
Satirical Modalities, the Public Space, and International Relations Effects: Responses to a Two-Fold Predicament

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Abstract

This article utilizes the hitherto most (in)famous cartoon incident from the Kingdom of Denmark as a platform for a broader fact-finding exercise that, in turn, provides some “magnifying glass” insights concerning our (Danish) views of Muslims. This is to say that it is possible to diagnose a problem that goes far beyond the purported critical purpose of publicizing satirical cartoons that target Muslims – drawings with sensitive contents from the point of view of Muslim stakeholders. While Speaking Truth to Power may motivate satirists themselves, the consequences of publication cannot be reduced to a narrow consideration of the in-group, at least not if tolerance and other key values in a democracy (should) apply as reciprocal stakes. International relations effects may be politically dramatic, but the domestic treatment of Islamic otherness in the public space can reconstruct internationalism to the extent where it is true to say that relevant perspectives are deliberately and systematically made to not matter, thereby affecting innocent stakeholders. Responses to cartoons that target Muslims may cause in-group division too, and the author demonstrates how a two-fold predicament results from reflection on the country-specific case. However, with relativism as a component of this, the predicament may remain.

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Introduction

Danish satire has already demonstrated its “bite” in international relations. The serious effects of the twelve editorial Prophet Mohammed cartoons, which the Danish and conservative newspaper *Jyllands-Posten* published on 30 September 2005, culminated in a political crisis that Denmark’s own right-wing Prime Minister at the time described as the “greatest challenge since World War II.”² What *Jyllands-Posten* saw as a reaction *against* self-censorship (in the case of Danish artists *cum* cartoonists) and *for* freedom of expression and open debate in the public space was interpreted by many Muslims as instances of violations of Islam’s principle of aniconism, with blasphemy as the outcome. Given the nature of the depictions, i.e., the satirical contents of the cartoons, those responsible for the creation and publication of the relevant drawings were blamed for adding insult to injury. Requests for a withdrawal of the drawings were made, but not heeded. High-profile critics and representatives of the religion of Islam (totaling seven Danish Muslim organizations) then turned to the law. In 2006, a city court of Aarhus decided that the legal basis for a libel case of blasphemy and racial discrimination against *Jyllands-Posten* was insufficient, thereby securing an acquittal.³ In the ruling, the court rejected the assumption that “the cartoons are or were intended to be insulting ... or put forward ideas that could hurt the standing of Muslims in society.”⁴ If the cartoons conveyed any satirical, i.e., critical message, then this was reserved for militant fundamentalists.

With no distinction between open debate and multistakeholder dispute that pushed the preexisting value division between *us* and *them* to its extreme, the consequences came to include not only the kind of peaceful demonstrations and protests that are characteristic of a democracy, but also actual riots (targeting, *inter alia*, Danish embassies), violence, burnings of the Danish flag, and boycott of Danish products.⁵ A “death sentence *fatwa*” that was issued for Kurt Westergaard, the cartoonist who drew the single most controversial drawing of the Prophet Muhammad depicting him as a terrorist (with a fuse-lit bomb in his

turban) did not lead to the intended outcome. (Mr. Westergaard died of natural causes in 2021). However, in 2015, the ten-year anniversary republication of the controversial cartoons in France resulted in the shooting and killing of the editor of the French satirical magazine *Charlie Hebdo* (Stéphane Jean-Abel Michel Charbonnier, known as Charb), together with eleven other people who were in the Paris offices on January 7, including prominent cartoonists.⁶ Once again, the link between Islam and terrorism was made: with militant fundamentalism as the constant in the equation. In the hours before the two attackers (Algerian French brothers Chérif and Saïd Kouachi) died in a gunfight, a telephone call from a reporter was answered “to make sure the world knew they were carrying out the attack on behalf of *Al Qaeda*’s branch in Yemen.”⁷ Here it is noteworthy that the judges in a 2007 French court case similar to the Danish one reasoned that the Prophet Muhammad cartoons did *not* target Muslims *per se*, but only fundamentalists. Therefore, there was “no ‘deliberate intention of directly and gratuitously offending the Muslim community.’”⁸

Given Westergaard’s central role in the controversy, one might think that the announcement of his death in 2021 would have taken the worst thorn out of the satirical cartoon incident.⁹ However, in the country-specific context of Denmark, so-called value politics – commenced decades ago as a tool with which to preserve Danishness – had cemented an atmosphere of mutual distrust. Furthermore, Westergaard and other pro-freedom defenders had always remained adamant that the cartoon/s “generated ‘important’ discussion about the place of Islam in Western countries with secular values.”¹⁰ Personally, Westergaard never regretted his response to *Jyllands-Posten*’s invitation to draw the Prophet Muhammad: “I would do it the same way (again).”¹¹ No remorse. No apology.

Clearly, the historical era that partly coincided with Westergaard’s active years as a cartoonist is inspired by an ideological position that stresses (value)

incompatibility. More precisely, neonationalism matches and indeed underpins the phenomenon of value politics. The latter can be defined as the need to conserve national, i.e., Danish values and, to apply the concept that distills the core or essence of *us*, Danishness. Concerning neonationalism, this position enters the first part of the predicament into the precarious cartoon equation – in the form of a paradox. On the one hand, Danish values *include* tolerance (to secure diversity and, *ipso facto*, value division), according to Danish policymakers who advocate and conduct value politics.¹² On the other hand, the need to conserve Danish values *trump* liberal freedom/s in the event of a conflict between stakeholder perspectives. In turn, this raises the question of democracy and its appropriate type, the limits which democratic arrangements, orders, or systems (should) impose, and so forth. Rather than reduce the examination to a matter of political ideology alone, the author wishes to also rely on ethics to interpret the second part of the predicament, the notion of *us* versus *them*. For this purpose, the author makes use of relativism.¹³

Prior to undertaking the above-mentioned analysis and assessment, post-2005 developments as regards satirical modalities and the responses to these will be briefly identified and explored. Apart from obtaining the contemporary facts, the project aims to capture a picture of the more general atmosphere within the country, thereby outlining the effects to Muslim stakeholders in a much broader light and fashion. Finally, one source from the area of Danish literature is advanced as a *meta*-framework for interpretation. As it happens, this constitutes a Third Way when it comes to an understanding of the problem (of otherness) and the two-fold predicament. The source or example is a satirical novel that is typically seen to *capture the spirit* and the national psyche of Denmark and, for that matter, all the Nordic countries in Scandinavia. The main claim of the author of this article is that *differences* and not similarities matter and, upon comparison, *they* are feudal losers, although that is a (democratic) paradox too.

Post-2005 Developments: Between Fear, Frustration, and Polarization

The 2015 ten-year anniversary for the publication of the controversial cartoons in *Jyllands-Posten* was marked by the Danish media in a symbolic fashion. *Jyllands-Posten* and, for that matter, all other Danish newspapers, did *not* republish any of the satirical drawings. In the case of *Jyllands-Posten*, the original page was republished with white and *blank spaces* as a strategy, according to one Danish journalist and commentator, to “replace” the satirical cartoons.¹⁴ No reason was provided for the white and blank spaces. The editor-in-chief Pierre Collignon wrote on Twitter that “tomorrow we will republish the cartoons. Unfortunately, the page (today, 30 September 2015) has to look the way it does.”¹⁵ Unlike *Jyllands-Posten*’s former editor of culture Flemming Rose, who had been clear about his reason for inviting cartoonists to draw the Prophet Muhammad, the absence of any explanation for the no-(re)publication one decade later might appear odd. However, the 2015 U-turn (regarding its response to expression of freedom) was linked with fear in an implicit and derivative sense, for *Jyllands-Posten* had marked the anniversary for the attack on *Charlie Hedbo* in Paris with the 1 August 2015 headline “Violence Works.”¹⁶ Therefore, the (tacit) reason had to do with the fear of terror attacks, with security risks in other words. Historically speaking, it is noteworthy that the fear in question had prevented *Jyllands-Posten* from a republication since 2008, thereby prioritizing human life and safety. Without exception, the remainder of the Danish newspapers followed the same philosophy. They listed the need to avoid unnecessary provocations and unforeseeable consequences.

Not everybody agreed with the U-turn. “I think it is a cartoonist’s job, a satirist’s job to criticize those in power,” Westergaard remarked in 2015.¹⁷ With this statement, the white and blank spaces for the ten-year anniversary was a scandal. The “better safe than sorry” approach of the Danish (newspaper) media came at a high cost: freedom of expression, the very value that pro-depiction defenders otherwise had sworn allegiance to. If Western countries

with secular values allowed *them* to win over *us* on *our* territory, then the polarized debate had been a waste of time and energy.

Interestingly, two competing Western perspectives emerged in the course of the no-(re)publication reality. One Western perspective wanted to (recommend the strategy of continuing to) err on the side of caution because of the discomfort factor associated with dealing with (*their*) Muslim conceptions and perceptions of taboos, as well as the downfall from doing it, the possible post-expression effects, and with these, fear. Another Western perspective was concerned that anything can be done in the name of freedom (of expression). If so, artistic creativity might become a weapon in the effort to produce analogies to Shock and Awe effects, to show *them* that *we* are not afraid (of *them*), that *we* are aware of the *differences*, that *we* are able and willing to take on *their* otherness – with a view to disclosing who *they* really are.¹⁸ Pro-freedom and pro-publication defenders rejected both; and their approximation to a *freedom for the sake of freedom* stance suggests that the idea of placing limits on the value of freedom is a kind of Mission Impossible since such an endeavor solely entails considerations that are relevant for the principle itself.

The Western perspectives themselves entail a certain division within the in-group, in essence, dividing *us* into humanitarians and absolutists. That said, an outlook duality also characterized the other side. In other words, two Muslim perspectives paved the path for internal disagreement. One continued to advocate a zero-tolerance approach toward depicting the Prophet Muhammad. Contrary to this religiously non-negotiable stance, another Muslim perspective called for pragmatism in response to expressions (of Western perceptions of freedom), however offensive. On scrutiny, the latter was a reflection of a modern strategy of adjustment – to the reality of co-existence. Followers of the religion of Islam live in many different countries, including European countries like France and Denmark, whose majority populations are *not* Muslims. Contrasts without confrontations was the way forward. By the same token, ignoring *their* expressions, in effect, adopting the Christian way of “turning the

other cheek” was prescribed as a response to satirical *cum* critical modalities that otherwise filled many Muslims as *self-perceived* victims with anger.¹⁹

So far, the no-(re)publication practice has remained the norm in the country-specific case of Denmark. Post-2015, the original newspaper page was republished in several Danish books, though, including works like *Til strengen: Bladtegningen i Danmark* by Claus Seidel (2020).²⁰ Critics of the practice and norm also resorted to alternative channels to secure a republication. E.g., it (the norm and practice) has been set aside or, if one prefers, disobeyed by a number of high-ranking Danish politicians over the years. One example is the former Minister of Integration Minister of Immigration, Integration and Housing Inger Støjberg, had posted the most controversial 2005 cartoon on Facebook and as her iPad background *in spite of the fact* that it caused a major foreign policy crisis when it was first published.²¹ A “loyalty” to Denmark crusade was launched by Naser Khader, who belongs among the country’s small 4% minority of Muslims and the pro-*burqa* ban, anti-immigration and right-wing policymakers – just like *Støjberg*.²² If the various Danish MPs had exercised self-censorship along the lines of the advocates of the no-(re)publication practice and norm, they would have taken the threat of being killed seriously. According to the editor-in-chief of *Jyllands-Posten*, it was first and foremost “the safety of my coworkers” that was made to matter.²³ A satirical drawing of the Chinese flag, which had caused resentment because it linked Covid-19 with China, was stressed to explain cultural differences – between Muslims and Chinese people. Chinese indignation had *not* been followed up with death threats.²⁴ The fact that Muslim countries and populations may side with the zero-tolerance response to republication was not sufficient to deter adamant pro-freedom defenders. *Støjberg* even ignored security experts and their warning to not be “childish and put the lives of other people at risk.”²⁵ The concern was about the public welfare – through the threats to national security she introduced with her action.

Despite the tragic 2015 events (cf. terror attacks) and despite *Jyllands-Posten*'s 2020 refusal to grant *Charlie Hebdo* permission, a republication of the original and so-called "historical page" nevertheless occurred in 2020.²⁶ The 2020 beginning of the trial of fourteen alleged accomplices to the terror attacks in Paris was apparently a "good reason" for this measure, at least according to the satirical magazine itself.²⁷ *Charlie Hebdo* did not comment on *Jyllands-Posten*'s refusal, but a new debate followed in the wake of what some saw as an instance of "hypocrisy," especially since *Jyllands-Posten* had been among the "*Je suis Charlie*" supporters.²⁸ The Danish newspaper in question commented that it would refuse any request, but the critics insisted that the first and key contributor to the freedom of expression division, namely *Jyllands-Posten*, was now the stakeholder that worked to "prevent" the exercise of the right (to freedom of expression), thereby obstructing justice in the moral sense.²⁹

The new and, if possible, deeper split as regards the appropriate response to values and their prioritization, arguably acquired a personal element through the fact that it was Rose, now a senior researcher at the conservative Cato Institute, who pointed out the inconsistency. Furthermore, the French frustration was almost tangible in circumstances where *Charlie Hebdo* probably took too much for granted, meaning that the editor can be assumed to have expected a repetition of the Danish precedence in favor of (re)publication, that *Jyllands-Posten* would have upheld it by honoring the request. In the public space, this not only introduced a setback to the common course; it also blurred the international relations signals... for it was no longer Danish (newspaper) media that carried the torch of freedom. Instead, it was the French.

Politically speaking, the French have not been afraid of engaging in the fight for Western values – nor of being trailblazers in this regard. E.g., the so-called *burqa* ban trend in Europe was started by lawmakers in that same country. What is more, in 2018, Denmark adopted a legal *cum* criminal provision (§ 134 c. of law L 219) with France's 2010 prohibition as the main

model.³⁰ Compared to France, Denmark does not have many Muslims,³¹ but its policymaking pattern since 2001 has still been informed by a firm, if not a radical rejection of multiculturalism.

In terms of satirical modalities, the Danish *burqa* ban resulted in a 2018 cartoon that is hardly mentioned in the literature, although it too may be seen as an artistic source that is more likely than not to cause negative feelings (e.g., anger, resentment, indignation) and serious tensions concerning the freedom of expression, especially since the media reported on the cartoon.³² The satirical cartoon in question consists of three drawings. The first shows a Muslim woman dressed in traditional attire, including the full-face veil (*niqāb* or *burqa*). Then she is stripped naked – abruptly undressed by an iron hook from above; and the last drawing shows her nudity and the Shock and Awe effect on her face, a mixture of felling perplexed (about what just happened) and deeply awkward but also relieved.³³ The Muslim woman in question is still wearing her underpants as well as (out-of-place) high heel shoes, thereby leaving her breasts fully exposed in the cartoon. Nudity in the public space is not consistent with modesty, according to Muslim women who cover (body or face, or both) for reasons having to do with an interpretation of Islam.³⁴ The cartoon was a gift to a Danish politician who made a special contribution to the effort to get the *burqa* ban adopted in Denmark, namely Martin Henriksen, Chair of the Immigration, Integration, and Housing Committee of the right-wing and nationalist Danish People’s Party (DF). The gift was presented in connection with the *For Freedom* organization’s pro-ban “victory march” to the Parliament.³⁵

However provocative, it is no exaggeration to say that the satirical cartoon was met with silence. This was either due do pragmatism or, alternatively, the “negative social control” mechanisms that Danish lawmakers also accommodated in the legal rationale for the *burqa* ban, that Muslim *burqa*-wearers are oppressed.³⁶ In either case, no debate took place in the media.

From the perspective of the directly affected stakeholders, *viz.*, Muslim *burqa*-wearers, Westergaard's standard that satirists critically speak truth to power misfires completely. If anything, the *For Freedom* organization acted as the extended arm of the Danish government. Confronted with the depiction of Muslim and female nudity, the passive no-response may have been the only "option," though. Certainly, the Danish Muslim organization *Women in Dialogue* is very critical of the assumption of equal rights in Denmark, including the alleged equal access and opportunity to participate in the debate in the Danish public media.³⁷

Admittedly, Muslim women may not have complained or protested publicly because the 2018 cartoon could not compare to the 2005 satire. Religious respect was involved in all cases, but they were still different, with the 2005 satire outweighing any other affront or insult, because of the blasphemy that disrespect for the Prophet Muhammad implies. However, concerning the 2018 and less serious satirical incident, no agreement with Ronald Dworkin's objection to "a right not to be ridiculed," insulted, or offended can be derived from the Muslim women's silence.³⁸ Their experience – "We are regularly being talked about, but we are never being talked with" – may therefore have played an important role.³⁹

Concerning Muslim nudity, commentators have stated that depictions of and/or references to *their* breasts have assumed the character of yet another weapon in Danish political rhetoric. Neonationalism, so it appears, requires a pro-attitude towards the relevant kind of nudity as a condition for belongingness.⁴⁰

One undisputable fact stands. The cartoon and the *burqa* ban it celebrated show that the specific criteria that determine inappropriateness are "non-Western" and "Muslim" respectively. In turn, these categories primarily refer to stakeholders from the Middle East and North Africa. These two parts of the world describe the asylum-seekers, refugees and, more generally, immigrants Denmark has a two-decades-old "desire to avoid," according to Danish foreign

policy observers and commentators.⁴¹ The point is, of course, that the no-response could have been a fatigue indicator, a consequence of the policymaking pattern. Setting aside any speculation, the next section will provide a short and succinct account of the ideology that has been driving the anti-multicultural lawmaking effort in Denmark. The fact that this contradicts internationalism, first and foremost human rights that have status as global norms introduces an additional challenge to claims about Denmark as a country that respects the modern rule of law at the national and international levels, as interpreted by the United Nations (UN).

Ideological Branding and Danish Satire: *Meta-Criticism* and Pre-2001 Displacement

Since 2001, Denmark has made a U-turn from liberal to illiberal responses, again according to experts on Danish foreign policy.⁴² Apparently, the constellation of neonationalism and populism alone is not enough to explain the development. Therefore, the need to conserve national, i.e., Danish values and Danishness is predicated on more than the proposition that politicians respond to popular demand when they resort to legal measures that restrict international human rights and, furthermore, domestic and constitutional norms, in the case of Denmark, especially § 67 (which guarantees freedom of religion), § 70 (which precludes discrimination in the case of civil and political rights), and § 77 (which protects freedom of expression).⁴³ The effort to conserve who *we* are as Danes, *our* traditional way – *us* as a group – is reportedly co-supported by considerations having to do with race, thereby making so-called neoracism a component.⁴⁴ This means that there are aversions behind the desire to avoid *them* and *their* kind. In turn, the aversions obstruct respect for equal dignity; a fact that morally-psychologically explains the link between dehumanization and victimization.⁴⁵ That said, the harm that is inflicted is of a more subtle kind than the “unspeakable” pain and suffering that result from classical violations,

from atrocities like crimes against humanity. However, in modern international public law, the differences between international criminal law, international human rights law, and international humanitarian law have been substantially “blurred” in a manner that makes it impossible to maintain a conceptually sharp and significant distinction.⁴⁶ Transitional or post-conflict justice is the reason M. Cherif Bassiouni gives. Furthermore, he attaches more weight to “policies to address human suffering in the aftermath of conflict” than “technical questions” concerning a clear(er) demarcation of the various branches of law, thereby prioritizing accountability (as a value) over *legalese*.⁴⁷ While his doctrine cannot make sense of violations of basic social and economic human rights as ones that correspond to breaches of peremptory *jus cogens* norms which are linked with non-derogable *obligatio erga omnes* and which necessitate retributive responses (cf. prosecution or extradition), he is philosophically sympathetic to using the satisfaction of human needs as (non-criminal) accountability-securing modalities in circumstances where victims have a preference for such a restorative approach. The point is that victim-centered justice is the ideal measurement. Vulnerable stakeholders and their reasonable demands (should) come first. Nevertheless, it is a combination of a too traditional and liberal doctrine and a repetition of the historical coherence thesis, whereby the International Criminal Court (ICC) continued the same class of norms typologically speaking from the Nuremberg experience, that prevent his outlook from taking solidarity imperatives seriously, even if subsistence as the socioeconomic equivalent to liberal survival (through negative non-interference) is at stake.⁴⁸

In the case where the emphasis is primarily placed on humanitarian law, Bassiouni made critical comments in 2015, at the height of the refugee crisis

Western societies, which are economically among the world’s most advanced, have been more resistant ... to the hardship suffered by refugees fleeing wars, repressive regimes, economic exploitation, and poverty.⁴⁹

The last part of the statement refers more broadly to human rights and the way that “human rights claims deriving from globalization” are bargained away for “*their* interpretations of cultural relativism and claims of nationalistic cultural rights.”⁵⁰ In turn, this outcome is facilitated by the strategy of *realpolitik*, in the particular context, the willingness to sacrifice respect for humanity (cf. justice) for the interest in maintaining the *status quo*, the desirable (for *us*) imbalance.

The situation in the country-specific case at hand, Denmark, echoes the same zero-sum game response as regards the balancing of *their* and *our* rights. E.g., despite the fact that asylum-seekers and refugees from third-party conflicts fled their country for purely humanitarian reasons, Denmark’s uncompromising and unapologetic record of restrictive policies has been tailored to two objectives, and with the end-goal of *reducing the number and cost* of them and their kind: (1) to make the protection conditions as “unattractive” or “unappealing” as possible for asylum-seekers and refugees; and (2) to make the transition from status as refugees and asylum-seekers to immigrants as difficult as possible.⁵¹

Although the same experts on Danish foreign policy who blame the harsh treatment on the reality of a hostile attitude towards people from non-Western and Muslim countries are also identifying the 2001 U-turn with right-wing politics, it is still a fact that very powerful and left-wing political parties actively participated, first and foremost the Danish Social Democratic party (SD).

The SD even deconstructed its own roots in international socialism to accommodate *our* national interest as a first priority:

[T]here is a fundamental contradiction between a very liberal immigration policy and the survival of the welfare state. A welfare state simply cannot afford anything other than a restrictive immigration policy if welfare arrangements are to

remain at a reasonable level. This has now been fully agreed upon by the Danish Social Democratic leadership.⁵²

To keep *them* and *their* kind out and away from Denmark is something that serves to benefit us socioeconomically. Solidarity is too costly for the welfare state because the illiberal (re)branding of this is about reasonableness at the domestic or national level, about fairness to the in-group.

It is noteworthy that some of the most committed and high-ranking “value warriors” are from the SD, which otherwise is defined as a member of the Danish Parliament’s Red Block in Denmark.⁵³ Ironically, the SD outperformed the extreme right-wing DF at the 2019 general election by making a better sell of a restrictive policy agenda for refugees and immigrants. It was the son of an Ethiopian refugee and an advocate of both the Danish *burqa* ban and political stability who became Støjberg’s successor as SD Minister of Immigration and Integration. As one of the very few examples of a so-called “Dane with a different ethnic background” in Danish politics, Tesfaye even announced a “new hardline on immigration.”⁵⁴

In the light of the numerous anti-multicultural policymaking events that have already occurred, it may be difficult to imagine *how much more* illiberal the Danish government can become. Concerning the lawmaking effort, laws typically work to reinforce each other. For example, law L 219 (cf. the *burqa* ban) complements a law that promotes the same overarching aim when it comes to treatment of non-Western foreigners who are also Muslims, namely, to practice value politics in favor of the majority culture, to conserve Danish values and Danishness in other words. E.g., law L 80 (also of 2018) contains a provision for a constitutional ceremony which forms part of the nationalization process of new citizens and which requires that the participants as applicants *confirm* (that they have agreed to and adopted) Danish values. If they refuse, they fail to show the required respect for *our* way and society.⁵⁵ If conducted properly, the constitutional ceremony entails that “[o]ne of more

representatives from the municipality in connection with the ceremony *meet face to face* with the participants and *shake* their hand,” even though Muslim modesty, subject to certain exceptions, may not permit women to touch the opposite (male) sex.⁵⁶

While tolerance is listed among the Danish values, together with transparency, it does not accommodate customs and traditions that are perceived to be un-Danish. What is more, the belief that similarities could trump differences appeared naïve, something that was also reflected in this leading question posed by one of the Danish MPs in Parliament: “Isn’t the [widely recognized] fact simply that integration of people from predominantly Muslim countries is impossible?”⁵⁷ Certainly, the sentiment was clearly echoed in the so-called “paradigm shift” of 2019, namely Danish law L 140. According to this law, protection status with “the possibility of permanent residence” is no longer an option.⁵⁸

With law L 140 (*cf.* paradigm shift), the Danish government has unambiguously drawn the ultimate consequence of the purpose of laws like L 219 (*burqa* ban) and L 80 (handshake provision) by virtue of *maximizing* the pragmatic effect of deterrence strategies – in a cancellation of Denmark’s integration policy *in favor of* repatriation.⁵⁹ This Danish “boot” (law L 140) can be construed as a kind of culmination point for the long series of restrictive responses, totaling almost 100 policies so far. This is to say that law L 140 is the optimal instrument for numerical reduction responses to *them* and *their* kind. The series includes the infamous “jewelry law” (that allows the police to search refugees and seize their assets), in addition to provisions that form parts of legal packages like law L 87 of 2016 and law L 38 of 2018–2019 (containing so-called “ghetto” provisions) to incrementally “tighten the law,” thereby introducing more and more *disincentives* to deter refugees, asylum-seekers and non-Western foreigners in general prior to the 2019 *coup de grace* legislation, law L 140.⁶⁰

To secure the described outcome, the Danish government used its “legal opt outs” (in the area of justice and home affairs).⁶¹ As regards the 2018 *burqa* ban, Denmark followed in the footsteps of France. That same year (2018), the United Nations Human Rights Committee (UNHRC) rejected France’s “living together” justification (“*vivre ensemble*”) to limit a universal human right (cf. freedom to manifest one’s belief) as an element of the “rights and freedoms of others,” which had otherwise been upheld by the 2014 European Court of Human Rights (ECtHR) ruling (cf. *S.A.S. v. France*).⁶² The UNHRC does not apply the ECtHR’s “margin of appreciation” doctrine, which gives European states latitude in balancing individual rights against state interests. Here ignoring the contradictory judgements *per se*, the split at the international level continues. Furthermore, the tension and division concerning otherness in the case of Denmark arguably refers to a root problem that precedes the debate about asylum-seekers and refugees and, for that matter, the seemingly inescapable association of illiberal (re)branding with a contemporary and politically right-wing time-period.⁶³ Interestingly enough, the root problem is communicated in one of the most (in)famous sources of Danish satire, a novel about *us* and *our way* entitled *A Fugitive Crosses His Tracks* (1933). In this, the narrowminded, formalist and oppressive attitude that describes the people in the small-town of Jante is also the law of the land, meaning that all differences that derive from otherness are bad. Fundamental similarities are not made to matter. As a cultural *meta*-norm, the law of Jante is not geared towards humanity, nor does it consider equality or merit in any sense that relies on democratic ideas and values. Instead, people lose out in proportion to the extent to which they deviate.

A Danish Satirical Novel and the Constancy of Insensitivity

The example from Danish literature is written as a piece of fiction about the small town of Jante as a characteristic representation of Denmark. More precisely, Aksel Sandemose’s book *A Fugitive Crosses His Tracks* constitutes a

Third Way when it comes to an understanding of how and why the problem (of otherness) and the two-fold predicament begins in *the first instance*.⁶⁴ Upon scrutiny, an absolutist type of formalism negates tolerance, just as victims are produced in a harsh and hostile environment that reacts negatively toward differences (in comparison to *us*) and/or differences that have not been sanctioned with *our* consent – to elevate certain individuals (cf. “many are called but few are chosen”). There is a hierarchy. In fact, monarchy is consistent with absolutist formalism.⁶⁵ Following this, people who are not like *us* are analogies to feudal losers. However undemocratic, they are not allowed to climb the social ladder (cf. social mobility) just because they have what it takes, nor do they have a way into the in-group (cf. inclusion – with a view to tolerance of, diversity and division). In fact, without mediocrity, there is no path to success because we chose those who are *our* image.

As one of the folkways (per William G. Sumner’s terminology), the law of Jante targets the Other with a view to a lesson about his rightful place – below *us*. The law’s “First Commandment,” as satirically formulated by Sandemose, is: “Do not think you are anything or anybody (special).” Symbolically, the law of Jante is illustrated by the boot.⁶⁶ Contemporary philosophers have interpreted the Danish *burqa* ban in the context of the law of Jante and H.C. Andersen’s fairy tale *The Emperor’s New Clothes* (1837), and such an analysis demonstrates how too much control and pressure from MPs *cum* legislators can end rational and critical debate before it has begun.⁶⁷

This suggests that the Danes may be described as a monolithic group, based on sameness as the prescriptive standard. Certainly, the law of Jante secures conformity with the normal *cum* average way of being, behaving, and believing.

[...] it is possible to ascertain that value incompatibility, according to Danish value politics, points to “proper form” as

a criterion for appropriateness (formalism), thereby also establishing the Supreme Danish Value. Very briefly, formalism issues non-negotiable prescriptions applicable to one's appearance and interaction, and even one's thoughts and beliefs. The emphasis on proper form over substance has the immediate effect of rendering rational argument irrelevant, just as the resulting "Law of Jante" operates on the basis of aversions toward deviance from the cultural norms (for this read Danish values) and, in the final analysis, the underlying and tacit millimeter democracy that rigidly restricts proper form to the average and normal way of being, believing and behaving, thereby translates equality into sameness. By extension, the concept of the Danish people implies that individuals in the public space (should) look and behave in a *uniform* way while, at the same time, being allowed to wear the *burqa* behind closed doors and drawn curtains (to spare the public from any exposure to it).⁶⁸

On Sandemose's premises, the Danish millimeter democracy functions like a ruler that *measures* and then *cuts* everybody down to the *same size*, meaning that people who try to "rise above" the average (*cum* proper form) of being and co-existing are met with retaliatory measures, in particular, non-recognition and exclusion. The Other may think himself deserving of membership standing, but the majority tyranny takes no risks when it comes to self-made people on the basis of talent and merit, which make *us* look inadequate or, worse still, inferior. Things that *we too* can do may be exempt from punishment, that is, strategies to block and obstruct *their* access to the higher parts of the hierarchy. This is also why the law of Jante is far more brutal, i.e., restrictive in cases involving intellectuals for these belong among the serious challenges to a homogenous society.

The law of Jante has ten commandments, and they are instruments with

which to keep the Other down. With deviance from the average way of being, thinking, believing as the cardinal sin, Danish values and Danishness leave no room for plurality. Furthermore, a *meta*-framework that accommodates the law of Jante makes it possible to understand why those who strive to protect *us* and *our* way are best described as value warriors. Their conceptions and perceptions derive from deep insecurities about *us* and what is going to happen to *us* if *they* take over. In turn, this is why they react against threats preemptively and aggressively... and the hatred that accompanies the attacks is about much more than the clash between Danish parochialism and human rights internationalism. The point is that the in-group members know their own limitations, but they refuse to admit them, just as they reject any accusations about mistreatment. Denial, so it appears, is a mindset that is needed to ward off all the “demons” Sandemose see in so-called Janteism, in formalism as a collective oppression measure.

By virtue of inserting the law of Jante into the policymaking equation as a tool to reduce the number and cost of *them* and *their* kind, it follows that the supreme authority of the majority culture, the “Danish culture and the foundations on which Denmark is built,” will be defended⁶⁹. If need be, the strategy of legal criminalization of otherness will be used, as indeed done in the *burqa* ban.

The non-toleration effects on the Other are manifold, and they have spill-over effects for the society of states, for international relations in other words. After all, international relations begin at home.⁷⁰ E.g., experts on foreign policy may wonder how the Kingdom of Denmark can remain a credible U.N. Member State – given its unresponsiveness to the plight of refugees and non-consideration of a repeal of the *burqa* ban. As for the country’s membership of the European Union (EU), the Danish government’s populist course has affected socioeconomic justice as well as freedom, as already outlined in the previous paragraphs. In his 2019 victory speech as the new President of the

European Parliament, David Sassoli “called for the EU to return to the spirit of its founding fathers who swapped warfare and nationalism for peace and equality.”⁷¹ Nevertheless, Denmark has not changed its moral compass, meaning that the arguments behind illiberal democracies continue to appear compelling to the current government. Thus, value politics is a logical consequence of i) being a “small state” that “should prioritize its ‘national interest’” instead of focusing on “lofty ideals of democracy and human rights” at the international level – and ii) the need “to fight” at home against conceptions that are “fundamentally opposed” to Danishness warrant assimilation responses.⁷² While Denmark may not equate the step of trumping the freedoms of minority groups (for *our* rights as Danes) with democratic (and liberal rule of law) setbacks by analogy to those that characterize places like Poland and Hungary, Denmark’s record of restrictive policymaking – which stretches over two decades – speaks its own clear language.⁷³ Satirical modalities, so it should be stressed, were used by politicians themselves during this era. Cartoon-like election posters with mottos like “Take off the headscarf and join Denmark!” were published in 2018.⁷⁴ Sometimes politicians overplayed their hand in the attempt to keep Denmark free from value pollution, though; and Støjberg’s Facebook and iPad republication of the most controversial Prophet Muhammad cartoon may be directly linked with a counterproductive outcome. As a consequence of having issued an order to set aside legal protections applicable to married asylum-seekers where one spouse is a minor, her aversions concerning Muslims led to an impeachment trial.⁷⁵

Since Sandemose’s satirical novel about the cultural norm called the law of Jante shows that there is no limit to the radicality of the measures that enforcers are willing to resort to, if “provoked” by the differences that result from otherness;⁷⁶ it is a hostile and retaliatory response towards the Other which negates empathy as the bridge-of-tolerance between human beings who recognize the importance of understanding what it is like to be that particular individual in situation S. (The absence of) proper form is a declaration of war

until such time where the Other submits and, *ipso facto*, conforms (cf. assimilation).⁷⁷

Conclusion: A Stalemate

The 2005 Prophet Muhammad cartoon incident and crisis is not over. The developments and events that describe its ongoing effects vary, but there is one constant in the equation: as the satirical modality which led to a global debate, it has caused a relativist ebb and flow pertaining to perspectives at the national level.

In 2021, United Kingdom reported about a high school teacher in northern England who was suspended, just as the school apologized “for using a totally inappropriate image in a recent religious studies lesson.”⁷⁸ The year before, in France, a teacher was beheaded in an act of revenge after having used the Prophet Muhammad cartoon/s in a lesson on free speech. This incident occurred,

...in the midst of a heated debate over [President] Macron's campaign against what he called "Islamist separatism" in immigrant communities, where conservative Muslims are accused of rejecting secularism, free speech and other values taught in school.

Macron was accused by leftist critics at the time of stigmatising Europe's biggest Muslim community and pandering to the far-right ahead of 2022 elections.⁷⁹

For the President of France, the teacher should be honored as a “quiet hero.”⁸⁰ With this description, he was taking sides, of course. French values are not expressed in (Danish) white and blank spaces. The secular right to blaspheme is tantamount to expressing a pro-republican commitment, which may not be consistent with *our* security.

Obviously, there is quite a leap from the inappropriateness judgment to the

hero status – and for one and the same act in two different European countries. Concerning Muslim perspectives, the inappropriateness judgment precludes pragmatism as a response, just as the outcome pitted *our* and *their* traditions in a way that presupposes a (repetition of a) prejudice about *them*: that Islam is inseparable from fundamentalism. The implication of politicizing Muslim identity by virtue of making it impossible to be both a Muslim and a Western (read: modern, civilized) citizen is that the notion of so-called moderate Muslims reduces to an illusion. In turn, this entails a perpetual state of conflict.

A vicious circle irony follows. E.g., the court findings dismissed that “the cartoons are or were intended to be insulting ... or put forward ideas that could hurt the standing of Muslims in society.” If satirical cartoons are correct to make no distinction between Islam and terrorism, Muslims have no (equal) standing to begin with. Has this been proven in the county-specific example of Denmark? Certainly, the question becomes pretty pressing in circumstances where the domestic treatment of Islamic otherness in the public space is mediated by restrictive policies (cf. *burqa* ban, handshake provision, “ghetto” laws, paradigm shift, etc.). Such a systematic illiberal response reconstructs Denmark’s internationalism because the implied value politics practices mute those (Western) human rights standards that *they* are assumed to contradict but which also validate *their* perspectives if these negate the above prejudice (which the moderate ones do). And if differences exist within the group of Muslims, then the policymaking course is a Danish form of collective (Jante) punishment that affects innocent stakeholders simply because they are not like *us*. The essential point is this: Muslims cannot win.

Given that (value) incompatible otherness will “*never be(come) Danish*,” according to Danish policymakers, Jante conformism can be expected to continue to exert its merciless and unconditional pressure *in principium ad infinitum*.⁸¹ The core of the problem – for the Danes – is about being Muslim and non-Western. That is the limit for tolerance, although the official rationale is premised on the assumption that it is *their* intolerance towards *us* that makes

it necessary to protect Danishness (cf. *burqa*-wearers prove that *they* belong to a parallel society).

The 2018 satirical cartoon of the Muslim woman who is stripped naked is a criticism of *their* non-emancipation at the hands of misogynistic patriarchs. The iron hook is the symbol of the Danish “liberal” environment that forces her to get rid of the *burqa* for her own sake, as a protection of her right to not be controlled by them. The fact that she becomes controlled by *us* instead does not matter. The belief is that ethnic and religious minorities are better off if stripped of their own *inferior* identity and *alleged* dignity.

As outlined in the section on the satirical novel by Sandemose, the Jante ruler and measurement reproduces a society that has a domestic desire to avoid differences mediated by features, traits or characteristics which do not satisfy “das Man,” to borrow a concept that captures the underlying “freedom through submission” idea(ology) that contemporary Danish critics have also used.⁸² Anonymity through veiling cannot be tolerated, but authenticity that derives from being oneself is abuse of autonomy – or a product of un-Danish value import and imposition. Once again, Muslims cannot win.

Ethically, conformism and relativism are not mutually exclusive phenomena. Relativism prescribes tolerance for the different values of different groups (cf. social ethics), whereas responses to outsiders within our *own* group are legitimate as long as the outsiders qualify as individuals or, alternatively, minorities that are not sufficiently established to make it true to say that *they* are deserving of equal recognition. If unpopular (on the premises of the majority culture), it is paramount to keep their numbers as low as possible (and for the same reason). Regarding socioeconomic strategies to negatively and disproportionately affect *their* conditions, Muslim critics of the implied inequality practices have advanced the argument that conflict between *us* and *them* is first and foremost about this kind of lack of standing in mainstream society.⁸³ In other words, our zero-tolerance response to satirical cartoons must

be viewed in the context of systemic socioeconomic mistreatment. Knowing we are not (enough) like them, Muslims respond accordingly; and this is the point at which the thesis that the two-fold predicament remains gets some pull. Setting aside ways to weaken belongingness claims, relativism entails tolerance for *them* on the basis of differences; but (be that as it may) relativism does *not* entail a duty for *them* to respect *us* in return. According to relativism, the real test of tolerance is a value clash. However, a reciprocity conditionality is introduced. They must be as open as *us*, as transparent as *us*, etc. At best, this outcome results from an illogical approximation to a universalization strategy which makes it necessary to conclude that relativism and neonationalism are two distinct phenomena, and that the sharper the contrast is, the less meaningful statements about tolerance are.⁸⁴ To invoke Danish tolerance as a self-defense strategy against *their* alleged intolerance towards *us* does not remedy the problem, as already explained. In turn, this is why the Danish law of Jante is the most revealing account of the rationalization, in effect, the bluff that takes place.⁸⁵

Needless to say, a satirical novel is not the same as a satirical cartoon. Like other visual art forms, the latter is more easily accessible. However, they share the critical messages. The law of Jante is unique, of course, by virtue of speaking more or less ahistorical truths to ordinary folk qua oppressors. Anti-multicultural and anti-internationalist populism, so it appears, makes “neo” in neonationalism superfluous. The inter-state order, therefore, may have to concede that satire from Denmark has a “bite” for a special and deep-rooted reason. International relations effects will probably not change just because there is more to it than meets the eye. However, experts on Danish cultural norms should perhaps consider moral psychology as a discipline for a complete interpretation.

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² Emma Toft, *Fogh om Muhammed-sagen: Den største udenrigspolitiske krise siden Anden Verdenskrig*, DR (15 Sept., 2015), <https://www.dr.dk/nyheder/indland/fogh-om-muhammed-sagen-den-stoerste-udenrigspolitiske-krise-siden-anden-verdenskrig>. Note that the Prime Minister (Anders Fogh Rasmussen) is a member of the party *Venstre* (V), which is for the free market and which follows a not-so-consistent program of "conservative liberalism" in favor of conserving Danish values and Danishness (cf. value politics) with the use of restrictive laws and policies. See Mie L. Raatz & Jesper Hvass, *Venstre-landsmøde står i skyggen af burqa og værdipolitik*, JYLLANDS-POSTEN (Oct. 7, 2017), <https://jyllands-posten.dk/protected/premium/indland/ECE9932678/venstrelandsmoede-staar-i-skyggen-af-burka-og-vaerdipolitik>; Henrik Hoffman-Hansen, *Derfor er Venstres liberale værdier ikke så liberale, at det gør noget*, *Kristeligt Dagblad* (Oct. 6, 2017), <https://www.kristeligt-dagblad.dk/danmark/derfor-er-venstres-vaerdier-ikke-saa-liberale-det-goer-noget>.

³ Gwladys Fouché, *Danish court dismisses Muhammad cartoons case*, THE GUARDIAN (Oct. 27, 2006),

<https://www.theguardian.com/media/2006/oct/27/pressandpublishing.race>. For apartheid as a United Nations (UN) paradigm of racial discrimination, see UN General assembly, International Convention on the Elimination of All Forms of Racial Discrimination (adopted and opened for signature and ratification by General Assembly resolution 2106 (XX) of 21 December 1965; entry into force 4 January 1969, in accordance with Article 19, <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>; see also <https://www.un.org/en/observances/end-racism-day> (for March 21 as The International Day for the Elimination of Racial Discrimination, cf. Resolution 2142 (XXI)).

⁴ Fouché, *Danish court dismisses Muhammad cartoons case*, *supra* note 2.

⁵ Staff Writer, *Free speech at issue 10 years after Muhammad cartoons controversy*, DW (Sept. 30, 2015), <https://www.dw.com/en/free-speech-at-issue-10-years-after-muhammad-cartoons-controversy/a-18747856>; Reuters Staff, *Timeline: violence marks 15-year furore over cartoons of Prophet Muhammad*, REUTERS (Nov. 2, 2020), <https://www.reuters.com/article/us-france-security-cartoons-timeline/timeline-violence-marks-15-year-furore-over-cartoons-of-prophet-mohammad-idUSKBN27I1U3>.

⁶ Nicki P. Petrikowski, *Charlie Hebdo shooting*, BRITANNICA (2022, Jan. 1), <https://www.britannica.com/event/Charlie-Hebdo-shooting>.

⁷ Rukmini Callimachi & Jim Yardley, *From Amateur to Ruthless Jihadist in France*, THE NEW YORK TIMES (Jan. 17, 2015), <https://www.nytimes.com/2015/01/18/world/europe/paris-terrorism-brothers-said-cherif-kouachi-charlie-hebdo.html>. For a third attacker, namely Amedy Coulibaly, whose deadly actions (cf. the Montrouge and Hyper Cacher supermarket killings) were coordinated with the two brothers although he

pledged allegiance to ISIL rather than *Al-Qaeda*, see Petrikowski, *Charlie Hebdo shooting*, *supra* note 5.

⁸ Craig S. Smith, *French Court Rules for Newspaper That Printed Muhammad Cartoons*, THE NEW YORK TIMES (Mar. 23, 2007), <https://www.nytimes.com/2007/03/23/world/europe/23france.html>.

Note that the specific line of argument or reasoning involved *Charlie Hebdo* and the turban/bomb cartoon which it had published in solidarity with the Danish newspaper to make a point about freedom of expression in France, which has the largest Muslim population in Europe (6% but perceived to be 31% in 2016). See *id*; Bichara Khader, *Muslims in Europe: The Construction of a "Problem,"* in THE SEARCH FOR EUROPE: CONTRASTING APPROACHES 9 (2016).

⁹ Staff Writer, *Kurt Westergaard, Danish cartoonist behind Muhammad cartoon, dies at 86*, BBC NEWS (July 19, 2021), <https://www.bbc.com/news/world-europe-57883392>.

¹⁰ *Id.*

¹¹ *Id.*

¹² Note that the idea of (*their*) "intolerance" towards (*our*) values that conflict with "political Islam" is central. The absence of a distinction between the religion of Islam and political Islam makes it difficult, if not impossible, to avoid making *their* presumed intolerance (*cf.* extremism, including militant fundamentalism) the "fact" that justifies a Danish monopoly on tolerance as a Western-type of value consistent with secular values, meaning that Danish democracy is construed as a place that must insist on transparency and openness in the public space at the expense of religious freedom of expression. See Anja Matwijkiw & Bronik Matwijkiw, *Denmark's Blanket Burqa Ban: A National(ist) Perspective*, in LAW, CULTURAL STUDIES AND THE "BURQA BAN"

TREND: AN INTERDISCIPLINARY HANDBOOK 349-389 (Anja Matwijkiw & Anna Oriolo eds., 2021).

¹³ This article does not compare pluralism and relativism because of the political implications of the former.

¹⁴ Emma Toft, *JP erstatter Muhammed-tegninger med store hvide felter i dagens avis*, DR.DK (Sept. 30, 2015), <https://www.dr.dk/nyheder/indland/jp-erstatter-muhammed-tegninger-med-store-hvide-felter-i-dagens-avis>.

¹⁵ Pierre Collignon, Twitter (2015), <https://twitter.com/PCollignon/status/648896396586782721>.

¹⁶ Editorial, *Vold Virker*, JYLLANDS-POSTEN (Aug. 1, 2015), <https://jyllands-posten.dk/debat/leder/ECE7346153/vold-virker1/>.

¹⁷ Judy Woodruff, *A decade after Prophet Muhammad cartoons, tension over freedom of expression endures*, PBS NEWSHOUR (2015), <https://www.pbs.org/newshour/show/10-years-later>.

¹⁸ Namely militant fundamentalists seeking political power rather than religious piety.

¹⁹ The term “perceived” refers to the fact that the Prophet Muhammad drawings could not be said to target Muslims *per se*, but only (Muslim) militant fundamentalists. Obviously, the fact that many Muslims felt insulted in spite of the rulings and opinions of the Danish and French courts transcends any Western form of law.

²⁰ CLAUS SEIDEL, *TIL STREGEN: BLADTEGNINGEN I DANMARK (2020)*. For other examples of books with a republication, see JOHN HANSEN & KIM HUNDEVADT, *PROVOEN OG PROFETEN (2006)*; FLEMMING ROSE, *TAVSHEDENS TYRANNI (2010)*.

²¹ Inger Støjberg, the most popular MP in Denmark in 2017, argued that she had “a right to criticize religions.” See Anja Matwijkiw & Bronik Matwijkiw, *International Relations Begin at Home: A Humanitarian Learning Lesson from*

the Kingdom of Denmark, 15 INT'L STUD. J. 103, 118 (2018) [hereinafter *International Relations Begin at Home*]; AFP, *Denmark's immigration minister uses cartoon of Prophet Mohammad as iPad background*, THE INDEPENDENT (Sept. 26, 2017), <https://www.independent.co.uk/news/world/europe/denmark-immigration-minister-prophet-mohammad-ipad-background-inger-stojberg-a7968121.html>; Morten Nielsen, *Løkke om Støjbergs Muhammed-tegning: Jeg har ikke selv en på min telefon*, DR2 (26. sept. 2017), <https://nyheder.tv2.dk/politik/2017-09-26-loekke-om-stoejbergs-muhammed-tegning-jeg-har-ikke-selv-en-paa-min-telefon>.

²² Daniel Pipes, *Naser Khader and Flemming Rose: Reflections on the Danish cartoon controversy*, 14/4 MIDDLE EAST QUARTERLY 59-66 (2007), <https://www.meforum.org/1758/naser-khader-and-flemming-rose-reflections-on>; James Watkins, *Denmark's Outspoken Anti-Islamist Politician... Who Is Muslim*, OZY (April 8, 2017), <https://www.ozy.com/news-and-politics/denmarks-outspoken-anti-islamist-politician-whos-muslim/76339/>.

²³ Rasmus Elmelund, *Jyllands-Posten afviser at lade Charlie Hedbo genoptrykke historisk avisside*, INFORMATION (Sept. 10, 2020), <https://www.information.dk/kultur/2020/09/jyllands-posten-afviser-lade-charlie-hebdo-genoptrykke-historisk-avisside>.

²⁴ *Id.* Note that *Jyllands-Posten* did not permit the republication in the previously mentioned books (supra note 19). Consequently, these republished the drawing/s, which the relevant newspaper does not have the copyright for.

²⁵ Emil Ryttergaard, *Tidligere PET-chef: 'Inger Støjberg er barnagtig og sætter andres liv i fare'*, DAGENS DK (Sept. 27, 2017), <https://www.dagens.dk/indland/tidligere-pet-chef-inger-stoejberg-er-barnagtig-og-saetter-andres-liv-i-fare>.

²⁶ Elmelund, *Jyllands-Posten afviser at lade Charlie Hedbo genoptrykke historisk avisside*, *supra* note 22.

²⁷ Staff Writer, *Charlie Hebdo: Magazine republishes controversial Mohammed cartoons*,

BBC NEWS (Sept. 1, 2020), <https://www.bbc.com/news/world-europe-53985407>.

²⁸ Elmelund, *Jyllands-Posten afviser at lade Charlie Hedbo genoptrykke historisk avisside*, *supra* note 22.

²⁹ *Id.*

³⁰ Folketinget [National Parliament], 3. Behandling af L 219: Om et tildækningsforbud. Endelig vedtagelse 2017-18 L 219 [3. Reading of L 219: Ban to cover. As adopted], May 31, 2018, https://www.ft.dk/ripdf/samling/20171/lovforslag/l219/20171_l219_som_vedtaget.pdf (*cf.* § 134 c. whereby "[d]en, som på offentligt sted bærer en beklædningsgenstand, der skjuler vedkommendes ansigt, straffes med bøde" ["[a]nyone who wears a garment that hides the face in public will be punished with a fine" (in Eng. trans.)]); Retsinformation.dk, Lov om ændring af straffeloven [Law to amend penal law (ratified law no. 717, Aug. 6, 2018)], [https://www.retsinformation.dk/eli/lta/2018/717_\(for Queen Margrethe II of Denmark's royal assent \(*cf.* "samtykke"\) and confirmation \(*cf.* "stadfæstelse"\)](https://www.retsinformation.dk/eli/lta/2018/717_(for+Queen+Margrethe+II+of+Denmark's+royal+assent+(cf.+\) "by the grace of God" in accordance with the 1953 Danish Constitution whereby Denmark is a constitutional monarchy (*cf.* Chapter I, § 2) with the Evangelic-Lutheran church as the state-sponsored Christian denomination (*cf.* Chapter 1, § 4) and with the Queen as the formal head of the executive branch of government); National Parliament, Danmarks Riges Grundlov af 5. Juni 1953 [Danish Constitution of 5 June 1953], <http://www.ft.dk/da/dokumenter/bestil->

publikationer/publikationer/grundloven/danmarks-riges-grundlov/kapitel-1/paragraf-2.

³¹ For 5,5% Muslims in 2019 Denmark, see Stine Jacobsen, *Danish Muslims feel backlash as immigration becomes election issue*, REUTERS (May 31, 2019), <https://www.reuters.com/article/us-denmark-election-immigration/danish-muslims-feel-backlash-as-immigration-becomes-election-issue-idUSKCN1T111M>.

³² Ben Hamilton, *Roasting city sees demos supporting and opposing recently enacted 'Burqa Ban,'* CPH POST ONLINE (Aug. 2, 2018), <https://cphpost.dk/?p=102437>.

Note that online media traces have been deleted. One example of a source that is no longer accessible is: Eric Kreutzmann, *Universets værste boomerpost bringes frem i kødrummet og overrækkes til Martin Henriksen*, DAGENS BLÆSER (Aug. 2, 2018), <https://dagensblaeser.net/2018/08/02/universets-vaerste-boomerpost-bringes-frem-i-koedrummet-og-overraekkes-til-martin-henriksen>.

³³ Facial expressions, so it should be noted, were an integral part of the definition of transparency and open communication and interaction in the Danish politicians *cum* policymakers' rationale for the 2018 *burqa* ban. It is politically convenient, of course, to have a satirical drawing depicting nudity and, at the same time, depicting a Muslim woman's face whose expression (however complex) implies a feeling of being unburdened and freed from oppressive traditions and customs (as seen from the Danish lawmakers' perspective), of being liberated or emancipated. See generally Matwijkiw & Matwijkiw, *Denmark's Blanket Burqa Ban: A National(ist) Perspective*, *supra* note 11.

³⁴ Theologically speaking, *burqa*-wearers in Denmark tend to be part of *Wahhabi/salafi* circles.

³⁵ Hamilton, *Roasting city sees demos supporting and opposing recently enacted 'Burqa Ban,' supra* note 31.

³⁶ Ministry of Justice, Forslag (og Bemærkninger) til lov om ændring af straffeloven (Tildækningsforbud) [Proposal (and Commentaries) for amendment of the penal law (Cover ban)], Apr. 11, 2018, at 3-5.

³⁷ *Women in Dialogue* is a pro-Islam and pro-*burqa* organization that promotes broad stakeholder dialogue regardless of religious and other types of disagreement and that is dedicated to a repeal of law L 219 (*cf. burqa* ban). See *Women in Dialogue* (2022), [http://kvinderidialog.dk/our%20work%20\(english\).html](http://kvinderidialog.dk/our%20work%20(english).html).

³⁸ Note that Ronald Dworkin does not make an exception of blasphemy in his defense of the free exercise of religion. See Ronald Dworkin, *The Right to Ridicule*, NEW YORK REVIEW OF BOOKS (Mar. 23, 2006), <https://www.nybooks.com/articles/2006/03/23/the-right-to-ridicule>.

³⁹ For the adoption of the slogan “It is time to talk with us – not about us,” see *Women in Dialogue*, see *supra* note 32. Note that most of the materials on their website are from 2018.

⁴⁰ TØRKLÆDET SOM TEGN: TILSLØRING OG DEMOKRATI I EN GLOBALISERET VERDEN 80-95 (Inge Degn & Kirsten M. Søholm eds., 2011); NEW DIMENSIONS OF DIVERSITY IN NORDIC CULTURE AND SOCIETY (Jenny Björklund, Ursula Lindqvist eds., 2016); Verena Lenneis & Sine Agergaard, *Tilhørsforhold og danskhed. Debatten om kønsopdelt svømning*, 29/3 DANSK SOCIOLOGI 45-63 (2019) (for the controversy about Danishness in connection with the 2016 ban on women-only swimming activities during public opening hours in the municipality’s indoor swimming pools in Århus, Denmark).

Male Danish politicians appear to have an uncovering and undressing “obsession.” One of the rare female and Muslim public debaters, who highlights the response of indifference among policymakers when it comes to the Danish *burqa* ban as a discriminatory measure, writes that high-ranking MPs from the DP incorporated satirical modalities to convey his message:

[Søren] Espersen also made a shocking remark – at least from a culturally sensitive viewpoint (which is *not* limited to Muslims) – on television when he proclaimed, “I want to be allowed to see the beautiful breasts of Muslim women!” The debate was about multiculturalism, which according to Espersen is an evil concept, apparently because it prevented him from viewing the breasts of Muslim women. On the day when the ban went into force, Espersen posted a picture that shows three women in bikinis on their way to the beach. Espersen wrote that the picture depicts three Muslim women: ...free of the *burqa* and [*niqab*]. The Muslim women are rejoicing! Many people are on their way from Nørrebro – to the beach. Three of the previously ‘imprisoned’ women have already arrived and we were allowed to snap a photo.

See Sarah Ali, *I Am the Veil Woman: A Muslim Narrative*, in *LAW, CULTURAL STUDIES AND THE “BURQA BAN” TREND: AN INTERDISCIPLINARY HANDBOOK* 156 (Anja Matwijkiw & Anna Oriolo eds., 2021).

⁴¹ Thomas Gammeltoft-Hansen, *Refugee Policy as “Negative Nation Branding”*: *The Case of Denmark and the Nordics*, *DANISH FOREIGN POLICY YEARBOOK* 99, 109 (2017).

⁴² *Id.*, at 110.

⁴³ At the international level, Denmark's stakes in the European Convention on Human Rights (ECHR), more precisely Article 8 (interpreted as a right to privacy, family life, home, and correspondence that encompasses the freedom to determine one's own physical appearance), Article 9 (interpreted as a right to freedom of thought and religion that protects the use of religious garments), and Article 10 (interpreted as a right to freedom of expression that may be, *de jure*, restricted in a democratic society with a reference to, *inter alia*, public safety, protection of health or morale, or the rights (and freedoms) of other people ("den offentlige tryghed, beskyttelse af sundheden eller sædeligheden eller beskyttelse af andres rettigheder" in Danish) on condition that the measure fulfills Article 14 (whereby discrimination is prohibited).

⁴⁴ PETER HERVIC, *THE ANNOYING DIFFERENCE: THE EMERGENCE OF DANISH NEONATIONALISM, NEORACISM, AND POPULISM IN THE POST-1989 WORLD* (2011).

⁴⁵ Anja Matwijkiw, *A Philosophical Perspective on Rights, Accountability and Post-Conflict Justice. - Setting up the Premises*, in *POST-CONFLICT JUSTICE* 155-199 (M. Cherif Bassiouni ed., 2002).

⁴⁶ Anja Matwijkiw, *The Dangers of the Obvious but Often Disregarded Details in the International Criminal Law Demarcation Debate: Norm-Integration and the Triple-Thesis 'Argument,'* in *INTERNATIONAL CRIMINAL LAW (ICL), INTERNATIONAL CRIMINAL JUSTICE (ICJ), AND PUBLIC INTERNATIONAL LAW (PIL): THE DEMARCATION DEBATE*, 20 *INTERNATIONAL CRIMINAL LAW REVIEW* 759-783 (2020). The volume is published as a special issue edited by Anja Matwijkiw).

⁴⁷ *Id.*, at 766.

⁴⁸ Note that the debate about (potential) developments that progressive doctrine integrates, thereby also affecting the traditional and liberal bias that prioritizes

negative rights with corresponding negative duties, is explicated in Matwijkiw, *The Dangers of the Obvious but Often Disregarded Details in the International Criminal Law Demarcation Debate: Norm-Integration and the Triple-Thesis 'Argument.'* See *id.*, at 775.

⁴⁹ M. Cherif Bassiouni, *Human Rights and International Criminal Justice in the Twenty-First Century*, in *ARCS OF GLOBAL JUSTICE: ESSAYS IN HONOUR OF WILLIAM A. SCHABAS* 33 (Margaret M. DeGuzman & Diane Marie Amann eds., 2018).

⁵⁰ *Id.*

⁵¹ Gammeltoft-Hansen, *Refugee Policy as "Negative Nation Branding": The Case of Denmark and the Nordics*, *supra* note 40, at 100-101, 108, 118.

⁵² Peter Nedergaard, *The Immigration Policy Turn: The Danish Social Democratic Case*, *SOCIAL EUROPE* (May 25, 2017), <https://www.socialeurope.eu/immigration-policy-turn-danish-social-democraticcase>.

⁵³ Louise Schou Drivsholm & Laura Friis Wang, *Med Martin Rossen har embedsværket fået en socialdemokratisk værdikruger*, *INFORMATION* (July 19, 2019), <https://www.information.dk/indland/2019/07/martin-rossen-embedsvaerket-faaet-socialdemokratisk-vaerdikruger>.

⁵⁴ Mette-Line Thorup, *Jeg mener udlændingepolitik er klassekamp*, *INFORMATION* (Mar. 28, 2018), <https://www.information.dk/indland/2018/03/mener-udlaendingepolitik-klassekamp>; Mary Lou McDonald, *Mattias Tesfaye: The Border Guard*, *POLITICO* (2019), <https://www.politico.eu/list/politico-28-class-of-2019-the-ranking/mattias-tesfaye>.

⁵⁵ National Parliament, *Til lovforslag nr. L 80, Lov om ændring af lov om dansk indfødsret og lov om danskuddannelse til voksne udlændinge m.fl.* (proposal for

law L 80 as adopted on Dec. 20, 2018), https://www.ft.dk/ripdf/samling/20181/lovforslag/180/20181_180_som_vedtaget.pdf; Fie Dandanell, *Idag blev første håndtryksceremoni afholdt: "Jeg ville have givet hånden som tak alligevel,"* BERLINGSKE (Jan. 17, 2019), <https://www.berlingske.dk/samfund/i-dag-blev-foerste-haandtryksceremoni-afholdt-jeg-ville-have-givet-haanden>; Anja Matwijkiw, *COVID-19: Illiberal Restrictions May Become Too Liberal*, RAOUL WALLENBERG INSTITUTE OF HUMAN RIGHTS AND HUMANITARIAN LAW (Apr. 21, 2020), <https://rwi.lu.se/2020/04/21/covid-19-illiberal-restrictions>.

⁵⁶ Ritzau, *Regeringen er klar med håndtryksceremoni for statsborgerskab*, RINGKØBING-SKJERN DAGBLADET (Aug. 31, 2018), <https://dbrs.dk/artikel/regeringen-er-klar-med-h%C3%A5ndtryksceremoni-for-statsborgerskab>.

⁵⁷ Rikke Struck Westersø-Ritzau, *Kjærsgaard står fast efter reprimande: Man må ikke kalde andre "racistisk" i Folketinget*, TV2 (Feb. 22, 2019), <http://nyheder.tv2.dk/politik/2019-02-22-kjaersgaard-star-fast-efter-reprimande-man-ma-ikke-kalde-andre-racistisk-i>.

⁵⁸ National Parliament, *Til lovforslag nr. L 140, Lov om ændring af udlændingeloven, integrationsloven, repatrieringsloven og forskellige andre love* (Feb. 21, 2019), https://www.ft.dk/ripdf/samling/20181/lovforslag/1140/20181_1140_som_vedtaget.pdf; Rikke Struck Westersø-Ritzau, *Nu er paradigmeskiftet vedtaget i Folketinget*, TV2 (Feb. 21, 2019), <http://nyheder.tv2.dk/politik/2019-02-21-nu-er-paradigmeskiftet-vedtaget-i-folketinget>.

⁵⁹ Law L 140 mixes repatriation and rights-restrictions for family unification with a 50 percent cut in economic assistance, which changed to

“selvforsørgelses- og hjemrejseydelse” [assistance for self-support and home transport].

⁶⁰ National Parliament], *L 87 Forslag til lov om ændring af udlændingeloven (stadfæstet)* [*L 87 Proposal to Amend the Law (Adopted)*] (Jan. 26, 2016), <https://www.ft.dk/samling/20151/lovforslag/l87/index.htm>. For Kofi Annan’s “concern” on behalf of Denmark’s (anti-)humanitarian development, see Kristian Corfixen, *Kofi Annan om danske stramminger: “Jeg er bekymret,”* POLITIKEN (Jan. 26, 2016), https://politiken.dk/udland/fokus_int/Flygtningestroem/art5608276/Kofi-Annan-om-danske-stramminger-%C2%BBJeg-er-bekymret%C2%AB. For the UN’s xenophobia warning, see Patrick Kingsley, *Denmark to Force Refugees to Give Up Valuables under Proposed Asylum Law*, THE GUARDIAN (Jan. 12, 2016), <https://www.theguardian.com/world/2016/jan/12/denmark-to-forcerefugees-to-give-up-valuables-under-proposed-asylum-law>); National Parliament, *Til lovforslag nr. L 38, Lov om Ændring af lov om almene boliger m.v., lov om leje af almene boliger og lov om leje* (Nov. 22, 2018), https://www.ft.dk/ripdf/samling/20181/lovforslag/l38/20181_l38_som_vedtage_t.pdf. For the *burqa* ban as one component of the ghetto provisions, see the Institute of Race Relations (IRR), *Denmark’s “Ghetto Package”—Discrimination Enshrined in Law* (Nov. 21, 2019), <http://www.irr.org.uk/news/denmarks-ghetto-package-discrimination-enshrined-in-law>.

⁶¹ Gammeltoft-Hansen, *Refugee Policy as “Negative Nation Branding”: The Case of Denmark and the Nordics*, *supra* note 40, at 102.

⁶² Both religious freedom and non-discrimination were violated as rights. See UNHRC, *Hebbadj v. France*, Communication No. 2807/2016, View (July 17, 2018); UNHRC, *Yaker v. France*, Communication No. 2747/2016, View (July

17, 2018); International Covenant on Civil and Political Rights (ICCPR), Arts. 18 and 26; ECtHR, *S.A.S. v. France*, Application No. 43835/11, Grand Chamber, Judgment (July 1, 2014).

⁶³ Here referring to the two post-2001 decades. The term (re)branding reflects this author's skepticism about tolerance prior to 2001 (cf. law of Jante).

⁶⁴ AKSEL SANDEMOSE, *EN FLYGTNING KRYDSEK SIT SPOR I-II [A FUGITIVE CROSSES HIS TRACKS]* (4th ed., 1968) (1933).

⁶⁵ Satirically, the Ten Commandments of the Law of Jante entails that *only if* you are (re)made in our image, does it follow that we tolerate you. The Ten Commandments are:

1. You shall not believe you are anything [special].
2. You shall not believe you are as much as us.
3. You shall not believe you are wiser than us.
4. You shall not imagine you are better than us.
5. You shall not believe you know more than us.
6. You shall not believe you are more than us.
7. You shall not believe you are good for [much, if] anything.
8. You shall not laugh at us.
9. You shall not believe anyone [unselfishly] cares about you.
10. You shall not believe you can teach us anything.

See SANDEMOSE, *A FUGITIVE CROSSES HIS TRACKS*, *supra* note 63, at I-77.

⁶⁶ This is also captured in Ib Spang Olsen's front cover for Sandemose's (in)famous book. See *id.*

⁶⁷ See generally Bronik Matwijkiw, *Philosophical Analysis as a Pathway to Progress: From the Burqa to the Emperor's New Clothes*, in *LAW, CULTURAL STUDIES AND THE "BURQA BAN" TREND: AN INTERDISCIPLINARY HANDBOOK* 349-389 (Anja Matwijkiw

& Anna Oriolo eds., 2021) [hereinafter *Philosophical Analysis as a Pathway to Progress*].

⁶⁸ *Id.*, at 61; SANDEMOSE, A FUGITIVE CROSSES HIS TRACKS], *supra* note 63, at I-111 (for conformity *versus* growth as a desirable *versus* undesirable phenomenon).

⁶⁹ Ritzau, *Danish parliament passes ban on burqa and niqab*, THE LOCAL (31 May 2018), <https://www.thelocal.dk/20180531/danish-parliament-passes-ban-on-burqa-and-niqab>.

⁷⁰ Matwijkiw & Matwijkiw, *International Relations Begin at Home*, *supra* note 20.

⁷¹ Mark Lowen, *David Sassoli: Flags lowered for EU parliament leader*, BBC NEWS (Jan. 11, 2022), <https://www.bbc.com/news/world-europe-59947211>. President Sassoli's humanist legacy was stressed: Among the many European issues he confronted was migration, urging solidarity from member states. "If there is no respect for human life, he said, 'Europe doesn't exist'." See *id.*

⁷² Sasha Ingber, *Denmark Bans the Burqa and Niqab*, CHICAGO'S NPR NEWS STATION (May 31, 2018), <https://www.ualrpublicradio.org/post/denmark-bans-burqa-and-niqab>; Anja Matwijkiw & Bronik Matwijkiw, *Illiberal versus Liberal State Branding and Public International Law: Denmark and the Approximation to Human(itarian) Rightlessness*, 18 GLOBAL COMMUNITY YILJ 207-235, 219 (2019). For Naser Khadar's pro-assimilation stance, see Olav Hergel, *Hvad skete der dog med hele Danmarks yndlingsmuslim?* POLITIKEN (Dec. 24, 2017), <https://politiken.dk/indland/art6267381/Hvad-skete-der-dog-med-hele-Danmarks-yndlingsmuslim>.

⁷³ Anja Matwijkiw & Bronik Matwijkiw, *Liberal Democracy: Absolutist EU Rule of Law Conditionality or a Pluralistic Bargaining Chip?* 59-74 OPTIME – SCIENTIFIC JOURNAL OF ALBANIAN UNIVERSITY (2022).

⁷⁴ Rasmus Jønsson, *DF er et tegneseriehold*, FORUM (2018), <https://www.kommunikationsforum.dk/artikler/Pletskud-fra-DF>

⁷⁵ The Court of Impeachment ruled that “the order had violated Danish law and the European Convention on Human Rights.” See Staff Writer, *Inger Støjberg: Denmark's ex-immigration minister convicted over illegal asylum seeker policy*, EURONEWS. (Dec. 13, 2021), <https://www.euronews.com/2021/12/13/inger-stojberg-denmark-s-ex-immigration-minister-convicted-of-impeachment-over-asylum-poli>.

⁷⁶ With a spectrum that encompasses the so-called “tall poppy syndrome” and “crab mentality,” as well as bullying, harassment, and violence to react against differences.

⁷⁷ JOHANNES RENDERS, FREEDOM THROUGH SUBMISSION: MUSLIM-TALK IN CONTEMPORARY DENMARK (2021) [hereinafter RENDERS, FREEDOM THROUGH SUBMISSION].

⁷⁸ Staff Writer, *UK debates Prophet Muhammad caricatures after teacher suspended*, ALJAZEERA (Mar. 26, 2021), <https://www.aljazeera.com/news/2021/3/26/uk-debates-prophet-muhammad-caricatures-after-teacher-suspended>.

⁷⁹ Staff Writer, *France honors ‘quite hero’ teacher killed for showing Prophet Muhammad cartoons*, FRANCE24.COM (Oct. 15, 2021), <https://www.france24.com/en/europe/20211015-france-honours-quiet-hero-teacher-killed-for-showing-prophet-mohammed-cartoon>.

⁸⁰ *Id.*

⁸¹ National Parliament, *Retsudvalget, Betænkning over Forslag til lov om ændring af straffeloven (Tildækningsforbud)* [Legal Committee, Report on Proposal for Amendment of the Penal Law (Cover Ban)] (May 24, 2018), https://www.ft.dk/ripdf/samling/20171/lovforslag/l219/20171_l219_betaenkning

g.pdf (hereinafter Parliamentary Report of May 24, 2018). Note that the report makes it evident that the rationale for the *burqa* ban made no distinction between Islam as a religion and “political Islam” – which is synonymous with fundamentalism.

⁸² RENDERS, FREEDOM THROUGH SUBMISSION, *supra* note 77.

⁸³ Khader, *Muslims in Europe: The Construction of a “Problem,” supra* note 7; Staff Writer, *Anti-Muslim hatred has reached 'epidemic proportions' says UN rights expert, urging action by States*, UN NEWS (Mar. 4, 2021), <https://news.un.org/en/story/2021/03/1086452>.

⁸⁴ BERNARD WILLIAMS, MORALITY. AN INTRODUCTION TO ETHICS 20-21 (Cambridge University Press 2012 (1972)).

⁸⁵ For the reduction of the *burqa* ban rationale to a rationalization, see generally Matwijkiw & Matwijkiw, *Denmark's Blanket Burqa Ban: A National(ist) Perspective*, in LAW, CULTURAL STUDIES AND THE “BURQA BAN” TREND: AN INTERDISCIPLINARY HANDBOOK, *supra* note 11.