News Value, Islamophobia, or the First Amendment, Why and How the Philadelphia Inquirer Published the Danish Cartoons

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Abstract

The typical framing of the United States in the Danish cartoon controversy is driven by the refusal of most papers to republish the cartoons. On this view, American journalists, unlike their European counterparts, focused narrowly on the cartoons' "news value" which--even at the papers that published the cartoons--ruled out the anti-Muslim stereotypes that accompanied the running of the cartoons in Denmark and Europe.

This paper puts this frame to the test by looking at the debate that unfolded after the Philadelphia Inquirer ran the turban cartoon. While editor Amanda Bennett defended her decision as "what newspapers do," a detailed review of the articles that ran in the paper, the letters the paper received and Bennett's own justification of her actions suggest the debate was much broader than the news value paradigm suggests. In particular, the debate had an Islamophobic edge reinforced by the failure of the Inquirer to discuss the initial framing of the cartoons in Denmark. This suggests that the image of the United States as narrowly focused on news value needs revision.

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1 This essay is part of a larger project to compare American and European responses to the Danish Cartoons. The author wishes to thank Jacqueline Baronian, Doug Dow and David Patton for their helpful advice.
I. INTRODUCTION: AMERICAN RELUCTANCE TO RUN THE CARTOONS

This essay examines the debate that followed when the Philadelphia Inquirer ran one of the Danish cartoons in February 2006. In doing so the Inquirer bucked the American trend of not publishing the cartoons. What made them do it? One way of answering this question is to look to Europe, where many papers ran the cartoons as an act of solidarity with the Danes. Some American papers, such as Harvard University's conservative paper the Salient, ran the cartoons for on that basis. But Inquirer editor Amanda Bennett did not make this type of argument. Instead, she defended her decision to run the cartoons on the narrow, and arguably "neutral" basis of "news value."

Bennett's focus is in keeping with the standard view of how the cartoon controversy has been framed in the United States. As an interpretive frame, the "news value" theme sidestepped the "clash of cultures" argument fashioned by European publishers of the cartoons.

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2 The Inquirer ran the turban cartoon. See Article: "Muslims Picket 'Philadelphia Inquirer' After It Runs Cartoon, Editor and Publisher, Feb. 7, 2006. I had originally planned to discuss the Daily Illini, which ran 6 of the 12 cartoons. But because of time and space limitations, I will wait to address this part of the controversy in later work. See Monica Davey, "Illinois Student Paper Prints Muslim Cartoons and the Reaction is Swift," New York Times, Feb. 17, 2006.


6 Stephanie Craft and Tayo Oyedeji, "United States: Journalism as a prism of culture clash," in Risto Kunelius, Elisabeth Eide, Oliver Hahn & Roland Schroeder eds. Reading the Mohammed Cartoons Controversy: An International Analysis on Free Speech and Media Spin, (Project Verlag, 2007) at 177-86 (viewing the United States response as reflecting a tradition of journalistic detachment).
starting with Flemming Rose, the culture page editor of the *Jyllands Posten* who commissioned the cartoons in the first place. The news value, by contrast, raised the possibility that a newspaper could publish the cartoons so many Muslims find offensive, without making larger generalizations about Islam.

And, in fact, where a paper is sufficiently sparse in defending its actions, it will be hard to connect the cartoons to a larger discourse over Islam. For example, the *New York Sun*, in running two cartoons gave up all pretensions of "making a statement" preferring instead to defend its decision in terms of a need to illustrate an AP dispatch. One sees the same trend from Eugene Volokh who, after linking the cartoons on his website, conceded the terrible injury they caused Muslims but then argued that the complaint "I'm offended" is not a sufficient "in either law or manners" for the conclusion "therefore, you must shut up." What is missing here is any attempt to defend the cartoons on the merits.

The news value frame, especially when reinforced by the large number of newspapers that simply refused to run the cartoons, feeds

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7 Flemming Rose has given two main reasons for publishing the cartoons. First, he viewed the cartoons as a necessary response to culture of self-censorship arising from fear of radical Islam, which he views in totalitarian terms. Second, he expressed the hope that the cartoons, by insulting Danish Muslims, would better "integrate" them into Danish society. At other points, Rose raises more generally xenophobic concerns about Muslim criminality and victimology. See, e.g. Flemming Rose, "Why I Published The Muhammad Cartoons," *Spiegel Online*, May 31, 2006. For more on Rose, see Robert A. Kahn, "Flemming Rose, The Danish Cartoon Controversy, and the New European Freedom of Speech*, *U. of St. Thomas Legal Studies Research Paper*, No 9-24 (posted on SSRN, Nov. 5, 2009).

8 Gwladys Fourche, Major US paper runs cartoon, *Guardian*, Feb. 7, 2006. Moreover, the cartoons ran in a "modest position inside the paper." *Id.*

9 See *The Volokh Conspiracy*, Mar. 10, 2006 (post by Eugene Volokh).
into two discourses about American superiority over Europe. On the one hand, the long First Amendment tradition has given Americans (and American newspapers) a mature, value-neutral approach to freedom of speech, which their European counterparts lack. Meanwhile, the long history of accepting immigrants in the United States has tempered the harsh, Islamophobia of a Europe ever ready to halt Muslim immigration and ban the headscarf.

When, however, one looks more closely at the specific arguments used by participants in the debates at the *Inquirer* over whether to run the cartoons, the picture becomes a bit muddier. For one thing, for all the claims of neutrality, Inquirer debate turned on arguments about American Muslims, some of which turned on Islamophobic stereotypes. Meanwhile, "newsworthiness" proved hard to divorce from a larger First Amendment ideology that viewed the cartoons as a way to stir up debate, a view shared in part by Flemming Rose himself.

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10 A common version of this theme is used to question European hate speech laws. In the cartoon context, however there is an ironic twist. Usually, the Europeans are seen as immature for having hate speech laws; here the immature act comes from running the cartoons.

11 This, of course, is not to deny that the United States has its own problems with Islamophobia related to a post 9/11 framing of Muslims as security threats—an issue that came up in *Freeman v. State*, 2003 WL 21338619 (Fla. 2003), in which a lower Florida court explicitly invoked 9/11 as a reason to deny a Muslim woman the right to wear her niqab when taking a driver's license photo.

12 Of course Rose has not at all been satisfied because most papers in the United States have, in fact, refused to run the cartoons. In particular, Rose took the New York Times to task for failing to provide "all the news that’s fit to print." See Kahn, Flemming Rose, supra note 6.
In what follows, I describe the debate at the *Inquirer*, where editor Bennett ran the cartoons because that was what journalists did.\textsuperscript{13} To put the debate in context, Part II looks at the position taken by the *New York Times*, which refused to run the cartoons, and the *Austin American Statesman*, which appears to have ran the cartoons with less controversy by focusing on their news value and presenting the cartoons tactfully.\textsuperscript{14}

The paper then turns to how the *Inquirer* presented the cartoons. Part III examines the article and explanatory note that ran with the cartoons themselves. While Bennett and the paper made some gestures toward the neutral, news value model, even here, the paper made some wording choices that were bound to make Muslim readers uncomfortable.

This trend grows stronger when, in Part IV, the essay takes up the other coverage of the cartoons that ran in the *Inquirer*. This included an opinion piece calling on Muslims to respond to the cartoons by getting their own house in order, and interview with the paper’s cartoonist, who uses the occasion to defend his own 2002 9/11 themed cartoon. Taken together, these pieces signaled a shift away from the news value-oriented, culturally sensitive *American Statesman* model. A review of letters to the editor opposing the cartoons only reinforces this point.

\textsuperscript{14} I say apparently because I do not have enough information about the Austin Statesman to say anything more definitive.
Missing from the *Inquirer*’s coverage was any discussion of the role the cartoons played in Danish politics as a symbol of xenophobia. By leaving this out, the paper lost an opportunity to have a conversation about the dangers of anti-Muslim xenophobia, one that might have made the cartoons easier to accept in the Muslim community.

Part V shifts the focus from the impact of the coverage on Muslim readers to editor Bennett’s expression of her motivations in running the turban cartoon. While Bennett claimed to rely on the news value model, a fair reading of her comments suggests that she saw her goal as stimulating discussion rather than simply supplying information. The essay traces this to a broader connection between freedom of speech and progressive activism of the 1960s and 70s as expressed in the civil rights and antiwar movements. This perspective, evident in Bennett’s language, left no place for an alternate European (and Canadian) emplotment of speech that accepts hate speech laws as a rational response to the reemergence of the extreme Right in the 1960s.

Next, Part VI looks at arguments raised by pro-cartoon letter writers, several of whom equated Muslim protests against the cartoons with censorship. Other letter writers employed the clash of cultures and 9/11 frames to marginalize Muslims. While Bennett, to her credit, does not share these opinions, the presence of such strongly Islamophobic themes raises questions about the extent to which the status of Muslims actually is better in the United States than in Europe.
In the conclusion I end on a positive note. While the cartoon controversy, as it unfolded on the pages of the *Inquirer* led to an outbreak of anti-Muslim sentiment, the controversy also raised the consciousness of at least some American journalists, who are starting to see Muslims as people with feelings who can be harmed by hate speech. At the same time, the controversy saw the emergence of a Muslim voice which peacefully protested against the cartoons. While in no way justifying the cartoons, or the *Inquirer*’s republication of them, these are hopeful developments.

II. THE AMERICAN LOGIC OF FIRST AMENDMENT RESTRAINT

Before turning to the *Inquirer*’s decision to run the cartoons, some context is necessary. Most mainstream newspapers in the United States refused to run the cartoons. The *New York Times*, in an editorial explaining why it would not run the cartoons, said it was "easy" to see that "people are bound to be offended when their religion is publicly mocked" and that "news organizations that usually refrain from gratuitous assaults on religious symbols" should also refuse to publish the cartoons."15 In a similar vein, media ethicist Wendy Wyatt, asked whether the good that would come from publishing the cartoons justified

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the harm they would inflict on the Muslim community, and concluded that "restraint" was the greater good.\textsuperscript{16}

Added to this were a second group of papers that ran the cartoons but either, like the \textit{New York Sun}, gave a very brief, technical explanation of their actions, or like the \textit{Austin American Statesman}, took a number of steps, including issuing a warning to its readers on the front page, to minimize the impact of the cartoons on the Muslim community.\textsuperscript{17} In this instance, the editor, Rich Oppel admitted that the case was a "close call" and that the images involved were "sensitive;" nevertheless, the paper thought it was important for readers to "see an example of a drawing that offended Muslims and find out why it has."\textsuperscript{18}

On the merits, Oppel's argument the cartoons "news value" demanded their publication is certainly subject to criticism. The \textit{Times} editorial described the cartoons as "so easy to describe in words."\textsuperscript{19} Moreover, the cartoons were on the internet, which led the \textit{Cleveland Plain Dealer} to resolve the "newsworthiness" issue by linking to the cartoons on its website.\textsuperscript{20} However, Oppel reports that the cartoons

\begin{itemize}
  \item Joe Strupp, "Austin Paper Was First Major Outlet to Publish "Muhammad" Cartoon--and Drew Support," \textit{Editor and Publisher}, Feb. 7, 2006. Oppel also opened up a blog, where readers could give their opinions on the cartoons. \textit{Id.}
  \item \textit{Id.}
\end{itemize}
generated few complaints.\textsuperscript{21} This could reflect the way in which the paper presented the cartoons.

III. \textbf{Covering the Controversy of Covering the Cartoons}

Amanda Bennett, editor of the \textit{Inquirer}, took a different approach in defending her decision to run the cartoons. On Saturday, February 4, 2006, the paper ran an article by a staff writer reviewing the debate in newsrooms over the cartoons.\textsuperscript{22} In the body of the article, the staff writer reported that the \textit{Inquirer} at a Friday afternoon news meeting decided to "discreetly" publish the most controversial image. The writer then quoted Bennett at length, who asserted that running the cartoon was "the kind of work that newspapers are in the business to do" and comparing it to earlier decisions to publish photographs of burned American bodies hung from a bridge in Iraq and the Andres Serrano artwork "Piss Christ" which shows a crucifix submerged in urine.\textsuperscript{23}

The article also informed readers that the AP had decided not to run the cartoons and contained two paragraphs relating how Ibrahim Hooper, a spokesperson for the Council on American-Islamic Relations (CAIR), praised the American media for behaving more "responsibly" than their the European counterparts, "who have wanted to stick their finger

\textsuperscript{21} \textit{Id.}

\textsuperscript{22} Andrew Maykluth, "U.S. media debate showing controversial cartoons," \textit{Philadelphia Inquirer}, Feb. 5, 2006. Although the articles, I refer to later were posted on line on Sunday February, 5th, the actual date of publication seems to be a day earlier. See Article: "Muslims Picket 'Philadelphia Inquirer' After It Runs Cartoon," \textit{Editor and Publisher}, Feb. 7, 2006.

\textsuperscript{23} \textit{Id.}
in the eye of Muslims." The interview with Hooper ended with the CAIR representative distinguishing, among papers that did publish the cartoons, between those that were "deliberately provocative" and those that published them to "explain" the controversy.

The article ended with a section entitled "About this Cartoon." The statement acknowledged that the cartoons had "inflamed many Muslims" and that, under Islam, "any portrayal of Muhammad is sacrilegious" and that some Muslims, who might otherwise accept peaceful representations of the Prophet, object to the implication in the turban cartoon that Muhammad. However, while respecting "the religious beliefs of any of its readers," the use of the offensive religious imagery "had become a news story." The Inquirer wanted to give its readers the chance to "judge...the image for themselves" as they had with Andres Serrano's crucifix in urine. The paragraph ends: "On that basis we reprint this cartoon."

At first glance, the article and explanatory note looks similar to the approach Mike Oppel took in the Austin American Statesman. And, in any event, Bennett's language is a far cry from Flemming Rose who, when he published the cartoons, wrote at length about how radical Islam

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24 Id.
25 Id. The quotes are to the text of the Inquirer, which paraphrased Hooper on this point.
26 Id.
27 Id.
was demanding special privileges and creating an atmosphere of self-censorship.\textsuperscript{28}

There are, however, some elements of both the letter and note that are problematic. For one thing, Bennett has a slightly different stated rationale for why the cartoons have news value. While Oppel speaks of wanting to understand why Muslims are upset, Bennett wants the paper’s readers to be able to judge the cartoons for themselves--an odd request given the explanatory notes clear understanding that the cartoons offend Muslims. In addition, Bennett’s reference to the American corpses in Iraq indirectly reinforces the connection between Islam and violence that the explanatory note seems to recognize as problematic.

Finally, the turban cartoon did not come after an article relating the history of the cartoons, or even one about the recent protests in the Middle East. Rather, it came after an article about how most newspapers in the United States have not run the cartoons. This placement is especially interesting given a comment Bennett makes in the article: "You run it [the cartoons] because there is a good news reason to run it....The controversy does not appear to have died down. It’s still a news issue."\textsuperscript{29} One wonders just which "controversy" Bennett is referring to here.

\textsuperscript{28} Kahn, Flemming Rose, supra note 6.
IV. CASTING MUSLIMS AS FOES OF FREE SPEECH

Were this the entire story, the Inquirer might avoid falling into Hooper's "deliberately provocative" category. Two other factors aggravated the situation--both of which undermine the "news value" frame: (i) the paper, in placing the cartoons in "context" cast Muslims as opponents of freedom of speech, without discussing the Islamophobic agenda of the cartoon's creators and supporters in Europe; and (ii) the paper, in justifying the decision to run the cartoons, trumpeted a free speech activism that went beyond the value-neutral, passive news value model.

First, the article and explanatory note were not the only materials on the Danish cartoons that ran in the paper. There was also an op-ed piece by Inquirer columnist Trudy Rubin, which argued that the cartoons were a "classic case of cultural collision," asserted that "demands to curb free speech" were not acceptable in a democratic society, and called on Muslims "to decry the misuse of Islamic symbols by terrorists."30 Responding to a Saudi critic of the cartoons, Rubin added: "Sorry, Prince Nayef, Sharia does not apply in the West[.]"31

A few days later, the paper carried an interview with Inquirer cartoonist Ken Auth, who described a 2002 cartoon he drew in which he described Islam as a "tolerant" religion that tolerates suicide bombing

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31 Id.
and the persecution of women.\textsuperscript{32} Defending both his earlier cartoon and the turban cartoon, Auth argued that the real "uproar" should be about "what has happened to Islam."\textsuperscript{33}

The overall impact of the coverage could be quite overwhelming. Imagine, for a moment, you are a Muslim who lives in the Philadelphia metropolitan area. You wake up on February 4th to learn that your local paper has carried a cartoon that insults the holiest person in your religion. The paper has done so, even after admitting that the image is likely to offend you.

You search the paper for some explanation as to why your local paper has directed hate speech at you.\textsuperscript{34} You are told, newspapers cover controversies--that is simply what newspapers do. Of course, in looking for an example of controversial speech, the editor comes up with dead Americans in Iraq. This seems to jibe with the opinion page which calls upon you for the umpteenth time to distance yourself from terror and extremism. Finally, when you think that you might want to complain about the cartoons, you are accused of seeking to impose the Sharia.

These were, in fact, the reactions of at least some of the \textit{Inquirer}'s readers. One reader called the republication worse than the original, because the paper acknowledged that the cartoons might cause

\textsuperscript{33} \textit{Id.}
\textsuperscript{34} Moreover, the cartoons may not be your only experience of hate speech. According to the most recent CAIR report, hate mail and propaganda abuse rose 38 percent over the last year and now accounts for just under 31\% of all civil rights complaints. Report: \textit{The Status of Muslim Civil Rights in the United States}, CAIR 2009 at 13.
Another reader, who identified herself as a Christian, found the cartoon "offensive and disrespectful," adding that the cartoon damaged the "already strained relationship" between Muslims, Christians, and Jews. Another reader, who identified as a Muslim, charged that the paper went beyond "responsible journalism" and was instead trying to "light[] a fire."

Perhaps not surprisingly, the publication of the turban cartoon led to protests. The first protest came the Monday after the cartoons ran, when a few dozen Muslims picketed outside the Inquirer's offices. A local imam condemned the cartoons as "disrespectful to us [Muslims] as a people" and called on the paper to apologize. Bennett went into the crowd to talk with the protesters, and told them that she was "really proud of them" for "exercising their right to freedom of speech." Later the same week, 200 protestors picketed. Once again, Bennett walked through the crowd, this time referring to the protests as "peaceful and respectful." The following day, Bennett met with Muslim leaders in the Philadelphia area and planned to run opinion pieces from Muslims.

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39 Id.
40 Id.
42 Id.
Despite Bennett's admirable willingness to talk with the protestors, the *Inquirer's* coverage of the cartoons excluded them from the debate. In defending her decision to run the cartoons, Bennett said to run potentially controversial or offensive material one must "publish it in context." But Bennett left out an important context—the role of the cartoons in promoting Islamophobia. To be sure, her explanatory note admitted that the cartoons might well offend Muslims, but neither Bennett nor the paper talked about the anti-immigrant discourse in Denmark in which the *Jyllands Posten* ran the cartoons, or the power of the cartoons as a symbol of hate that might affect her readers who happen to be Muslim.

Ironically, in taking this stand, Bennett lost a chance to reach out to Muslim voices that might have supported a genuinely sensitive publication of the cartoons. Writing three years after the Inquirer ran the cartoons Karam Pasha, author of *Mother of the Believers*, a historical novel about the origins of Islam told from the perspective of the Prophet Muhammad's wife Aisha, criticized Yale University Press for removing the cartoons from Jytte Klausen's book *The Cartoons that Shook the World*. Everyone, according to Pasha, should be able to make their own judgment. At the same time, she also chided those who viewed the

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cartoons as being about free speech. Instead, the cartoons reflect a "general hatred of Islam and a desire to humiliate Muslims."\textsuperscript{46}

Let me be careful here. I do not want to necessarily suggest Pasha would have supported the \textit{Inquirer}'s decision to run the cartoons. There is a big difference between a university press second-guessing the decision of an author to include the cartoons in a scholarly book, and the decision of a mass-circulation newspaper editor to run the cartoons at the height of the controversy. But Bennett and the \textit{Inquirer} did not even try to engage people like Pasha by focusing their coverage on the Islamophobic aspect of the cartoons. This represented a lost opportunity.\textsuperscript{47}

V. \textsc{Bennett's Free Speech Activism}

The second factor concerns the way Bennett and her supporters came to and defended the decision to run the cartoons. At first glance, Bennett's defense of the publication appears to fit into the news value frame. So in an interview that appeared on the \textit{Editors Weblog}, Bennett denied that the cartoons were "editorial," were printed "in solidarity with

\textsuperscript{46} Id.

\textsuperscript{47} To illustrate the opportunity that was lost, let me change the context slightly. In the early 1990s Bradley Smith sought to place adds in college newspapers calling for "open debate" on the Holocaust. A number of college papers (perhaps the majority) quietly refused to run the ads, a substantial minority ran the ads--often on the basis of freedom of speech--and faced protests. A very few papers, including the \textit{Skidmore News} and the \textit{Queens College Quad}, ran the ads as part of a larger focus on the extreme right-wing agenda of Holocaust deniers. From a First Amendment sense, the \textit{Quad} got the best of both worlds--they were able to publish the ad, while using it as an opportunity combat hate speech. For more, see Robert A. Kahn, \textit{Holocaust Denial and the Law: A Comparative Study} (Palgrave-MacMillan, 2004), at 121-35.
European papers," or printed to "make an abstract stand for freedom of the press."\footnote{Dominique Lewis Tuohy, "The Philadelphia Inquirer: the Mohammed cartoons experience, Editor's Weblog, Mar. 8, 2006 (available at www.editorsweblog.org).} A closer inspection of Bennett's justifications, however, reveals a concern with free speech activism that undermines her use of the news value frame.

We have already encountered some traces of Bennett's free speech activism. Both the article and explanatory note compare the cartoons to Andre Serrano's "Piss Christ," a framing that only makes sense in a free speech context. Later, when encountering the Muslim protesters, she tells them how "proud" she is that they are exercising their free speech rights. Aside from being condescending--did Bennett expect another response from area Muslims?--it also places value on speech as an end in itself. This is a fine position to take, but it is at odds with a narrow focus on newsworthiness.

These themes are even more evident in the defense of her position Bennett and managing editor Anne Gordon ran in the \textit{Inquirer} two days after the turban cartoon appeared.\footnote{Article: "Inquirer editors explain why they published Danish cartoon," \textit{Philadelphia Inquirer}, Feb. 5, 2006.} The editors began by framing the debate as involving "journalistic values" the most important of which is "to lay out all sides of the issue for a well-informed public to debate and discuss."\footnote{\textit{Id.}} The editors then explained how they interviewed a wide range of people--including Muslim theologians and experts in journalist ethics--
before running the cartoons, and described the paper's broad coverage of the issue. The article closed by announcing that, as newspapers "educate people...inform them...[and] spark discussion, something the editors referred to as "not only a profession" but an "obligation."  

In carrying out their obligation, the journalist must not be afraid of giving offense:

In my thirty years as a journalist, I have come to believe strongly that it is better to make information available than to suppress it. Withholding information for fear of the wrath of one group nearly always means denying one group the knowledge it needs.

As example of the power of an offensive image, Bennett refers to a famous picture of a young girl being burned by napalm during the Vietnam war.  

The idea that newspapers have an "obligation" to "spark discussion"--even at the cost of offending some of its readers--echoes Flemming Rose's claim that the publishing the cartoons was a journalistic duty. So too, does, her admonition not to give into "fear." although here at least Bennett avoids invoking radical Islam as the source of the fear. Finally, the use of an example from the Vietnam war highlights the role of the antiwar and civil rights movements of the 1960s and 1970s in fostering a culture of liberal, left wing support for freedom

51 Id.  
52 Id.  
54 Id.  
55 See Kahn, Flemming Rose, supra note 46.
of speech culminating in large numbers of civil libertarians supporting the right of Nazis to march in Skokie.\textsuperscript{56}

The antiwar, civil rights prism, however, is not the only way of viewing the harm posed by hate speech. As late as the 1950s, there was strong support in the United States for hate speech laws--especially those based on race.\textsuperscript{57} Meanwhile, in Europe and Canada the 1960s and 70s saw a growing concern about neo-Nazis and other forms of right-wing extremism, a concern that led to the passage or strengthening of hate speech laws in a number of countries including Germany (1960), Canada (1970) and France (1972).\textsuperscript{58} Taken from this perspective, the Danish cartoons look like an attempt to mainstream a xenophobic mentality, that until recently was the preserve of the far right.\textsuperscript{59} Firmly anchored in an American mindset, Bennett may not have been aware to the European perspective, which may explain why the \textit{Inquirer} failed to the specifically Danish context of the cartoons.

VI. Response to the Coverage

In any event, Bennett's activist deployment of First Amendment values goes beyond arguing about news value. The letters to the \textit{Inquirer} supporting publication go even further, which suggests that the "news

\textsuperscript{56} For an overview, see Samuel Walker, \textit{Hate Speech: The History of an American Controversy}, (Nebraska, 1994).
\textsuperscript{57} \textit{Id.}
\textsuperscript{58} See Kahn, \textit{Denying the Holocaust}, supra.
\textsuperscript{59} See Kahn, "Flemming Rose," supra note 6.
value" paradigm, even if it applies to journalists does not apply to the United States as a whole.

For example, one letter writer worried that Muslim picketing of *Inquirer* would lead to demands for government censorship—a position that equates protesting against the cartoons into a form of censorship. Another reader, writing letter, under the title "No Appeasement," pushed the same argument further. The writer, who praised the Auth interview and Rubin editorial, began by conceding that "Muslims are legitimately free to express their opinions." But, the writer continued, "demands that government censor the press or apologize for it are beyond the pale." Given these circumstances, it is "our duty to insist that they refrain from threatening lives and Western values whenever they are angry." This same theme was also mentioned by another letter writer, who expressed concerns that protests against the cartoons "occurred even in the West from our own immigrant citizens."

Muslims, apparently, can speak but not make demands. The letters reference to "appeasement" is in keeping with Rose's own anti-totalitarian rhetoric, although Rose at least often distinguishes between Muslims and radical Islam. Meanwhile, for one letter writer at least, the clash of cultures has come home.

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62 Id.
63 Id.
64 Id.
Added to this is more "traditional" 9/11 framing of American Muslims. Typically this frame has two parts: (i) an association of Muslims with violence and (ii) a requirement that Muslims disavow terrorists and fundamentalism as a precondition for exercising speech. So, for example, another letter writer stated that "when Andres Serrano submerged a crucifix in urine, there was criticism, not hostage taking." Likewise, Rubin in making her argument that Muslims should "debunk the canard" represented by the cartoons, refers to suicide bombing and terrorism. Finally, there is Auth, for whom the turban cartoon "is not so much an assault on Mohammed as raising the question: Is this now what has happened to Islam?"

Now, on one level, it is unfair to blame Bennett for what her columnists, cartoonists and letter writers say. She has been more careful in her description of Islam. But the opinion of these supporting actors undermines the argument that America, as a nation of immigrants, has discovered some magic pill to ward off Islamophobia. While the issues faced in the United States and Europe may be different--a French style headscarf ban is not likely in the United States anytime soon--anti-Muslim animus is present in both places.

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VII. CONCLUSION: THE HIDDEN BENEFITS OF CONTROVERSY

Let me, however, end on a more positive note. Two hopeful developments did come out of the cartoon controversy in the United States. The first was that American journalists came face to face with how little they knew about Islam (even though there are anywhere between 3 and 6 million Muslims in the United States). So, an online discussion on the cartoons sponsored by the Poynter Institute in Florida included a frank assessment by Keith Woods, Dean of the Poynter Faculty, that he needed to learn more about Islam.69 And to the extent the debate about the cartoons really is about freedom of speech, Roy Peter Clark, Poynter's vice president pointed out that "there are definitely cultures in which harm can come from the expression of certain types of ideas."70 The idea that a Muslim can suffer harm--can be the victim of hate speech--is an advance on the 9/11 paradigm.

Meanwhile, American Muslims played a role in the debate over the cartoons. Individual Muslims wrote well-reasoned letters about the cartoons, and organizations like CAIR and the Muslim American Society, put out press releases deploring both the cartoons and violence. In an op-ed piece, entitled "What Would Muhammad Do?," CAIR executive Ibrahim Hooper expressed his hope that the controversy could be a "learning moment" for everyone who wants to learn more about Islam, as

70 Id.
well as a "teaching moment" to show the world that Muhammad spoke of forgiveness and kindness.\textsuperscript{71}

This does not mean that path to greater toleration will be easy. The 2009 CAIR report has as one of its major goals, the dissociation of Islam and violence\textsuperscript{72}--something that in an ideal world should not be necessary. And brief review of the \textit{Inquirer} debate also shows the work that remains to be done. Moreover, any positive result coming out of the cartoon controversy in no way justifies the publishing, or republishing of the cartoons. As someone who has studied Holocaust denial for many years, I can affirm that any argument about the positive effects of hate speech, must be weighed against the victims who were harmed by the speech acts in question.

However, even Bennett wound up meeting with local Muslims to gain better coverage in the paper. Moreover, the decision of the \textit{Inquirer} to run the turban cartoon was, in an American context, exceptional; most papers in the United States refused to run the cartoons. While this neither excuses the \textit{Inquirer}, nor is meant to downplay the role of anti-Muslim stereotypes in American culture, it does offer some cause for hope about the future.

\textsuperscript{72} Report: \textit{The Status of Muslim Civil Rights in the United States}, CAIR 2009 at 36.