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THE EUROPEAN UNION AS AN ACTOR IN THE TURKISH-KURDISH PEACE PROCESS
&
THE FREE SPEECH CHALLENGE IN MULTICULTURAL EUROPE: LIBERTY, NOT POLITICAL CORRECTNESS

Deniz Can Akkaya and Ekin Can Genç
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PREFACE

This Working Paper consists of two papers written by Deniz Can Akkaya and Ekin Can Genç, both Bachelor students of European Studies at Istanbul Bilgi University, within the framework of the 1st Jean Monnet Students Workshop organized by the Jean Monnet Chair of European Politics of Interculturalism run by Prof. Ayhan Kaya at the Department of International Relations and the European Institute. The Workshop was organized on 27 May 2013 at the Dolapdere Campus of Istanbul Bilgi University, and both BA and MA students from the fields of European Studies, Politics, International Relations, Anthropology, Sociology, Cultural Studies and Translation Studies were present to submit their academic papers on the following issues with regard to the Turkish accession process into the European Union: mobility, diversity, citizenship, minorities, identities, education, multiculturalism and interculturalism. As the emphasis of the Jean Monnet Chair of European Politics of Interculturalism is on the matters of social cohesion, the students were expected to discuss their works on the relevant issues, which are believed to be very relevant for the Turkey-EU Relations in general, and for the Turkish context in particular. Some of the papers were published on the website of the Jean Monnet Chair (http://eu.bilgi.edu.tr/research300_1.asp).

The first paper by Deniz Can Akkaya discusses the ways in which the European Union has so far shaped the Kurdish Question in the last decade as a political actor. The Paper is entitled as "The European Union as an Actor in the Turkish-Kurdish Peace Process". The second Paper by Ekin Can Genç revolves around the issue of the right to free speech in multicultural Europe. The paper is entitled as "The Free Speech Challenge in Multicultural Europe: Liberty, not Political Correctness". I would like to thank both authors for their contribution to this issue. And I believe that their enthusiasm and dedication will be a good example for all our students.

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PAPER 1

THE EUROPEAN UNION AS AN ACTOR IN THE TURKISH-KURDISH PEACE PROCESS

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For the first time in the history of the Republic, Turkey seems to be taking action in order to overcome one its vital challenges, the armed conflict between the Kurdistan Workers' Party (PKK) and the central government. Prime Minister Recep Tayyip Erdoğan announced in December that the state, not the government, has been holding talks with Abdullah Öcalan, the imprisoned leader of the PKK. This unprecedented step towards a consolidated peace between the Turks and the Kurds of Turkey might mark a turning point in contemporary Turkish history only if the government can frame this process within the concept of democratisation as well as equal citizenship rights. This paper, in this respect, argues that the current state of the 'peace process' is far from the intention to consolidate Turkish democracy based on equal citizenship that covers not only the Turks and the Kurds, but all the different identities existing in the country. It further claims that such a process will be unlikely to lead to a peace based on equal citizenship in Marshallian terms. Furthermore, considering the fact that European Union (EU) conditionality has been a crucial instrument for Turkey to undertake significant reforms, the author aims to draw attention to the EU's role -if any- in the process in question. The paper consists of four sections. The first part will illustrate the historical context of the Kurdish question while referring to certain policies adopted by the Republic. In the second part, the author shall attempt to analyse what kind of an impact the EU has had on the resolution of the Kurdish question in Turkey so far, while in the third part, he will explore the potential role that the Union might be able to play in the 'peace process'. Finally, he shall conclude the essay by summarising the ideas discussed in this research.

Historical Overview
First of all, it should be underlined that one can hardly find a consensus on the time when the Kurdish national identity was recognized historically. The author would first like to take a brief look at what various scholars have written on that issue. Following that, he will examine the short history of the conflict between the Turkish state and the Kurds, starting from the early Republican Era. To begin with, Olson notes that the roots of Kurdish nationalism date back to the 1870s (cited in Kirişçi and Winrow, 2000). However, like other ethnic groups in the Ottoman Empire, they failed to constitute a united national movement, largely owing to the absence of the consciousness of an ethnic identity . Martin van Bruinessen (2011) refers to a rather unusual social figure when it comes to the foundations of Kurdish national identity: his focus is on Ahmad Khani (1650-1707), a Kurdish poet who talks about a very strong and powerful leader for all the Kurdish tribes, thereby uniting all the Kurds in the region (p. 391). Naturally, it would be quite an exaggeration to claim that he marks the beginning of the idea of an independent Kurdish state, but he should be taken into account given his influence at the time. Further, he notes that

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due to the fact that most of the areas where the Armenians and Kurds were residents were common, what made the idea of an independent Kurdish state possible was the Armenian massacres. Regarding the reasons why the Kurds are fairly latecomers with respect to constituting a national identity, Barkey and Fuller (1998) suggest that the major cause was geography. Because the Kurdish communities usually inhabited very hilly areas, it is no surprise for them not to be able to create unity among different tribes and thereby eventually overcome tribal structure (p. 6). Generally, it can be argued that the Kurds did not have any severe conflicts with Istanbul throughout the Ottoman Era. Moreover, as orthodox Muslims they felt attached to the central administration, thanks to its theocratic structure. After peaceful centuries under Ottoman rule, problems began to appear during the late Ottoman period and reached their peak in the early Republican Era. Through certain rebellions such as Cemil Çeto (1920), Milli (1920), Koçgiri (1921) as well as an organisation called Society for the Rise of Kurdistan (*Kürt Teali Cemiyeti*) the Kurds gradually become more visible and vocal towards the founding of the Republic in 1923 (Kirişçi and Winrow, 2000, pp. 69-91).

The greatest challenge to the young Republic was the Sheikh Said Rebellion in 1925. Barkey and Fuller state that this revolt led to a change in the regime's attitude towards Kurds in the sense that it began to adopt more oppressive forces, such as violence. As regards the identity of this particular rebellion, one can find various arguments in the literature: Such scholars as Mumcu and Fırat underline the religious face of the Sheikh Said event, while Aybars and Tunçay conceive of it rather as an ethnic movement. In addition to these scholars, there are others who find that religion and ethnicity played equal roles in shaping the Sheikh Said Rebellion[2] (cited in Kirişçi and Winrow, 2000, p. 110). Two noteworthy revolts, namely Khoybun (Independence) under General Ihsan Nuri Pasha in the Ararat area, and the Dersim rebellion led by Sheikh Sayyid Rida that followed in the 1930s[3] (Gunter, 1990, p. 12). Gunter also touches upon the debates on the numbers of Kurds who were massacred during the period in question: Kendal claims that the number exceeds one and a half million, whereas Rambout wrote about 15,200 people killed only in the 1925 revolt. McDowell argues the total number of Kurds killed is somewhere between 40,000 and 250,000. As a matter of fact, it should also be noted that many Kurds were exiled to different parts of the country. In 1916, Kurdish tribes were located in the East, and the Committee of Union and Progress (*Ittihat ve Terakki Cemiyeti*) decided that a part of the Kurdish population must be exiled to other regions because of the Russian threat that was felt on the eastern border (Dündar, 2011, p. 139). As early as 1950, when the Democrat Party came to power, it was already difficult to see any substantial representation of the Kurdish nationalist movement in Turkey. The reason for this was the fact that most Kurds had been assimilated, while some Kurdish elites managed to survive by integrating into the Turkish political system. Further, in the Democrat Decade (1950-1960), business circles, including Kurdish businessmen, benefited from the new economic environment that allowed less state intervention. Somewhat paradoxically, Kurdish elites chose to invest not in the east but in other more economically lucrative regions of the country. Needless to say, this meant an even greater contribution to the regional imbalance that had existed in Turkey. This can be perceived as one of the incentives for the Kurds to lean towards left-wing activism (Barkey and Fuller, 1998, p. 14).

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2   Kirişçi and Winrow pay particular attention to the debates on the motives behind the Sheikh Said Revolt, due to the absence of consensus on this issue in the literature.

3   Having been quashed by the Turkish Armed Forces, the Kurds were not in a shape to rise again until the 1970s (Gunter, 1990, p. 12).

Although the Menderes era seemed to improved the situation of the Kurds of Turkey, the coup d'état on the 27th of May 1960 did not turn into a fond memory for them. The military government led by Cemal Gürsel arrested some 485 Kurds and detained them for several months. The most influential 55 were then exiled to western Turkey for two years, as it had been revealed that almost all of those people were members of Menderes' party. It is widely believed that the 1960 coup transformed the authoritarian Turkish socio-political milieu into a rather liberal one, even if for quite a brief period of time. As a result of this, Turkish politics began to accommodate various voices, both from the left and the right. However, in contrast to this vivid picture, as Kendal puts it, the military government intensified the Turkicisation of the names of Kurdish towns and villages. Eventually, this assimilationist act triggered demonstrations in such towns as Mardin, Bitlis and Van in 1961 by the Kurds who carried signs that said "We are not Turks, we are Kurds," "Down with Gürsel, Menderes, İnönü –All tyrants" (cited in Gunter, 2000, p. 15). Nevertheless, the Kurds enjoyed a certain degree of freedom in the 1960s: A Kurd from Diyarbakir, Dr. Yusuf Azizoğlu, became one of the leaders of the New Turkey Party. After that, he even served as minister of health in the new İnönü government. As he built a number of hospitals and dispensaries in the east, he was forced to resign amid charges of "regionalism." In addition to this, the Turkish press came to recognise the Kurdish question, as a couple of Turkish-Kurdish bilingual journals appeared for a short period. In the political arena, the most notable initiative was the Turkish Workers Party (TWP), which stated in 1970, "There is a Kurdish people in the East of Turkey... The fascist authorities representing the ruling classes have subjected the Kurdish people to a policy of assimilation and intimidation which has often become a bloody repression."[4] When, in the late 1970s, the Turkish public was radically politicised, İsmet İmset identifies at least 12 Kurdish Marxist-Leninist separatist groups, one of which was the Kurdistan Workers' Party (PKK). The PKK, which did not possess any significant power before the 1980 coup, became extremely active in the second half of the 1980s. An interesting point in relation to the consequences of the formation of the PKK is, as Van Bruinessen indicates, that it led to a change in the way the Kurds defined themselves. To be more precise, those people, who considered themselves Turks for a long time, began to turn into self-defined Kurds (Kirişçi and Winrow, 2000, p. 117). The 1980s can be defined as yet another lost decade in terms of the Kurdish question. The military government introduced various repressive laws, including the ban on the use of the Kurdish language. Democratic forces in the country had to wait until the 1990s to be able to bring the issue to the table once again. At this point, it should be emphasised that it is no coincidence to observe both the heating debate on the Kurdish question and the changing concerns of the European Union. As the EU regarded Turkey rather as an ally throughout the Cold War decades, democracy and human rights in Turkey were hardly an issue for the Europeans. Now that the Eastern Bloc no longer existed, security became secondary to the EU in its relations with Turkey; thus democratisation and respect for human rights started to loom large.

European Union and the Kurds of Turkey
The last twenty years of the relations between Turkey and the EU have been marked by the questions of human rights violations and the consolidation of democracy in Turkey, as noted above. As a result of this, Turkish governments were able to undertake considerable reforms, including the abolition of the death penalty and the legal obstacles to use of the Kurdish language in the public sphere, especially from the late 1990s to the mid-2000s. The question of how this so-called

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4   Only a year later, on the 12th of March 1971, another coup d'état destroys this flourishing political atmosphere.

'conditionality' functions necessitates a reference to the important piece by Schimmelfenning and Sedelmeier. They explore the concept of EU conditionality by looking at the three mechanisms of Europeanisation, namely the lesson drawing model, social learning model, and external incentive model (2004, pp. 663-664). Aydın-Düzgit and Keyman (2012) emphasise the significance of the external incentive model for democratisation in Turkey. They argue that the major reason why the EU provided a strong incentive for the Turkish governments between 1999 and 2005 to undertake reforms was its high credibility. This credibility had a lot to do with the value of the 're-wards' offered by the Union in return for the 'domestic adoption cost of the reform,' as Schimmelfenning and Sedelmeier call it. In other words, as gradually such 'rewards' as recognition as a candidate state and opening of the accession negotiations had already been achieved by the governments, the EU began to offer less valuable 'rewards,' which ultimately diminished its credibility in the eyes of the Turkish elites. In this regard, the first half of the 2000s can be considered the 'golden age' of the reforms that concern the Kurdish question. The reforms undertaken within that period include the right to broadcast in Kurdish, the right to learn the Kurdish language, the right to name children in Kurdish, and lifting the state of emergency (Aydın-Düzgit and Keyman, 2012, p. 13). Nonetheless, whether the European Union has done enough to foster a peaceful solution to the Kurdish question remains to be debated. Some observers note that in fact the Commission, the executive body of the Union, even discouraged the Turkish government from passing reforms and granting equal citizenship rights to the Kurds. According to them, it was a mistake to grant Turkey candidate state status, which was followed by the opening of the negotiation accession, without demanding any concrete peaceful solution to the Kurdish question. Furthermore, as regards the discourse adopted in the Progress Reports by the Commission until 2005, one can hardly see any specific reference to the Kurdish problem (Yıldız and Muller, 2008, pp. 169-178). On the other hand, one should state that the EU's view on the Kurdish question ought not to be reduced to just what has been written in the Progress Reports. More importantly, this approach seems to ignore the way the EU handles identity issues. Rather than conceiving this question solely as that of the Kurds, the Commission tends to touch upon the Kurdish question in various frameworks such as cultural rights, freedom of expression, rule of law, protection of minorities, press freedom and regional imbalances. As a matter of fact, a Turkey that is able to resolve the issues mentioned above will be much more likely to satisfy the demands by its Kurds. In this regard, the very fact that there is a lack of reference to the Kurdish question itself in the EU's discourse should not lead to the conclusion that the Union neglected its responsibility to the Kurds of Turkey. In addition, as İhsan İkizer (2011) rightly puts it, any progressive development in the area of the judiciary, freedom of expression and the like inevitably improves the state of the Kurdish citizens in Turkey. With regard to the post-2005 period, no reform in relation to the Kurdish issue was passed by the government until 2009. Not surprisingly, this went hand in hand with the mounting armed conflict between the PKK and the Turkish Armed Forces (TSK) that has resulted in 35,000 deaths since the 1980s. After 2008, however, the Justice and Development Party (AKP) government seemed to be somewhat keen to undertake further reforms.[5] This new wave of reforms included the establishment of a state channel to broadcast exclusively in Kurdish as well as the beginning of university degree programmes in Kurdish language in the southeast region of Turkey. The famous 'Kurdish initiative' in 2009, too, was a part of this wave of progressive steps. Although it encouraged a great hope in the first place, the government soon gave up on it - if not

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[5] One reason for this was the rather unexpected local election results for AKP in the southeast, where the Peace and Democracy Party (BDP) won in many towns and municipalities (Aydın- Düzgit and Keyman, 2012, p. 13).

officially- after the return of 34 PKK members was greeted by masses in the southeast.[6] The major reason for this quick shift in the government's approach to the issue, Aydın-Düzgit and Keyman suggest, was that the AKP had failed to mobilise a large part of the society regarding the unarmed solution to the Kurdish question. It is therefore imperative to reach a considerable consensus before initiating such a process. Indeed, now after four years, a wiser and more experienced AKP seems to be putting effort into basing the 'peace process' upon a comparatively broader consensus through such mechanisms as the 'wise men committee'.

The Peace Process: A Step towards Equal Citizenship?

T. H. Marshall (2009) defines citizenship as a status bestowed on those who are full members of a community. He further claims, "Although citizenship had done little to reduce social inequality, it helped to guide progress into the path which led directly to the egalitarian policies of the twentieth century." It is appropriate to refer to Marshall's understanding of equal citizenship before discussing the characteristics of the ongoing process in Turkey, since it pledges a framework for the envisagement of a new era in the Turkish-Kurdish conflict.

Prime Minister Erdoğan stated in December 2012 that the state would re-initiate talks with Abdullah Öcalan if necessary. He referred to the previous Oslo Process, which failed to bring an end to the armed conflict. Following this remarkable statement, on the 23rd of February 2013, prominent people from the BDP held a meeting with Öcalan. During the Newroz celebrations on the 21st of March, it was announced that it was a point where guns must go silent and ideas and politics must speak. This historic statement by Öcalan was welcomed by the EU officials as well. The High Representative Catherine Ashton and the Commissioner for Enlargement Stefan Füle said that the EU is ready to help the Turkish government in the process (Euractiv, 2013). Likewise, EU Counter-terrorism Coordinator Kerchove expressed his disagreement with the critiques directed at Brussels for its disregard of the process in Turkey and said that the EU was ready to contribute to it whenever deemed necessary (Hürriyet, 2013). Also, Jean-Maurice Ripert, the EU Ambassador to Ankara, underlined that the rewriting of the constitution and the peace process are two closely related issues on the agenda (Hurriyet Daily News, 2013). Despite all these positive and seemingly encouraging statements by the European officials, one can hardly see a strong external incentive based on EU conditionality as witnessed throughout the first half of the 2000s. In other words, there is now no reward offered by the EU to the Turkish government. Obviously, as discussed above, this is a reality that diminishes the Union's credibility for Turkish political elites. What are the consequences of these circumstances? The central claim of this work is that the absence of strong EU conditionality led the AKP government to fail to frame the 'peace process' with further democratisation. Indeed, what has been heard up to the present date about the solution to the Kurdish question is to end the armed conflict. While acknowledging the importance of the end of deaths, one must ask what peace will now imply in practice. Will it mean more cultural rights granted, recognition of equal citizenship in Marshallian terms, or will the whole process be limited to the bargains held between Öcalan and the AKP government? As Yılmaz Ensaroğlu (2013) rightly argues, the success of this initiative depends largely on the steps that will be taken in the aftermath of the withdrawal of the PKK from Turkish territory. So long as the debates on the recognition of the Kurdish identity, cultural rights, Kurdish language education, and legal arrangements are not heated, Turkey appears to be very unlikely to accommo-

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6   In the same year, the Democratic Society Party (DTP) was banned and 37 members of the party were barred from party politics for five years by the Constitutional Court (European Commission, 2010, p. 7).

date the Kurds and the Turks on an equal basis. At this point, one should make a clear distinction between the end of the armed conflict between PKK and the TSK and the way to a more democratic society based on citizenship rights. Therefore, a peace between the Kurds and the Turks without any steps towards a consolidated democracy is doomed to fail in the foreseeable future, given the potential frustrations that might occur.

Concluding Remarks

To sum up, this paper attempted to show how the EU conditionality could have positively influenced the current peace process, considering its role as an anchor for democratisation in earlier years. The author believes that the recognition of the Kurdish identity through certain legal mechanisms –the constitution above all- is crucial for a permanent peace in the country. Barkey and Fuller identify four key elements for the solution to the Kurdish question: first, to recognise the problem as an ethnic one; second, to realise that the onus of responsibility for a solution lies with the Turkish state rather than the Kurds; third, to reformulate the Turkish state as it is perceived by its citizens; and lastly, the factor of time. Naturally, given the thirty-year-long armed conflict, it would have been inappropriate to call for concrete steps to consolidate Turkish democracy without bringing to an end the conflict in the southeast region. However, now that the guns are silent and both parties show willingness to negotiate the conditions that will make this peace permanent, it is imperative that the attempts to establish a permanent peace are shaped not only by the bargains between AKP and PKK, but also the demands from the citizens of this country. One should bear in mind that consolidation of democracy, rule of law and equal citizenship are necessary not only for the Kurds, but for all single communities and individuals of Turkey. In this respect, it is also important for the government to note that any step that will be taken –if any- towards a more democratic rule must not be considered as a favour to the Kurds. On the contrary, it is a requirement for Turkish democracy to be consolidated and the Turkish-Kurdish peace to be permanent. Thus, it is also an opportunity for the European Union to get involved actively in this historic act, thereby regaining its credibility in the eyes of the Turkish society. As previous experiences demonstrated, EU involvement is very likely to contribute positively by providing a roadmap for the Turkish policy-makers to shape the process in line with democratic rule.

References

Aydın-Düzgit, S. and Keyman E. F. (2012). *EU-Turkey relations and the stagnation of Turkish democracy*. Brussels, Rome, Istanbul: Stiftung Mercator, Istituto Affari Internazionali, Istanbul Policy Centre.

Barkey, H. J. and Fuller, G. E. (1998). *Turkey's Kurdish question*. New York: Rowman & Littlefield.

Dündar, F. (2011) *İttihat ve Terakki'nin müslümanları iskan politikası (1913-1918)*. Istanbul: İletişim.

Ensaroğlu, Y. (2013). Turkey's Kurdish Question and the Peace Process. *Insight Turkey, 15*(2), 7-17.

Euractive, 10.05.2013, www.euractiv.com.tr, Avrupa Öcalan'ın 'silahlar sussun' çağrısından memnun.

European Commission (2010). *Turkey 2010 progress report*. Brussels: European Commission.

Gunter, M. (1990). *The Kurds in Turkey: a political dilemma*. San Fransisco: Westview.

İkizer, İ. (2012). The EU Conditionality and Some Reforms Concerning Turkey's Kurdish Question. *Journal Of Economic & Social Research, 13*(2), 1-25.

Kirişçi, K. and Winrow, G. (2000). *Kürt sorunu*. Istanbul: Tarih Vakfı Yurt Yayınları.

Marshall, T. H. (2009). Citizenship and social class. *Inequaliy and society* (Manza and Sauder ed.). New York: W. W. Norton and Co. 148-154.

Schimmelfennig, F., & Sedelmeier, U. (2004). Governance by conditionality: EU rule transfer to the candidate countries of Central and Eastern Europe. *Journal Of European Public Policy, 11*(4), 661-679.

Şafak, Z. (February 20, 2013). *AB'den İmralı müzakerelerine tam destek*. Access on 10 May 2013. http://www.hurriyet.com.tr

Van Bruinessen, M. (2011). *Ağa, şeyh, devlet*. Istanbul: İletişim.

Yinanç, B. (May 6, 2013). *Peace process will help Turkey's accession process to the EU*. Access on 10 May 2013. http://www.hurriyetdailynews.com

Yıldız, K. and Muller, M. (2008). *The European Union and Turkish accession: Human rights and the Kurds*. London: Pluto.

PAPER 2

THE FREE SPEECH CHALLENGE IN MULTICULTURAL EUROPE: LIBERTY, NOT POLITICAL CORRECTNESS

EKİN CAN GENÇ[1]

From the late 20th century onward, as Western Europe has consolidated their multicultural policies, the battle for debates on free speech has intensified. The discursive construction of the debate has led to what may be described as a "discursive shift in political spectrum": the progressive Left that was traditionally identified with the promotion of civil liberties, which unmistakably included free speech, and the conservative Right, which articulated that free speech had its limits, have exchanged their respective platforms. As far as the freedom of speech and immigration is concerned, it is no longer the Right that demands "respect" and the Left that seeks a wider definition of such "freedom". This shift is also illustrated in Western European party politics: the Freedom Party (*Freiheitliche Partei Österreichs*) and the Party for Freedom (*Partij voor de Vrijheid*) are the names of two right-wing parties in Austria and the Netherlands. While the FPÖ was founded in 1956, it underwent anti-immigrant transformation under Jörg Haider's leadership from 1986 onward. PVV was founded in 2005 by Geert Wilders, who also established the "International Freedom Alliance" to "stop Islam, defend freedom" (Rossi, 2010). The British Left, on the other hand, has seen the rise of the enthusiastically pro-immigration Respect Party that currently has one seat in the House of Commons. This shift is not restricted to party politics. In fact, governments in Western Europe have also become increasingly "sensitive" when it comes to free speech. Paul Gottfried (2004) argues that multiculturalism has led to the rejection of "conventional distinction between government and civil society" whereby the government has moved "towards a secular theocracy" rejecting the liberal agenda of indifference towards diversity and rather, concerned with preserving individual liberty. Arguably, there have been enough tangible cases to make the following observation: multiculturalist understanding of a certain kind in Western Europe proposes to limit free speech on the grounds of "respect for different cultures" or revisionist understanding of racism as "cultural racism" (see, for example, Blaut, 1992; Giroux, 1994; Modood, 1997; Wren, 2001).

Over the course of history up until the present day, freedom of speech has evolved, becoming a yardstick by which democracies around the world are measured. It has been cherished as one of the fundamental values of a free society. Liberty to express one's views, free from oppression, has not only been a product of a functioning democracy, but also a solid foundation on which all other liberties may be meaningfully exercised (Kretzmer, 2000; Saxonhouse, 2008). Freedom of speech allows contesting views to compete under a free atmosphere in the "marketplace of ideas", thereby enriching and sustaining the democratic culture of diverse opinions. John Stuart Mill, one of the earliest and oft-cited defenders of free speech, argued that "absolute freedom of opinion and sentiment on all subjects, practical or speculative, scientific, moral or theological" should be granted to every individual; even if one person held a contrary opinion in a society where everyone else were of the same opinion, "mankind would be no more justified in

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silencing that one person than he, if he had the power, would be justified in silencing mankind" (Mill, 2002). Doctrinal articulation of free speech does not necessarily match the practical reality, however. In fact, free speech has been violated to varying degrees in each country around the world (Aoki, 1996). This does not exclude the West, even though the past centuries have seen the fall of taboos in the public sphere at an unprecedented pace. In the process, some scholars such as Nadia Fadil (2010) indicate that multiculturalism has emerged as a taboo subject.

The relatively new but increasingly popular free speech approach in the West has come to define itself in opposition to the traditional doctrine. Known as the mechanism of "political correctness" in the public sphere, the "offense principle" (Feinberg, 1984) seeks to revise what it deems highly permissible aspects of the "harm principle". Proponents of this approach suggest that the boundaries of free speech should not only be drawn by the physical harm it causes or explicitly suggests to do, but also for what one may call its "offensive nature" (Ellis, 1984; Shoemaker, 2000; Simester & Von Hirsch, 2002). In other words, this posits that expressions causing offense in public may be legitimately restricted. Several writers have identified the problematic nature of this approach (Demarco, 1994; Husak, 2008). In their counter-argument, they explain that simply any remark may possibly cause offense to some people. Views contrary to the commonly-held beliefs in a given society will potentially come off as offensive. Setting the limits for free speech on the grounds of offensiveness may then merely function as a mechanism to confirm and reinforce conventional views expressed by the majority of the society. In multicultural Western Europe, however, the modified application of the "offense principle" is interpreted as serving more for the minorities rather than the majority. Practically, the majority view has always been subject to ridicule, and satire is treated as an everyday phenomenon. It is then safe to say, even though the legislation protects the liberties of those who may attempt to mock the most common views in Western Europe, that the society will take it lightly for almost all except for very few issues, such as the Holocaust. The contrary, however, has proven a challenge, and the prevailing understanding in some political circles has been that the minority communities, particularly the Muslim immigrants, may "legitimately" ask that free speech be curtailed; even when their demands are unmet, their frustration should be responded to apologetically, as was the case in recent examples.

While the discussions over free speech and multiculturalism existed long before, never was it debated as heatedly as during the Rushdie Affair, which erupted over the publication of *The Satanic Verses* (Rushdie, 2008). Accusing Rushdie of blasphemy, Iranian leading cleric Ayatollah Ruhollah Khomeini issued a *fatwa* calling upon Muslims to kill the offender, a move that fundamentally intimidated the West (Pipes, 2003). His call was received affirmatively by several prominent Muslim organizations in Western Europe, most notably the Union of Islamic Students' Associations in Europe and the Muslim Parliament in Britain. Ensuing flows of threat and anger forced Rushdie to apologize, also adding, "This experience has served to remind us that we must all be conscious of the sensibilities of others" (Macdonogh, 1993). His apology appeased neither the Islamic clerics in Iran nor those Muslim organizations that vowed to execute Ayatollah's fatwa, who insisted that "[e]ven if Salman Rushdie repents and becomes the most pious man of all time, it is incumbent on every Muslim to employ everything he has got, his life and wealth, to send him to Hell." Both the former and current presidents of the Muslim Parliament continue to follow his words, forcing Rushdie to live undercover (Malik, 2012).

The long-lasting Rushdie affair marked the rise of identity politics among Muslim communities in Europe (Malik, 2012). "Living with values that one does not share," wrote Ian Burma (2010), "is a price to be paid for living in a pluralist society". However, the events that trans-

pired showed that not everyone was willing to pay that price, and anger seemed to be winning in the eyes of lawmakers. In an attempt to avoid yet another Rushdie affair, British legislators passed the Racial and Religious Hatred Act of 2006, which introduced a loosely-defined ban on "incitement to hatred on racial or religious grounds" that Rushdie (2005) derided as an *"Anschluss* of liberal values in the face of resurgent religious demands".

In response to growing sensitivity on both societal and institutional levels over potentially offending people, the right to offend as a concept came to be voiced from the first decade of the 21ˢᵗ century onward (Winston, 2012). A right of such a kind implies not a coded right, as in the Universal Declaration of Human Rights, but rather an implication of license deriving from a well-established right, i.e., freedom of speech. It should be noted that "the right to offend" does not mean "the duty to offend" (Lester, 2010). One of the public defenders of this conviction, Dutch comedian Hans Teeuwen, staged a public speech in commemoration of Theo van Gogh, who was shot dead by an Islamist activist due to his infamous movie depicting Muslim women in obscene behavior. At one point during his speech, Teuween starts singing a song that contains derogatory lines referring to religious figures such as Muhammed (*Ridiculing religion*, 2012). Later invited to confront the "Halal Girls," a female Muslim trio of talk-show presenters, he commented that he was aware his outright expressions would strike some as highly offensive. However, he repeated that the responsibility lies not on the shoulders of the speaker, for anything can be construed as offensive, but on the receiver, which he summed up as follows: "In an open society, you develop a shield for these things". Indeed, British philosopher Roger Scruton (2007) calls life in the West "an open book". In experiencing the open book, one is exposed to ideas and opinions that confront one either directly or indirectly. This is well illustrated in Ayaan Hirsi Ali's forthcoming book, *Shortcuts to Enlightenment*, that will potentially lead to another crisis,, in which Muhammed wakes up in the New York Public Library and finds himself and his worldview challenged by three liberal philosophers, namely Karl Popper, Friedrich Hayek and John Stuart Mill (Caldwell, 2005).

The right to offend has been put to the test several times since the Rushdie affair. Danish *Jyllands-Posten's* Muhammad cartoon controversy erupted in an experimental attempt of the cartoonists to challenge the self-censorship felt by the society and the double standards adopted towards Islam (Rose, 2006). Flemming Rose, the culture critic of the newspaper, asked illustrators to participate in the experiment by contributing with their cartoons of Muhammed. 15 illustrators responded positively, while three declined to take part. Only one illustrator expressed his fear over possible reactions. In the earlier stages, it seemed that all was complacent. It was not until a group of Muslim organizations in Denmark compiled and disseminated the "Akkari-Laban dossier" about the Muhammed cartoons in their trip to the Middle East that an international crisis started. The project leader Rose emphasized that it was not an attempt to ostracize Muslims, but rather to include them in the Danish society. In an interview, she was quoted as saying, "[Muslims] demand a special position, insisting on special consideration of their own religious feelings. It is incompatible with contemporary democracy and freedom of speech, where one must be ready to put up with insults, mockery and ridicule. It is certainly not always attractive and nice to look at, and it does not mean that religious feelings should be made fun of at any price, but that is of minor importance in the present context" (Lagouette, 2007). The oversensitivity towards highly offended and sometimes violent Muslim reaction obscured and ignored "progressive" Muslims who welcomed the debate (Anees, 2008). Several op-eds across the Middle East were published asking Muslims to take a moment of self-criticism over the cartoons. Some of the Islamic leaders were not less contemplative. Grand Ayatollah Ali al-Sistani, the top

Shiite cleric in Iraq, not only dismissed the call for protests, but also suggested that militant Muslims were to blame for the deteriorated image of Islam (Reynolds, 2006). Mohammad Khatami, former president of Iran, commented that while the cartoons were disrespectful, the Islamic clerics, too, committed similar mistakes in dealing with what he called the religion of the West, "liberalism". Islamic scholars, Khatami bemoaned, had long called it "corrupt" among other names, which constituted what the Qur'an prohibited, i.e., "insult[ing] the gods of others". It was noted that there was no uniform reaction by any means. In fact, a Danish MP of Arab descent summarized the dominant climate in the Arabic-speaking media as follows: "We cannot as Muslims dictate that non-Muslims comply with the allegedly prohibited depiction of the prophet" (Khader, n.d.).

The Danish cartoon row may no longer be setting the global agenda; however, the acts of violence continue to take place. In February 2013, an assassination attempt targeted Lars Hedegaard, founder of the International Free Press Society (Hedegaard, 2013). The Islamic Society of Denmark that ignited the issue with their Middle East visits back in 2005 has recently confessed to making a mistake ("Islamisk trossamfund fortryder omstridt rundrejse," 2012). In fact, Klausen (2009) shows that the reactions were chiefly orchestrated by those who wanted to invest in respective political games.

In September 2012, a 14-minute YouTube video that came to be known as the *Innocence of Muslims* led to yet another series of violent reactions and indeed new debates on free speech, blasphemy and multiculturalism (Akhtar, 1990). The chain of events seemed to be following the same suit as the previous major incident: a call for protests, acts of violence, boycott campaigns, death threats... While the US administration reassured that they will abide by their commitment to free speech, the American Ambassador in Benghazi was beheaded by angry protestors. "The age of mockery" came to define the times as sensitive Muslims were exposed to satire or ridicule on what seemed like frequent occasions (O'Mahony, 2012) in recent times. During the crisis, Recep Tayyip Erdogan, Turkish Prime Minister, stepped in, describing the movie as Islamophobic, a term which he puts on a par with other types of discriminations on racial and religious grounds ("POLITICS - Turkish PM slams anti-Muslim film, violent reactions," 2012). The notion, however, remains rather vague (Schriefer, 2010): Islamophobia by definition refers to prejudiced fear of Islam, and it is not supposed to employ the idea that one should refrain from making critical remarks about beliefs. As Erdogan mistakenly put it, "[f]reedom of thought and belief ends where the freedom of thought and belief of others start. You can say anything about your thoughts and beliefs, but you will have to stop when you are at the border of others' freedoms. [...] Turkey could be a leading example for the rest of the world on this" (Ünal, 2012).

Pure racial hatred towards Muslims is one thing (even then, only the violence should be criminal, not the hate itself); criticism of Islam and any of its cultural implications is another. As the discourse against Islamophobia became mainstream, this distinction has blurred for the most part. One should be able to freely interpret, criticize and even mock Islam like any other matter. It is not only correct, intelligent or acceptable statements that deserve free speech. It is most often the contrary: the silliest, ugliest and the most repulsive remarks, as long as they do not preach explicit physical violence, are in the most need of free speech protection, and corresponding toleration. In his visit to Berlin, John Kerry, US Secretary of State, reminded that "Americans have the right to be stupid" (Mohammed, 2013). Europe should consider the same. After all, liberty is a "civilizing force": "the stupid" who do not find themselves in free public discussions but rather courtrooms will otherwise emerge as the heroes of freedom. Some may think they already have, and perhaps it is already happening.

References

Akhtar, S. (1990). *A faith for all seasons: Islam and Western modernity*. Bellew.

Anees, M. A. (2008). Beyond the Blame Game. *New Perspectives Quarterly*, 25(2), 51–53.

Aoki, K. (1996). How the World Dreams Itself to Be American: Reflections on the Relationship Between the Expanding Scope of Trademark Protection and Free Speech Norms. *Loy. LA Ent. LJ*, 17, 523.

Blaut, J. M. (1992). The theory of cultural racism. *Antipode*, 24(4), 289–299.

Buruma, I. (2010, December). The FP Top 100 Global Thinkers. *Foreign Policy*. Retrieved from http://www.foreignpolicy.com/articles/2010/11/29/the_fp_top_100_global_thinkers?page=full&sms_ss=facebook&at_xt=4cf8d5110369a2d2%2C0

Caldwell, C. (2005, April 3). Daughter of the Enlightenment. *The New York Times*. Retrieved from http://www.nytimes.com/2005/04/03/magazine/03ALI.html

Demarco, J. P. (1994). *A Coherence Theory in Ethics*. Rodopi.

Ellis, A. (1984). Offense and the Liberal Conception of the Law. *Philosophy & Public Affairs*, 13(1), 3–23.

Fadil, N. (2010). Breaking the Taboo of Multiculturalism: The Belgian Left and Islam. Retrieved from http://cadmus.eui.eu/handle/1814/15278

Feinberg, J. (1984). *Harm to others*. Oxford University Press, USA. Retrieved from http://www.google.com/books?hl=tr&lr=&id=z3DC0qYNAwIC&oi=fnd&pg=PT2&dq=Joel+Feinberg&ots=_o7-BLqv97&sig=DZLBhgYu_uCUFttcZHTNTD-qzm4

Giroux, H. A. (1994). Living dangerously: Identity politics and the new cultural racism. *Between borders: Pedagogy and the politics of cultural studies*, 29–55.

Gottfried, P. E. (2004). *Multiculturalism and the Politics of Guilt: Toward a Secular Theocracy*. University of Missouri.

Hedegaard, L. (2013, February 20). The Assassin at the Door. *Wall Street Journal*. Retrieved from http://online.wsj.com/article/SB10001424127887323495104578314751130285998.html

Husak, D. (2008). *Overcriminalization: The Limits of the Criminal Law*. Oxford University Press.

Islamisk trossamfund fortryder omstridt rundrejse. (2012, February 9). Retrieved from http://jyllands-posten.dk/indland/ECE5198054/islamisk-trossamfund-fortryder-omstridt-rundrejse/

Khader, N. (n.d.). Naser Khader > Forsiden. Retrieved May 13, 2013, from http://www.khader.dk/

Klausen, J. (2009). *The Cartoons That Shook the World*. Yale University Press.

Kretzmer, D. (Ed.). (2000). *Freedom of Speech and Incitement Against Democracy:Papers Presented at a Conference Organized by the Minerva Center for Human Rights, the Hebrew ... David Kretzmer and Francine Kershman Hazan* (1st ed.). Springer.

Lagouette, S. (2007). Cartoon Controversy in Context: Analyzing the Decisions Not to Prosecute under Danish Law, The. *Brook. J. Int'l L.*, 33, 379.

Lester, A. (2010). Multiculturalism and Free Speech. *The Political Quarterly*, 81(1), 15–24.

Macdonogh, S. (1993). *The Rushdie Letters: Freedom to Speak, Freedom to Write*. U of Nebraska Press.

Malik, K. (2012). *From Fatwa to Jihad: The Rushdie Affair and Its Legacy*. Atlantic Books.

Mill, J. S. (2002). *On Liberty* (2002nd ed.). Dover Publications.

Modood, T. (1997). "Difference", cultural racism and anti-racism. *Debating cultural hybridity*, 154–172.

Mohammed, A. (2013, February 26). Kerry defends liberties, says Americans have right to be stupid. *Reuters*. Berlin. Retrieved from http://www.reuters.com/article/2013/02/26/us-usa-kerry-liberties-idUSBRE91P0HJ20130226

O'Mahony, J. (2012, October 14). Muslims protest "age of mockery" as thousands descend on Google HQ. *Telegraph.co.uk*. Retrieved from http://www.telegraph.co.uk/technology/google/9607763/Muslims-protest-age-of-mockery-as-thousands-descend-on-Google-HQ.html

Pipes, D. (2003). *The Rushdie Affair: The Novel, the Ayatollah, and the West* (2nd ed.). Transaction Publishers.

POLITICS - Turkish PM slams anti-Muslim film, violent reactions. (2012, September 14). Retrieved from http://www.hurriyetdailynews.com/turkish-pm-slams-anti-muslim-film-violent-reactions.aspx?pageID=238&nid=30132

Reynolds, G. (2006, February 15). Tackling terrorists at home. *msnbc.com*. Retrieved May 13, 2013, from http://www.nbcnews.com/id/11138852/ns/community-weblogs/t/tackling-terrorists-home/

Ridiculing religion: Comedian debates Muslims (Hans Teeuwen). (2012). Retrieved from http://www.youtube.com/watch?v=cNBnZsbAWGo&feature=youtube_gdata_player

Rose, F. (2006). Why I published those cartoons. *Washington Post*, 19, B01.

Rossi, A. (2010, July 16). Dutch Politician Forms Anti-Islam Coalition. *Sky News*. London. Retrieved from http://news.sky.com/story/793070

Rushdie, S. (2005, February 7). Defend the right to be offended | openDemocracy. Retrieved May 13, 2013, from http://www.opendemocracy.net/faith-europe_islam/article_2331.jsp

Rushdie, S. (2008). *The Satanic Verses: A Novel* (Reprint.). Random House Trade Paperbacks.

Saxonhouse, A. W. (2008). *Free Speech and Democracy in Ancient Athens*. Cambridge University Press.

Schriefer, P. (2010). The Wrong Way to Combat 'Islamophobia. *International Herald Tribune*, 10. Retrieved from http://www.tandemproject.com/issue_statements/statements/2010/111610_upr/111610_upr3.doc

Scruton, R. (2007, May 27). The glory of the West is that life is an open book. Retrieved May 13, 2013, from http://catholiceducation.org/articles/multiculturalism/mu0009.htm

Shoemaker, D. W. (2000). "Dirty Words"and the Offense Principle. *Law and Philosophy*, 19(5), 545–584.

Simester, A. P., & Von Hirsch, A. (2002). Rethinking the offense principle. *Legal theory*, *8*(3), 269–295.

Ünal, M. (2012, September 16). PM Erdoğan: Islamophobia should be recognized as crime against humanity. Retrieved from http://www.todayszaman.com/news-292579-pm-erdogan-islamophobia-should-be-recognized-as-crime-against-humanity.html

Winston, B. (2012). *A Right to Offend: Free Expression in the Twenty-first Century* (1st ed.). Bloomsbury Academic.

Wren, K. (2001). Cultural racism: something rotten in the state of Denmark? *Social & Cultural Geography*, *2*(2), 141–162.

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