Cartoons Go Global: Provocation, Condemnation, and the Possibility of Laughter

Daniel Gamper (Universitat Autònoma de Barcelona) *

Abstract

Since their publication, the Muhammad cartoons featured in *Jyllands Posten* and *Charlie Hebdo* have become a symbol of free speech and Western values. These cartoons used provocation as a tool to discuss the limits of free speech and the scope of social self-censorship. In a just society, should the possibility of laughter be distributed equally? Should cartoonists and editors only publish jokes that are universally laughable? What is the proper reaction to these kinds of provocative jokes once the possibility of censorship is ruled out in a liberal context? Is counterspeech or even cancellation a legitimate response?

Keywords

Free speech, laughter, joke, provocation, terrorism

Introduction

In January 2015, 12 people were killed and 11 others were injured at the *Charlie Hebdo* offices in Paris. This horrific massacre of journalists and cartoonists was publicly interpreted as an attack on one of the normative pillars of the Western worldview. The terrorists were allegedly seeking to violently punish the cartoonists for what they had

drawn. The main official and public response to the terrorist attack was to defend free speech, as implied by the slogan "Je suis Charlie", which brought several world leaders together in the major demonstration staged in the wake of the shooting. Although most of the demonstrators were not readers of this satirical magazine, they publicly declared that they wanted to live in a society that allowed and safeguarded the radical critique of politicians, corporations and religion, even if it is expressed in an inflammatory manner and in poor taste.

To stand up for free speech means to advocate the lifestyle it allows: a readiness to criticise and to be criticised, and especially, in the context of cartoons, caricatures and artistic freedom on the whole, the readiness to accept radical and transgressive forms of humour, to laugh about almost everything without fearing a violent reaction from those who ultimately take offence. Many people do not find *Charlie Hebdo*'s jokes funny, perceiving them as insults to sacred dogmas of Islam and Christianity, as affronts to religious feelings and as gratuitous provocations. These very people, however, if asked how society and institutions should react to such magazines, would probably refer to *toleration* as the civic tool or virtue that allows for peaceful coexistence in a hyperpluralist society (Ferrara 2014). In this scenario, toleration means the recognition of the other as a rights-holder, with the same right to life as one wishes for oneself, without the illegitimate interference of others with more power.[1]

From this perspective, a terrorist response to the publication of such offensive caricatures is a negation of the end that toleration makes possible, namely peace between those who do not share a worldview and that despise or scorn the other's way of life. The

[1] It is no wonder Voltaire's *A Treatise on Toleration* featured on the French bestsellers list following the attack.

terrorists perhaps felt other kinds of injuries, a whole political, sociological and cultural background that pushed them to perpetrate the act of terrorism.

This paper concentrates on the role played by these caricatures in the French and, more broadly, in the Western public arena. It aims to cast light on the following normative question: what should a society where (almost) everybody can laugh about (almost) everything look like, a society in which people feel safe, where if someone laughs at someone else, or at something they cherish the most, it will be *just* a joke. The modest scope of the paper is, as Milton put it in *Areopagitica*, "to write and speak what may help to the further discussing of the matters in agitation" (Milton 1918, 58).

1. The Danish Muhammad cartoons controversy

The Paris attacks are better understood as a sequel to the Muhammad cartoons controversy sparked following the publication of the caricatures of the prophet of Islam in the Danish newspaper *Jyllands Posten* in autumn 2015. The international reaction to these caricatures adhered to the conceptual framework of the post-9/11 world. Immigration issues and the peaceful coexistence of increasingly diverse societies were at the heart of a debate publicly articulated in a simplistic binary logic: the modern Western tradition of tolerance and liberalism as the forefront of the moral and political progress of humanity, contrasted with a mediaeval and intolerant Islam. According to the teleological narrative of secularism, the dark ages of Islam need to be enlightened and liberalised to allow for people's emancipation, and to follow the path of the Western world, where any remnant of political theology has purportedly been put to one side in the name of individual freedoms (El-Tayeb 2011). Xenophobic and nationalist parties (like *Dansk Folkeparti*, the Danish People's Party) were on the rise, gradually shifting European state

policies towards more restrictive immigration measures. The multicultural recipe to solve the problems of coexistence was considered a dangerous tolerance, because it indulged the creation of parallel societies where the moral consensus of the nation-state was non-existent. The image of Muslims as intolerant, patriarchal and prone to violence was already palpable in public opinion, as well as a growing concern among leftist and progressive parties over the dangers of Islamophobia in Europe. The need to strengthen the control of radicalism in the Muslim ghettoes of major European countries was perfectly in line with the Hobbesian politics of the Patriot Act and a certain Zeitgeist among the intellectual elites (Huntington 1993; Sartori 2000; Kagan 2003).

In Denmark, this context was even more poignant due to immigration restrictions and a harsher refugee policy during the war in the Balkans, as well as the growing presence of second-generation immigrants, whose integration in Danish society was constantly at issue.

This is the socio-political context in which Flemming Rose, the culture editor of *Jyllands Posten*, penned the editorial accompanied by the twelve cartoons, from which I wish to highlight this excerpt:

> "Modern, secular society is rejected by some Muslims. They demand a special position, insisting on special consideration of their own religious feelings. It is incompatible with contemporary democracy and freedom of speech, where one must be ready to put up with insults, mockery, and ridicule. It is certainly not always attractive and nice to look at, and it does not mean that religious feelings should be made fun of at any price, but that is of minor importance in the present context. […] We are on our way to a slippery slope where no-one can tell how the self-censorship will end. That is why *Morgenavisen Jyllands-Posten* has invited

members of the Danish editorial cartoonists union to draw Muhammad as they see him." (Rose 2005)

The culture section's editorial is aligned with the conceptual framework of the "clash of civilisations", as is the newspaper's editorial of the same day in which there is talk of "sanctified imams or crazy mullahs" that represent "a conception of the world that the West gave up with the Enlightenment" (Posten 2005). Rose contests the demand for *special* consideration, thereby endorsing a reduced view of religious freedom, according to which Muslim citizens bear the burden of accommodating their religious beliefs to the legal duties of the country they live in. Likewise, the Stasi Commission issued a report on *laïcité* in France, which defined reasonable accommodation as an implicit call on Muslim citizens "to adapt the public expression of their confessional particularities and set limits to the affirmation of their identity to allow everyone to come together in the public space" ("*la rencontre de tous dans l'espace public*") (Stasi Report 2003: 16). Rose contests the need to accommodate the religious beliefs of Muslim citizens in the Danish public space because this would imply unjustifiable unequal treatment and could jeopardise the juridical system, by introducing an archipelago of exceptions and exemptions. This reasoning does not consider the prevalence of freedom of conscience when balancing competing rights and duties, nor the indirect (and avoidable) discriminations that arise when a society becomes more diverse (Bribosia and Rorive 2013), but instead underlines the need for immigrants' cultural assimilation.

For Rose, the problem lies in the implicit restrictions on speech, the self-censorship of public discourse in Denmark, triggered by fear of the probable violent reactions of those "crazy mullahs". This special consideration of the religious feelings of some people, which would ultimately encourage citizens to carefully measure their words when addressing religious issues, is "incompatible" with the Western way of life. Danish

citizens do not request special consideration, argues Rose, they are ready "to put up with insults, mockery, and ridicule", to communicate with irony, as occurs in horizontal and egalitarian societies. The aim of welfare states such as the paradigmatic Scandinavian ones was precisely to afford all citizens sufficient security so that they feel safe enough to put up with things they dislike.

Growing migratory pressure together with the crisis of the welfare state made it impossible to provide all citizens with the necessary security (security that amounts to the absence of economic, cultural, religious, sexual, and other kinds of discrimination), which was a major source of political tensions surrounding the assimilation of Muslims. But even if we could imagine a discrimination-free society, would all citizens – even those members of minorities who may feel threatened by the manifestation of derogatory stereotypes and blasphemous icons – be ready to cope with insults, and even smile when they are the butt of public jokes and mockery? Does the proliferation of derogatory descriptions of the Muslim way of life pollute the public conversation or is it each citizen's duty "to put up" with it?

Jyllands Posten's editorial also employs the familiar rhetorical device of the "slippery slope", but it is not clear what the author is insinuating. Is he implying that Danish society is sliding towards self-censorship? Can we unerringly affirm that the cartoonists that chose not to depict Muhammad were self-censoring themselves? Mightn't they have had good reasons to refrain from depicting the prophet? Is it at all possible to distinguish between self-censorship, self-restraint, *ketman* and political correctness? What is the difference between the deliberate selection of words used by a civilised speaker when addressing someone on the one hand, and some kinds of self-censorship to avoid hurting or making our interlocutor feel uncomfortable on the other? What is wrong

with trying to avoid offending our fellow citizens? What freedom does one lose when one adapts one's words to the situation of the other members of the conversation?

In its last sentence, the editorial invites cartoonists to depict the prophet "as they see him". Contrary to what Rose indicates, in those years it was common to hear right-wing xenophobic parties claim there was a parallel society, that Islam is a religion from mediaeval times, that it represents an evil ideology, and that Danish society was facing a real danger of colonisation (Gamper 2005). So, in fact, the public debate in Denmark didn't shy from depicting Muslims stereotypically, contrary to what Rose declares implicitly.

The editorial gives rise to a characterisation of Muslim citizens that takes the radical, intolerant, and prone-to-violence individual who might become a terrorist as a paradigm. There is no talk of a moderate Islam, but the need to ensure that religion does not incite fundamentalist attitudes among young people. The natural consequence of this view of Islam as a source of radicalisation is to draw up legislation and deploy the police to prevent acts of violence. "Disengagement" programmes to "detect and dissuade would-be terrorists" are the tool used to counter indoctrination and recruitment for violent purposes (Vinocur 2016). The alleged impossibility to speak freely about Muslim citizens' core beliefs becomes a public justification for stricter terrorist control policies. In France, this becomes apparent in the recently approved far-reaching bill entitled "Reinforcing respect for the principles of the Republic", which establishes an explicit link between radicalisation and religion, as in the case of the joint mention of "multidisciplinary teaching of religious facts" and the "prevention of radicalisation".[2]

---

[2] Projet de loi, modifié par le Sénat, confortant le respect des principes de la République et de lutte contre

Religious and ideological indoctrination is treated as the causes of radicalisation, thereby perpetuating the cultural divide between a reflexive, secular culture, and a narrow-minded, underdeveloped worldview (Klausen 2006; 2009), and neglecting the deep socioeconomic inequalities of Muslim citizens in France and in Europe in general. In the case of France, this can be seen as a gradual shift from an anti-discrimination reading of Republican values towards an emphasis on *laïcité* and on the need for immigrants to assimilate to a specific culture (Bertossi 2012; Modood et al. 2006).

2. Politics and the art of joking

It is important to note that the cartoons were not depictions of the prophet of Islam in a strict sense, but rather jokes. Those cartoons (and most cartoons) are jokes (or purport to be jokes) that use the power of the image (synchronic communication of a large volume of information) to make the reader laugh, a reader who shares the anarchistic humour and the almost boundless boldness of underground cartoonists.

To ignite a debate, just like a flame, oxygen is needed. Provocations may smother a debate or a public conversation, just like a bomb that explodes and sucks up all the oxygen, suffocating the victims that have not yet died from its impact. Obviously, this does not imply that a verbal or artistic provocation is analogous to a real violent threat. Both can be considered as distortions of a public conversation, but while there are ways to defuse a provocation (counterspeech, silence or litigation), the assassin's veto is a response that is not a proper response because it eliminates any chance of a conversation or a civil encounter. Clearly, any violent reaction to the publication of cartoons or affronts

le séparatisme (Bill, amended by the Senate, "Reinforcing respect for the principles of the Republic and the fight against separatism"), no. 4078, 13 April 2021.

to religious feelings should not be interpreted as an effect of the provocation: responsibility for the violence lies with the agents of violence, not with those that are retaliated (Ash 2015).

Flemming Rose states that the publication of the cartoons is part of a broader conversation on self-censorship, which he believes is a pressing issue. At first glance, one might wonder what kind of conversation can be initiated with a provocation. The advertising industry and international politics are domains where provocation is used to achieve aims through ways that are not strictly dialogical or conversational. Provocation in these fields puts the agent and object of the provocation in two different arenas: the agent provocateur bears the upper hand and can model and predict the reactions of the object of provocation, with the ulterior goal of violating the other's interests or tarnishing their reputation; the provoked, on the other hand, can resort to other tools, such as counterspeech or legal litigation, but remains trapped in the logic of the provocation. Provocations do not disclose their intent but endeavour to achieve it by including others in their self-interested action. Artistic or advertising provocation presupposes the existence of an institution that will eventually react by trying to censor the artwork. It also presupposes that a social group or a moral majority will feel insulted by the artwork or the advertisement and will protest publicly: the provocative act thereby achieves publicity that it cannot accomplish otherwise. The use of radical advertising that is withdrawn as soon as there is public contestation is an accepted practice in the advertising industry: to create public noise and reach a larger audience.

In artistic provocation, "the target becomes predictable, sometimes even controllable" (Hedinger and Rogger 2018: 118). In the case of the cartoons published by *Jyllands Posten*, some Muslims manifested their ultimate feeling of being offended for what they perceived as a direct insult. The cartoons' provocative potential depends on the

cultural context and the political debate on immigration, refugees, integration, and the future of the Danish way of life. Contrary to what constitutes a successful or good provocation in the realm of the arts (surprise, altering conventions, offering alternatives to conventional ideas, complexity, etc. (Hedinger and Rogger 2018)), the cartoons could be considered a gratuitous joke, but the accompanying words by Rose save them from this fate, presenting a raw provocation as a worthy contribution to a public debate.

Dadaism wanted "to outrage the public" with works of art that "became an instrument of ballistics [to] hit the spectator like a bullet […] to shock the audience" (Benjamin 1969). This shock targeted the bourgeoisie, morals, logic: "Logic is always wrong" (Tzara 1918). The Danish Muhammad cartoons share the Dadaist shock tactics; the form, but not the content, so to speak. Dadaists were critics of the status quo, normality, rationality, the bourgeoisie, and belligerent of any party. A similar anarchic spirit is found in *Yahya Hassan*, the best-selling debut poetry collection published in Copenhagen in 2013 by a 19-year-old poet of the same name who described himself as "stateless Palestinian with Danish passport". The poems, written in uppercase, which the poet rapped in Danish with a strong Arabic accent, criticise the Muslim immigrant community's way of life in the ghetto of Aarhus, and are accompanied by harsh images and a provocative tone. One such example is the poem "Allah is Ignorance" in which Hassan portrays his misplacement in society. He shouts defiantly at his parents and at the social welfare's inability to cope with refugees.[3] By the end of 2013, a debate rumbled in

---

[3] "I DON'T LOVE YOU PARENTS, I HATE YOUR MISFORTUNE / I HATE YOUR SCARVES AND YOUR QURAN / AND YOUR ILLITERATE PROPHETS / YOUR INDOCTRINATED PARENTS / AND YOUR INDOCTRINATED CHILDREN / YOUR FLAWS AND YOUR PRAYERS AND YOUR WELFARE BENEFITS / I HATE THE COUNTRY THAT WAS YOURS / AND THE COUNTRY THAT

Danish newspapers after the young poet was assaulted by two Muslims in Copenhagen Central Station. Some writers defended Hassan's right to openly describe the hypocrisies of Muslims living in ghettos, stealing, consuming alcohol during the week, and attending the Friday prayer as if they were true believers. The publication of the cartoons was criticised by these very writers, arguing that while the journal had a higher hierarchical social standing and the cartoons were mostly stereotypical, the poet's denouncement of the double standard of some of his fellow Muslim citizens was first-hand testimony that made himself heard beyond the confines of his underprivileged social status. Even if he was physically assaulted and one of his public readings was cancelled and then moved to a safer location, even if his writing and reciting breathes the exuberant provocation of someone who despises almost everyone and everything, the frankness of his poems about living in the ghetto was a better public conversation-starter and -enhancer than the confrontational and antagonistic rationale behind the cartoons. After all, the cartoons were part of a newspaper, hence inscribed in a mainstream media, so their context of interpretation was mainly the institutionalised political arena, in which they could ultimately be used to further consolidate denigratory social and political stereotypes in line with the sociocultural warlike climate of the post-9/11 world.

3. The (im)possibility of a national conversation on self-censorship

Any public debate surrounding the limits of free speech exceeds these very limits. There are no conclusive limits to what can be said, because these limits are dynamic in

---

BECAME OURS / THE COUNTRY THAT WILL NEVER BE YOURS / AND THE COUNTRY THAT WILL NEVER BE OURS" (Translated by the author of this paper; capital letters are used in the original) (Hassan 2013, 104).

themselves. Provocateurs, artists, political activists, advertising agents, cartoonists, singers, rappers, and so forth, constantly challenge the boundaries of free speech by exceeding them. The indirect effect of this challenge is to broaden the limits of the acceptable, a process that occurs automatically in liberal societies: the debate that arises when an artist is censored becomes a negation of this censorship, because for there to be a debate, the censored item must be shown or talked about, and thereby publicly interpreted and somehow normalised. This is precisely the *modus operandi* of *Jyllands Posten*: to start the conversation about Danish self-censorship by contravening Islamic iconoclasm, i.e. by depicting the religiously undepictable. The newspaper initiated a conversation about the possibility of talking freely about Islam by publishing something many Muslims consider a blasphemy. The blasphemous expression is chosen precisely because it is blasphemous. There is no intent to injure or offend, but the matter is chosen because it bears the potential to injure and offend.

The ensuing conversation was distorted, not because of the provocation (or not mainly because of the provocation), but because it was interrupted and radically altered by a response that is not a response: street violence against Scandinavian embassies in a number of Arab countries, death threats made against Danish cartoonists and, more than ten years afterwards, the killing of almost all the *Charlie Hebdo* cartoonists. These violent reactions exercise the paradoxical role of corroborating what the cartoons stand for: the fear of drawing or depicting the prophet of Islam is justified a posteriori. This is the confirmation of the half-veiled suspicion of Flemming Rose, that Islamic radicalism is a matter for the police to deal with and counteract. What the *Jyllands Posten* editorial asserts is that respect for Muslims stems from a fear of the consequences of offending Muslims: it presupposes that Muslims are intolerant and react as intolerant people do, that is, violently. Therefore, there is no point in trying to enter into a conversation, but to

control the focus of radicalisation, preventing radical Islamists from becoming a challenge for the State. It is no longer a matter of free speech but is rather a public order issue.

Furthermore, while a public conversation on the limits of free speech is supposed to take place linguistically, the one started by the Danish newspaper was initiated with a bunch of caricatures. The message a caricature conveys cannot always be translated into words. When used by political parties in electoral campaigns, caricatures and drawings show their power to express antagonisms that would sound unacceptable if linguistically translated.[4] This is a further obstacle to building a healthy and somehow controllable public debate.

One more difficulty that proves decisive in the fate of the debate was that it extended beyond Denmark's borders. In pre-Facebook and pre-Twitter times, it didn't just take a few seconds, like today, but several weeks for the message to reach the international community. This global effect was certainly unexpected by journalists and cartoonists and by the Danish Prime Minister. What was thought would become a national conversation turned into a huge international challenge for Danish and Scandinavian diplomacy. If cartoonists and editors could have foreseen the global response and the subsequent threats (that still loom over them), they might have adapted their contributions to the debate, not out of fear, but out of the global audience's inclination to disseminate simplified and misinterpreted versions of any message devoid of the context in which they acquire their full significance.

---

[4] Here we can recall the drawing used by the Swiss People's Party in their campaign to ban minarets in Switzerland, which showed a minaret in the form of a missile destroying Switzerland from within.

The challenges globalisation poses for free speech become even more apparent in the case of *Charlie Hebdo*, not a newspaper but an underground journal whose readers traditionally had to literally go to the underground to access them. Those not interested in this sort of radical journalism and artistic expression were unlikely to be exposed to its products.[5] With the rise of the internet, underground culture has left the underground. In a book finished two days before being killed, Charb calls this "freedom of expression's butterfly effect" (Charb 2015, 43-50). Charb mocks the call to act responsibly because anyone anywhere in the world could feel insulted by his cartoons. In his eyes, the problem arises when the cartoons are reproduced devoid of the context, something that constantly occurs in the globally accelerated circulation of information (slogans, images and memes). The cartoon's reception does not depend on self-restraint, self-censorship, artistic skills or the cartoonist's humour. Misinterpretation is needed to fuel outrage and to spawn political effects in social media. An interpretation of provocative works of art or political cartoons that is simultaneously nuanced and massive seems chimerical. This greater chance of misunderstanding gives rise to a proliferation of scandals in social media (cancel culture, shitstorms, deplatforming and fake news) deprived of subversive power due to their sheer number.

4. Bad jokes, the morality of laughter, and the person that cannot be offended

---

[5] This is, for instance, the reasoning of the dissenting judges of the ECHR in the case Otto Preminger Institute vs. Austria, who stressed the fact that the work of art in question "was to be shown to a paying audience in an 'art cinema' which catered for a relatively small public with a taste for experimental films. It is therefore unlikely that the audience would have included persons not specifically interested in the film" (Otto Preminger v. Austria, Joint dissenting opinion of Judges Pal, Pekkanen and Makarczyk, § 9, 1994).

In a text published in 2009, Charb makes fun of what he calls "philosophes de bistrot", that when asked about the limits of humour, claim there are things one shouldn't laugh at (Charb 2009). Who decides what is funny? Can a line be drawn between a good joke (ethically speaking) and a bad joke (ethically speaking)? Or are jokes beyond the realm of ethics? This paper does not aim to offer a comprehensive theory of laughter or clear-cut advice to cartoonists, newspaper editors and the general public about the appropriateness of laughing at some situations or people. Instead, I wish to present the contextual elements that must be understood to fully comprehend the political role played by laughter.

Jokes and the laughter they prompt, or fail to prompt, are context-dependent. They do not take place in a value-free environment. A joke's success hinges on the things that a society considers laughable in a certain historical point in time, on the kind of people that are the butt of the joke, on the relationship between the cartoonist and the average reader vis-à-vis the person or group of persons targeted by the joke, and on the kind of publication in which the joke is made public. The jokes than were once amusing (about homosexuals or people with disabilities) have become intolerable. What once provoked laughter has been silenced. The given historical circumstances do not allow a universal distinction to be drawn between legitimately laughable things and illegitimate laughter, but rather a contextual one. It may be possible (as I have tried to do in the former section) to identify the political biases of jokes, or their use as propaganda tools, but a theory cannot be extracted from this identification to decide which kind of jokes or caricatures can legitimately be prohibited. Jokes can be (aesthetically) *bad* because they fail to prompt either laughter or a smile, or they can be (ethically) *bad* if they are straightforwardly offensive, that is, if they are only funny to those who are not the object

of them.[6] One might think of banning the latter, if it could be proven that they endanger those targeted by the joke, by disseminating insulting stereotypes about them. It is, however, impossible to decide which jokes are acceptable without abandoning the principles of a liberal society and introducing an uncontrollable censorship that cannot be entrusted to political and legal institutions. The social acceptability of jokes is the subject of the public conversation that emerges when a cartoonist decides to go beyond the conventional framework of humour. By offending someone and thereby increasing the likelihood of a legal litigation or of counterspeech, controversial jokes are necessary to ignite a social debate about offence, the protection of the offended, and the role of the punitive system in the regulation of social norms.

The kind of jokes that spark these debates are those that tie in better with the classic superiority theory of humour, according to which laughter is induced by ridiculing or scorning someone else. This theory implies inequality: a difference in the social status of those targeted by the caricature (more prone to be offended) and those whose laughter it seeks to provoke. Simon Critchley calls this "reactionary humour", one that "is not laughter at power, but the powerful laughing at the powerless" (Critchley 2002, 106). Political cartoons are characteristically aimed at the powerful, and free speech law (or freedom of the press) is considered to protect them against any form of retaliation from those in power. Are the Muhammad cartoons a token of this blurry class of reactionary humour? *Charlie Hebdo*'s sort of humour is not politically neutral. Journalists and cartoonists look at the political from a radical quasi-anarchistic perspective, defying the moral pillars of social order. Following the anticlerical, antireligious and antiauthoritarian

---

[6] "If people dislike being laughed at, it is surely because laughter de-values its object in the subject's eyes" (Scruton 1982, 208).

French Enlightened intellectual tradition (for instance, see Baron d'Holbach's religious critique), Catholicism and Islam are mocked and religion is exposed as superstitious idolatry. That the cartoons can be co-opted and used in electoral competition, and that the far right aligns itself with a closed reading of republican *laïcité* hostile to non-Christian religions, are regrettable consequences of the simplification of communication in the information society.

One could argue that the cartoons featured in *Jyllands Posten* and *Charlie Hebdo* target powerful religious Muslims that encourage a violent understanding of Islam. This is certainly true, but it is also true that they indirectly might target peaceful Muslim minorities in European countries. Obviously, since their goal is not to further discriminate against these minorities, it would be difficult to apply hate-speech regulation to censor *bad* jokes. Can it be asserted that these bad jokes will have "likely long-term consequences", that they are conducive to "a climate in which, over time, some groups come to be demonized" (Parekh 2017, 933)? What would this kind of hate-speech-based censorship protect against? Surely, it shouldn't be protection against blasphemy nor against religious feelings, but against the jeopardising of the social standing of the members of a vulnerable social group. This is the only way to maintain the liberal principle, according to which, in case of doubt, free speech must prevail when pondered against other basic goods.

Europe's legal and normative landscape does not allow for the censorship of presumably offensive cartoons. Journals and newspapers have a right to publish what, after due consideration, they see fit. They do not have a duty to publish something that *everybody* finds funny. Intervention or government supervision is not allowed in their deliberation as to how to participate in the public democratic conversation.

In the case of underground publications, the remit of cartoonists and editors is to find something that "works" (prompting an outburst of laughter in the reader). This is achieved using a non-moderate expression: underground comic strips or political caricatures are not exemplary tools to spark a conversation on contentious social, political, or cultural issues, because they tend to adopt an extreme position.

If the object of critique is not a powerful or privileged person, then an ethically informed deliberation process regarding the relevance of the publication could take into account the potential of the caricature or cartoon to offend. While I do not believe a limit to the free dissemination of potentially offensive cartoons and caricatures can be established once and for all, in the context of a political and philosophical clarification, it might be useful to outline the elements that those responsible for the publication should bear in mind while deliberating over its suitability. Once the aesthetic and humoristic nature of the cartoon or caricature is decided, the kind of reception it will have could be considered. They could then ask themselves whether everybody can potentially laugh at it, and whether the cartoons' provocative intent will *only* be a provocation and will not seriously harm the reputation of a person or a group of persons.

While deliberating over whether to publish a cartoon or not, the agents should not fear violent responses. As Peter Jones puts it, "if the prospect of violent and disorderly reactions is sufficient reason to curtail a freedom, that freedom is placed at the mercy of others' willingness to react in violent and disorderly ways" (Jones 1990: 435). Cartoonists and editors might fear the publication's verbal consequences (cancel culture, protest and legal litigation), but these consequences are inherent to free speech: to speak freely means to "put up" with the effects brought about by free speech. When underground cartoonists intervene in the public debate about the role of religion, they do not expect to generate a silenced reaction. On the contrary, provocations *provoke* an effect in the form of a public

protest or legal litigation (Bonotti and Seglow 2019). Provocative free speech (or, better still, free speech that is perceived as a provocation) calls for an outraged reception to succeed. To forbid provocations would simply be to deprive society of free speech, because this exploration of the limits of the legitimately sayable, this flirtation with the unsayable, this use of speech emphatically and performatively exceeds the conventions surrounding the sayable and is therefore potentially an epistemic tool. John Stuart Mill famously defended free speech by pointing to its crucial role in the advancement of knowledge and underlined the need for endlessly challenging society's deep-seated convictions, continuously saying the unsayable. Therefore, protecting free speech does not amount to the protection of free speech agents from the legitimate reactions of those outraged by free speech.

If this freedom from the fear of violent consequences is granted, then one could hold prudent consideration for the agents that includes the perspective of the individuals or group of individuals that are the object of mockery, or whose genuinely and fervently held (religious or non-religious) beliefs are the object of mockery. They could then ask themselves whether everybody can potentially laugh or smile at the cartoons. A person can potentially laugh at a joke or smile at a cartoon if they do not feel threatened by its content, even if it concerns something this person cherishes the most or believes is sacred. This is why the many jokes mocking Catholicism in *Charlie Hebdo* are not as controversial, because Catholics can potentially put up with those that laugh at them without seeing their social standing diminished. Not feeling threatened by these kinds of jokes means that the potential targets of the jokes do not feel that they disadvantage them in the job market or damage their social reputation. If the cartoonist or editor has good reasons to believe that some people might feel threatened or insecure by others laughing or smiling at the cartoon, then they have good reasons to refrain from publishing it. And

if an editor refuses to print the cartoons because they apply this prudent limit, then the editor is not censoring the cartoon, or self-censoring themselves, but bearing in mind the publication's political role (i.e. participation in a public conversation on contentious issues). Needless to say, if the editor publishes them, they should be free to do so, but they should also be prepared to put up with the outraged (non-violent) reaction of public opinion.

5. Condemnation, not punition

Close to the end of the chapter on free speech in *On Liberty*, John Stuart Mill introduces what he calls "the real morality of public discussion". When the speaker, writer, journalist, or cartoonist argues sophistically, suppresses facts or arguments, misstates the elements of the case, or misrepresents the opposite opinion, they are breaching the morality of the public conversation (Mill 1977, 258). According to this morality, one can condemn "everyone, on whichever side of the argument he places himself, in whose mode of advocacy either want of candour, or malignity, bigotry, or intolerance of feeling manifest themselves" (Mill 1977, 259). For Mill "condemning" is a legitimate form of counterspeech, thereby implying that the illegitimacy of censorship does not amount to the silent acceptance of everything that is said.[7] Free speech is relational. To condemn a joke or the publication of a cartoon because it is deemed to be disgusting, insulting or degrading is to continue a conversation, namely an emphatic one, a meta-conversation whose matter is the way the conversation should be, the kind of

---

[7] Here I leave the matter of the magnitude of this "condemnation" open. Does it include new forms of online social harassment such as so-called "cancel culture"?

words that might be used and those that should be banished, the unwritten norms of courtesy that should prevail when discussing controversial issues, and so on.

The morality of public discussion is well defined by Simone Chambers as "civility", "informal norms of the public sphere that we use to criticize (but not limit) speech that violates standards of appropriateness" (Chambers 2015, 17). These standards of appropriateness might act as obstacles to social transformation, consigning those that need to be loud or vociferous to make themselves heard to the margins of the tolerable. This is precisely what free speech is for: to challenge these standards. Therefore, it is a sign of good liberal health that society reacts in support of those that constantly and conscientiously write, draw and speak in inappropriate manners and about inappropriate issues, as did (and will hopefully continue to do) the journalists and cartoonists at *Charlie Hebdo*.

One can agree with what Jacques Rancière wrote following the assassination of Samuel Paty: "a caricature is just a caricature, these ones are mediocre and express mediocre sentiments, and none of them are worth exposing to the madness of killers the lives of journalists, teachers and all those who make public use of the spoken word. It is also time to restore more worthy symbols to the freedom for which so many men and women around the world have sacrificed their lives and still do today" (Rancière 2020). Nevertheless, free speech's boundaries must be exceeded for there to be a debate on free speech, therefore it is *normal* that the living symbols of free speech are these kinds of radical manifestations.

Satirical cartoons can be defended on consequentialist grounds because it cannot be excluded that they help society advance in the epistemic quest. One of the effects of cartoons and caricatures is to broaden the range of things one laughs at, of issues that may be handled in an unsolemn manner, which can be ridiculed. Harsh parodies and insults

that are felt by a group of society as a verbal attack on the very core of their beliefs, do not seem useful in the pursuit of truth, but they might. This indirect link to the truth of radical forms of humour is found in the sort of laughter that arises when something sacred or deeply cherished by someone is mocked.[8] In these circumstances, laughter becomes an anti-dogmatic instrument by shaking the foundations of authorities and inviting the public to look ironically at solemn things, thereby diminishing the strength of its truth claims. This might be the cartoon's indirect contribution to the democratic discussion: exposing society's hidden issues, revealing hypocrisies and shaking dogmas. The laughter (or its absence) that is then induced is a serious matter.

BIBLIOGRAPHY

Ash, Timothy Garton. 2015. "Defying the Assassin's Veto." *The New York Review of Books*, 2015. https://www.nybooks.com/articles/2015/02/19/defying-assassins-veto/.

Benjamin, Walter. 1969. "The Work of Art in the Age of Mechanical Reproduction." In *Illuminations*, edited by Hannah Arendt. New York: Schocken Books. https://doi.org/10.4324/9781351226387-29.

Bertossi, Christophe. 2012. "French Republicanism and the Problem of Normative Density." *Comparative European Politics* 10 (3): 248–65. https://doi.org/10.1057/cep.2012.6.

Bonotti, Matteo, and Jonathan Seglow. 2019. "Self-Respect, Domination and Religiously Offensive Speech." *Ethical Theory and Moral Practice* 22 (3): 589–605. https://doi.org/10.1007/s10677-019-10000-2.

Bribosia, Emmanuelle, and Isabelle Rorive. 2013. *Reasonable Accommodation beyond Disability in Europe ?* European Commission Directorate-General for Justice Manuscript. https://doi.org/10.2838/85936.

---

[8] This could have been what Samuel Paty had in mind when he decided to teach about free speech in his classroom using a cartoon of Muhammad as an example. The protected environment of the school in the French republican context should have offered the opportunity to calmly, subtly and openly discuss public controversies. Unfortunately, the street's brutality destroyed any possibility of a civilised school conversation.

Chambers, Simone. 2015. "Free Speech and Civility in Pluralist Societies." In *After the Paris Attacks: Responses in Canada, Europe, and Around the Globe*, edited by Edward M. Iacobucci and Stephen J. Toope, 13–20. Toronto: University of Toronto Press.

Charb. 2009. *Petit Traité d'intolérance*. Paris: Les Échappés.

———. 2015. *Lettre Aux Escrocs de l'islamophobie Qui Font Le Jeu Des Racistes*. Paris: Les Échappés.

Critchley, Simon. 2002. "Did You Hear the One about the Philosopher Writing a Book on Humour?" *Richmond Journal of Philosophy* 1 (2): 103–12. https://doi.org/10.1017/s147717560000035x.

El-Tayeb, Fatima. 2011a. *European Others : Queering Ethnicity in Postnational Europe*. Minneapolis: University of Minnesota Press. https://doi.org/10.5749/minnesota/9780816670154.003.0003.

———. 2011b. *European Others : Queering Ethnicity in Postnational Europe*. Minneapolis: University of Minnesota Press.

Ferrara, Alessandro. 2014. *The Democratic Horizon. Hyperpluralism and the Renewal of Political Liberalism*. Cambridge, Mass.: Cambridge University Press.

Gamper, Daniel. 2005. "Free Speech in Tolerant Society: The Case of the Mohammed Cartoons." *Quaderns Del CAC*, no. 27: 13–26.

Hassan, Yahya. 2013. *Yahya Hassan*. Copenhagen: Gyldendal.

Hedinger, Johannes M., and Basil Rogger. 2018. "Provocation-Protest-Art." *PROTEST. The Aesthetics of Resistance. Korrespondenzen* 7: 118–21.

Huntington, Samuel P. 1993. "The Clash of Civilizations?" *Foreign Affairs* 72 (3): 22–49. https://doi.org/10.2307/20045621.

Jones, Peter. 1990. "Respecting Beliefs and Rebuking Rushdie." *British Journal of Political Science* 20 (4): 415–37.

Kagan, Robert. 2003. *Of Paradise and Power: America and Europe in the New World Order*. New York: Alfred A. Knopf.

Klausen, Jytte. 2006. "Rotten Judgment in the State of Denmark." *Spiegel. International*, 2006.

———. 2009. *The Cartoons That Shook the World*. New Haven: Yale University Press.

Mill, John Stuart. 1977. "On Liberty." In *Essays on Politics and Society. Collected Works of John Stuart Mill Vol. XVIII*, edited by J. M. Robson. Toronto: University of Toronto Press.

Milton, John. 1918. *Areopagitica (with a Commentary by Sir Richard C. Jebb)*. Cambridge, Mass.: Cambridge University Press.

Modood, Tariq, Randall Hansen, Erik Bleich, Brendan O'Leary, and Joseph H. Carens. 2006. "The Danish Cartoon Affair: Free Speech, Racism, Islamism, and Integration." *International Migration* 44 (5): 3–62. https://doi.org/10.1111/j.1468-2435.2006.00386.x.

Parekh, Lord Bhikhu. 2017. "Limits of Free Speech." *Philosophia (United States)* 45 (3): 931–35. https://doi.org/10.1007/s11406-016-9752-5.

Posten, Jyllands. 2005. "Truslen Fra Mørket." *Jyllands Posten*, 2005.

Rancière, Jacques. 2020. "On Freeedom of Expression." 2020.
https://www.versobooks.com/blogs/4932-on-freedom-of-expression.

Rose, Flemming. 2005. "The Face of Muhammad." *Jyllands Posten*, 2005.

Sartori, Giovanni. 2000. *Pluralismo, Multiculturalismo e Estranei: Saggio Sulla Società Multietnica*. Milano: Rizzoli.

Scruton, Roger, and Peter Jones. 1982. "Laughter." *Aristotelian Society Supplementary Volume* 56 (1): 197–228.

Stasi, Bernard. 2003. "Commission de Réflexion Sur l'application Du Principe de Laïcité Dans La République: Rapport Au Président de La République."

Vinocur, Nicholas. 2016. "Where Is the French Plan to Halt Radicalization?" *Politico*, 2016.