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Normative significance of transnationalism? The case of the Danish cartoons controversy¹

Sune Lægaard*

Philosophy and Science Studies, Department of Culture and Identity, Roskilde University, Roskilde, Denmark

Abstract

The paper concerns the specific transnational aspects of the ‘cartoons controversy’ over the publication of 12 drawings of the Prophet Muhammad in the Danish newspaper *Jyllands-Posten*. Transnationalism denotes the relationships that are not international (between states) or domestic (between states and citizens, or between groups or individuals within a state). The paper considers whether the specifically transnational aspects of the controversy are normatively significant, that is, whether transnationalism makes a difference for the applicability or strength of normative considerations concerning publications such as the Danish cartoons. It is argued that, although some of the usual arguments about free speech only or mainly apply domestically, many also apply transnationally; that standard arguments for multicultural recognition are difficult to apply transnationally; and that requirements of respect may have problematic implications if applied to transnational relationships.

Keywords: *civility; Muhammad cartoons; freedom of speech; global civil society; multicultural recognition; respect; transnational relations*

INTRODUCTION

The Danish cartoons controversy over 12 cartoons published under the title ‘The Face of Muhammad’ in the Danish daily *Jyllands-Posten* on 30 September 2005, was not merely or most importantly an ordinary political disagreement within a national society.² This paper rather argues that the cartoons controversy was a distinctively *transnational* occurrence in the sense that it was not confined to the normal domestic public sphere and did not respect its governing logics, but occurred within a global public sphere transcending the control and authority of states. The paper asks what the normative significance of this kind of transnationalism is for the applicability and

*Correspondence to: Sune Lægaard, Philosophy and Science Studies, Department of Culture and Identity, Roskilde University, Roskilde, Denmark. Email: laegaard@ruc.dk

strength of certain kinds of arguments about how acts such as the publication of the cartoons should be assessed, namely arguments about free speech, multicultural recognition, respect, and civility. In practice, this is the question whether actors in transnational relations, e.g. Muslims in the Middle East, are obliged to respect the right to free speech of other transnational actors, e.g. Danes, or whether Danes to the contrary have a moral duty to refrain from certain utterances offensive or disrespectful to Muslims in the Middle East? The ambition of the paper is not to pass conclusive *all things considered* judgements on whether or not the Danish cartoons were morally permissible, either from the point of view of specific normative perspectives or when taking all of the relevant normative points of view into account. The question is rather the more theoretical one whether a number of normative perspectives usually thought relevant to cases like the cartoons controversy and actually advocated in relation to this particular case *apply*, and whether they apply *in the same way*, with similar *weight*, in transnational relations as in ordinary domestic political contexts. The paper highlights some of the predicaments involved in projecting arguments tailored to fit the domestic-public sphere onto transnational relations. It is not self-evident that normative values in the domestic context can be stretched or exported to the transnational context. The paper considers whether and to what extent this is possible in the case of standard arguments advanced in relation to the Danish cartoons.

The reason for asking this question is twofold: on the one hand, once the distinctive features of transnational relations are highlighted (see below), it seems obvious that at least some arguments advanced in relation to cases like the cartoons controversy will not apply, or not apply in the same way, transnationally as domestically, e.g. if the arguments make essential reference to relationships holding only within the state. This seems to be the case both for some arguments in favor of free speech and for some arguments for limiting free speech. On the other hand, several commentators on the Danish cartoons actually made the claim that, *precisely because of the transnational nature of the case*, the popular framing of it in terms of freedom of speech was misguided or failed to take normatively relevant features of the context into account. This was a fairly common claim in ordinary newspaper columns and media commentary, where the fact that the cartoons were published, perhaps unintentionally or without the knowledge of the publishers, into a transnational social reality was taken as a reason why the publishers should not have published them after all. One widespread way of formulating this objection was that the editors should have taken account of the over one billion Muslims in the world that might be, and allegedly in fact were, offended and hurt by the cartoons. This and similar ways of objecting to the cartoons assumes that the relevant perspective from which to evaluate the publication is that of transnationalism and that, once this perspective is adopted, the normative question about whether it was permissible to publish the cartoons is cast in a different light. In other words: transnationalism is taken to be normatively significant. This apparently not uncommon view also made its way into several more academic and theoretical treatments of the case.³ So the assumption that transnationalism makes a normative

difference for the assessment of cases like that of the Danish cartoons is not just a theoretical possibility, but an actually operating assumption and an at least in some cases explicitly formulated claim.

It is this implicit assumption or explicit claim that the paper considers. The question is whether the transnational character of cases like the cartoons controversy does make a normative difference for whether publications like the Muhammad cartoons are permissible or not, or whether they should have been published or not. Given the transnational framing of the question, it follows that this is a primarily moral rather than legal question, since there are no transnational authorities able to systematically pass and enforce legislation regulating global free speech. So the question is more precisely whether transnationalism makes a difference for the applicability of specific types of arguments about the *moral reasons* for and against publications. But such moral reasons may of course be made the basis for national legislation, so in principle states may decide to enforce limits on free speech through national law even though the reasons for limiting free speech have to do with transnational features of the context of expressions.

The paper is structured as follows: first, the notion of transnationalism is spelled out and explained, and it is noted how the cartoons controversy was a transnational incident. Then the most prominent normative arguments fielded in relation to the controversy, i.e. arguments about free speech, multicultural recognition, respect, and civility, are examined with a view to whether they presuppose a specific kind of context, viz. the state or domestic society, and how they fare outside this context. It is argued that, although some of the usual arguments about free speech only or mainly apply domestically, many also apply transnationally; that standard arguments for multicultural recognition are difficult to apply transnationally; and that requirements of respect may have problematic implication if applied to transnational relationships.

Some might think the claim that freedom of speech may be a right even in a transnational context unsurprising and as not warranting consideration in an entire paper like this. In response to that objection, I would first of all point to the already noted implicit assumptions and explicit claims about the normative significance of transnationalism, according to which it is not at all evident that arguments for free speech apply transnationally. So the present paper is actually contributing to a discussion by taking this assumption up for sustained treatment. Secondly, the paper is not simply rebutting this claim, since I argue that transnationalism does make a normative difference for some arguments. So while free speech is still relevant transnationally in a not entirely unsurprising way, there is still some truth to the assumption that transnationalism makes a normative difference. The paper spells out what this difference made by transnationalism is, and in what respects it is real.

TRANSNATIONALISM AND THE DANISH CARTOONS

What I mean by characterizing the cartoons controversy as ‘transnational’ can be brought out by locating it within a schematic typology of types of relations

distinguished along two dimensions. The first dimension distinguishes relations qualitatively on the basis of whether they are legal–political, in the sense of involving actors or types of interactions defined in relations to the legal and authoritative framework of states, or social, in the sense of not involving actors in their legal–political capacities and modes of action. The second dimension distinguishes between relations on the basis of whether their scope is limited to or transcends the territorial or jurisdictional extent of the state.⁴ The combination of these two dimensions results in four types of relations: What might be called *intranational* relations take place within a state. These can be subdivided into *domestic legal–political* relations between citizens as legal subjects, rights holders, and participants in popular sovereignty and between citizens as such and their state, on the one hand, and *domestic civil society* relations between co-citizens in their social rather than legal capacities, on the other. Along the legal–political dimension, states, represented by their governments, may relate to other states rather than to their own citizens, which results in what is traditionally termed *international* relations, i.e. the relations of recognition between states as formally sovereign equals characteristic of classic diplomacy and international law. This leaves the type of social relations transcending state borders or jurisdictions, e.g. non-governmental actors interacting with other non-governmental actors outside their own state, which is what I will understand by *transnational* relations in this paper, i.e. relations that are neither intranational nor international.⁵

One may think of transnationalism both as a general condition of life under globalization and as a contingent empirical feature of specific events. Central aspects of the cartoons controversy clearly were transnational in the latter respect, since some *actors* were transnational (e.g. transnational media, interest groups, and organizations), national actors *acted* in transnational ways (e.g. Danish Muslims lobbying in the Muslim world; European media reprinting the cartoons in support of *Jyllands-Posten*; *Jyllands-Posten* making public statements on the internet and in Arabic media; the Danish prime minister addressing a global Muslim public by appearing on *Al-Arabiya*), and the main *events* of the controversy, especially after its escalation and globalization, were transnational in the sense that they were understood in a global context and debated in a transnational public sphere with little regard for the peculiarities of domestic Danish conditions.⁶ Many actors were non-governmental, but even when governments took part in the controversy, they often did so on a par with civil society actors. To address the controversy, states were often not able to act *as* states—the controversy rather became a showcase for the importance of ‘public diplomacy’ where the audience of national diplomacy, in addition to other states, became their corresponding societies.⁷

Similar claims about what I have called the transnational character of the controversy are central to many comments on the case.⁸ But the transnational features of the actual course of events merely served to highlight more general questions made salient by transnationalism as a social state or fact of life. So while the paper discusses the significance of transnationalism in relation to a particular case which happened to make the reality of transnationalism especially visible and

consequential, the principled questions addressed are relevant to transnationalism as a condition of life under globalization whether or not it explodes in events like those during the cartoons controversy. The discussion of in what sense the cartoons controversy was transnational and of the normative significance of this is therefore of broader relevance; insofar as transnationalism is increasingly an unavoidable condition of life and politics, any normative significance of transnationalism is ethically and politically important.

TRANSNATIONAL FREE SPEECH

One might approach the question whether the transnational aspects of the cartoons controversy have any significance for its normative assessment and evaluation from two opposite directions; either one might ask what norms, concerns or interests are morally significant in transnational relations, or one might consider how norms, concerns and interests appealed to as morally relevant in other contexts fare in this new one. The first approach in effect attempts to articulate a complete normative ethics for transnational relations. Apart from being a quite ambitious project, this approach runs the risk of being arbitrary or indeterminate in its prescriptions, since the nature of transnational relations is less well-understood than other types of relations, on the one hand, and of merely repeating points already made in other contexts, on the other.⁹ I will therefore adopt the other approach. The remainder of the paper accordingly considers a number of standard arguments advanced in relation to the cartoons controversy with a view to how they fare when applied to the specifically transnational aspects of the case.

I consider four types of arguments, namely ones invoking free speech, multicultural recognition, respect, and civility. These are not the only types of concerns advanced in relation to the cartoons controversy, but they were quite dominant in the debates and cover a fairly broad range of positions. The question is what, if any, the significance of transnationalism is for the applicability and strength of these normative arguments. I will address this question at the most general level possible, so the characterization of the different types of arguments will be kept as general as possible as well.¹⁰

The cartoons were commissioned, published, defended, and republished in the name of free speech.¹¹ The question is how freedom of speech should be understood in this case and whether the transnational character of the ensuring events affects the normative applicability or force of appeals to free speech?

The invocation of freedom of speech has been challenged in different ways. According to one objection, *Fyllands-Posten* has not lived up to its own proclaimed principles, since the paper earlier had rejected cartoons of Jesus.¹² This objection is misplaced in two ways: adherence to a principle of free speech does not involve a commitment, let alone a duty, to publish everything, and the possible failure of *Fyllands-Posten* to consistently practice its avowed principles does not show that freedom of speech is not normatively important in the case. Another objection is that

the entire controversy was deliberately manufactured by *Jyllands-Posten* in order to create Muslim rage, thereby exposing Islam and marginal Muslim immigrants, and that it is therefore inappropriate to discuss this in normative terms of free speech.¹³ Even if this ascription of motives to the newspaper were correct, it does not show that freedom of speech is not relevant to the case, let alone that one should not discuss it in normative terms. One should distinguish explanatory–descriptive and normative claims, and even if some normative claims were advanced, perhaps disingenuously, and served strategic functions during the controversy, they can be discussed on their principled merits as well.

A more principled objection of central interest for present purposes is that freedom of speech concerns the relationship between citizens and their state and therefore only makes sense or is relevant within the bounds of the nation-state.¹⁴ This claim directly appeals to the transnational character of the case in order to deny the applicability of free speech principles. The claim might be understood in different ways, however; it might concern the *kinds of reasons* for free speech, e.g. that it is justified in terms internal to the state, the *scope of the reasons*, e.g. that they carry no normative weight with anyone outside the state, or the resulting *scope of free speech*, e.g. that it only restricts the state in relation to its own citizens or does not restrict anyone outside the state.

To assess the transnationalism objection to freedom of speech it is important to distinguish between different arguments for and resulting conceptions of free speech. One justification for free speech is protection of citizens against their government. According to what might be called *the liberal argument from legitimacy for freedom of speech* political power can only be legitimately exercised if citizens subjected to the coercive power of the state have, not only the right to vote, but also the opportunity to voice their opinion. Only then are citizens participants in popular sovereignty rather than mere subjects to the state. So if the state uses its power to restrict the public expression of political views and opinions about the proper exercise of political power, this very exercise of political power thereby becomes illegitimate.¹⁵ This argument for freedom of speech primarily justifies a claim right of citizens against their own government, which places a duty on the government not to restrict citizens' articulation of and debate over politically relevant issues in certain ways.

One may debate whether this argument grounds the absolute constraint against (content-based) restrictions of (political) speech claimed by its proponents.¹⁶ But the transnationalism objection applies to the liberal argument from legitimacy for freedom of speech, insofar as it concerns the exercise of state power over citizens in order to protect citizens from oppression by the state. This means that the argument has no implications for regulation of expressions not backed by the coercive power of the state, and does not apply to relations other than those between citizens and their own state. So in this sense reasons from state legitimacy for a right to freedom of speech do not apply in transnational relations and the right justified by the argument is limited in scope to state–citizen relationships. The argument does apply in the cartoons controversy, however, in the sense that a *state* cannot legitimately restrict its

citizens' utterances even if they are considered morally problematic or imprudent transnationally.

The liberal argument from legitimacy—while perhaps the strongest argument for free speech—is far from the only one. The fact that freedom of speech thus justified has limited scope therefore does not confirm the general transnationalism objection. The argument from legitimacy is deontological in form and based on respect for the autonomy of citizens.¹⁷ But there are also consequentialist arguments for free speech that are rather based on the promotion of certain values or the protection of specific interests.¹⁸ The force and scope of such arguments depend on the actual interests they take to matter and on empirical facts about what the consequences for these interests might be of free and regulated speech, respectively. The question is whether these interests provide reasons in relation to transnational relationships, or whether they only matter within the nation-state.

Some interest-based arguments for freedom of speech might seem to be limited to intranational relations, as exemplified by arguments for free speech as a necessary precondition for democratic deliberation and good democratic governance.¹⁹ Deliberation may be thought of as itself necessary for democratic legitimacy, in which case the argument is a species of the liberal argument from legitimacy. But deliberation may also, or additionally, be a good thing that should be furthered, e.g. in order to secure better political decisions. This amounts to a distinct *consequentialist argument from deliberation for freedom of speech*.

If democratic deliberation occurs within a national public sphere and the political decisions it concerns are those taken at a national level, then the *reasons* from deliberation for free speech concern goods internal to the state. This is a contingent fact, however, which is undercut to the extent that (a) deliberation in transnational public spheres is relevant to the quality of the relevant political decisions, and/or that (b) political decisions are not confined to the national level, but are also taken within super-national political entities like the EU. To the extent that the first possibility holds true (and deliberation in fact has the effect of improving the quality of decisions and this requires freedom of speech), although the reasons might refer to goods internal to the state, the free speech required to secure these goods would be transnational in *scope*. To the extent that the second possibility holds true, the goods justifying freedom of speech are not internal to specific states.

But even if the reasons for freedom of speech are assumed, for the sake of argument, only to refer to valuable deliberation internal to a state, this leaves it open whether these reasons are nevertheless reasons *for* people who are not related to the state or its governance. Because the argument from deliberation is consequentialist, it simply notes that deliberation is valuable, that there thus is a *pro tanto* reason for furthering it, and that this reason justifies freedom of speech to the extent that free speech in fact promotes this value. This leaves as open questions, (a) which actors the value of deliberation provides reasons for, (b) whether there are other counter-vailing reasons for these actors that might outweigh the value of deliberation, and (c) which kind of free speech in fact furthers the value in question. All three questions go beyond the scope of this paper, so I will simply note that the first involves

controversial issues of impartiality and special duties. *If* one assumes, again for the sake of argument, that governments primarily have duties to further the interests of their own citizens, at least when these interests go beyond the protection of basic needs or the like, then governments are primarily obliged to promote deliberation about political issues that affect their own citizens.²⁰ In that case the citizens might have *special* claims against their own government not to limit their freedom of speech concerning these matters, i.e. an intranational right to freedom of speech.

The question is whether actors in transnational relations, e.g. Muslims in the Middle East, are obliged to respect the freedom of speech of other people, e.g. Danes, to deliberate politically, when the deliberation in question is not of value to the former. On impartialist views reasons have universal scope and the answer is therefore affirmative; all actors in transnational relations would therefore be under a moral obligation not to interfere with the freedom of speech of others to deliberate (assuming that there are no stronger countervailing reasons and that free speech in fact furthers deliberation). So even though the argument from democratic deliberation usually concerns values internal to states, the reasons for and the resulting scope of freedom of speech might apply and extend transnationally, given certain assumptions about impartiality, countervailing reasons and empirical effects. Whether this conditional conclusion is relevant to the cartoons controversy depends, of course, on whether the publication of the cartoons can reasonably be characterized as a contribution to deliberation over a political issue as claimed by *Jyllands-Posten* and its defenders. The present point is merely that, if this is the case, the argument from deliberation may apply transnationally.

Many other interests highlighted by consequentialist arguments for freedom of speech seem to provide reasons transnationally. If, for instance, the basic reason for valuing free speech has to do with individuals' expressive interests in publicly communicating, e.g., political or religious views and in being able to receive views and news, the argument is basically context independent.²¹ Expressive interests that provide reasons against state regulation of speech also provide reasons against informal social regulation.²² Assuming impartiality and that people not only have an interest in communicating with other citizens of their own state, this furthermore seems to hold transnationally as well as nationally.

There is a qualification to this claim, however, since *the argument from expressive interests*, being consequentialist, depends not only on the value of expressive interests but also on empirical facts about under what conditions these interests are threatened and promoted. If the risk that governments will abuse political power to oppress dissenting views is central to the argument, it is primarily directed against the state and provides a reason for constraining the state's right to regulate speech.²³ If informal social norms regarding proper expressive conduct do not pose a comparable threat to expressive interests, there is not a similar case against such norms.²⁴ This is not, then, because the interests do not matter, but because they are assumed to be relatively safe; perhaps the case against state regulation depends on the possibility of a worst case scenario that has no plausible equivalent in the case of

informal social regulation, e.g. if informal norms are more likely to soften the tone of expressions rather than suppress certain views entirely.

The upshot is that while some prominent normative arguments for freedom of speech are limited in scope, others are based on concerns that seem equally important in transnational relationships, and some that invoke goods internal to the state only do so contingently. Such arguments therefore may provide reasons in favor of freedom of speech in transnational relations. Freedom of speech is then not the object of a legal rights held by citizens against their government, but of a moral claim held by individuals against other individuals and against social norms that might hinder deliberation or limit expressive interests.²⁵ The precise force of such claims depends on empirical facts about particular cases and on whether there are countervailing reasons against particular expressions. But the transnationalism objection to freedom of speech only holds against some arguments for and resulting conceptions of freedom of speech.

TRANSNATIONAL MULTICULTURAL RECOGNITION?

One moral consideration often advanced as a countervailing reason to arguments for freedom of speech is multicultural recognition. Theories of multicultural recognition are ordinarily based on a concern with the preconditions for individual identity formation supposed to be of central importance to the wellbeing of individuals and to depend on dialogical relations to others.²⁶ What turn such social-psychological musings into *political* theories of *multiculturalism* are two assumptions: (a) that the development of a secure sense of identity is a matter of *justice* grounding claims on others, and (b) that the relevant identities are to a significant extent *collective* in character, so that individual identity formation crucially depends on the recognition of, e.g., religious, ethnic, or national group identities. Both of these assumptions can be debated, but for present purposes the question is how multicultural recognition might be understood transnationally, and how transnationalism affects the applicability and normative force of appeals to recognition?

Under what circumstances might conditions for identity formation plausibly ground claims on others? If it is only the recognition by ‘significant others’ that matters for identity formation, claims for recognition presuppose a preexisting bond between recognizers and recognized that makes recognition by the former important to the latter. The relevant community will often be small, e.g. a family, school, or workplace. On nationalist accounts the set of people that might count as ‘significant others’ at most extend to other members of a national community.²⁷ Such a limitation of the scope of claims for recognition is in need of justification, however, before it can be concluded that claims for recognition do not hold transnationally.

The identification of the relevant significant others against whom claims of recognition are directed depends on what problem multicultural recognition is supposed to address. One problem identified by multiculturalists is that the public sphere is not culturally neutral but privileges a cultural majority. According to some

commentators, the cartoons controversy was about maintaining the marginalization of Muslims in western public spheres.²⁸ Proponents of multicultural recognition claim that such marginalization is an injustice properly rectified by policies of recognition. Such claims for recognition presuppose a public sphere that is common in a relevant way and that there is a minority–majority relationship within this public sphere. There are many public spheres, but the most important ones, and especially the ones in which cultural bias is most pronounced and may be most problematic, e.g. because it most directly affects the life prospect and daily wellbeing of minorities, are national public spheres coextending with states. And the most salient minority–majority relations are those holding within states: Muslims are minorities in both a quantitative numerical sense and in a qualitative sense concerning cultural norms relative to societies to which they have immigrated. On a global level, however, Muslims are not a numerical minority (in any interesting sense). Policies of recognition are furthermore usually not asked to address a global minority status, but the national minority positions of Muslims, e.g. the right of French Muslim women to wear headscarves in public institutions or the recognition of Islamic family law by British courts. Insofar as the problems addressed by multicultural recognition presuppose national public spheres and the kinds of inequalities that obtain within them, multicultural recognition is not applicable transnationally.

A possible rejoinder to this conclusion might be that Muslims are a global minority in a qualitative rather than numerical sense, e.g. in virtue of being stigmatized and vilified in the global opposition between Islam and ‘the West.’ Some Muslims might be ‘global subjects’ in the sense that they do not primarily identify with national communities, but rather with the Islamic *Ummah*.²⁹ These Muslims’ ‘significant other’ might then not properly be sought within national public spheres, but on a global level. If the ‘significant other’ is, e.g. ‘the West,’ then ‘the West’ is the proper subject of the recognition necessary for these Muslims’ identity formation.³⁰ This identity is then a transnational identity for ‘the losers of globalization.’³¹ Any recognition owed to them is therefore transnational.

There are several problems with this idea. First, because a relationship of recognition requires both a subject and an object, it risks falling into the ‘essentialist’ ‘myth of civilizations’ in assuming that ‘the West’ and ‘Islam’ are unitary, internally homogenous, externally bounded ‘civilizations’ which act according to culturally deterministic logics. But this is a both empirically inaccurate and normatively problematic assumption.³²

Second, if one rejects the hypostatized notion of ‘civilizations,’ two problems threaten. If ‘Islam’ is not sufficiently unitary and homogenous, i.e. has an ‘essence,’ it is unclear what the object of recognition is supposed to be. And if ‘the West’ instead is understood in a pragmatic-political sense, e.g. as a label for concrete European and North American states, it is problematic as a subject of recognition. If it is rather states who are the subjects of claims for recognition, the question is whether they can recognize something of an entirely different nature such as a transnational Muslim identity? States can be subjects of recognition reaching beyond their own borders, but the usual receivers of such recognition are other states or international

organizations. This is not transnational recognition but traditional international relations recognition.³³

In standard cases, multicultural recognition is offered by way of legal or symbolic means, e.g. by adapting official dress-codes or by including the literature or history of particular cultures in the school curriculum. Standard multicultural recognition usually does not go beyond accommodation of minorities within the state. A state might be able to offer some recognition of a transnational Muslim identity, e.g. by acknowledging it in its public school curriculum. But the actual receivers of this recognition would be the particular Muslims living in the state and participating in its public education rather than a transnational Muslim community; the transnational Muslim identity is the object rather than the receiver of recognition.³⁴ So multicultural recognition is usually granted by states, received by domestic minorities, and justified in terms of the interests of domestic minorities, even if its object transcends the state.

Finally, even if states were able to offer some transnational recognition to a global Muslim community, how important would this kind of recognition be and would offering it really be a duty of justice? If some Muslims feel misrecognized by ‘the West,’ this is probably primarily because of the economic and strategic foreign policies of Western states rather than symbolic (mis)representations of Islam, so transnational recognition would not address the real problem. The upshot therefore is that non-domestic issues of justice involving states do not primarily concern identity and accordingly are not properly addressed through transnational policies of recognition.

TRANSNATIONAL ETHICAL NORMS OF RESPECT

The normative issue raised by the cartoons controversy may instead be understood as not primarily requiring action on the part of states, but rather a change in the social ethos or the general attitudes to difference in society.³⁵ Talk is then often of ‘respect’ rather than ‘recognition.’ The demand for respect need not be justified in the same way as that for recognition, e.g. as a precondition for identity formation and for the wellbeing attendant hereupon, but is apparently rather conceived of as a basic ethical requirement holding in all kinds of human interaction.³⁶ In that case, the points about significant others do not apply, and the point about the common public sphere is more obviously contingent; if social reality is transnational, this means that interactions in fact increasingly happen independently of states and across the borders of national communities. So if respect is a basic—ethical rather than legal—requirement of interaction, then it may also apply transnationally. In order to understand and assess this claim and the further question whether a demand for respect outweighs the transnationally applicable reasons for free speech, the first question is what respect involves.

There is an important distinction between requirements of what might be called *positive respect* for the particular identity, beliefs or sensitivities of others and what I

will call more *general* forms of respect.³⁷ Positive respect can be understood as a demand for positive evaluation or affirmation of specific differences, whereas general respect is based on everyone's having an equal status which justifies general duties that are the same for all.³⁸

Is positive respect a plausible requirement in general and in transnational civil society in particular? A standard objection to requirements of positive evaluation of differences is that such evaluations may contradict people's own beliefs and values. This means that positive respect thus understood either (a) is potentially self-contradictory, (b) requires people to change their own beliefs, or (c) requires people to be hypocrites. Neither possibility makes positive respect attractive, let alone plausible, as a general ethical requirement, whether or not it is supposed to apply transnationally.

But there is a possible further and independent problem, which might trouble transnational positive respect. If respect is demanded of particular differences, this may be attractive in relatively immediate and non-mediated forms of personal interaction, but it is problematic as applied to transnational relations. This is because the interaction taking place here is extremely mediated, impersonal, non-local and open-ended, to the extent that one can never know what the audiences of one's expressions might be or who will be affected by one's actions. The cartoons controversy is an obvious case in point. This defining feature of transnational public spheres means that it is impossible to predict which particular groups or cultures it will be relevant to be sensitive to, and one may even be (inculpably) ignorant about the existence or character of affected groups.³⁹ The only way of being sensitive to the particularities of all possible receivers of one's expressions therefore is not to say anything at all. A norm of positive respect for particularity would thus leave the transnational public sphere empty and silent.⁴⁰ A transnational social norm of respect therefore cannot plausibly require positive evaluation or sensitivity to particularity in these senses.

TRANSNATIONAL CIVILITY

A more plausible candidate for a countervailing reason to freedom of speech might be general respect. The question is then what general respect might require in practice, and whether such requirements apply transnationally. I will here consider one interpretation of what general respect requires in terms of *norms of civility* expecting individuals not to knowingly offend others 'when this serves no important purpose.'⁴¹ Non-offense differs from positive respect in that it need not involve any evaluation at all and may be compatible with dislike or disapproval of the beliefs or practices of others. The former is furthermore a positive and the latter a negative duty. Non-offense is a weaker requirement than positive respect but stronger than toleration.⁴² Here I will only discuss the interpretation of general respect as requiring non-offense, partly because this interpretation seems especially relevant to the cartoons controversy and was in fact relied on by many commentators, partly

because my primary aim is to discuss whether such requirements of civility apply transnationally. Non-offense serves as a test case for bringing out problems that alternative interpretations of general respect will probably have to address as well. I will therefore only mention some general objections to non-offense principles before focusing on the specific transnational applicability of such requirements.

If non-offense is to be a plausible requirement, its scope must minimally be limited to what might be called *active* offense. It is not uncivil or disrespectful in a plausible sense to passively offend others by merely having specific beliefs and living one's own life according to them, e.g. by believing in another God, or in none at all, and by living according to other religious or ethical standards. What might be uncivil is to actively seek to offend others, e.g. by knowingly violating the ban on depiction of the Prophet with the sole intention of insulting Muslims. Such a distinction between active and passive offense is a necessary, but quite possibly not sufficient, condition for a norm of civility to be plausible. It cannot in itself be uncivil to have different beliefs or to live according to them, even if the beliefs directly and explicitly contradict those of others.

But the problem is that there is no clear distinction here; if it for instance is part of one's set of beliefs that all beliefs should be subjected to rational criticism and discussion or that everybody should hear the word of God, one's passive conduct is likely to involve active offense. So the non-offense principle, like Mill's harm principle, must presuppose another more basic normative principle, e.g. a theory of rights, specifying when other-affecting conduct is rightful and wrongful.⁴³ This theory cannot be based on the notion of offense, but if it is based on more fundamental normative considerations, like wellbeing or autonomy, it must take account of the ways in which these considerations also provide reasons for free speech, which implies that even active offense may sometimes be justifiable.

Additional conditions are required for a non-offense norm to be plausible; minimally including the requirements suggested by Joe Carens that the offense must be committed knowingly and 'for no good reason.' Unknowingly committed offenses may sometime be wrong if the offending person ought to have known that his actions would offend others. But even if a notion of culpable ignorance is plausible in some cases, it is problematic in transnational contexts, for much the same reason that affected the requirement of positive respect, namely that one cannot plausibly be required to know what will offend all the possible receivers of an expression in a global public sphere.

It may furthermore not be uncivil to knowingly offend others if there is a good reason for doing so. The official reason for commissioning and publishing the cartoons was to test and challenge perceived self-censorship in relation to Islam and to start a debate about the meaning of freedom of speech in a multicultural democratic society.⁴⁴ Even though one may disagree with these reasons or doubt whether they provided the real motivation for the publication, this explicit motivation contradicts the widespread condemnation of the cartoons as 'gratuitous' offense.⁴⁵ So while *Jyllands-Posten* did give a reason for the publication, the question is whether it was a sufficiently good reason for purposes of civility? What counts as a

good reason would seem to depend on the issue at stake, the context and the expected consequences, and here the question is whether there might be differences between national and transnational cases of offense?

One possible difference is suggested by Carens, who explicitly advocates the non-offense principle as ‘a norm of civility and respect in engaging with other members of society’ required for ‘civic friendship.’⁴⁶ This non-legal ‘civic obligation’ is due to other citizens of a liberal democratic society and holds for interactions in civil society.⁴⁷ But the society in question seems to be a traditional national society within the boundaries of a state, and the reason suggested by Carens for holding members of this society to the civic obligation seems to have to do with the democratic norms governing it. But citizenship and democracy are, at least for now and for the most part, limited to states. So if a duly limited non-offense principle depends on common citizenship and on the civic duties attendant upon common membership of a democratic state, a similar ethical requirement of non-offense does not hold transnationally.

Another possible difference between non-offense in national and transnational cases has to do with expected consequences and might pull in the opposite direction. Whereas people usually have a fairly good idea of what will be taken as offensive in a national public sphere, this is harder to know transnationally. Insofar as non-offense is appropriate transnationally, this uncertainty might be taken as a reason for a kind of precautionary principle. The main problem here, however, is that utterances do not have a determinate audience and that it may be impossible to know for the sender of a message whether it is at all likely to appear in a transnational public sphere. While there are clear cases of directly and intended transnational utterances, e.g. messages in English on the internet or on satellite TV, many utterances are not clearly part of or intended for a transnational public sphere; the Muhammed cartoons are a case in point, since they were published in a Danish newspaper. So a general precautionary principle seems much too strong.

Insofar as transnational requirements of non-offense seem to have similar implausible implications as those of transnationally applied requirements of positive respect, this is a reason for not accepting such requirements. To the extent that this makes requirements of positive respect and non-offense inapplicable transnationally, this is not due, as was the case for some arguments for freedom of speech and multicultural recognition, to features of the justification of these requirements. If non-offense is justified as a requirement of general respect owed to all parties in social interaction, it does apply transnationally. The suggestion is rather that non-offense is a normatively implausible interpretation of what a general requirement of respect can require, at least in transnational contexts, insofar as this interpretation has the noted kinds of implications.

While the case of non-offense thus illustrates a distinct way in which proposed ethical norms may fail to have normative force transnationally, this does not show that other interpretations of a general requirement of respect in social interaction may not both apply and be normatively plausible transnationally. One such candidate is an interpretation of respect as a readiness to discuss the appropriateness of any

utterance of publication with offended audiences. The requirement would then not be that one should refrain from uttering or publishing anything that might cause offense, but that one would be willing to engage in discussion with actually offended audiences rather than, e.g. merely invoke the value of free speech as foreclosing any further discussion of the moral appropriateness of particular utterances.⁴⁸ Then civility does not necessarily contradict freedom of speech nor does it require non-offense. This would seem to be a more plausible and much needed requirement transnationally.

CONCLUSION

This paper has considered how general arguments about freedom of speech, multicultural recognition, positive respect, and civility fare when applied to specifically transnational forms of interaction. The motivation is both the specific one that these types of arguments were prominent in the debates over the cartoons controversy, which was arguably a paradigm transnational incident, and the general one that any normative significance of transnationalism is of interest in an increasingly transnational world. The conclusion is that, although specific types of arguments for free speech do not apply transnationally, there is no general reason to think that a moral right to freedom of speech is similarly limited in scope. Conversely, multicultural recognition as usually understood does not seem to apply transnationally and positive respect and non-offense are problematic as general ethical requirements of transnational relations.

What do these conclusions imply for the assessment of the cartoons controversy? They do not amount to an endorsement of the publication of the cartoons or something to similar effect. The paper has only discussed selected arguments in isolation and makes no all things considered judgements. The aim of the discussion has rather been to gauge to what extent the specifically transnational character of the controversy might affect such arguments. The conclusion in this regard is that whereas transnationalism does rule certain arguments more or less out, it mainly changes the terms in which standard arguments should be formulated and assessed; do values routinely appealed to in domestic settings as reasons for free speech have transnational force and how are claims for recognition tied to minority identities?

The paper has mainly attempted to identify questions made salient by transnationalism. The debates over the cartoons controversy seem peculiarly indifferent to these questions, but tended to invoke fairly standard versions of the noted kinds of arguments. While many debaters did draw attention to the global or transnational character of the events, this was often not reflected in their normative arguments; free speech proponents held firm to standard arguments irrespective of their state centered nature, and while many critics of the cartoons emphasized the global repercussions of the publication, this usually only found expression in purely prudential, strategic, or outright threatening arguments of the general form that it was unwise or dangerous to offend over a billion Muslims. So the cartoons

controversy seemingly not only provides a paradigm case of transnationalism; the debate over it also makes evident the need for more theoretical reflections on the normative significance of transnationalism in general.

What is the lesson of the paper in this more general regard? If recognition and respect are problematic candidates for transnational social norms of interaction, does this mean that ‘anything goes’ transnationally? Not if there are other possibilities. John Keane suggests that what I have called transnationalism requires an ethic of civility that secures the possibility conditions for moral pluralism.⁴⁹ Required limits on conduct are those necessary for preserving the conditions for the moral pluralism that, according to Keane, is the prime value of transnationalism. This, however, is a very minimal requirement far from those of positive respect and even non-offense; it is merely a requirement of toleration that one refrains from coercing or persecuting others with different moral beliefs than oneself. This is not ‘anything goes,’ since there are limits to any genuine kind of toleration; in this case, moralities that subvert moral pluralism are not to be tolerated.⁵⁰ But it is not very informative either.⁵¹ Keane simultaneously—and plausibly—denies that any morality is valid or legitimate transnationally, so the appropriate transnational ethic depends on which moral pluralism is the right, valuable or legitimate one. So, as for any doctrine of toleration, substantive criteria are needed both for justifying toleration and for defining its limits.

I should also add that even though general requirements of positive respect and non-offense are implausible, I’m not arguing that globalization does not require, both in general and in a specifically moral sense of ‘require,’ increased knowledge of and sensitivity to transnational relations. I rather claim that the level of knowledge that would be required if people in general were to act on principles requiring respect for specific differences or non-offense of potential receivers of expressions, is much too great—most people cannot have this level of knowledge, and even if they could it is arguably wrong to demand that they have and act on it. But this is quite consistent with thinking that people in general should have significantly more knowledge about things going on outside their own state and should take this into account when deciding what to do.

A main lesson of the discussion is that what is ethically required transnationally depends on what positively characterizes transnational relations. So long as the characterization is primarily negative (non-governmental and non-national) the outcome of the discussion is likely to be negative as well, since this characterization mainly indicates when necessary conditions for the applicability of specific principles are absent. The positive characterizations given by many theorists of global civil society verge close to pure idealism—e.g. suggestions that it would be nice to have a global and pluralist form of interaction free from both state coercion and uncivil behavior on the part of non-governmental actors. But if the ideals for required behavior are built into the very characterization of global civil society this begs the question about what the appropriate requirements are and forecloses discussion of whether the suggested ideals are the most plausible.

The present paper has drawn attention to some central examples of how this need for more substantial factual description of the transnational relations in question surface in relation to prominent arguments advanced in relation to the cartoons controversy; the case for transnational free speech depends very much on empirical assumptions, transnational multicultural recognition is premised on a further account of what a global minority status might mean, and norms of civility must both be justified and specified with reference to the more specific features of the relations they are supposed to govern. The main lesson is that these arguments might not mean the same transnationally as they do domestically and that there is need for further specification and argument in the respects noted in order to determine what they might mean.

NOTES

1. Earlier versions of this paper were presented at the Association for Legal and Social Philosophy annual conference at the University of Nottingham, March 2008, at the Norface seminar *Religion, Public Culture, and the New Immigration* at the University of Aarhus, April 2008, at the Centre for the Study of Multiculturalism and Equality and at the conference on *Europeanization, Welfare and Democracy* at the University of Copenhagen, April 2009. Thanks for comments from Arash Abizadeh, Eva Erman, Nir Eyal, Ulf Hedetoft, David Herbert, Nils Holtug, Dora Kostakopoulou, Seth Lazar, Kasper Lippert-Rasmussen, Margaret Moore, Morten Nielsen, Neomal Silva, and two anonymous referees. Thanks to the Carlsberg Foundation for funding.
2. For a general presentation of the case, see Lasse Lindeskilde, Per Mouritsen, and Ricard Zapata-Barrero, 'Introduction: The Muhammad Cartoons Controversy in Comparative Perspective', *Ethnicities* 9 (2009): 291–313. Many of the important documents of the case are collected in Anders Jerichow and Mille Rode, eds., *Profet-affæren: Et PEN-dossier om 12 Muhammed-tegninger—og hvad siden hændte ... Dokumenter og argumenter* (Copenhagen: Danish PEN). For presentation and discussion of the case from an ordinary domestic political perspective, see Sune Lægaard, 'The Cartoon Controversy as a Case of Multicultural Recognition', *Contemporary Politics* 13 (2007): 147–64; Sune Lægaard, 'The Cartoon Controversy: Offence, Identity, Oppression?', *Political Studies* 55 (2007): 481–98. For more partisan accounts see, e.g. Randall Hansen, 'The Danish Cartoon Controversy: A Defence of Liberal Freedom', *International Migration* 44 (2006): 7–16; Pernille Ammitzbøll and Lorenzo Vidino, 'After the Danish Cartoon Controversy', *Middle East Quarterly* 14 (2007), <http://www.meforum.org/article/1437> (accessed January 11, 2008).
3. E.g. Faisal Devji, 'Back to the Future: The Cartoons, Liberalism, and Global Islam', *Open Democracy*, April 12, 2006, http://www.opendemocracy.net/conflict-terrorism/liberalism_3451.jsp (accessed September 18, 2007) and Jan Nederveen Pieterse, *Ethnicities and Global Multiculture: Pants for an Octopus* (New York: Rowman & Littlefield, 2007).
4. Both distinctions oversimplify a complex reality. The distinction between the legal-political and social is not sharp and the terms in which the scope distinction is characterized do not necessarily coincide in practice, since state territory and jurisdiction may not be coextensive. These complications do not affect the more general point of the distinction as long as one keeps in mind that the resulting typology is ideal typical.
5. For a somewhat similar but not identical distinction, which retains essential reference to states, see Bhikhu Parekh, *A New Politics of Identity: Political Principles for an Interdependent World* (Basingstoke: Palgrave Macmillan, 2008), 245–6. What I call transnational relations are often discussed under the heading 'global civil society,' see e.g. John Keane, *Global Civil*

- Society?* (Cambridge: Cambridge University Press, 2003) or Mervyn Frost, *Global Ethics: Anarchy, Freedom and International Relations* (Abingdon: Routledge, 2009).
6. Thomas Olesen, 'The Porous Public and the Transnational Dialectic: The Muhammed Cartoons Conflict', *Acta Sociologica* 50 (2007): 295–308: 304.
 7. Ole Wæver, 'Aviser og religioner i en globaliseret verden—dannelse og diplomati i Danmark', in *Gudebilleder*, ed. Lisbeth Christoffersen (Copenhagen: Tiderne Skifter, 2006), 181–208. So while the Danish government for instance rejected what it took to be demands for legal limits on free speech and for government intervention in civil society, it nevertheless went to great length later on in the controversy to present the Danish case in a palatable way to publics in the Middle East, and to assure that the cartoons were not published by or with the active support of the government.
 8. E.g. Isolde Charim, 'Culture as Battlefield', *Eurozine*, April 13, 2006, <http://www.eurozine.com/articles/2006-04-13-charim-en.html> (accessed September 18, 2007); Faisal Devji, 'Back to the Future'; Thomas Hylland Eriksen, 'The Cartoon Controversy and the Possibility of Cosmopolitanism,' *CULCUM*, May 23, 2006, <http://www.culcom.uio.no/english/publications/articles/2006/the-cosmopolitanism.html> (accessed November 10, 2009); European Mediterranean Study Commission, *Annual Report 2006. 05: Getting it Right: Lessons of the "Cartoons Crisis" and Beyond* (Lisbon: EuroMeSCo, 2007), <http://www.euromesco.net/images/05english.pdf> (accessed November 10, 2009); Alain Finkelkraut, 'Fanatics without Borders', *Dissent* 53 (2006): 43–4; Rune Engelbreth Larsen and Tøger Seidenfaden, *Karikaturkrisen: En undersøgelse af baggrund og ansvar* (Copenhagen: Gyldendal, 2006), esp. 62–72, 78–89, 96–114; Martin Albrow and Helmut Anheier, 'Violence and the Possibility of Global Civility', in *Global Civil Society 2006/7*, ed. Helmut K. Anheier, Mary Kaldor, and Marlies Glasius (London: Sage, 2006), 1–17, <http://www.lse.ac.uk/Depts/global/Publications/Yearbooks/2006/Introduction06.pdf>; Tarik Ahmed Elsewi, 'The Danish Cartoon Controversy: Globalized Spaces and Universalizing Impulses', *Global Media Journal* 6 (2007), <http://lass.calumet.purdue.edu/cga/gmj/fa07/graduate/gmj-fa07-grad-elsewi.htm> (accessed January 23, 2008); Jan Nederveen Pieterse, *Ethnicities and Global Multiculture; Reading the Mohammed Cartoons Controversy: An International Analysis of Press Discourses on Free Speech and Political Spin*, ed. Risto Kunelius, Elisabeth Eide, Oliver Hahn, and Roland Schroeder (Bochum: Projekt Verlag, 2007); Lasse Lindekilde, Per Mouritsen and Ricard Zapata-Barrero, 'Introduction'.
 9. All of these charges might be levelled at the, admittedly tentative, account of the principles for a global ethic suggested in Bhikhu Parekh, *A New Politics of Identity*, 216–27.
 10. See Sune Lægaard, 'Normative Interpretations of Diversity: The Danish Cartoons Controversy and the Importance of Context', *Ethnicities* 9 (2009): 314–33, for more systematic and detailed discussion.
 11. Flemming Rose, 'Muhammeds ansigt', *Jyllands-Posten*, September 30, 2005, Kulturweekend; Flemming Rose, 'Why I Published Those Cartoons', *Washington Post*, Sunday, February 19, 2006, B01, <http://www.washingtonpost.com/wp-dyn/content/article/2006/02/17/AR2006021702499.html> (accessed January 11, 2008); Ronald Dworkin, 'The Right to Ridicule', *New York Review of Books* 53, no. 5 (2006): 44; Randall Hansen, 'The Danish Cartoon Controversy'; Terry L. Price, 'Feinberg's Offense Principle and the Danish Cartoons of Muhammad', *APA Newsletter* 6 (2006): 6–12; Viskum, 'Freedom of Speech: Halal or Haram?' CEPOS essay 02/10/06, http://www.cepos.dk/uploads/media/Freedom_of_speech_CEPOS_essay.pdf (accessed May 8, 2007); Robert Post, 'Religion and Freedom of Speech: Portraits of Muhammad', *Constellations* 14 (2007): 72–90; Sune Lægaard, 'The Cartoon Controversy: Offence, Identity, Oppression?'; Lars Binderup, 'Global Freedom of Speech', *TRAMES* 11 (2007): 403–18.
 12. Jytte Klausen, 'A Danish drama', *Prospect Magazine* 120 (2006), http://www.prospectmagazine.co.uk/article_details.php?id=7363 (accessed November 30, 2007); Thomas Hylland

- Eriksen, 'The Cartoon Controversy and the Possibility of Cosmopolitanism'; Bhikhu Parekh, *A New Politics of Identity*, 112.
13. Jan Nederveen Pieterse, *Ethnicities and Global Multiculture*, 179–80, 183; Heiko Henkel, 'The Journalists of *Jyllands-Posten* are a Bunch of Reactionary Provocateurs: The Danish Cartoon Controversy and the Self-image of Europe', *Radical Philosophy* 137 (2006): 2–7.
 14. Faisal Devji, 'Back to the Future.'
 15. Ronald Dworkin, 'The Right to Ridicule'; Robert Post, 'Religion and Freedom of Speech.'
 16. Here I have mostly defenders of a strong principle of free speech such as that enshrined in the US Constitution's First Amendment in mind, such as Ronald Dworkin and Robert Post. The distinction between content-neutral and content-based restrictions has primarily been theorized on the basis of American constitutional jurisprudence, cf. Joshua Cohen, 'Freedom of Expression', in Joshua Cohen, *Philosophy, Politics, Democracy: Selected Essays* (Cambridge, MA: Harvard University Press, 2009), 98–153. But since the present discussion concerns transnational freedom of speech, it seems inappropriate to conduct it in specifically American legal terms. This point applies as well to other prominent concepts used in free speech debates such as the notion of 'fighting words', the meaning of which is also settled by American court decisions, cf. Kent Greenawalt, *Fighting Words: Individuals, Communities, and Liberties of Speech* (Princeton, NJ: Princeton University Press, 1995).
 17. Autonomy is usually presented as the reason why state legitimacy requires freedom of speech. But autonomy may also be interpreted as providing reasons for other agents than states and as grounding requirements of respect for difference that might imply some moral rather than legal limits on permissible expressions, cf. Christian Rostbøll, 'Autonomy, Respect, and Arrogance in the Danish Cartoon Controversy', *Political Theory* 37 (2009): 623–48. This reason for modifying individual behavior might apply transnationally, cf. the section on transnational ethical norms of respect.
 18. The classic example of such an argument is that of John Stuart Mill, *On Liberty* (Harmondsworth: Penguin, 1976), Chapter 2, but many recent defenses of free speech also take this form.
 19. E.g. Frederick Schauer, *Free Speech: A Philosophical Inquiry* (Cambridge: Cambridge University Press, 1982), 35–46; Cass R. Sunstein, *Democracy and the Problem of Free Speech* (New York: The Free Press, 1993).
 20. The plausibility of this assumption is not the issue here, since this debate would go far beyond the scope of the present paper. But it should be noted that it is a quite common assumption and that there are a variety of arguments for it. Special duties between government and citizens might be justified on the basis that government coerces citizens and do so in their name. This is a *liberal* argument for special duties (e.g. Michael Blake, 'Distributive Justice, State Coercion, and Autonomy', *Philosophy and Public Affairs* 30 (2001): 257–96). A *nationalist* argument would rather point to the intrinsic value of the special relationship between either citizens or government or, more likely, between co-nationals who are co-citizens of the same state and who discharge their resultant special duties to each other through their common state, cf. David Miller, *National Responsibility and Global Justice* (Oxford: Oxford University Press, 2007). I should say that I find both of these arguments problematic, but I will not argue that here.
 21. Justifications based on expressive interests are formulated by Thomas Scanlon, *The Difficulty of Tolerance* (Cambridge: Cambridge University Press, 2003), 85–100, 154–55, and Joshua Cohen, 'Freedom of Expression.' Although both Thomas Scanlon and Joshua Cohen apply these justifications in discussion of legally enforced free speech within a state, and their formulations of the issue thus are intranational, the normative basis of their justifications seems to apply transnationally because it refers to interests of individuals, not, e.g. to citizens of specific states.
 22. Søren Flinch Midtgaard, 'Freedom of Speech and the Cartoon Controversy' (paper presented at the NORFACE seminar Religion, Public Culture, and the New Immigration,

- University of Aarhus, April 2008), http://www.ucd.ie/norface/papers/aar_midtgaard.pdf (accessed November 10, 2009)
23. This worry is especially strong in the American discussion of free speech, e.g. Kent Greenawalt, *Fighting Words*, 130; Thomas Scanlon, *The Difficulty of Tolerance*, 156.
 24. The assumption of this conditional claim contradicts the claim made by John Stuart Mill, *On Liberty*, that informal social pressure is just as great, or even greater, a threat to free speech, and hence to truth, as government regulation. The truth seems to me to lie in between: in some respects, some types of governments pose greater danger to free speech than informal social pressure, in other cases, the opposite holds. The present point is merely that the strength of the consequentialist argument from expressive interests partly depends on such 'linking empirical beliefs' (Thomas Scanlon, *The Difficulty of Tolerance*, 156) about actual threats to free speech, and that the argument as usually stated often involves references to how the state is a threat. In that case, even though the argument *applies* transnationally, it may not be as *strong* in this respect as when applied intranationally, but this is really an empirical question.
 25. Lars Binderup, 'Global Freedom of Speech.'
 26. Charles Taylor, 'The Politics of Recognition', in *Multiculturalism: Examining the Politics of Recognition*, ed. Amy Gutmann, rev. ed. (Princeton, NJ: Princeton University Press, 1994), 25–74; Bhikhu Parekh, *A New Politics of Identity*, 31–2.
 27. David Miller, *Citizenship and National Identity* (Cambridge: Polity, 2000), 76–8.
 28. Jan Nederveen Pieterse, *Ethnicities and Global Multiculture*, 183, 191.
 29. Faisal Devji, 'Back to the Future'; Robert A. Saunders, 'The Ummah as Nation: A Reappraisal in the Wake of the "Cartoons Affair"', *Nations and Nationalism* 14 (2008): 303–21; Bhikhu Parekh, *A New Politics of Identity*, 101–2.
 30. Ana Belen Soage, 'The Danish Caricatures Seen from the Arab World', *Totalitarian Movements and Political Religions* 7 (2006): 365.
 31. Isolde Charim, 'Culture as battlefield.'
 32. European Mediterranean Study Commission, *Annual Report 2006*.
 33. John Keane, *Global Civil Society*, 22.
 34. Sune Lægaard, 'Recognition and Toleration: Conflicting Approaches to Diversity in Education?' forthcoming in *Educational Philosophy and Theory*.
 35. Bhikhu Parekh, 'Same difference? The Danish Cartoons and the Rushdie Affair', *Catalyst Magazine*, March 9, 2006, <http://83.137.212.42/siteArchive/catalystmagazine/Default.aspx?LocID=0hgnew0bi.RefLocID=0hg01b001006009.Lang-EN.htm> (accessed January 10, 2008); Tariq Ramadan, 'Free Speech and Civic Responsibility', *International Herald Tribune*, February 5, 2006; Faisal Devji, 'Back to the Future'; Tariq Modood, 'The Liberal Dilemma: Integration or Vilification?' *International Migration* 44 (2006): 4–7; Joseph Carens, 'Free Speech and Democratic Norms in the Danish Cartoons Controversy', *International Migration* 44 (2006): 33–42.
 36. Cf. Christian Rostbøll, 'Autonomy, Respect, and Arrogance in the Danish Cartoon Controversy.'
 37. Sune Lægaard, 'Normative Interpretations of Diversity.'
 38. This distinction is reminiscent of the distinction in Stephen Darwall, *The Second-Person Standpoint: Morality, Respect, and Accountability* (Cambridge, MA: Harvard University Press, 2006), 119–26, between 'appraisal respect' and 'recognition respect,' where the latter is respect for the generic (normative) fact that someone is a person and the former respect for the particular person's excellence, merit, or achievement. One specific version of this distinction is formulated by Christian Rostbøll, 'Autonomy, Respect, and Arrogance in the Danish Cartoon Controversy,' in relation to the value of autonomy. What he terms a 'Millian' conceptions present autonomy as a 'character ideal' to be promoted and which different persons can have achieved to different degrees, which means that different people are owed different degrees of respect. 'Kantian' conceptions rather take autonomy as a

- precondition for moral interaction to be respected, which means that all people are owed equal respect. Both Stephen Darwall and Christian Rostbøll argue that ‘recognition respect’ and ‘Kantian’ autonomy are more fundamental as objects of moral duties. I only consider one interpretation of what general ‘Kantian’ recognition respect might require, namely non-offense, which I treat under the heading of civility.
39. Cf. John Keane, *Global Civil Society*, 98, on the ‘butterfly effect’ like character of acts in global civil society.
 40. Thomas Hylland Eriksen, ‘The Cartoon Controversy and the Possibility of Cosmopolitanism,’ 11; Risto Kunelius and Elisabeth Eide, ‘The Mohammed Cartoons, Journalism, Free Speech and Globalization’, 21, in *Reading the Mohammed Cartoons Controversy*, ed. Risto Kunelius, Elisabeth Eide, Oliver Hahn, and Roland Schroeder, 9–24.
 41. Joseph Carens, ‘Free Speech and Democratic Norms in the Danish Cartoons Controversy’, 37, 39–40.
 42. Sune Læggard, ‘A Multicultural Social Ethos: Tolerance, Respect, or Civility?’, in *Values, Diversity and Differential Treatment: Multicultural Europe in Theory and Practice*, ed. Gideon Calder and Emanuela Ceva (London: Routledge, forthcoming).
 43. Nils Holtug, ‘The Harm Principle’, *Ethical Theory and Moral Practice* 5 (2002): 357–89.
 44. Flemming Rose, ‘Muhammeds ansigt’; Flemming Rose, ‘Why I Published Those Cartoons’; Bjarke Viskum, ‘Freedom of Speech.’
 45. E.g. Heiko Henkel, ‘The Journalists of *Jyllands-Posten* are a Bunch of Reactionary Provocateurs’; Klausen, ‘A Danish Drama’; Joseph Carens, ‘Free Speech and Democratic Norms in the Danish Cartoons Controversy.’
 46. *Ibid.*, 37, 39.
 47. *Ibid.*, 40, cf. Bhikhu Parekh, *A New Politics of Identity*, 247.
 48. This is part of the position argued for by Christian Rostbøll, ‘Autonomy, Respect, and Arrogance in the Danish Cartoon Controversy,’ which focuses on the initial denial by the Danish prime minister of meeting with ambassadors from predominantly Muslim countries to discuss alleged hostility to Islam and Muslims.
 49. John Keane, *Global Civil Society*, 198–201.
 50. *Ibid.*, 203.
 51. For another example, see Martin Albrow and Helmut Anheier, ‘Violence and the Possibility of Global Civility,’ 10–11.