

# Mohammed Cartoons and Minarets

*Global Trends, Concerns and Recommendations Regarding Freedom of Speech & Religion*



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## 1. Introduction

The discussions are many and the number of controversies increases regarding the freedoms of speech and religion in Europe and beyond. Should the press be allowed to publish cartoons that may be offensive to Muslims? Should shop keepers refrain from saying “Merry Christmas”? Is it hate speech to express that practiced homosexuality is a sin according to the Bible? Should we allow minarets to be built in Western Europe? The list can be made longer.

We need to identify some of the key issues, so we don't fight peripheral battles and lose the war, as it were. At the very heart of these issues is freedom of speech and freedom of religion. Freedom of speech, notably, is foundational and essential for other freedoms and rights. Without it we have neither freedom of the press, nor any rights to open political debate, nor freedom to manifest religious beliefs, nor freedom of expression in art and music, et cetera.

The UN Declaration of Human Rights covers religious freedom. Article 18 of the declaration has three main components: to have, express and change your faith. This implies, among other things, the right to take faith into the public arena; to meet with others of same faith – even in designated buildings, as well as the right to change faith, i.e. to convert.

Democracies have developed these rights over the years, whereas most countries governed by Islamic principles have a deficit with regards to freedoms and rights. But increasingly there are attacks on the very foundation of democracy, even in the Western world. Three groups particularly demand extraordinary restrictions on freedom of speech, which will negatively affect other human rights: Muslims, secularists and homosexual groups. This paper will give a brief overview of such examples around the world. We will also analyze the worrying implications of these cases.

A complicating factor is the use of terminology and the meaning of words and expressions. There are significant differences between what Western democracies mean by free speech and religious liberty and how these concepts are defined and applied by many in the global Muslim community. The Koran and Islamic laws – sharia – severely restrict human rights.

Furthermore we need to explore to what extent Muslim interpretations of freedom of speech and religion supersede national laws even in countries like Switzerland, Germany, and Holland. Will Muslims immigrants abide by the laws of the land, or is their primary loyalty to sharia and the worldwide Muslim community, the Ummah?

The challenges are many and complex. How should we respond to them and what can we learn from Jesus? The paper attempts to address these questions.

## 2. Cases around the Globe

The concept of freedom of speech / expression has huge ramifications in the area of religious liberty. In a globalized world, where laws are increasingly internationalised, we need to better understand various trends, pitfalls and opportunities which may impact us all. Increasingly, world events point to the significance of this issue.

### Denmark

The Mohammed cartoons published in the newspaper Jyllandsposten in Denmark clearly show that these are global issues. Throughout the world Muslims started riots, imams issued fatwas, and there were boycotts and international diplomatic hard talk. There were demands, explicit and implicit, that freedom of speech / press should be restricted.

### Sweden

Sweden had a similar case and debacle in 2007 when a photo of an art piece was published in a newspaper. This was perceived as offensive by some Muslims. The artist and the editor-in-chief have received death threats and need protection and security guards. The Swedish Prime Minister had a special meeting with ambassadors from Muslim countries trying to appease them.

In October 2007 a seemingly innocent ad in the Stockholm underground caused a national debate with prominent politicians calling for a ban of such messages. The ad, sponsored by the Swedish Evangelical Alliance, promoted keeping the legal definition of marriage as being between one man and one woman. (Most political parties favor the introduction of a gender neutral marriage act). The ad simply said: “mum, dad, kids”. But those who called for a ban of the ad argued that it could be perceived as offensive to people who are single, divorced or gays. Some even labeled it “hate speech”.

The case of Pastor Åke Green in Sweden illustrates the point where freedom of speech and religion intersect. In July 2003 he stated in a sermon in his small church that engaging in homosexual conduct is sin according to the Bible. About a year later he was sentenced to one month in prison for expressing contempt against homosexuals. He was acquitted in the Supreme Court on Nov 9, 2005. His case proved to be of international importance and was closely followed by lawyers and legislators around the world.

### Canada

Artur Pawlowski left communist Poland where Christians were persecuted. His family emigrated to Canada – to a country with freedoms of speech and religion. However, in August 2006 he was forcefully arrested in Canada when he was praying and reading the Bible on a busy street corner in downtown Calgary. Pawlowski works with drug addicts and homeless people and many have been restored through his ministry. But when he peacefully manifested his Christian faith publicly, close to a New Age festival area, he was reported and subsequently arrested. According to his lawyer Gerald Chipeur this is not the first time such things have happened; freedoms of speech and religion are increasingly being infringed upon.

### Australia

Pastor Daniel Scot had to flee Pakistan because of its blasphemy law but ended up being charged of offending Muslims and Islam in democratic “Christian” Australia. He had made a comparative analysis of Islam and Christianity in a seminar in a church. For this Pastor Scot

faced fines and jail time for refusing to publicly recant his religious stance. His case was processed in the Australian court systems for over five years. Eventually, in late June 2007, the Muslim Council in Victoria, Australia agreed to drop the charges against Pastor Scot. Three Australian states have laws which, in the name of tolerance, do not tolerate criticism – seemingly even perceived criticism - of Islam.

### Pakistan

Pakistan's blasphemy laws (295 – 298) severely limit freedom of speech and thus religion, making it a crime to even insinuate something about Islam that can be perceived as negative.

### United Nations

Pakistan was also the agent for the Islamic Conference-backed resolution that was passed by the UN Human Rights Council in March 2007 in Geneva. The resolution's basic message and purpose is to create a "criticism-free-zone" for Islam. It is worth noting that Islamic and other non-democratic countries voted for the resolution while democracies voted against.

*"Lying at the heart of this resolution is an attempt by the Organization of Islamic Conference (OIC) to impose universal anti-blasphemy laws – an offence punishable by death in many countries - thereby stifling open discussion of religious beliefs. This is a troubling development, especially since countries across the globe are increasingly using anti-blasphemy laws to punish religious minorities for questioning the beliefs of the majority religion. Such laws are no longer confined to Islamic countries; they are now being called for in democratic societies. Individuals who came to the West to escape persecution are once again in danger."* (Tina Ramirez, Congressional Fellow for Rep. Trent Franks, USA)

### United Kingdom

The Sexual Orientation Regulations as well as possible new legislation have caused major concerns. Christian groups, which believe homosexual behavior is wrong, are concerned about the possible implications of these laws, which may restrict freedom of speech, especially for Christians expressing their beliefs and values. Dr Don Horrocks of the Evangelical Alliance says: "There is a real risk of free speech being severely curtailed and people consequently feeling afraid to engage in legitimate debate."

The Christian Institute warned that the law would be used to target Christians. "Reasonable statements of Christian belief are often characterized as 'hatred' by people who strongly disagree with them," it said. "In a democratic society people should be free to express disagreement without fear of censure from the state."

The NHS (state funded medical services & hospitals) in Scotland has produced a 52 page booklet for NHS staff. To avoid "discriminating against" or offending lesbian, gay, bisexual or transgendered people, the booklet instructs staff to mind their language. Using the terms 'husband', 'wife' and 'marriage' assumes opposite sex relationships and may offend non-heterosexuals. Using the term 'partner' and 'they/them' to refer to the partner will avoid this problem. When talking to children, one should consider using 'parents', 'carers' or 'guardians' rather than 'mother' or 'father'. In this example, 'mother', 'father', 'marriage', 'husband' and 'wife' become examples of homophobic language, and as such could possibly be categorized as hate speech.

## Turkey

Turkey's infamous law 301 prohibits "insulting Turkishness". Turkish Nobel laureate Orhan Pamuk has been charged, as well as Muslim converts. The latter are accused of offending "Turkishness" by leaving Islam.

## USA

Every year in the USA there is a debate and some legal debacle about the expression "Merry Christmas" and the public display of Christmas trees. Are they to be perceived as offensive to non-Christians? In the USA the hate speech & crime bill HR1592 is being discussed in the Congress. *"It is a discriminatory measure that criminalizes thoughts, feelings, and beliefs, and provides greater protection to some victims than others simply because of a status, whether chosen or inherent. The bill has the potential of interfering with religious liberty and freedom of speech as proposed, and creates additional risks for the future."* (Memorandum Alliance Defense Fund, April 9, 2007)

### **3. Trends & Concerns**

While we would strongly advocate for freedom of speech, we do recognize the need for limitations. Absolute general freedom is anarchy; absolute freedom of speech can have undesirable consequences. Freedoms and rights need to be defined and operate within a particular framework, which is related to both ethical and legal systems.

There are some common legal limitations to freedom of speech. You cannot instigate imminent violence nor convey state or military secrets and plead that you are exercising freedom of speech. There are also some limitations related to libel and slander against individuals.

The right and freedom to express one's views and opinions in writing, speech, and art inevitably means that others may differ or even take offense. But that is the nature of freedom of speech. One cannot guarantee that no-one will ever be offended by a message, political, religious, or otherwise. One may say that Mohammed is the last prophet, another may disagree. Some will assert that Jesus is God and others may find that stupid or even offensive. Some may argue for homosexual marriages and others for limited abortion rights. But all these things are foundational for a functional democracy, which is based on individuals' right to express and convey various and differing opinions.

Freedom of speech puts the emphasis on the speaker and what is said; the right to say basically anything, even things that are not true (for instance, that the earth is flat).

A worrying trend is the shift toward the *hearer* and to *what is being heard* or how things are perceived, including the possibility that an individual or group may feel hurt or offended by what has been expressed. This is a move from the objective (what was expressed) to the subjective (how was it received, perceived). This is contrary to fundamental Rule of Law principles.

One can see this tendency in both media and in legislation in many parts of the world, often relating to Muslims and those engaging in homosexual conduct.

The prosecutor in the Pastor Åke Green case assumed that “homosexuals may have been offended” by the sermon, had they heard it. There was no instigation to violence in the sermon, and no witnesses were ever brought in to testify about harm as a result of Green’s sermon. The emphasis was placed on *potential* hearers and how they subjectively may have perceived it; and, therefore, if it should be deemed offensive.

Green’s acquittal in the Swedish Supreme Court made reference to the European Convention on Human Rights (ECHR) where it says that individuals have the right to express views that may be found offensive by others – individuals, groups, or even the state. According to Swedish law (criminal code 16:8), Pastor Green was guilty. However, the ECHR is incorporated into Swedish law, and took precedence.

This and other cases (see above) and public debates illustrate a shift from freedom of speech to “freedom from hearing”; from the speaker to the hearer; from what was said to how it was perceived; from instigating violence to “I was offended”; from objective to subjective criteria and laws.

Another concern with this development is the loss of predictability, yet another Rule of Law principle. Laws, and consequences when breaking them, should be predictable. Example: for driving 60 km/hr on a road where the speed limit is 50, there are objective parameters: a fine is levied. The law can be understood, and any citizen can act accordingly. But how can I know if someone may be offended by something I say?

In the example of the Danish cartoons, the newspaper “Jyllandsposten” exercised freedom of speech / press and published drawings of Mohammed. The response was riots, death threats, killing, boycotts and violence with implicit and explicit demands of “freedom of hearing / seeing”. “Jyllandsposten” operated within the legal and democratic framework– that is indisputable. Whether the publication was wise and appropriate is another matter and should not be confused with their legal rights.

The Islamic Conference, consisting of 57 Muslim countries, proposed a resolution that was passed by the UN Human Rights Council in March 2007 in Geneva relating to the Mohammed cartoons. (Note: there is no consensus within Islam regarding making pictures. You can buy pictures of Mohammed in Iran, for example)

The resolution talks about vilification and defamation, but is quite different from libel and slander legislation in Rule of Law societies. There are several major flaws in the resolution. One is that it basically refers only to Islam and Muslims. Secondly, it makes freedom of speech content based. Thirdly, it is a major paradigm shift **from** individual freedoms and rights **to** protection of a group and their supposed “right” to not be offended. Fourthly, it presupposes that truth about religious issues can and should be established in courts of law. (cf. Inquisition)

*“This resolution poses a dire threat to the rights of individuals – both Muslims and non-Muslims alike - to discover and live out their religious beliefs without fear of prosecution. It is imperative that the international community rise up to oppose the UN's endorsement of anti-blasphemy laws, and expose these resolutions for what they really are: legal justifications for undermining the freedoms of religion and expression, and institutionalized intolerance against religious minorities.”* (Tina Ramirez, Congressional Fellow for Rep. Trent Franks, USA)

As we discuss blasphemy laws (Pakistan), defamation resolutions (UN), “religious tolerance acts” (Australia), we also need to review and question blasphemy laws in the UK and Norway as well as freedom of speech limitations in Germany (where it is illegal to deny the Holocaust) and in France (where one mustn’t deny Armenian genocide).

So where are we going? Is there a trend toward “a right to NOT be offended” (in particular, it seems, for Muslims & homosexuals) and thus *limited* rights for others to express different opinions? “Freedom of /from hearing” kills freedom of speech. The ramifications are huge, a threat not only to religious liberty but to democracy itself - and thus, to everyone.

#### **4. A Complication: Freedom of Speech in Islam**

The term ‘*Human Rights*’ is used by many. But it doesn’t necessarily imply that the users of the term mean the same thing. This is important to note as we discuss freedom of speech and religion. There are two major global entities with their respective declarations on human rights: The United Nations (UN) and the Organization of Islamic Conference (OIC).

United Nations was founded after the 2<sup>nd</sup> World War. The UN declaration on human rights is based on Judeo-Christian ethics and was established 1948. OIC was founded 1969, has 57 member states and represents every fifth person on the globe. Its members produce the bulk of the world’s oil and gas. OIC has developed and adopted its own declaration on human rights, partly in opposition the UN version, stating that Islamic human rights are different. These Muslim countries have signed up to the UN declaration but pay little attention to it in practice, and adhere rather to the Islamic version, called the Cairo Declaration.

The Cairo Declaration states that all 57 Muslim countries should abide by the declaration. But it further clarifies that the declaration applies to the “ummah”, i.e. all Muslims all over the world, even in non-Muslim countries. This is noteworthy and remarkable. It is the norm of international treaties and conventions that nations sign up and commit themselves to abide by them. But the Cairo Declaration indirectly nullifies national borders and laws by asserting that the sharia based interpretation of human rights applies to all Muslims regardless of citizenship and country of residence. That means that Islamic laws (and the Cairo Declaration) supersede national laws, in every case and in every place.

The declaration states again and again - in the preamble, in various articles and in the conclusion - that everything is subject to sharia and should be interpreted in light of the Koran and Islamic law. Thus it may mention freedom and rights, but they are restricted according to the Koran and Islamic law.

Article 10 in the Cairo Declaration deals with religious freedom and asserts that there mustn’t be any compulsion in religion – but of course subject to Sharia. But it is well known fact that those who leave Islam are at risk and quite a few are punished, even by death. Article 18 in the UN Declaration deals with religious freedom and has three main components: The right to have, express and change your faith. But in countries where Islam has a major influence there are definite limitations regarding expressing your beliefs and changing your religion; the latter especially for Muslims. In general Christians are allowed to convert to Islam, but it is illegal and dangerous for a Muslim to leave Islam.



This is what the Cairo Declaration says about freedom of speech: *“Everyone shall have the right to express his opinion freely in such manner as would not be contrary to the principles of the Shariah. Everyone shall have the right to advocate what is right, and propagate what is good, and warn against what is wrong and evil according to the norms of Islamic Shariah.”* Thus freedom of speech is interpreted and limited by sharia.

Many surveys measuring various freedoms shows – again and again – that citizens in Muslim countries suffer oppression. They lack basic human rights and freedoms when it comes to politics, media, religion, gender equality, and so forth. One may speak of human rights, but Islamic versions of the same lead to the opposite, as a result of the supremacy of sharia law in Muslim faith and practice globally. This also includes freedom of speech and religion, the topic of this paper. Thus we need to be aware of similar or same terms that may be filled with different contents.

## 5. Our Response

Freedom of speech and religious liberty is for everyone; Muslims, atheists, Christians, conservatives, communists, homosexuals, and others. Freedom of speech and religion accommodates the right to publicly compare religions and allows for various religious beliefs and expressions. (cf. UN Human Rights article 18). These are rights *of* individuals, as well as rights *for* individuals to congregate around a belief system. A Rule of Law society should neither dictate religion nor be an arbiter of religious beliefs.

The purpose of defending Pastor Åke Green was NOT to defend a particular Christian belief, or a particular Christian church. The primary issue was freedom of speech and thus religion. It is appropriate for the church to discuss the Bible and sexuality, the church and homosexuals, et cetera. But these should never be matters for the courts, which must not become sermon review boards.

We need to distinguish between the church arena and court of law, and what issues belong where. We must also recognize the difference between what is a legal issue and what is an issue of etiquette, what is jurisprudence and what is theology.

We may question Green’s sermon and theology and even the appropriateness of his message, but these are issues of church, theology and etiquette. His *right* to preach from the Bible, expressing his interpretation thereof, is a matter of jurisprudence - and of freedom of speech and religion.

Similarly one may be appalled by Jyllandsposten’s lack of sensitivity toward Muslims, and as Christians we may prefer to do our utmost to not offend people. But we also want to protect human dignity by defending human rights, including the right to express various opinions. It may be helpful to remember that the messages of many Biblical prophets – including Jesus’ message – were broadly perceived as offensive.

God is just and merciful. God loves justice and mercy / compassion! We mustn’t dichotomize these; it is not a case of either-or, but of both-and (or, as expressed in the motto of Advocates International, “Doing Justice with Compassion”).

Thus we need to both distinguish between roles and responsibilities of courts of law and the church pulpit. But we should also recognize that Christians have roles and responsibilities to fight for justice in the public arena as well as exercise compassion as a church.

## JUSTICE & COMPASSION

### Justice / Law

- Fight crime
- Advocate human rights
- Uphold & restore human dignity
- Defend freedom of press, speech, religion, etc...

### Compassion / Church

- Love your neighbor
- Turn the other cheek
- Love enemies
- Share Christ
- Serve vulnerable Muslim immigrants & others

## 6. Jesus as a Role Model

One can observe four different ways in which Jesus related to various people and issues.

1. He lived alongside others, a co-existence with religious fanatics, occupying forces, and subversive political groups. Even during Jesus' day, he found ways of living peacefully side by side with those of different faiths and backgrounds, in a multi-cultural society. Likewise we should strive to live in peace with all people, even with those whose lifestyle we dislike, or whose religious beliefs we disagree with.
2. Jesus lived for others, always willing to help, heal, feed and comfort; even his enemies. Thus we can and should pray for Osama bin Laden, stand up against violence against homosexuals, fight discrimination of women, help Muslim immigrants, and so forth.
3. Jesus preached and made exclusive claims: "I am the only way to God". In modern terms, he exercised a right to express his views, and tried to convey truths and convince others of his message. This right is central to freedom of speech and religion in a free and democratic society. In many parts of the Western world there is a tendency toward excluding Christians from the public arena, from the public debate. Further, some Christians feel ashamed and hold back their views and withdraw from the public arena. We mustn't – Jesus didn't.
4. Jesus also dared to confront and challenge rulers. He hated injustice and spoke out against it; especially if in the name of religion. We must never shy away from our prophetic responsibility to identify and fight injustice and cruelty, even if it is in the name of Islam. We cannot tolerate suicide bombers, or the oppression of women, persecution of Christians, or abuse of children.

As Christians we have a Biblical mandate and God given responsibility to fight for justice and to show mercy. As Europe faces challenges from Islam and from secularists, we are to engage on various levels and fronts: public debate, legislation, evangelism, social concern and community development. This includes fighting for freedom of speech which is the basis for freedom of religion. A lack thereof leads to discrimination, harassment and persecution, to oppression and attacks on human dignity which are clearly contrary to the will of God. Thus we need to closely follow and participate in policy debates and legislation related to freedom of speech.

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President, Swedish Evangelical Alliance  
Spokesperson on Religious Freedom for the World Evangelical Alliance  
Global Council of Advocates International

Email: [MatsTunehag@bredband.net](mailto:MatsTunehag@bredband.net)