staff - French especially - and it could have gotten out of hand very quickly, I'm sad to say. But the independent press kept up the investigative coverage and completely discredited the regime.

A couple of years later – and this happened only two or three days ago – an Islamist, the head of an Islamist party in Morocco, admitted that they had actually been roused to protest by the Interior Minister, the second in command. So in other words, the second in command, the one closest to the King – who thinks he's so modern – called up the Islamists and said, "Go and protest against *Le Journal*." And then they used public television to cover an event that was completely contrived. So they are worse than the Islamists, because what's incredible in all this is that no Islamists were ever involved in any of the protests, and yet the action was partly attributed to them. So you see how dangerous the story gets.

After the media hype and the propaganda against our paper died down, we started getting threats. In Syria, there were some extremely violent protests, which is extraordinary because quite frankly, I don't think anyone is even allowed to protest in Syria. But in this case, people marched in the streets, burned embassies, etc. But you have to remember that dictatorial regimes, even ones like Morocco, which is considered "soft" by Arab dictatorship standards, will go to the most horrible lengths to silence their critics. And in this case, they didn't hesitate to exploit an international controversy – even at the risk of inflaming tensions – simply to silence the voices raised against them.

Miklos Haraszti:

Thank you indeed. And the last picture we saw in your presentation gives me a possible line of connection to the case which will be reported by Ulf Johansson, editor in chief and managing director of *Nerikes Allehanda*. They reported on an artist, Lars Vilks, who, as I discovered on his web page, proved to be an all-round professional provocateur by not only depicting turbaned dogs but also Jewish pigs. That provocateur was refused by exhibitions and museums, and that was the subject for Ulf's paper.

Ulf Johansson, Editor-in-Chief, *Nerike Allehanda*, Sweden

A lot of people might not know what kind of newspaper I am editor of; it is a small regional one in the middle of Sweden with a circulation of about 65,000. I think it was the *Spiegel* English's website that called it the little newspaper that caused all that trouble internationally. That might be the correct description because I just want to hang onto some of the comments from earlier speakers. There are some things that are similar and of course there are a lot of things that are different in Sweden. We are not used to death

threats from Al-Qaeda. Normally we are rather safe in this country but there are some things that are similar and that has a lot to do when Swedish newspapers published this picture, even before me, even before my newspaper. But it was only in my hometown and it was only this newspaper that was internationally banned by all the Muslim leaders and the President of Iran.

It is very hard to tell what is going to start such problems because the big newspapers in Sweden also published the picture and nothing happened. But in my town we had demonstrations, weeks after weeks outside of our newspaper building and it ended up with the Al-Qaeda threat. But for me it is rather easy to say that it must be possible for media organizations. I suppose most of you sitting in this room would agree that it must be possible to offend, disturb and shock and things like that. Not to be misunderstood I must add that I do not mean that that should be the goal itself and you don't have to offend people at any price. It must be at the right time and it must be in the right context I think. But it must be possible and most of all it must be legal to do so. Because that is a lot of the discussion we have had in Sweden after these publications. After the cartoon crisis both in Denmark and in Sweden, the Denmark crisis being of course a lot more known than the crisis around my newspaper, there were a lot of groups that demanded that I should be put in jail because I published the picture. Luckily we have legislations in Sweden that I would say are rather fair. But actually our chancellor of justice made an investigation because Muslim leaders in Sweden and in Europe demanded him to do that.

As some earlier speakers spoke about blasphemy, I really don't think that it is right, in a modern democracy to have laws against blasphemy. That is also something that has been raised after our discussions with both Muslims in Sweden and other parties because in our newspaper we really defend freedom of religions. We defend it as hard as freedom of speech. But these two freedoms I would say go hand in hand because we have a lot of examples where religious leaders use the freedom of speech to offend other people, I would say both internationally and in Sweden.

If it is not too heavy, I defend their right to express such views in the name of religion, even if I don't like them. But that is why I also must defend opposite views if there are people that would like to criticize these religions and even ridicule religions, as we wrote in our editorial following this picture. We demanded that it must be possible to ridicule religion. And when I make this statement I would like to say again that I surely don't mean that I would like to publish pictures of, for example Mohammed, easily in my newspaper. I mean that you always must think about it and that I must think about the Muslim people living in my hometown that were affected. That must be a part of my decision when I think about publishing controversial pictures or opinions. But as an editor in chief you also must be prepared to publish a lot of things that you might not like because you have to allow for all kinds of views to come out in your newspaper. We had some research done in our university about what happened around our newspaper. A lot of the discussion was about freedom of speech there and usually in a society like Sweden, the newspaper, like mine, is the way that people can use their freedom of speech. If they write and do something like that then you have to, I have to, give space to a lot of different views if it is going to be a real freedom of speech in that area.

In Sweden we also have a very strong legislation concerning the freedom of the press even if it is under discussion right now. There was actually a very interesting piece in the local newspaper here in Göteborg today—it is sad that most of you do not read Swedish because that was a really good written story by an editor in this room I think that was describing the discussions around the Swedish perspective of what is maybe going to happen, I don't think there will be any problems around things like blasphemy but it could happen to other things concerning the freedom of press.

So, anyway, normally we have a really good legislation and one important thing that I think is unusual that we have in Sweden is that we have one person that is responsible for everything published in the newspaper. All the other writers or cartoonists or whatever are free—if I decide to publish anything it is me who is going to take full responsible for it. That is what happened when I published the cartoon or the picture of Mohammed as a roundabout dog and I did it when the local Muslims demonstrated outside of the newspaper building. That was really good because they used their right of freedom of speech—they can of course react to decisions I make—they can be angry and they can write about it and republish and I think that is quite all right. And there were other reactions as well also when it ended up with this alleged Al Qaeda leader who put a prize on my head after some months. That was not too pleasant of course, but I did publish these cartoons and I think my family and my wife paid a rather high price during this period where we had hard security around my personal life.

I don't know if I'll ever publish such a cartoon again and I strongly argue that it must be a legal opportunity to do so. I don't mean that everybody has to like the decision and I hope I will not avoid publishing such a picture again just because I am afraid of my own security. It should be other things to make me not publish, but I am not really sure.

Thank you.

Miklos Haraszti:

It is not only to publish that is difficult under fear but also to deliberate about the dilemma to publish or not. Free discussion is quite skewed by fear. I am thankful to hear that you believe freedom of religion and freedom of expression are not opposing values but they are two sides of the same coin. I think that is a very valuable observation. And now I give the word to the second Ali in this panel who claims he is not a man of words so he will show us pictures. But, just like the courts in his country, I don't believe him, I think he is a wonderful speaker as well.

Ali Dilem, Cartoonist, *Liberté* newspaper, Algeria

I was in Algeria when the Danish cartoons were first published. I was worried about it. I talked about it. This was in the fall of 2005. I remember my first thought was that it could be very dangerous - and this was before it took on an international dimension. When the protests first started, people I knew, including my friends in France, urged me to take a position. I was an Arab cartoonist, from a Muslim culture, so it might be interesting to see what I had to say about the situation.

Of course I knew that this kind of thing could offend a lot of people. I think I've had enough experience with these things, with religion, to know that there are certain lines that you just don't cross. I mean, I come from a country where even to depict the president or a general in pictorial form is taboo. I think people were expecting that as an Algerian cartoonist, my first reaction would be a negative one, because they had gone after "the Saint of all Saints - Mohammed." But it was not. Firstly, because I don't see why a non-Muslim cartoonist should be expected to obey the teachings of a religion he doesn't even practice, and secondly, because I am hardly in a position to be pointing fingers, having sketched many times myself on issues that could be considered blasphemous by other religions.

So when the situation became more hostile and things started to get dangerous, I decided I needed to take a stand: one of unequivocal support. I don't believe in insulting people's intelligence. No one deserves to die, not even for publishing cartoons about Mohammed.

Then I began to wonder how, as a political cartoonist working in a rather "sensitive" country, so to speak, my own cartooning would be affected. How would I tackle the issue in my own drawings in the face of such anger? I've been doing this for 19 years and one of the only times that I've ever felt unsafe was after those cartoons were published. But I said to myself, I'm just going to go for it like I always do and not think about it too much, not look into it too much. We needed to get the message out that this was not the time to back down, this was not the time to question cartoonists' freedom in Algeria, one of the few Arab, Muslim, Third World countries where cartooning had come so far in the last 15 years.

In my own cartoons, I often use Algerian generals as material. Generals in Algeria are sacred, and the most sacred of them all is General Toufik. He's the one who's been running Algeria behind the scenes for nearly 20 years. He's the one who appoints presidents and unseats them. He's the one behind everything that goes on in Algeria. Well, it was a cartoonist who managed to deflate him. It was a cartoonist who started talking about him - indirectly - well before and in a much more critical way than the newspapers.

I often sketch President Bouteflika, and a number of these sketches have earned me lawsuits and even suspended prison sentences. The president's health, for instance, is a taboo subject, perhaps even more taboo in Algeria than cartooning about Mohammed is in a country like Denmark.

You know, I have been through about 50 lawsuits. Fifty lawsuits – that's exactly 25 times the number of lawsuits brought against the national leader of the Armed Islamic Group (GIA – Groupe Islamique Armé), which is two. It's okay to sketch an Islamist in Algeria. But the one line I have never crossed – and I doubt I ever will after what's happened – is sketching Mohammed. But again, it is not up to me to hold it against someone who does. After all, even the Islamic faith has tried to make him more human, to give him a human face, where possible. And maybe that's a good thing he was drawn by these people, from that culture.

You know, here, we try to be as courageous as we can. The police can beat you, stop you from writing, spit on you, insult you - you just take it. But a Danish cartoonist draws one caricature and the entire Arab world takes to the street. Islamists in Algeria continue to slit people's throats, the Islamic parties continue to incite hatred - no one protests, no one is bothered. But one caricature of Mohammed and suddenly everyone is out in the street. People were arrested; some of them are still in prison. Some of them were thrown in jail just for flashing the cartoons for a few seconds on television. But no one is moved enough to take to the streets.

Honestly, who really believes that it was the insults against Mohammed that drew the fury of Arab and Muslim countries? Everyone knows that the Danish cartoonist is not the one going around slitting people's throats. The Danish cartoonist is not the one embezzling Algerians' money. The Danish cartoonist is not the one who's been humiliating us for more than 40 years. Do you know that we have a president who was a minister during the Kennedy era!! And he's still president! That's three generations of Algerians who have never enjoyed the basic rights and responsibilities of citizenship. This is what courageous journalism should be challenging - not the cartoons, offensive though they may be. In fact, what astonished me most was that the famous "Shock of Civilizations" that everyone was so worried about was sparked by cartoons published in Denmark.

Believe me, I have no problem with the average Algerian. My issue is with the government, or should I say, cult. In Algeria, even Islam is run by the government. We have a minister of religion who's responsible for the anti-Christian campaign being waged in Algeria today. Just the other day, there was a woman who was tried for practicing a religion other than Islam without permission. The judge told her that the accusations against her were very serious. She faces three years in prison with no parole. Do you believe that? Three years of prison with no parole because she's a Christian.

Another problem Algeria faces and which I've sketched about is the issue of the boat people. Here is a phenomenon that even Cuba has managed to eradicate and which looms once again in Algeria. Dozens of Algerians die every year along European coastlines.

But now I must come clean. I wasn't convinced that it was absolutely necessary to reprint the cartoons. It was dangerous. And the risk still exists - not so much from Muslim anger as from the way in which certain regimes are able to manipulate the situation. Because I have serious doubts about the spontaneity of the movements that we saw. Many people were rightly - I was going to say "offended" - but people don't just take to the streets spontaneously. You would notice.

What happened with the cartoons put Islamists in Algeria squarely in the spotlight. They are the ones who came out of it validated by all the violence that broke out.

And once again, none of this has anything to do with the right to draw, even the right to draw Mohammed.

Miklos Haraszti:

Thank you so much for this wonderful panel. We will now open the floor for questions.

Questions from a journalist from *Al Sabah*, Turkey: My question is to Mr. Philippe Val and also Mr. Johansson. I wonder if they see freedom of expression as an end in itself or if freedom of expression should be something that contributes to a greater good like the dialogue between cultures. I had some doubts about the sincerity of Mr. Val's expressions about the freedom of speech in France. I do agree that blasphemy should be free in France and people should be able to write whatever they want but if the real intention is that. I want to ask why it was forbidden to speak against the Armenian genocide. In France if someone says that the Armenian genocide didn't happen they could go to prison. I'm questioning now whether the real intention was to secure freedom of expression and that should be applicable to all people—Turks as well.

Mr. Johansson, do you feel that you have contributed at all to the freedom of expression in the world? Wouldn't it be more difficult for people like Mr. Amar and Mr. Dilem to say what they want because when you look at them what you are doing is feeding, helping Islamists not the liberals, not the democrats. It would be extra difficult for Mr. Amar to go out there and say look this is what is going on in Morocco, to make a depiction. So what you are doing is limiting the maneuvering space of the true liberals in the Islamic world. That is what is happening. So I think the freedom of expression should not be to limit the space of the liberals. As a private Muslim I was offended by the cartoons. Thank you.

Miklos Haraszti:

I agree with what you have said about double standards on the freedom side. I am for scrapping all double standards on the freedom side. There is one factual correction to be made—it is not forbidden yet in France to talk about the Armenian genocide, because the Senate stopped the law so far. So there is no need to discuss that particular speech ban law yet.

Philippe Val:

Is freedom of expression an end in itself? Well, I don't know how to answer that question. I believe that life is an end in itself and that to live is to exercise freedom. I believe that freedom of expression in a democracy is exercised within a legal framework. At least that's the case in France. Those are laws that protect people against racial hatred, against incitement to racial hatred, because you can't deny that racist propaganda leads to violence, sometimes with tragic results. We witnessed sufficient evidence of this in the first part of the 20th century, in Turkey and in Europe especially.

The law prohibits incitement to racial hatred, which I think is a good thing, no? You refer to a law that does not deal with the Armenian genocide, but a law we refer to in France as the Gayssot Law, dealing with Holocaust denial, which as of 1990 is considered in itself a form of incitement to racial hatred. So to deny that the *Shoah*, as we call it, existed, is considered incitement to racial hatred, and rightly so. Because in Nazism itself we find

this denial of the genocide, even while it is being carried out. To deny a genocide is to accept the idea that one day it may happen again. Generally, those who would deny that a genocide took place are those who would like to see it happen again. It's a sort of an implicit means of encouraging another attempt.

Now, the law is not always the most adept at dealing with these things, but the law has become very interested in this matter. I don't see how cartoons criticising those who commit mass murder in the name of Islam - cartoons which use satire, in other words, to mock assassins - I don't see what such cartoons have to do with laws under consideration or already passed or that may be passed in the future on the denial of the Armenian genocide. I just don't see how they're related. It's not a question of a double standard. It's more like comparing apples and oranges. It just doesn't make sense. It doesn't make sense!

Moreover, drawings are representations. A drawing has never plunged its knife into anyone's throat. Drawings by nature are representations. Where it runs into problems is where it emphasises physical characteristics, shall we say, that incite hatred based on race or country of origin. Using drawings to denounce, through representation, certain ideas is very different from inciting people to hatred. I just wish that one day people would get that. It's a completely different thing.

I do not believe that a democracy, which is based on the principle of free debate, should be banning debate. Debate is the very essence of a democracy, the free exchange of ideas. And it is the nature of a democracy that there will always be something someone says that offends someone else. We resolve our differences through debate.

I've been through about 20 lawsuits initiated by the Catholic Church, more specifically the religious fundamentalists in France, but I think the French can understand criticism of Christianity.

Humour is precisely something that turns a little against oneself... always. To censor ourselves, to rein in our cartooning of Islam as an ideology, not as a personal spirituality, I mean it's a different thing. To not criticise Islam as an ideology because you're afraid that Muslims or Arabs won't understand that form of humour is the worst form of racism. It really is an insult to Muslims to think they're incapable of getting humour, of understanding the difference between a cartoon mocking a terrorist and a cartoon mocking a follower of the faith. If we don't believe them capable of that distinction then we really do take them for complete morons. And as far as I'm concerned, that's the real racism. Racism begins with fear of "the other" and wariness of "the other" and lack of confidence in the other's intelligence. That's where racism begins.

Ulf Johansson:

If you are talking about freedom of speech, I think that is the only way in the long run to solve problems and conflicts and things like that. In the long run that is what we have to fight for. If you are talking about my specific publication then I have been accused of a lot of things. Who is to decide whether this position has aroused problems around the world—the Muslims that demonstrated outside my building that I offended? 1.5 billion

Muslims, that is not correct for the record because I know a lot of Muslims who said that publishing them was good.

I see you do not like my answer but I have to follow it up. They said that is why they left their countries and that they were not allowed to draw pictures like those. But from the beginning, I thought that it would be worse for Swedish Muslims. “If you do anything to offend Muslims then it is going to be dangerous for you”—that is what the exhibitionists said. We don’t dare to show these pictures because we can be attacked or things like that. I think that is a bigger problem for Muslims in Sweden—that is what the Swedes are doing and thinking about. After that I have been accused of raising tensions in the Muslim world, in Muslim countries and making more problems for liberal Muslims, and yes, I have been accused about that and I have also been accused by Swedish mothers of Swedish soldiers in Afghanistan that I have put their sons in dangers with this. So, if somebody could come and say my son was killed because you published this picture—and if someone is going to tell me that, or if some good liberal court has had problems that are of course what I wanted or what I expected to happen. And if so then I have to take responsibility for that as well, but it was not my intention.

Question from Patrick Smith, United Kingdom: There was a campaign to stir up controversy about these cartoons, which we saw in the UK protests outside the Danish embassy. But not one UK newspaper actually published one of the cartoons. So is this really about press freedom or is it really about people stirring up controversy? To what extent did the publishing of these cartoons actually result in the protests or did they just happen anyway because of a group of radical Imams and Muslims who were actually touring the streets stirring up this controversy?

Ulf Johansson:

I think this cartoon controversy and post-cartoon debate is producing more questions than answers, I’m afraid. There are many questions still unanswered. First of all, as just a reminder to the audience, the entire controversy began with an attempted book for children. The publisher of the book, a Danish publisher was going to tell kids about Islam and part of the content of the book was to tell about these depictions of the Prophet. The newspaper published the cartoons to provoke debate, which would be understandable in another context but here the question asked by large segments of the press is whether the motive is cultural sensationalism rather than just enhancing the domain of freedom of expression.

And secondly, the book would have included some 1,200 plus depictions, accepted depictions, of the Prophet—that is another point. From discussions that I had last week with the ombudsman from America, there are a lot of sensitivities even there about taking care of the sensitivities of the Americans. Most of the newspapers told me they won’t publish the expression “god-damn” in America especially in the so-called Bible belt—they are taking the sensitivities of the audience into consideration. I think that what Mr. Val describes as fear, is at least to me, a sense of responsibility—maybe overreached in certain cases. It may be a case of expressing responsibility. Now as one British journalist told me, you don’t just mock child pornography by depicting child pornography

in a cartoon, you usually refrain from it in many contexts, unless it is really necessary to do so.

So the final point in dealing with religious sensitivities is entering a new rational, mainly a predominately rational domain where you can't reason with people's belief systems and how to deal with that is still a big, big question for us in the future. How to deal with the belief systems, predominately emotional terrains that we have to walk on. That is why there are still very many questions about this.

Miklos Haraszti:

I would like to resume our panels with Dinah PoKempner, who is general counsel and chief lawyer of Human Rights Watch.

Dinah PoKempner, General Counsel, Human Rights Watch, United States

Pernicious Barter: Trading Speech Bans and Losing Rights

There is little doubt that freedom of expression has been a casualty of terrorism in the early years of the 21st century. Restrictive governments seized on counter-terrorism as an excuse for even further repression; this was to be expected. But liberal societies made it easy for them to do so, by succumbing to fear and enacting measures of questionable necessity to monitor and curtail speech. Global trends already in evidence before 9/11 deepened, such as an increase in overall state surveillance, tightening measures of state secrecy, and increasing state regulation of the Internet. And new trends emerged, such as a revived interest in creating and prosecuting crimes of incitement—both to religious hatred, and to terrorism.

These trends are still in evidence, and to some degree getting worse. In particular, Europe's concern with silencing radical Muslim praise of terrorism has been countered by pressure from Muslim states for Europe to silence criticism of Islam. It is a trade that states have been willing to make, to the detriment of free expression everywhere. On the one hand, European states are struggling to figure out how to keep their Muslim populations moderate and enhance their own security. On the other, Mid-Eastern governments, challenged by their own religious critics, are eager to pursue blasphemy as an issue that can win them popularity at home and political leverage internationally. In this barter, there are losers: the media, the freedoms necessary for democracy, and ultimately a measure of security as social dissention is forced underground rather than exposed to air and light.

While the trade-off is hardly explicit, its dynamics are widely understood. "Islamophobia" is characterized, among other things, by the imputation of terrorism or violence widely to Islam as a religion or to Muslims as a group. In the wake of terrorist attacks, Muslims in Europe and the United States suffered very real waves of hate crimes as well as discriminatory acts, including in the context of law enforcement and immigration policy. The imputation of terrorism became a way to project other fears and

resentments—for example, against the apparent lack of cultural and social assimilation of immigrant underclass communities. At the same time, the resentments and social problems of Muslim communities suddenly took on a new dimension to Western governments as a security issue. State interests converged on stifling both provocation and incitement of Muslims.

In the Muslim world, concern over the situation of Palestine, Western actions against Muslims and Western military interventions converged with a longstanding perception that populist fundamentalism is an avenue of challenge to government power. It is not an accident that the Organization of the Islamic Conference (OIC) has produced both a powerful campaign against Islamophobia in the West, and a Convention on Combating International Terrorism. Implicit in the pushback to anti-Islamic speech in the West is the threat that unless more respect is shown towards Islam, resentment and radicalization will worsen. OIC Ambassador Masood Khan put it this way: “Muslims’ voices reflect their conviction that there is a world conscience which would respond to their concerns. If this was an illusion, they would conclude that the West is inherently Islamophobic and they would rely on own internal dialogue and dynamics to resolve these issues.”¹

My argument is that the expansion of crimes of incitement is unlikely to produce the moderation and enhancements to security sought. By substantially weakening public debate and indeed, the pressure to confront and respond to the other, this trend places genuinely democratic societies at a disadvantage in handling the very real challenges of prejudice and radicalism. Hammering at speech with the club of criminal law is a diversion: speech is a reflection of underlying problems, not the problems themselves. We are missing the point, to our peril.

Glorification of Terrorism

It should be understood that direct, intentional incitement to terrorist acts—whether or not they occur as a result—has been a crime everywhere for some time and is not problematic for free expression. What is new is the trend towards criminalizing indirect incitement, that is, glorification, praise or apology of terrorism. The laws tend to be vague on the definition of terrorism, whether the standard to judge incitement is objective or subjective, whether the speaker must intend incitement, and whether the court must consider how likely it is that anyone would be incited.

The Council of Europe Convention on the Prevention of Terrorism² requires states to adopt a crime of intentional “provocation,” which it defines as “the distribution, or otherwise making available, of a message to the public, with the intent to incite the commission of a terrorist offence, where such conduct, whether or not directly advocating terrorist offences, causes a danger that one or more such offences may be committed.”³

¹ OIC Statement by Ambassador Masood Khan on “Incitement to Racial and Religious Hatred and the Promotion of Tolerance” at The Human Rights Council, Geneva, 21 September 2006 available at http://missions.itu.int/~pakistan/2005_Statements/CHR/stoicpope_21sep06.htm.

² The treaty was adopted in May 2005.

³ Council of Europe, Convention on the Prevention of Terrorism, May 16, 2005, CETS No. 196, <http://conventions.coe.int/Treaty/EN/Treaties/Html/196.htm>.

This definition, while requiring intent, leaves vague the ideas of provocation and danger – how likely to provoke terrorism, how imminent the danger? The requirement of intentionality, however, is absent in the U.K. Terrorism Act 2006, which outlaws “glorification” of terrorism and might encompass “recklessness” behavior as well.

Anthony Lester, a leading human rights lawyer, has pointed out that the UK act might in theory be used against the BBC, should it interview a leader of Hamas and allow him to state his rationale for terrorist attacks against Israel, even if it included an Israeli rebuttal. Would a human rights report that focused on state abuses, without analyzing militant abuses that were the provocation, run afoul of this law? Australia, Turkey, France and Spain are among the countries that also sport such laws, and use them to varying degrees.

There is reason to question whether prosecution of persons for indirect incitement (as opposed to direct incitement, which may be an option for the most vitriolic advocates) is particularly helpful or whether it just heightens the speaker’s profile and cements the impression of state persecution to the communities these persons address. The first person convicted under the UK act couldn’t have been more obscure: a 23-year-old Heathrow airport shop clerk named Samina Malik who called herself the “lyrical terrorist” because “it sounded cool.” In her apartment police found an adolescent stash of poems she composed on terrorism as well as various downloaded terrorism manuals. Needless to say, following her arrest a bountiful harvest of “Free Samina” posts and websites promptly sprouted up.

Incitement to Religious Hatred

Crimes of incitement to religious hatred raise many of the same questions. Some of the most alarming developments this year took place at the UN Human Rights Council, which in the final minutes of its March session adopted a resolution radically shifting the mandate of the Special Rapporteur on Freedom of Expression to focus on monitoring abuses by individuals. The resolution, introduced by the OIC, requires the Special Rapporteur to “report on instances where the abuse of the right of freedom of expression constitutes an act of racial or religious discrimination.” The Council also adopted an amendment put forward by Cuba that states the “importance” of the media reporting “in a fair and impartial manner.”⁴

The day before, the Council passed an OIC-sponsored resolution that urged states “to take actions to prohibit the dissemination of racist and xenophobic ideas and material aimed at any religion or its followers that constitute incitement to racial and religious hatred, hostility or violence” and requested the UN High Commissioner for Human Rights to submit a study compiling relevant existing legislation and jurisprudence concerning defamation and contempt for religions to the Council at its ninth session.⁵

⁴ Human Rights Watch Press Release: “UN Chooses Consensus Over Victims,” Geneva, March 28, 2008, available online at <http://www.hrw.org/english/docs/2008/03/28/global18393.htm>.

⁵ UN Press Release, “Council Extends Mandates on Democratic People’s Republic of Korea, Human Rights Defenders, Enforced Disappearances and Sale of Children,” Late Afternoon March 27, 2008, available online at

The OIC's "Islamophobia Observatory" in its first report this year focused on the need for a "binding legal instrument," pointing to the freedom of Islamophobes to "carry on their assaults due to absence of necessary legal measures against the misuse or abuse of the right to freedom of expression."⁶

The OIC justifies its campaign against "Islamophobia" (Islam being the only religion discussed by name in the resolution it sponsored) with reference to hate crimes and discriminatory state policies against Muslims. But a very large part of its effort is directed at protecting Islam as a religious belief per se. Many of its protests are aimed not at incitement to violence or discrimination against Muslims, but at insulting portrayals of the Prophet Mohammad. Western governments have also focused on cultural expression as a major problem.

Consider the global campaign against obnoxious cartoonists, pursued with a vigor that counter-terrorism squads might envy. On September 25, 2005, the Danish newspaper *Jyllands Posten* published a dozen cartoons, many of them offensive depictions of the Prophet Mohammed, as part of an exercise in challenging self-censorship on the subject of Islam. When the government of Denmark refused to intervene at the request of Danish Muslims and foreign diplomats, a global furor ensued. More than a hundred people lost their lives in the course of protests in Muslim states; Danish embassies in the Mideast were attacked; cartoonists and editors received death threats; and prosecutions of newspaper editors who dared to reproduce the cartoons took place around the world. This February, Danish police arrested three men suspected of plotting to kill Kurt Westergaard, one of the cartoonists, prompting *Jyllands Posten* to republish his drawing and Egypt to ban four foreign newspapers that reprinted it as well. The Danish cartoons have achieved such historical significance that Denmark's national library is trying to acquire the originals.⁷

The Global War on Cartoons has opened a new front, in the Netherlands. On May 13, a Dutch cartoonist by the nom de plume of Gregorius Nekschot, was dragged out of his home by ten policemen acting on a complaint filed in 2005 against some of his cartoons. Nekschot is known for skewering "political correctness" of many sorts; he has often depicted Muslims in highly derogatory ways, though he's also given a scatological treatment to Queen Beatrix, Jimmy Carter and the Pope among many others. It has been reported that police told Nekschot in the course of the arrest that his work was "much worse than what they made in Denmark" and asked whether he understood "what it means when you're identity gets known."⁸ These remarks, if accurate, underscore the tacit understanding of the trade-off between blasphemy and the risk of religiously-inspired terrorism.

<http://www.unhchr.ch/hurricane/hurricane.nsf/view01/FBACCEB04BC0A595C125741A002E96F9?opendocument>.

⁶ "1st OIC Observatory Report on Islamophobia, May 2007-March 2008" Section 3.3.1 and Executive Summary, available online at <http://www.oic-oci.org/oicnew/is11/english/Islamophobia-rep-en.pdf>.

⁷ Robert Tait, "Danish library plans to house cartoons of prophet Muhammad" *The Guardian* January 30, 2008 online at <http://www.guardian.co.uk/world/2008/jan/30/religion.muhammadcartoons>

⁸ "Cartoonist vreest nu aanslag" *De Telegraaf Binnenland*, 16 May 2008 accessed online at http://www.telegraaf.nl/binnenland/4009240/_Cartoonist_vreest_nu_aanslag_.html?p=16,1

The Nekschot arrest has sparked great controversy and parliamentary debate in the Netherlands, not least because it strongly invokes two other flashpoints in Dutch-Muslim relations. First, Nekschot's work had been published on the website of Theo van Gogh, the Dutch filmmaker who was murdered by an extremist fundamentalist Muslim youth in 2004. Second, the Dutch convert to Islam who filed the complaint against Nekschot's cartoons in 2005 had been quoted on Dutch TV earlier as expressing happiness at the Van Gogh murder and wishing for the early death of the anti-immigration populist, Geert Wilders. Wilders, a parliamentarian, is now known internationally for *Fitna*, a film he released this year juxtaposes passages of the Koran with scenes of terrorism and violence against women and children. *Fitna* failed to win any television roll out, and instead was released through the web, though it had to be recalled to redact some of the Danish cartoons he had used without copyright permission. The Dutch government was not so hands-off as the Danish government had been, and its foreign minister, in addition to private diplomacy to signal the government's distaste for the film, published an opinion piece in an Arabic newspaper calling for "viewers to keep their heads cool and relations warm." Although *Fitna* did result in some threats, including fatwas against the director, and a call to boycott Dutch products, overall response was markedly less inflamed.

Of course, Denmark and the Netherlands are not the only countries that are bedeviled by blasphemous cartoonists. Few of us may have noticed in September 2007 that the government of Bangladesh arrested Arifur Rahman who had poked fun at the conventions of invoking the Prophet's name by sketching a simple lad who in confusion responds that his pet's name is "Mohammed cat." In this tradition, Sudan two months later prosecuted a British schoolteacher who allowed her class of seven-year-olds to name a teddy bear "Mohammed" (because it happened to be the name of a cute little boy in the class). At least the High Court of Bangladesh had the good sense to rule Rahman's arrest illegal in February this year.⁹ In Sweden, the OIC and the government of Iran protested when the paper *Nerikes Allehanda* published a cartoon by Lars Vilks of Mohammed with the head of a dog, alongside an editorial on freedom of expression.¹⁰

The issue of cartoons is particularly interesting because the harm alleged is principally to religious sentiment, not to particular Muslims in any tangible sense. These cases have to be distinguished from the sort of incitement that is intended to provoke violence or other criminal harm to the group targeted. There is quite a bit of distance between these cartoons, however noxious, and those published by Julius Streicher in *Der Sturmer* in the 1930 and 40s—which both from clear intent and context were designed to aid the Third Reich's project of genocide. Likewise Radio Milles Collines' message to "crush cockroaches" wasn't simply a nasty metaphor intended to lower Tutsi in the eyes of their Hutu neighbors in Rwanda, but rather a coded directive to kill them.

While it is easy to deride the furor over the cartoons, which has, of course, only provoked the publication of ever more satirical cartoons, we should not deride the phenomenon of

⁹ Cartoonists Rights Network International, Mainul Islam Khan, Bangladesh (February 2008) at http://www.cartoonistrights.com/index.php?option=com_content&task=view&id=52&Itemid=51

¹⁰ 1st OIC Observatory Report on Islamophobia, May 2007-March 2008 available at <http://www.oic-oci.org/oicnew/is11/english/Islamophobia-rep-en.pdf>.

hate speech itself. Prejudice against Muslim immigrants and their children in the West is real and poisonous, and carries political force and consequence. Incidents of religiously or racially motivated violence abound. Segregated and economically disfavored minorities have their inferior status proclaimed and inculcated by such speech. Yet while one can condemn derogatory speech, only some sorts of hateful speech should be the subject of criminal sanction.

The issue of hate speech is situated at the crossroads of two important human rights principles: that of protecting free expression, even of highly objectionable ideas, and that of ensuring equality of all social groups. Free expression guarantees in international and European law limit lawful restrictions on speech to measures that are strictly “necessary” in a “democratic society.” Even the specific injunction in the International Covenant on Civil and Political Rights to prohibit hate speech, which grew out of the consciousness of how anti-Semitic propaganda was used to prepare the Holocaust, is often interpreted as a subsidiary of this general guarantee, rather than as an exception to it.¹¹ To do otherwise would eviscerate the right entirely as the only speech that needs protection is speech that someone finds objectionable.¹²

What then is the degree of restriction “necessary” in a democratic society? Surely, it cannot be to rule criticism of religions, ideologies or other beliefs off limits, even if such critiques are vitriolic or scatological. The free exchange of ideas, even insulting ones, is crucial to the healthy frictions of a pluralist system. On the other side of the scale, when expression initiates action that is otherwise prohibited by law, it cannot be more protected than the unlawful act itself—that is the law of conspiracy and direct incitement. The hard cases lie between these poles.

The hate speech prohibition in Article 20 of the International Covenant on Civil and Political Rights is worth examining closely. States must prohibit “any *advocacy* of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence” (emphasis supplied). The term “advocacy” implies that there must be a conscious intent to spur hatred, rather than just approval of or inadvertent contribution to hatred. The fact that the advocacy of hatred must additionally constitute *incitement* points to incitement of an action, rather than merely fostering negative feelings (that is already

¹¹ Manfred Nowak has argued that article 20, while providing an additional basis for restricting free expression, cannot authorize restrictions beyond the terms of what article 19 allows, so that for example, it would not permit punishing freedom of opinion, nor permit pre-censorship, nor would it allow for sanctions to attach without consideration of the interests enumerated in article 19.3 in respect of which speech may be restricted. Nowak, *CCPR Commentary* ¶ 368-369. This view finds support in the Human Rights Committee’s General Comment 11 on article 20, which states, “In the opinion of the Committee, these required prohibitions are fully compatible with the right of freedom of expression as contained in article 19, the exercise of which carries with it special duties and responsibilities.”

¹² For this reason, many states have conditioned their obligations on hate speech in anti-discrimination law, such as the Convention on the Elimination of Racial Discrimination, on their obligation to protect free expression. International Criminal Tribunal for the former Yugoslavia, *Prosecutor v. Kordić and Cerkez*, Case No. IT-95-14/2-T, Judgment (Trial Chamber) of 26 February 2001, ¶ 209 n.272. Likewise, the Human Rights Committee has tended to treat article 20 of the International Covenant on Civil and Political Rights as having to be interpreted in light of the general free speech guarantee of Article 19, rather than as separate from it.

specified by “hatred”), and violence and discrimination are two species of criminal acts. But what does “incitement to hostility” mean? The term, which qualifies “hatred” implies more than passive dislike, but a hatred so intense it involves overt manifestation. The question in a democracy might then be, what sort of speech so proximately threatens to provoke hostile action as to warrant depriving the speaker of liberty?

The UK’s recent law against incitement to religious hostility roughly follows these contours. In its final version, amendments were pressed by civil liberties advocates to ensure there must be an intention on the part of the speaker to incite hostility—reckless speech is not enough. Explicit provision is made to protect freedom of expression, and in particular exempt from the Act ridicule, abuse, insult and proselytizing but not “threatening” words and behavior. Even so, it is unclear how proximate or plausible a threat must be to qualify under the law.

It is difficult to imagine any of the cartoons at issue crossing this threshold. Indeed, if we were to search for “incitement to hostility” in these incidents, we might more reasonably find it in the threats of violent reprisals made against the cartoonists and their publishers. Nor is it reasonable to judge the legality of expression by the hostility it might provoke in an audience—if we do, we might as well abandon free expression as a right altogether.

This is not to say that lawful protest against hateful speech is inappropriate—indeed, that might be the greatest value to allowing hateful speech, that it energizes social repudiation, and gives intended victims an occasion to defend themselves. Nor does questioning the value of incitement laws mean that governments have no role to play. Hate speech from all quarters should be condemned by governments, who after all, have a very strong voice. News publishers have no obligation to print or reproduce hate speech, and should consider if it is actually newsworthy before giving it a public platform.

The criminal law, however, is an exceptionally imprecise weapon against prejudice. It chills speech of public importance—and speech that is hard to bear is often important to hear and respond to. Prosecution makes martyrs of demagogues, adolescents, cranks and even cartoonists. There is little evidence that it actually stops the most hateful speech, although it may glamorize it further and force it into coded expression or underground channels that are harder to expose. The focus of debate on criminalizing speech has only sharpened anger and hardened attitudes on both sides. It would be far more productive for legislators and states to spend their time considering the human rights problems that impel offensive speech, rather than legislating against the speech itself.

Miklos Haraszti:

I have to add that in the post-Soviet world, especially in the Russian federation, in the last five years, so-called extremism packages have been passed. The word ‘extremist’ is used today just as the word ‘bourgeois’ used to be used to suppress opinion, not more than 20 years ago.

Kenan Malik, Writer, Lecturer and Broadcaster, United Kingdom

There was an interesting debate at the end of the last session about how far we should be able to push and give offense to other people. I want to suggest that we should be able to push as far as we want. Before I make that argument, I just want to take at one argument that was made at the end of that session in opposition to it, that for example the republication of the cartoons would be counterproductive because it hurt Muslims in liberal countries. The trouble with an argument such as that is that if what we say or do is determined by authoritarian regimes may do to liberals, that not only is there very little that we can say or do but you give those regimes a wonderful weapon to pursue their own authoritarian policies. It is very important that whatever argument without making it pushing offense then that is not one of them because it is a very dangerous argument. The real debate we are having is about what should be the limits of free speech within a plural society. Should in a plural society free speech be more limited than in, if you like, a more homogenous society, precisely because they are more plural, more diverse and more different? And the answer has changed dramatically in the past 20 years. Twenty years ago most liberals defended Salman Rushdie's right to publish *The Satanic Verses* despite the offence it caused many Muslims because of the point of free speech. Today, many argue that whatever may appear to be right in principle, in practice one should appease religious and cultural sensibilities because such sensibilities are so deeply felt. The avoidance of cultural pain is often regarded as more important than what is seen as an abstract right to freedom of expression. The British sociologist Tariq Modood has put it quite well, 'If people are to occupy the same political space without conflict, they mutually have to limit the extent to which they subject each others' fundamental beliefs to criticism.' One of the ironies of living in a plural society, it seems, is that the preservation of diversity requires us to leave less room for a diversity of views.

The rise of the idea of 'offensive speech' has transformed the very ground of the debate about free expression. For much of the twentieth century liberals viewed freedom of speech as an essential good and believed that restrictions were acceptable only in exceptional cases, where speech caused harm. But now that we have elided the idea of giving offence and causing harm, then speech has become not essentially good but inherently problematic, because it is inevitable, especially in a plural society, that speech will offend. The very fact that we need to have a debate such as this is an expression of that shift in attitude. And once speech is seen as inherently problematic, then censorship necessarily becomes viewed as the norm rather than the exception.

I take the opposite view. Freedom of expression needs to be less restricted precisely because we live in a plural society. In a homogenous society in which everyone thought in exactly the same way then the giving of offence would be nothing more than gratuitous. But in the real world where societies are plural, then it is both inevitable and important that people offend the sensibilities of others. Inevitable, because where different beliefs are deeply held, clashes are unavoidable. And we should deal with those clashes rather than suppress them. Important because any kind of social change or social progress means offending some deeply held sensibilities. The right to 'subject each others' fundamental beliefs to criticism' is the bedrock of an open, diverse society. 'If liberty means anything', as George Orwell once put it, 'it means the right to tell people what they do not want to hear'.

Ah, comes the response, but should we not also ensure that minorities are not deliberately denigrated? Is it not incumbent on a civilized society – and a civilized media - to protect the powerless and the vulnerable? Indeed it is. But ask yourself this: who is it that benefits most from censorship? Not the powerless and the vulnerable but rather those that possess both the power to censor and the necessity to do so. It is often said in making the case for censorship that the capacity for free speech is in the hands of just a few – media barons or government ministries. Actually, the opposite is the case. The power to censor is in the hands of the few. But the capacity for free speech is in all our mouths.

The impact of multicultural censorship is in fact to undermine progressive movements within minority communities. Take the controversy over the Danish cartoons. There's a general assumption that all Muslims were offended by the cartoons and that all Muslims wished to ban them. Not true.

Bünyamin Simsek is a Muslim councillor in Aarhus who helped organize a counter-demonstration to the cartoon protests. 'There is', he says, 'a large group of Muslims in this city who want to live in a secular society and adhere to the principle that religion is an issue between them and God and not something that should involve society'. He is not alone. But such voices get silenced in the rush to censor that, which is deemed to cause offence.

The notion of giving offence suggests that certain beliefs are so important to certain people that they should be put beyond the possibility of being insulted, or caricatured or even questioned. The importance of the principle of free speech is precisely that it provides a permanent challenge to the idea that some questions are beyond contention, and hence acts as a permanent challenge to authority. This is why free speech is essential not simply to the practice of democracy, but to the aspirations of those groups who may have been failed by the formal democratic processes. The real value of free speech, in other words, is not to those who possess power, but to those who want to challenge them. And the real value of censorship is to those who do not wish their authority to be challenged.

That's why groups such as Southall Black Sisters - an organisation of Asian women activists in Britain that for more than 20 years has been combating both racism and discrimination against women - strenuously oppose the idea that the giving of offence should be forbidden. As Rahila Gupta of Southall Black Sisters put it, such censorship 'will strengthen the voices of religious intolerance and choke off women's right to dissent'. And this, she observed 'is too high a price to pay to appease an alienated community.'

But perhaps we take this view because Gupta, like me, like most Western journalists, believe in the value of a secular society. And we poor secularists simply do not understand religious believers' depth of attachment to their faith, and hence their outrage at any insult to it. But believers are not alone in having a deep attachment to their beliefs. Communists were often wedded to their ideas even unto death. Many racists have an almost visceral bonding to their prejudices. No one would suggest that they should be protected from being offended just because their beliefs are so deeply held. In any case I

would challenge anyone to show me how my humanism is any less intensely felt than the faith of a Muslim or of any other believer. There is something pernicious, almost racist, about the claim that Muslims are somehow so different from everyone else.

But what about the question of respect, and the belief that to accord respect we must refrain from giving offence? It is an important issue, but in the debate about offensive speech the notion of respect gets turned on its head.

In its traditional Kantian sense, respect requires us to treat every human being equally as a moral, autonomous being. Every individual possesses the capacity to express political and moral views and to act upon them. And every individual is responsible for their views and actions and is capable of being judged by them. The importance of free speech is that it is an expression of individual moral autonomy, the capacity of people to engage in a robust debate about their beliefs and their actions – and to bear the consequences.

In demanding respect not just for the person but for also his or her beliefs, the multicultural censor undermines individual autonomy, both by constraining the right of people to criticise others' beliefs and by insisting that individuals who hold those beliefs are too weak or vulnerable to stand up to criticism, satire or abuse. Far from according respect, such a censor treats people not as autonomous beings but as incapable victims needing special protection. The result is an auction of victimhood as every group attempts to outbid all others as the one feeling most offended.

Finally what about the question of civilised debate? Should not debate be polite and civilised, rather than raucous and offensive? It think it should, but we should not confuse being offensive with being uncivilised. *The Satanic Verses* may have been offensive. It was also a civilised piece of literature. Too often the desire to be polite turns into a demand for censorship, which should be resisted.

I hope I am polite and I do believe in civilised debate – but that is a pragmatic issue. I would like to convince people and I'm more likely to do so if I'm rational and reasonable than if I'm ranting and raving. But the point of principle remains that people should have the right to say what they wish even if it is a rant and even if it offends.

The choice we have is to live in a homogenous society and not offend each other. Or we can embrace the messiness of pluralism but to do so we also must embrace the idea that we will get offended by what we say.

Mona Eltahawy, US based journalist, commentator and lecturer on Arab and Muslim issues

I am here to tell you that I am a huge fan of offense and as a Muslim I am more offended by the idea that my fellow Muslims are two year olds prone to tantrums everyday depending on what's in the newspaper or on television. And I am equally offended by the idea that Muslims are this monolithic violent blob. Most of whom you see on television, during demonstrations against the cartoons for example when in an attempt to divorce the idea of the prophet as being associated with violence you saw people holding up banners

saying “anyone who disrespects the prophet will die” therefore basically underlining that very idea that was captured in the cartoons.

Now I am based in New York but I was born in Egypt, I spent many years in the UK as a child. My family then moved to Saudi Arabia and moved back to Egypt and I also spent some time in Israel. So now I am in the US so I’ve been very very lucky to see how offense, and how religion and politics particularly, play into religion and offense and to see how they manipulate this idea of offense. Again as a Muslim, I am more offended by the idea of a committee such as the Committee to Promote Virtue and Prevent Vice in Saudi Arabia, in other words state action of ideas of virtue or vice then a cartoon published in Denmark. I happened to be in Cairo when the cartoons were published and we had the television on at home and there were few religious leaders in Cairo. Now you turn on the television in Egypt these days and you are bound to see a religious program of some kind on almost every channel every day and these were religious leaders who were educated in Al-Azhar as what is known as the bastion of Sunni-Muslim learning in Egypt that we pride ourselves on in Egypt but it has basically been let loose on literature, art and morality and virtue and the media. They have basically state sanctioned against what the state believes is offensive or not. So there you have these images on television saying, and it was just before the outreach broke out, but of course nothing has been said about these cartoons in Denmark because where are our journalists in Egypt, well they are just a bunch liberal secular types who don’t care about Islam. So here was this idea that journalists had to rise up united and express the outrage of all Muslims in a country where just 40 or 50 years ago journalism and the media were supposed to stand up united and defend the idea of Nazism and the ideas of pan-Arabism.

It’s this idea that journalists are basically a tool of either the state or the religious institutions that they are waiting to take directions and instructions. It is this idea that I find more offensive than again a cartoon in Denmark. So the cartoons happened at the end of 2005 and I saw it on the TV in February 2006 in Egypt so there was a 6-month lag. To show you how dangerous such thinking is and to connect to what Kenan was saying about who speaks for Muslim communities anywhere, these were the very same religious leaders that I argued with just a few months before on live satellite television beamed throughout the Arab world about something in New York that we took part in. One hundred of us in New York prayed behind a woman. A woman called Amina Wadud led Friday prayer. She gave the sermon, the khoutba and then she led 50 men and 50 women in prayer, we prayed side by side—there was no segregation. Myself and another woman prayed without a head scarf and this prayer reverberated around the Muslim world because it supposedly offended Muslim sensibilities that a woman had the nerve to lead a mixed-gender prayer and to give the khoutba. And more than that she didn’t ask the permission of an Al-Azhar, which is this institution that had trained these scholars which I had argued with.

So I put it to you that as a journalist and a commentator it is not my job to wait for these Al-Azhar educated types to tell me as a Muslim what I can and cannot do. Muslims pride themselves on the idea that we don’t have a clergy, we are not like the Catholics, there is no Pope. I don’t need to ask for forgiveness from anybody. But we do have a clergy we have allowed these Al-Azhar types, we have allowed our Kings, we have allowed our Presidents to become our clergy to stand between God and us. No one should be standing

between me and God, no one should be sitting there giving me directives telling me what is and isn't offensive. Because when that happens, and this is the situation you find in many Muslim countries today, you have a nation of a bunch of two year olds who are going to break out into tantrums because you've handed over your intellectual ability to analyze and to protest and to speak out to religious types that are basically at the service of the state.

And this is what you saw in the demonstrations because, as many of the earlier panelists showed clearly, a lot of the demonstrations were state sanctioned. But you have this absurd situation encapsulated in Egypt and Saudi Arabia in particular, where you have a state that is fighting Islamists and to fight Islamists what do they do? They want to show them who can defend the prophet the most, again as the earlier panelists showed, until each one is bending over backwards to show who is the better Muslim. So the state has a whole host of the Al-Azhar educated types on television showing how offended "we" are in a country like Egypt where the Muslim brotherhood had just won 88 seats in Parliament. So you have the state with an aisle of Muslims in Parliament trying to show its public that they are just as good as Muslims, if not better than the Islamists.

But you also had a political motivation in a country like Denmark, like many other European countries. They fund a lot of human rights work in Egypt so this was a great chance to sock it to the Danes, "let's give it to the Danes for daring to fund human rights organizations in Egypt that clearly show the torture that happens on a daily basis in prisons." So you have a mix of religion and politics. In Saudi Arabia where the state sanctions virtue and vice you also had the deadly mix of the state that is the home to the two of the holiest sites of Islam. The King of Saudi Arabia calls himself the custodian of the two holiest mosques. Nobody elected him to this position—this is a position that the Saudis gave to themselves. The Saudis give out visas to Muslims to go on Haaj as if they own Medina and Mecca. This isn't an end in return for this, they have basically silenced the Muslim world, no one dares to speak out about the Saudis because they are home to the two holiest sites of Islam, which I find incredibly offensive, much more offensive again than a cartoon in Denmark. Now, while this was happening, while the Saudis were trying to outdo the Egyptians on who could defend the Prophet the most the Saudis have engaged in systematic destruction of the homes and sites associated with the Prophet and his companions, whom we are taught to revere in Islam and nobody speaks out about the offense the Saudis are causing to Muslim sensibilities.

In Syria, as earlier panelists pointed out this demonstration that burnt down the consulate, nothing happens without the al-Assad regime knowing what is going on. This happened again in the run up to the Geert Wilders' film but Egypt, Saudi Arabia and other Middle Eastern countries did not rush so much. Unfortunately, it was Afghanistan, Pakistan and Sudan for different reasons all together. When you take a country like Sudan, for example, where they have the atrocities happening in Darfur you have to keep in the mind the politics again. So you have something like the Sudanese President who has the nerve to stand up and say, "how dare they offend Islam" and forget that many Muslims are concerned that the daily offense to the memory of the Prophet to kill fellow Muslims in Darfur on the basis of what? Muslims are killing Muslims and all he cares about is the Geert Wilders' film that is coming up. In the aftermath of the cartoons don't forget all of those who died unfortunately were Muslims. Muslims died defending the Prophet—it is

a tragedy. In a country like Pakistan where you have suicide bombings like Iraq almost on a weekly basis, how can I as a Muslim be more offended of the idea of this film coming out in the Netherlands than spectacle of hundreds of Muslims being torn to shreds by fellow Muslims. This idea that Muslims are killing fellow Muslims is just beyond us, it's filtered out into the stratosphere and this is the greater offense to me as a Muslim commentator and a Muslim.

And when you see the issue of Islamophobia I believe it must be discussed in the context of the right wing and the left wing in Europe because as many speakers have pointed out the right wing in Europe has been on the descent and have been hearing a lot of anti-immigrant rhetoric. But where the left wing has failed in its position is to stand up to the right wing in a more proactive way. All the left wing has done is be extremely politically correct and try and protect Muslims as if they are these 2 year olds prone to tantrums, but in doing so, I consider the racism of the right wing to be overt, in your face, we are racist we hate you. I can handle that type of racism because I know where it is coming from. The left wing leaves itself vulnerable to a covert type of racism and it is a racism of lower expectations of expecting Muslims of not behaving in an adult mature way. This to me is much more dangerous and in order to stand up to what I call the two right wings, political right wing in Europe and also the right wing among Muslims themselves—we have to stand up to these two polar opposites and they are the ones who benefit from any kind of discussion that tries to limit my freedom to speak out. They are the ones engaged in a clash; it is not a clash of civilizations. It is a clash between these two that is directed against the rest of us, Muslim or not Muslim, which is where I salute the reaction of the Muslim community in the Netherlands after the film came out online because you saw the Dutch Muslims come out and hold a news conference together in the neighborhood where the young Dutch man assassinated Theo Van Gogh—they held a news conference there and directed a message to the Muslim world and they said, “do not go out there and attack anything Dutch because if you attack anything Dutch you attack us because we are Dutch and we are Muslim.”

And this is a connection we need to make again and again. I mentioned that I was born in Egypt and I live in the US so I've had the privilege of living in a country where I am the majority but I moved to the UK when I was 7 and now I live in the US as a minority at a very difficult time to be a Muslim in the US. My local mosque in Seattle where I lived when I first moved to the US was the subject of an attempted arson. It has not been easy. My brother was one of the 8,000 men interviewed by the FBI in the aftermath of 9/11 in the US. It has not been easy to be a Muslim in the US. But what those 9/11 attacks did was propel Muslims out onto a stage that they had avoided for the longest time. We are now able to express ourselves and to argue over Islam in a way that wasn't possible before. 9/11 attacks were awful but it demonized Muslims and it opened up the stage for a debate that didn't exist before because it also made us realize that those of us who would stay quiet had left the stage for too long for the crazies who carried out 9/11. So in the US, as I mentioned we had this prayer on the Friday prayer led by Amina Wadud.

I am also encouraged by movements such in Denmark, Nasser Khader a born Muslim member of the Danish Parliament and now the head of a political party in Denmark—the first Muslim in Denmark, I think in Europe generally, to be the head of a political party. I spent 2 ½ months in Denmark after the cartoon crisis to watch how Muslims in Denmark

were handling the crisis and I was very encouraged by what the head of the party and other Muslims were doing. Speaking out for the secular voice because, because I, as a secular liberal Muslim in Egypt and in other countries in the Middle East I have to fight for the right to call myself secular. It is good to hear Nasser Khader say he is secular. In the Middle East now the word secular is a dirty word, almost as bad as calling yourself an infidel. There is no room to call yourself a secular because we are stuck between a dictator and the Muslim brotherhood, which in my opinion is a mix between a dictatorship and God so we are stuck between these two polar opposites and we are fighting for room. And in order to create that space for ourselves we must fight for the right to offend everybody. We must have no curbs because in offending everybody we argue and create the kind of environment that we want. We don't wait for the dictator to tell us what is offensive or not and we don't wait for the religious groups to tell us what is offensive or not, we figure it out ourselves in that mess that Kenan mentioned.

To throw a completely different twist on this and to show you how the state can intimidate journalists in another way—I come from a US right now that is up in arms over the memoirs of Scott McClellan, the former White House spokesman. He published a book recently saying that when he was the spokesperson for the Bush administration he saw how they manipulated and used information in the run up to the Iraq war to basically sell it to the US public. But he made a very interesting point, which has driven the media in the US crazy. He said the US media did not challenge him as the White House spokesperson enough, i.e. he says he would get up there on that podium everyday in the White House and sell lies to the US media and they didn't fight back enough. Now this is amazing. Now a lot of the US media is up in arms and are fighting back with him and saying “no we did ask questions” but some American journalists are coming back and saying “no we didn't ask questions, we didn't ask the right questions and yes we were intimidated because those of us who tried to ask the right questions would receive phone calls from the Pentagon or the White House criticizing for asking those right questions.” And they are attacking McClellan personally by saying now you waited this long to publish this memoir, where were you when you knew you were selling lies. Now you take that kind of context where you have a situation where a country has been attacked and so the media is expected to play nationalistic, patriotic, “how American are you, don't offend because these are vulnerable times,” and you take it to all the different parts of the Muslim world where the situation is occurring on a daily level. It is not the job of the journalist to pass on the message of the government to the public. It is the job of the journalist to challenge in my opinion.

I am an opinion writer now, I stopped doing news after 9/11 because I couldn't be an objective observer anymore so I am an opinion writer because I demanded the right to challenge, and offend and question all of that. But all of that can still be done in the objective news sect; it is not our job to get our message across to the public. And I will end with another anecdote from the US to show again how offense can be used against the media and against freedom of speech of all kinds. There is quite a popular chef in the US called Rachel Ray, I don't know how many of you know her but she has a TV program and a magazine. She is very popular in the US and she is the least offensive person you could ever think of—she is bubbly and very friendly. Anyway, Rachel Ray did an advert for a TV commercial for a Dunkin Donuts, coffee and donuts restaurant in the US. In the commercial she wore a black and white scarf and a right wing blogger

called Michelle Malkin, who is the daughter of immigrants but her herself takes a very anti-immigrant stand. A post on her blog said that Rachel Ray and Dunkin Donuts were promoting Arabic and Islamic terrorism because she was wearing the Palestinian scarf. So Michelle Malkin took the black and white headscarf that many many Arabs wear, to symbolize terrorism to say that Rachel Ray and Dunkin Donuts had offended American sensibilities by showing this in the ad. And guess what Dunkin Donuts did, they pulled the ad instead of telling her you are being ridiculous on so many levels. They pulled the ad. They gave in to this kind of intimidation and this idea that you are offending these sensibilities at large. That I find incredibly offensive.

Question for Mona Eltahawy:

Don't you think that cartoons as a way of freedom of expression reinforces most extremism and intolerance in the Islam world? I have seen in debates in Pakistan and in other countries and after the cartoon controversy the whole debate has been reduced to this level—like the issues of blasphemy, the issue of Jihad and its displacement—that the cartoons have in fact displaced the whole debate in the Muslim world and pushed us in a very narrow ally where we cannot oppose the right to freedom of expression. That has also been used as a tool to reinforce intolerance in the Muslim world, what do you think about that?

Mona Eltahawy:

I don't think that the cartoons are to blame for the shrinking space for the freedom of thought in the Arab world. I think it is the regimes. As I have said, we are squashed between the dictators on the one hand, and the Islamist groups on the other, neither of which believe in free speech. The ultimate ironies are that these liberal groups believe in everybody's right to freedom of speech so we are basically saying that the Muslim brotherhood or other Islamists have every right to say what they want as long as they don't practice any violence, but they don't always forward that in return so I don't think the cartoons are to blame. I think this was a process that has been happening for a long time. In Egypt for example, it is a crime to insult the President. There is a blogger in jail in Egypt and his crime was not offending Islam, he insulted the President. There are journalists in Egypt who are on trial on an almost weekly basis for offending the President. How did they offend and insult the President? By reporting on his health. Earlier today Ali Dilem showed his cartoon questioning the health of the powerful officials in our countries. We don't know how well or badly President Mubarak is doing and the journalist who had the nerve and the courage to write about his health problems are standing trial. This is where it becomes very pernicious, it is not the cartoon that has created this and the state doesn't even bother to take him to court anymore. What happens is that you have these lawyers who everybody knows is affiliated with the state stepping forward and saying you offended me as an Egyptian by reporting on the health of the President. It is ludicrous so I think it is wrong to focus on how the cartoons have shrunk the space.

Kenan Malik:

I agree very much with that and I think that Danish newspaper editors are not responsible for the nature of the debate in Pakistan, or Iran or anywhere else. We should not assume that they were responsible or put the blame on them if that debate doesn't go in the way we wish it to do. If Muslim regimes use the cartoons, as they have done, and other cases to win popular support for their particular brand of Islamism the fault doesn't lie with Danish newspaper editors. It lies with the rest of us who want to challenge that brand of Islam and make a case for freedom against authoritarianism and deny our responsibility to put the blame on Danish newspaper editors.

Comment by Hisham Kassem, publisher, Egypt:

Here is Europe that has gone through so much in order to reach this point. One thing I can speak about is the inquisition, a real heavy price has been paid by Europe in order to reach this stage and suddenly we are telling them we feel offended and that they should forget the price they have paid for this and adapt to actually pass legislation within Europe on national parliaments simply because we find this offensive. And there is limit certainly on free expression but not on what is offensive—if it induces harm I would never support a radio station like the one in Rwanda where we saw the broadcaster actually telling people to go out and kill. Again the bottom line is this scene from the film, *The People Versus Larry Flint*, where in the end Larry Flint says that if the first amendment cannot protect a scumbag like him there are no guarantees for any one else.

The Paris-based WAN, the global organisation for the newspaper industry, defends and promotes press freedom and the professional and business interests of newspapers world-wide. Representing 18,000 newspapers, its membership includes 77 national newspaper associations, newspaper companies and individual newspaper executives in 102 countries, 12 news agencies and 11 regional and world-wide press groups.

Inquiries about this report to: Virginie Jouan, Co-Director, Press Freedom and Development Programmes, World Association of Newspapers (WAN), 7 rue Geoffroy Saint Hilaire, 75005 Paris, France. Tel: +33 1 47 42 85 00. Fax: +33 1 47 42 49 48.

E-mail: vjouan@wan.asso.fr