Islamophobia, Hateful Speech, and the Need to Practice Democratic Virtues

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ABSTRACT

This essay examines the relationship between hateful speech and its potential and realized harmful effects socially and politically vulnerable groups, particularly Muslims, in a democratic society. I critically evaluate the assumption that free speech is an absolute value of secularism and the corresponding definition of Muslims as religious "others" in European and American democratic culture. Instead of arguing strictly for the legal regulation of hateful speech, however, I contend that the cultivation of civic virtues—specifically charity and solidarity—may counteract the harmful effects of such speech, and can lend moral justification for the right of free speech.

INTRODUCTION

Pastor Terry Jones of the fundamentalist Dove Outreach Center in Gainesville, Florida, first threatened to burn hundreds of copies of the Qur'an in 2010 around the nine-year anniversary of the terrorist attacks of September 11, 2001. While Jones and his followers did not immediately follow through with this threat, in March 2011 they put the Qur'an on trial and found it "guilty" of crimes against humanity and then burned a copy. In recent years, Jones has continued to make news headlines by spewing vitriol against Muslims and by publicly supporting anti-Muslim propaganda like the amateur film, *The Innocence of Muslims*.

How do we best make sense of Jones's actions? It is necessary to examine the global dynamics involving secularism and religious fundamentalism that have become embedded in the free speech debate. This essay places Terry Jones's religious-nationalist rhetoric in the context of American Christian fundamentalism. Non-Muslim Americans and Europeans tend to share two misconceptions: first, that Islam is by nature an intolerant religion which begets religious violence and terror; and second, that the secular West promotes peace and tolerance. Jones selectively employs liberal ideas about free speech and yet also embraces a militant interpretation of Christianity that is highly intolerant of religious and ethnic differences. His speech and actions may also be contextualized in light of highly publi-

cized debates about freedom of speech in conflicts between the "secular" West and the "religious" Muslim worlds. Discourse surrounding these controversies has frequently replicated and reinforced this dualism: one side is for the freedom of expression, and the other is against it. Two instances are particularly definitive: the publication of, and discourse surrounding, the Danish Cartoon Controversy of 2006, as well as the uproar generated by Salman Rushdie's *The Satanic Verses,* and Ayatollah Khomenini's *fatwa* against Rushdie in 1988. Each generated global arguments, and sometimes violence, regarding the scope of free speech.

While there is much to be said about the political concepts of religiosity and secularity being debated through arguments about free speech, the focus of this essay is on the persons who are most vulnerable to the harmful effects of speech, including the political and social conflicts that follow from controversial speech. Jeremy Waldron identifies the aim of hate speech as seeking to "compromise the dignity of those at whom it is targeted, both in their own eyes and in the eyes of other members of society" (2012, p. 5). Waldron defines "dignity" not as a metaphysical concept, but rather as something that allows people to function and flourish socially. A central ethical issue at stake, then, is the integrity of freedom of speech as a democratic practice that supports the dignity of persons. The harm caused by such speech can be measured in the way that it ostracizes and stigmatizes members of certain groups, including immigrants and refugees (and whose religious identity is also a marker of difference) (Matsuda, 1993, 2013-14). As such, hateful speech resembles more an act of bullying than an expression of truth.

While Waldron's solution of legal measures toward regulating hate speech is one way to address the problem, there are other productive ways to socially and politically discourage and critique hateful speech. This is important when considering the case of Qur'an burning, which may not legally constitute unprotected speech (Sacirby, 2010).[1] Terry Jones's burning of the Qur'an may not rise to the legal level of incitement or fighting words in the view of U.S. constitutional law, but still this type of activity is arguably—morally, religiously, politically, and culturally—an instance of hate speech. This essay will examine the types of harm caused by Jones's speech, contextualizing it in the global political environment since September 11, 2001.

I then argue that hateful speech, with its potential to harm some groups of society, may also engender greater awareness of social inequality and discrimination by making public the ugliness of racism, xenophobia, and associated hatreds. Hateful speech highlights the urgent need for charity and solidarity as virtues that support free speech in a pluralist democratic society, although not in the sense that people should "charitably" endure hateful

and untrue remarks about themselves and their communities. As a theological virtue, charity is the love of one's neighbor based on the love of God. As a democratic virtue, charity involves the practice of approaching the neighbor dialogically, or being willing to listen and learn from the neighbor. Solidarity promotes justice for all persons as participants in the common good. Toward the end of the essay, I briefly examine how acts of charity and solidarity in response to hateful speech, in the form of organized statements made in public places or expressed using social media, not only represent a more inclusive vision of democratic politics but also lend moral legitimacy to legal right of free expression. Practices of charity and solidarity engender trust between different social groups.

I. Fundamentalist Religious Politics and the Invisible "Enemy in the Mirror"

American Christian fundamentalism is a response to the rise of modern secularist politics, the bureaucratic state and values created by the market economy, and modern scientific rationalism (Mardsen, 2006). Thus, it is appropriate to characterize fundamentalism as a modern social phenomenon, although fundamentalists may reject characteristically modern or liberal beliefs about the separation between church and state, for example, or the theory of evolution. Christian fundamentalists like Terry Jones do not completely dispense with modern ideas and technologies, but rather engage in selective rejection and appropriation of them. For example, Jones rejects the liberal value of tolerance of difference at the same time as he selectively employs protected liberal rights, such as the freedom to organize publicly and the freedom to criticize the government. Jones and his followers understand and depict themselves as marginalized Christians, but also speak from positions of global power as white, Protestant-affiliated citizens of the United States.

In an article on the sociological characteristics of religious fundamentalism, Martin Riesebrodt argues, "[t]he overwhelming majority of carriers of fundamentalist movements represent those who have experienced Western 'modernization,' e.g., bureaucratization, expansion of the market economy, and secularization as threat, disappointment, or even catastrophe" (2000, p. 282). Riesebrodt observes the development of religious fundamentalisms has occurred in reaction to the conditions of modernity, and therefore is not limited to a single location or group. The rise of such groups became especially noticeable in the 1970s, and their focus was (and has continued to be) "aggressively nationalistic" and often patriarchal.

Although the term "fundamentalist" has been used to delegitimize religious movements and actors, Riesebrodt argues for its usage as an

explanatory term, insofar as it captures a type of religious movement that "reacts to social changes perceived as dramatic crisis" (2000, p. 271). In distinction from religious traditionalists, for example, religious fundamentalists tend to incorporate an ideal of world-rejection into their thinking and practices. Such world-rejection may take the form of conceptualizing a mythical world order that has its roots in an older, "pure" tradition. For Terry Jones and his followers, this world order is characterized by a return to biblical values, which entails an understanding of America as a Christian nation.

A video posted on the Dove World Outreach's website begins with various clips of Muslims engaging in anti-American and anti-European protests around the world. Some of the clips depict Arab Muslims making death threats against America and stomping on the American flag. Terry Jones appears dressed in a suit and seated at a desk, which may be an attempt to make him appear calm and professional, in comparison to the video images of rioting Arabs in the streets. Jones accuses Christians of lacking the determination to fight against Muslims, whom he says are working to implement a vision of world domination. His vision is for the ascendancy of an American Christianity capable of fighting Islamic "infidels," since in his view Europeans have embraced an impotent secularism that has left them unable to combat the growing influence of Islam in Europe. Jones argues, "It is not too late for America. It is too late for Europe. Europe has been given over to humanism and to Islam. So the 15 million Muslims that live in Europe make sure it becomes a Muslim continent" (Jones, 2010). Jones cites his experience as a missionary in Europe and other places in order to substantiate his claims about an imminent Muslim takeover.

The connection between Christianity and American identity operates as an important theme for Jones. He laments, "I remember a Christian America 30 years ago that had a large number of . . ..young people who were radical, radical for Jesus. . .The church is [now] in terrible condition" (Jones, 2010). On the one hand, Jones thinks that America (and the world) must be "saved" from the advance of the external enemy, radical Islam. On the other, he is concerned about practices within American borders; specifically the legal protections extended to homosexuals and legalized abortion. For Jones, Christian identity can be consolidated around resistance to these practices, in addition to resistance of an external Muslim "enemy."

In light of these facts, Jones's argument exemplifies what Riesebrodt identifies as a fundamentalist response of world-control. This type tends to "seek power not only within religious institutions, but more importantly, in the public sphere" (Riesebrodt, 2000, p. 274). Jones urges his followers promote to their ideas in public places, from the street to the courthouse, as well as online. Jones advocates religious activism when he argues, "The

churches must stand up. We cannot expect help from any place else. Politicians are useless. . .. We must stop preaching what people want to hear. We must preach the Bible. . .. the truth [of the Bible] is not only love, healing and prosperity, but it is also about getting up" (Jones, 2010). Jones repeatedly exhorts Christians to "let their voice be heard" through public protest.

This rhetoric reflects alienation from, and yet paradoxical dependence on, multicultural and multireligious politics. Cultural shifts in the U.S. over the past fifty years have allowed for more religiously-inclusive civic engagement and imagination, in which Jews, Hindus, Muslims, and even atheists have been recognized as civic participants (Eck, 1999). In making arguments to re-claim the public sphere as Christian, Jones challenges this pluralistic ethos. In one respect, Jones's targeting of Islam warrants special attention, in part because his religious fundamentalism and the religious fundamentalism of radical Islamists stem from some of the same sources and share similar preoccupations. For example, both Christian and Islamic fundamentalists reject the pluralist ethos of multicultural democracy, and frequently seek to control the structures of government along the lines of mythic religious state. Many attempts remain at the level of rhetoric, but in some cases religious fundamentalists employ violent means in order to acquire control.

There are, however, significant differences between these types of fundamentalism that ought not to be overlooked. Jones's anti-Muslim bias can be traced to a medieval Christian hostility toward Islam[2] and a concept of Western superiority that originated in the modern period. Since the publication of Edward Said's *Orientalism* (1979), many contemporary studies on Islam and the West have observed that Westerners have defined Islam and Muslims as "others," or as holding inverse qualities to the rational, autonomous, and white European subject.[3] The European colonization of traditionally Muslim lands in the Middle East, Africa, and Indonesia was frequently justified on racial and cultural grounds. Thus, it is worth considering how Jones's antipathy toward Muslims is founded on a combined religious and cultural sense of superiority. Jones claims that Islam is an inherently violent religion, but he downplays his own Christian militancy (and vision of Christian domination) by calling on Christians to adopt ostensibly peaceful methods of protest and organization.

Islamic fundamentalists share with Jones a certain antipathy toward secular structures and knowledge. Significantly, for Islamic fundamentalists modernity is inseparable from experiences of displacement and alienation related to European colonial occupation and later American global hegemony (Euben, 1999). In the postcolonial period, U.S. economic and military hegemony and corrupt autocratic leadership in Arab states has fos-

tered new forms of violence, especially in the form of repressive regimes. Islamic fundamentalists also claim cultural and religious superiority, but they often do so from a place of global marginalization. Roxanne Euben attends to the differences between fundamentalisms that are rooted in economic inequality: "Despite the fact that radically different peoples have been subjected to similar socioeconomic processes, modernization and now globalization often confront postcolonial or 'peripheral' nations not with greater parity but rather with a more deeply entrenched inequality. . ." (1999, p. 41). Euben argues that the prototypical social-scientific construction of Islamic fundamentalism allows Westerners to define and justify the rationalist narrative. "Fundamentalism has in many ways become a negative mirror reflecting back on Western life that which it would leave behind. . ." (p. 44). For Euben, this process of othering constitutes the paradoxical creation of the "enemy in the mirror."

Terry Jones and his Dove Outreach followers selectively employ the narrative of Western superiority and secularism. Accordingly, the secular state is problematic insofar as it does not accept and promote the metaphysical truths implied by biblical Christianity, but the state's guarantee of religious freedoms through the separation of church and state is welcomed. Jones and his followers demonstrate a special interest in free speech as a protected constitutional right through their public burning of effigies of President Obama and the destruction of the Qur'an. Through his inflammatory actions, often broadcast online, Jones wields the liberal "value" of freedom of speech as a weapon to reinforce the twin ideas that Islam is inherently violent and that Christians are victims of violent persecution.

II. VIOLENT SPEECH

Terry Jones exhibits animosity toward the value of tolerance, and yet at the same he accepts privileges that come with the protection of freedom of expression as well as his freedom to practice his religion. Therefore, it seems appropriate to analyze Jones's actions in the context of the debate over free speech. In the U.S., we justify freedom of speech in legal, moral, and political terms. Freedom of speech is a constitutionally protected right that plays an important political role in the U.S. of making sure that the government does not interfere with the opinions of citizens.[4] Bollinger notes that contemporary free speech discourse focuses on its value of "getting at the truth" (1986, p.45). Morally, the value placed on an individual's free expression represents a commitment to the principle of autonomy, or principle that people have the capacity for determining for themselves right action.

Autonomy can also be understood as entailing the ability to participate

in the public political sphere (Benhabib, 1992). Free expression ideally allows for a variety of individuals to articulate their views and participate in public discourse and political decision-making (Gutmann, 2004). Yet what happens when some persons, through hateful speech, attempt to inhibit the ability of others to participate in public discourse? In the U.S., several groups in recent history have used freedom of speech to make hateful statements against other groups, such as the members of the Westboro Baptist Church ("Westboro"), whose constitutional right to freedom of expression the Supreme Court protected from intentional tort liability (*Snyder v. Phelps*, 2010).

Chief Justice Roberts, who authored the 8-1 majority opinion, held that the First Amendment protects the right of free speech on issues related to public concern, like homosexuality in the military (*Snyder v. Phelps*, 2010). In this opinion, Chief Justice Roberts notes that a critique of the secular modern state was at the heart of the protests, which falls within the domain of First Amendment protection. Brian Britt (2010) argues that Phelps and Westboro contest the separation between religious and secular spheres in American politics. The hate speech employed by the Westboro members (e.g., picket signs reading, "God Hates Fags" and "God Hates America") constitutes a form of religious rhetoric employed in the public sphere. Rebecca Barrett-Fox's (2011) ethnographic work demonstrates how Westboro members engage in military protest as a platform to publicly express their strict views of Calvinist predestination and natural law theory.

The Westboro Baptist Church espouses a minority opinion, and Ronald Dworkin argues that a democracy must allow those groups in the minority to express themselves informally for the reason that "It is unfair to impose a collective decision on someone who has not been allowed to contribute to that moral environment, by expressing his political or social convictions or tastes or prejudices informally. . ." (2009, p. viii). From Dworkin's perspective, however erroneous or hateful their speech, Westboro members' right to freedom of expression must be protected on the grounds that it is a cost of political legitimacy (Waldron, 2012).[5]

On the one hand, the arguments of Roberts and Dworkin make sense when we think about the importance of addressing matters of public concern, and the democratic value of inclusion of differing perspectives when doing so. On the other hand, these arguments do not very well address the harm of hateful speech, which can be experienced at both and individual and group level.[6] From a legal perspective, definitional problems arise when trying to determine what constitutes hate speech.[7] Waldron explains, "In most hate speech legislation, hatred is relevant not as the motivation of certain actions, but as a possible effect of certain forms of speech" (2012, p. 35). In other words, hate speech is commonly interpreted as words

intended to incite hatred or to inflict dignitary harm. Yet, Britt argues, "In the United States, words that wound—insulting and humiliating statements—are not illegal unless they incite or threaten violent or other criminal action" (2010, p. 635).

That the U.S. Constitution generally protects hateful speech[8] should not prohibit ethical analysis of the kinds of harm it can produce. What type of injury is visited upon Muslims by Terry Jones's threats and actions? This question takes into consideration both the content of the speech and the form such speech takes, particularly as it is recorded and televised. The video posted on his website constitutes one form of attack on Muslims insofar as it labels all Muslims as violent and conspiratorial against America. When Jones burned the Qur'an in March 2011 and his followers publicized this event by posting a video of it on *YouTube.com*, the consequences were immediately more visible. In response, a mob of angry citizens in Afghanistan attacked the United Nations compound in Mazar-i-Sharif, resulting in the death of twelve civilians (Partlow, 2011). Simultaneously, Muslim leaders in Iran and Afghanistan denounced Jones and tried to capitalize on anti-American sentiment and political chaos in their own countries. Thus, it could be argued that the consequences of Qur'an-burning for purposes of national security would mandate some kind of limitation of Jones's freedom to express his views, which did not occur (he did receive widespread condemnation from American political leaders and clergy, however, on the grounds that it was disrespectful).

How does information about contemporary international politics influence how we should evaluate the exercise, content, form, and forum of speech? Speech does not occur in a cultural vacuum, and we must read Jones's words, publicized in a virtual format, in light of American military and economic involvement in Muslim-majority countries like Iraq and Afghanistan. To more fully grasp the kind of harm that such hate speech visits upon Muslims, we must acknowledge the destruction of actual Muslim communities that many Muslims have come to associate with the U.S.

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It may be useful to examine, for the purpose of contextualization, another incident of Qur'an burning. In this case, the actors did not ostensibly intend to incite hatred or fear among Muslims. A few members of the U.S. Military burned copies of the Qur'an in a garbage pit in Afghanistan in early 2012, which was quickly publicized by the media and led to apologies by the U.S. Government. We might not automatically think of this as sym-

bolic hate speech. However, this does not mean that individual Afghani Muslims did not perceive it as hateful. One Afghani protester, Maruf Hotak, explained why the burning of the Qur'an by Americans—whether intentional or accidental—is harmful to Muslims: "This is not just about dishonoring the Qur'an, it is about disrespecting our dead and killing our children. They always admit their mistakes. They burn our Qur'an and then they apologize. You can't just disrespect our holy book and kill our innocent children and make a small apology" (Greenwald, February 26, 2012). The soldiers who burned copies of the Qur'an perhaps displayed more cultural insensitivity than malice, but nevertheless, this example is a reminder that tensions are high between several regions of the Islamic world and the U.S.

For Hotak, the American assault on the Qur'an is a symbolic assault on Muslims, which accompanies other non-symbolic assaults. Hotak's argument shows that it can be difficult for civilians to distinguish intentional violence from collateral damage. It also demonstrates the relative powerlessness that many civilians have experienced regarding violence in their communities. Therefore, not only should we consider the social location of the speaker in question when we evaluate speech, but also that of the intended or unintended recipient. The offense generated by Jones's Qur'an burning episodes should be interpreted contextually in the ongoing military activity in the Middle East, and the effects of violence on civilians. From this perspective, Jones's burning of the Qur'an is not an act of truth-telling, but may be interpreted as threatening more violence toward Muslims.

III.   OFFENSIVE SPEECH: THE DANISH CARTOON CONTROVERSY

The real or potential injury that characterizes Qur'an burning can be clarified by examining other provocations of Muslims that claim a right to free expression as a value that defines the civilized from the non-civilized. The examples on which I draw come from Europe, and thus they are characterized by specific issues pertaining to European colonialism and contemporary postcolonial Muslim immigration (Bowen, 2012). The discourses surrounding these conflicts reveal marked inattention to the global politics that separate the privileged from the non-privileged and the insider from the outsider in ways that compare to anti-Muslim discourse in the U.S.

During the Danish Cartoon Controversy of 2005, in which a Danish newspaper published inflammatory cartoons depicting the Prophet Muhammad (including one with a bomb in his turban), the newspaper and its defenders were quick to make the debate about the alien presence of the Islamic "other" in Denmark. Many Muslims around the world took offense; some organized protests and some engaged in economic boycotts.

Christian Rostboll observes "Muslims were seen as insufficiently enlightened because they take their religion too seriously and fail to understand that 'satire and caricatures of religion are not expressions of disrespect for or ridicule of groups because of their faith or beliefs'" (Rostboll, 2009, p. 626). He argues that this defense of the cartoons was rooted in a concept of Enlightenment liberalism, specifically in the principle of autonomy. Defenders of the cartoons' publication argued that freedom of expression was a near absolute good, and that it promoted vigorous debate in Denmark (Bleich, 2012).[9] Their detractors saw the cartoons as expressing anti-Muslim and anti-immigrant sentiment.

Rostboll refers to social context as providing clues about whether the publication of the cartoons could be justified in the name of autonomy, specifically the type of autonomy that prizes freedom of speech as an absolute good. He argues that the controversy surrounding their publication reveals the power of a majority against a weaker minority, and maintains that contextualizing the publication of the cartoons in Danish anti-immigration discourse is imperative. The dominant public discourse surrounding the publication re-affirmed the nativist sentiment that Muslims were outsiders.

In the aftermath of their publication, the publisher of the cartoons argued that by stereotyping Muslims and mocking the Prophet Muhammad, Danish culture was actually *including* Muslims. Flemming Rose, the editor who commissioned the cartoons, said, "By treating Muslims in Denmark as equals [the cartoonists] made a point: We are integrating you into the Danish tradition of satire because you are a part of our society, not strangers. The cartoons are including, rather than excluding, Muslims" (Rostboll, 2009, p. 631). Rostboll argues that this inclusion, for all its promise of extending recognition, is carried out only on Flemming's terms.

This example illustrates the moral and political aspects of the free speech debate. Rostboll asks whether freedom of expression, justified by autonomy, condones or encourages disrespect for Muslims' religious feelings. Rostboll argues that exercise of freedom of speech should be conditioned by the recognition of another's autonomy, which places constraints on the ways that individuals express ideas. According to Rostboll, this commitment involves recognizing a person as capable of choosing and endorsing their own ends.[10] Freedom of expression requires a degree of modesty about the truth of one's convictions vis-à-vis one who does not share them.

Rostboll's distinction between freedom of expression that encourages dialogue and expression that is harmful to others, particularly minorities, is helpful. Citizens in a democracy should reflect critically on hateful speech which is directed at those who are socially vulnerable. Was the motive of

the Danish cartoonist and publisher to cause Muslims to critically reflect on their convictions, which is consistent with a kind of autonomous choosing? Or conversely, did they seek to affirm the "backwardness" of Muslim immigrants and the crudeness of their religion? Rostboll explains that while defenders of the cartoons' publication argued that causing offense was a moral catalyst for identifying unenlightened parts of one's tradition, causing offense in specifically anti-Muslim ways re-affirmed Danish and European Muslims' status as outsiders.

For Muslims to be recognized as autonomous persons in a democratic society, they must be recognized as possessing dignity. As Waldron explains, dignity is not "just a decorative fact" about an individual but something that commands recognition by other citizens and by the state (2012, p. 85); this helps to explain why the harmful effect of hate speech as a "world defining" activity (p. 74). Editor Flemming Rose's argument that the cartoons "included" Muslims in Danish civic life meant that they, like any group, could be subjected to ridicule and offense. Attention to context reveals that while freedom to offend is an important right, speech that increases the stigmatization of minority groups who are already politically and socially (if not economically) vulnerable might cause more discrimination and even incite violence against them.[11]

A further example will lend support to this point. Talal Asad (1993) examines *The Satanic Verses* (published first in 1988) and the impact of the Rushdie Affair on Muslim communities around the world, particularly in Britain. Many people read the fictional *The Satanic Verses* as not only critical of, but blasphemous toward, major tenets of the Islamic religion. Some Muslim groups organized book burnings of the text, and Ayatollah Khomeini issued a fatwa or legal ruling calling for Rushdie's death in 1989. Asad addresses European and Western secular discourse surrounding the book's reception. He argues that public discourse about *The Satanic Verses* merely reinforced harmful stereotypes about Muslims and failed to challenge the Eurocentric colonial and postcolonial worldview.

As with the case of the Danish cartoons, the Rushdie Affair throws into relief the issue of inclusion and exclusion in European society. Asad discusses a British Muslim's praise of *The Satanic Verses*, who in a review argues that Rushdie captures a truth about multicultural Britain, about the collective experience ("our experiences") of persons living there. Asad is quick to question the integrity of this experience, however: "The possessive pronoun in 'our experiences' claims to speak representatively for a collectivity, but which collectivity?" (1993, p. 279). Asad maintains that the individual characters in *The Satanic Verses* misrepresented the experiences of the people about whom it claimed to be. He argues, "The book's stories do not connect with the political-economic and cultural experiences of [the

Indian British] population. What they do powerfully connect with are the highly ambivalent emotions generated by an anglicized Indian's gaze at the ruling class of imperial Britain" (p. 310). Asad's concerns about *The Satanic Verses* and the ensuing controversy are similar to Rostboll's concerns about the Danish Cartoon Controversy. Rostboll observes how artistic expressions can reify political and social boundaries and confirm who stands inside and outside of them. Asad is critical of art that surreptitiously privileges the experiences of Western persons above all others.

In contrast to these other cultural expressions, Terry Jones appears quite straightforward in his disregard for Muslims and does not attempt to disguise his feelings about Muslim immigration in Europe and the United States. He rejects the liberal ethos of tolerance altogether, which we may attribute to his Christian fundamentalist commitment. When Flemming Rose published offensive cartoons, he justified their publication as an exercise of freedom of expression (Rose, 2006). Implicit in this justification was that all religions, including all religious practitioners, were "free game" for criticism. In contrast, Jones unapologetically, blatantly, and crassly denounces Muslims, employing an implicit narrative of Christian-American persecution and superiority. As a white self-identified Protestant American, Terry Jones experiences freedom to express his views without the official threat of violence or imprisonment. Yet Jones's fundamentalist rhetoric is not the secular "enlightened" rhetoric found in the discourse around Rushdie's book or the Cartoon Controversy; his words are words of a dualistic war between Christianity and Islam, and they do not hide his contempt for the "enemy."

To the extent that the cartoons and the Rushdie affair were able to generate critical reflection regarding the social location of the authoritative speakers and artists, and the problem of anti-immigration and anti-Muslim sentiment, they represented a positive effect of free speech. Moreover, the relationship between art and free speech is more complex than the Jones's hate speech, simply due to the fact that art can be interpreted in multiple ways. In other words, hateful speech can occasion harm, but we ought not to discount the possibility that it can generate constructive reflection on social difference and create opportunities for the practice of social solidarity.

The potential or realized harm in both types of speech, as I have been arguing, pertains first to the relative power and social location of the speaker/actor. Flemming Rose, Salman Rushdie, and Rushdie's Eurocentric defenders all assume that their experiences are normative and create and defend as "universal" fiction and political cartoons that support their particular perspectives as privileged Europeans.[12] As a white self-identified Protestant American, Terry Jones experiences great freedom to express his

views without the official threat of violence or imprisonment. Yet Jones's fundamentalist rhetoric is not the secular "enlightened" rhetoric found in the discourse around Rushdie's book or the Cartoon Controversy; his words are words of a dualistic war between Christianity and Islam, and they do not hide his contempt for the "enemy."

IV.   Speech, Charity, and Social Solidarity

A strong justification for freedom of expression in U.S. history has been the value of "speaking truth to power," which presumes a measure of critical reflection and the exercise of autonomy as well as the idea that government is not the ultimate arbiter of truth. The liberal legal tradition focuses on the protection of the individual's right to speech, especially from the coercive reach of government. To focus strictly on this argument, however, ignores the reality that individuals are members of particular communities and not only U.S. citizens and residents of states. As discussed earlier, Rostboll and Asad show that justifications for freedom of speech are hollow when grounded in xenophobic claims or claims that distort and/or exploit the experience of marginalized groups, including immigrants and refugees.

What measures ought our society take in order to redress and prevent the harm of hateful speech, especially when it targets minority ethnic or religious groups? Some scholars, like Waldron, argue for the regulation of hate speech on grounds that hate speech jeopardizes the public good of inclusiveness, which he thinks is essential for democracy, and that it threatens the social dignity of individuals. Waldron observes that most liberal democracies, excluding the U.S., have legally prohibited visible defamations of social groups. Hateful speech that targets ethnic or religious minorities can serve as a form of psychological terrorism:

> The sort of attacks on vulnerable minorities that elicit attempts to regulate and suppress 'hate speech' include attacks that are printed, published, pasted up, or posted on the Internet—expressions that become permanent or semi-permanent part of the visible environment in which our lives, and the lives of vulnerable minorities, have to be lived. (2012, p. 37)

Terry Jones's Qur'an burning and other expressions of hate, posted on the Internet, might be such an example.

Waldron contends that the public order should reflect a commitment to recognizing the social dignity of each person. He explains that laws against religious defamation take into account a characteristic associated with group members, which may have some basis in fact but which is often

exaggerated. Regarding the claim that all Muslims are terrorists, Waldron argues that "a general imputation of dangerousness has a direct impact on the standing and social relations of all members of the group" (p. 57). An imputation of dangerousness, for example, affects community relationships with secular law enforcement officials, which may in turn limit the freedom and mobility of group members.

I agree with Waldron's argument that law must play a role in recognizing and protecting the basic dignity of all persons. Like Waldron, I remain suspicious that hateful speech, especially when directed from privileged insiders to socially vulnerable outsiders, threatens the principle of autonomy that is understood to support and give legitimacy to freedom of expression. For the remainder of this essay, however, I would like to discuss more specifically the way that certain virtues, or cultural habits, can work against hate speech. Virtues are practices that help improve social life. The virtues that I think are of particular importance here, charity and solidarity, can engage the faculties of critical reflection and moral imagination, and expose hate speech for what it often is: not an expression of truth, but rather an expression of bullying.

In the fall of 2012, Pamela Geller and her American Freedom Defense Initiative posted advertisements in the New York subway that equated Islam with savagery and jihad. These advertisements also had a pro-Israel message. Despite the protest of the New York transit system (MTA), who objected to the publication of the ads, Geller's legal right to expression was protected, and the ads were published. Geller claimed she did not see why her actions were so controversial, as she was only telling the "truth" about Islam through these ads. Several religious groups and organizations, including Jewish organizations, denounced the ads. The United Methodist Women posted signs next to the anti-Islamic advertisements that read "Hate speech is not civilized. Support peace in word and deed" (Rogers, 2012). While it may not lessen the injury caused by hate speech, this act of reminds citizens of the importance of exposing the falsehood of such speech for the common good. The non-Muslim religious communities who denounced the subway ads used similar rhetorical strategies to promote a message of peace and tolerance, underscoring the message of a shared democratic project.

The United Methodist Women illustrate the virtues of charity and solidarity by defending Muslims who were unjustly vilified as "savages" and publicly condemning such speech. Charity, which is a virtue that reflects love of God, is appropriately theological for the United Methodist Women, who ostensibly connect their love of God with the love of their non-Christian neighbor. Charity is expressed through a public statement, which also creates solidarity and reinforces the connection between diverse groups.

As autonomy is one of the main values inherent in freedom of expression, Roman Catholic legal theorist Cathleen Kaveny argues for the necessity of balancing autonomy with solidarity in law. She is critical of the liberal legal argument that "liberty has a fundamental value that overrides nearly every other value" and that the government constitutes the greatest threat to individual liberty (2012, p. 20). Kaveny prefers instead Joseph Raz's definition of autonomy in his moral and political work as entailing social commitments, and she also draws on Pope John Paul II's conception of solidarity as "a firm and preserving determination to commit oneself to the common good" (p. 54). Although Kaveny's argument appeals specifically to a conception of law as a moral teacher, her insight that law is based on both a conception of autonomy and solidarity is particularly relevant to this discussion. It suggests that when we think of the moral justifications invoked for freedom of speech, we should think about the how solidarity might function in addition, or in a complementary manner, to autonomy.

Kaveny maintains that the virtue of solidarity provides an important framework for justice in our multicultural society. Noting that political communities are large and unwieldy, Kaveny argues that social solidarity presses people to consider the effects of their actions on the socially vulnerable and the larger social patterns of which individual actions are a part. The habit of solidarity, she argues, can promote "the practice of seeing ourselves as actively responsible for all persons, particularly those on the margins of the community" (p. 54). As a virtue, solidarity must be practiced and cultivated to counteract a sense of alienation that results from broad and impersonal structures of government; and yet it must also promote justice for all, including those who are targeted and marked as "other" in society.

In some cases expressions of solidarity, and its related virtue, charity, are extended by persons who are themselves the targets of hateful speech. A group of North American Muslims signed a petition, circulated on the Internet, supporting the exercise of free speech at the beginning of the Qur'an burning controversy in 2010. In the petition, "A Defense of Free Speech by American and Canadian Muslims," they lament the anti-Muslim or Islamophobic statements made by Jones and others, but they also decry the violent actions of Muslims in response to acts of Qur'an burning and offensive cartoons. While the group argues that Muslims should condemn hateful speech, they maintain that their expressions of condemnation should be lawful. The petition states, "We uphold the First Amendment of the U.S. Constitution and the Canadian Charter of Rights and Freedoms. Both protect freedom of religion and speech, because both protections are fundamental to defending minorities from the whims of the majority" (Foundation for Pluralism, 2010). This statement draws from Qur'anic teachings about peace and tolerance such as Qur'an 5:8, "let not the hate of

others sway us from justice," and Qur'an 25:72, "pass by worthless talk with dignity." By affirming Jones's legal right to burn the Qur'an, the signatories show charity toward him and others like him, and interpret the principle of protecting the minority from the will of the majority broadly and generously.

By citing Qur'anic teachings on peace and justice as a defense of protection of free expression, they engage in a more compelling interpretation of democratic freedom, and the underlying principle of autonomy, than Jones offers through his words and actions. Recall that in this context, autonomy involves choosing for oneself a meaningful moral course of action and the ability to participate in civic discourse. Islamophobic speech often asserts that Muslims are *de facto* incapable of autonomous choice and participation because of their commitments to a pre-modern tradition or because of their fundamental, essential "otherness" or outsider status (in opposition to European or Western identities, as demonstrated by the Danish cartoons). The signatories to the petition show instead that their tradition can serve as a basis for autonomy, insofar as it encourages critical reflection on hateful speech and demands a just and proportionate (e.g., non-violent, perhaps even forgiving) response. They show that certain verses of the Qur'an support the responsible exercise of freedom, even when it is difficult to do so because of persecution and injustice.

Expressions of social solidarity that embrace difference and promote justice can serve as one powerful mechanism to redress and even prevent the harm of hate speech, but also they embody the purpose of free speech as speaking truth to power. While such deeds may not convince a figure like Terry Jones of his wrongdoing, they send a message about the importance of resisting hatred with love, violence with peace, and so forth. They recognize that to engage Jones (and others) at the level of hateful discourse would be fatal to the demands of justice, whether articulated as a biblical vision, a Qur'anic vision, or a democratic vision.

CONCLUSION

Life together in the United States presents to us the task of creative conflict resolution. The protection of freedom of speech guarantees the right of persons to participate in the public sphere through speech, however narrow or generous their conceptions of those who are different from them. Terry Jones calls into question the ability of Muslims to be productive participants in American democracy or in other forms of modern non-autocratic government. When framed this way, his argument resonates with others who worry that Muslims are incapable of democratic participation for religious-identity reasons. Jones articulates fears that exist, even if in

subtle or barely discernible form, among Americans. His actions magnify assumptions and prejudices that are tolerated every day, so it is a mistake to treat them as isolated, as only belonging to a crazy man. I think we should be careful not to underestimate the level of tacit agreement among a number of Americans that Muslims are still outsiders to the process of public deliberation and decision-making, which we see in the development of "anti-Sharia" legislation in places like Kansas (Murphy, 2012).

To counteract and correct such views most effectively, we should first re-examine what we mean by autonomy, and what we value about it culturally. As I have argued, autonomy entails recognition that individuals have the capacity to make decisions for themselves and to participate in public discourse responsibly. Furthermore, autonomy defined in this way moves the focus away from a notion of identity as fixed and toward a concept of identity as process-oriented and the product of various and sometimes competing associations. Our commitments and our rationality are not static and separate from our lived experience.

Moreover, we ought to foster civic virtues that will improve our ability both as individuals and as a collective social body to resist temptations of xenophobia, racism, and other forms of hatred. To practice charity is to engage in expressions of care toward the neighbor or "other." The practice of solidarity follows from charity, insofar as to express solidarity is to express commitment to those who are not like us, and who may be on the margins of society and the potential victims of injustice. Autonomy must be accompanied by practices of charity and solidarity, which involve a willingness to cooperate and commit to the project of the common good, marked though it might be by disagreement.

In a multireligious, multiethnic democratic society, we should not be afraid of asking one another questions about how religious ideas and identities influence individual decision-making. This act does not presume that certain groups are incapable of thinking rationally about their commitments, but rather presupposes that participants in civil discourse may and will have different ways of answering such questions. We must try to understand how different experiences shape worldviews and choices, and develop a willingness to revise our judgments and conclusions. It may be that one of the best ways to ensure this kind of democratic exchange is to regulate hate speech, as Waldron argues. Importantly, we need to continue the conversation about hate speech and free expression in a way that engages both legal discourse *and* discourse about civic virtue. By attending to both virtuous and vicious social practices of free expression, we can make the critical connection between what a person says or does and his or her environment or context. With regard to hate speech, this kind of connection is essential for determining what is harmful and why.

NOTES

1. The classification of Qur'an burning as a criminal activity seems to depend on whether an expressive act is done with either intent to insult or to intimidate, the latter being possible grounds for legal action. See also *Virginia v. Black* (2003). In writing for the majority of the court, Justice O'Connor carefully navigated the murky areas of First Amendment jurisprudence, laying down a few guidelines that a state may abrogate certain intimidating messages if that particular form of intimidation has "a long and pernicious history as a signal of impending violence." In sum, the First Amendment protection of speech might be curtailed if speech (or a very narrowly circumscribed scope of expressive conduct) is deemed intimidating and that intimidation has a distinctively long and violent precedent (e.g., cross-burning). Thanks to Anna Kecskés for her assistance on clarifying the legal significance of this case.

2. One representative source is the work of Orthodox theologian John of Damascus (676-749 CE), who argued that Islam was a Christian heresy. Later, the Christian crusades, initiated in the 11th century by Pope Urban, would also paint a condemnatory picture of Islam and Muslims, as well as leading to massive death and destruction in the holy land.

3. In Hate Studies discourse, the process of making someone an "other" refers to demonizing or dehumanizing that person, or alienating the "other" from the subject. However, some Continental philosophers take a decidedly different approach to "otherness," arguing that the presence of the "other" places one in a position of fundamental obligation. For example, the late philosopher Emmanuel Levinas (1985) wrote extensively about the basic vulnerability of the "other" as creating fundamental moral responsibility in the subject. Dehumanization is but one manifestation of a more pervasive, enduring problem of denying the alterity, and ethical demand, of the "other."

4. See Justice Harlan's ruling in *Cohen v. California* (1968).

5. Jeremy Waldron (2012, pp. 173-203) argues against Dworkin's insistence on the freedom of hate speech, in part by arguing that Dworkin's view represents American exceptionalism (all other contemporary major democracies have placed legal restrictions on hate speech).

6. Barrett-Fox's (2011) account of her interactions with Westboro Baptist Church members incorporates her insightful reflections on the types of harm that were inflicted on communities that were recipients of Westboro's hateful messages. In some ways, she shows how it is difficult to quantify "harm" as the consequence of speech: it may result in feelings of frustration, anger, or even confusion. Barrett-Fox argues that

ethnographers working with such groups must be careful not to become desensitized to hate and its effects.

7. As John Shuford observed in correspondence about this essay, Waldron is concerned with not only speech, but also definitional problems with hate more generally. According to Shuford, "Waldron seeks to bracket off the intractable conceptual problem of defining 'hate' from the pragmatic concern of articulating why hate speech is harmful and why such speech warrants regulation, perhaps even criminalization." Correspondence on file with the author.

8. The criminalization of hateful speech in the U.S. can take the form of libel (written or printed defamation). Waldron (2012, p. 45) argues that criminal law attends to hateful expression that "becomes established as a visible or tangible feature of the environment—part of what people can see and tough in real space (or in virtual space) as they look around them. . .."

9. This argument was made in spite of the fact that in Denmark, hate speech is legally prohibited (Danish Penal Code 266b). Bleich examines each of the cartoons published and makes careful distinctions between the ones he perceives as satirical and those he sees as hateful (the bomb-turban falls into the latter category).

10. Kant (1999) was suspicious of religious commitments as definitive of persons, however, and viewed religion as pertaining to heteronomous, rather than autonomous, law. Nevertheless, Rostboll sees it as continuous with Kant's thinking about autonomy that individuals should exercise freedom in their choices about religion and morality. I agree with this interpretation.

11. See Waldron's discussion of hate speech as a "world-defining" activity (2012, p. 74).

12. The relationship between art and free speech is admittedly more complex than the Jones's hate speech, simply due to the fact that art can be interpreted in multiple ways; suffice it to say that in the case of the cartoons, however, an overriding message was one of anti-Muslim xenophobia.

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