CARTOONS AND CONSEQUENCES

David Benatar

Philosophical debate over the infamous Danish cartoons of Muhammad continues.

In my article, 'A Storm in a Turban' (*Think*, Issue 13), I defended the publication, by the *Jyllands-Posten*, of cartoons depicting the Prophet Muhammad. In doing so, I argued that the decision by the editors of this Danish newspaper to publish the cartoons could not be faulted morally on the grounds that it had very bad consequences (namely, the violent reaction).

In his response, Mikel Burley ('The Danish Cartoons: Considering the Consequences', *Think*, Issue 15) does not claim that the Danish cartoons may indeed be faulted on those grounds. Instead he argues that there are some *possible* circumstances in which the consequences of publishing cartoons would be so bad that it would indeed be wrong, on those grounds, to publish them. He seeks 'to show that we need to be more careful in our assessment of consequentialist arguments' than he thinks I was.

However, Dr Burley's mistake is that he attributes to me a claim I neither made nor implied. As a result, he thinks that I ignored questions that in fact I quite justifiably bypassed.

In my paper I said that invoking the violent consequences to fault the publication of the cartoons

> grants to the most violently intolerant people the capacity to turn any of our actions into wrongdoings. Any action one takes, no matter how benign or beneficial, can be made wrong by a sufficiently noxious response. Setting that precedent is likely to fail a much more farsighted consequentialist perspective, for it will encourage the very intolerance it seeks to mollify.

Dr Burley claims that there is a general principle 'strongly implied' (although, he admits, 'not explicitly stated') in these words. This principle, he says, is 'that potentially violent, or

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otherwise noxious responses to one's actions on the part of intolerant people ought *never* to feature in one's deliberations in such a way as to deter one from going ahead with an action that is in other respects beneficial.'

To understand why this principle is not implied by (even though it is not inconsistent with) what I wrote, a few words about the basic controversies surrounding consequentialism are required.

Consequentialists believe that the right action is the one that produces the best (or least bad) consequences. Critics of consequentialism have observed, disapprovingly, that consequentialism can therefore require the violation (or forfeiture) of an individual's (purported) rights if that is necessary in order to prevent a still worse outcome. Thus, for example, an innocent person must be punished, even severely, if not punishing him in such a manner will lead to still more harm. These sorts of examples are said to show that consequentialism has morally unacceptable implications. In such cases, the requirements of consequentialism are said to be at odds with our deep intuitions about what ought to be done.

One of the points that consequentialists have made in their defence is that consequentialism conflicts with our intuitions and requires the violation of (purported) rights much less often than the critics suppose. In almost all cases the long-term consequences of violating rights is worse than not doing so. Punishing the innocent may have short-term benefits, but in the long run it generally produces more bad than good.

Consequentialists concede that there may be some exceptional circumstances where violating rights may indeed produce better consequences. In such rare cases, where our ordinary intuitions do diverge from the requirements of consequentialism, consequentialists obviously maintain that the requirements of consequentialism should prevail. (We should be less concerned about overriding our intuitions in such situations, they argue, because our intuitions, which are formed in ordinary situations, are not reliable in extraordinary situations.)

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What relevance does all this have for the Danish cartoons? First, on the best interpretation of consequentialism, the decision to violate or forfeit a moral right to publish material that offends must consider not merely the shorter-term consequences, such as the violent reaction to the publication of the cartoons, but also the longer-term consequences. The latter will include the chilling effect that intolerant people will have on otherwise benign or even beneficial speech. These effects have massive costs. Given how easy it is to slip into practices that ward off short-term costs, but thereby incur greater longer-term costs, sophisticated consequentialists will be very cautious about avoiding such error. Thus consequentialism, charitably understood, will typically allow the free expression of ideas that offend. Nothing more than that need be read into what I wrote, in 'A Storm in a Turban', about the consequences of pandering to intolerance.

What I wrote there need not imply anything about whether the prospect of a violent response to a proposed action should *ever* deter one from performing the action. That is a question that I was justified in bypassing, because unless the case of the Danish cartoons is exceptional – that is, unless, it is a rare case where, from a consequentialist perspective, the prospect of a violent response should actually deter one – the question is simply not relevant to that case.

Now it might be suggested that Dr Burley does think that the case of the Danish cartoons is exceptional. If that is indeed his view, then it is curious that he specifically desists from drawing any conclusions from his argument for the case of the Danish cartoons, particularly since doing so is crucial to his interpretation and thus to his critique of what I wrote. His purpose, he says, 'is not to reach a verdict on whether, in the particular case at issue, the cartoons should or should not have been published.' Later he emphasizes that he is 'not proposing that the editors of the *Jyllands-Posten*, or those of any other newspaper that has published the Muhammad cartoons were wrong to do so.'

Dr Burley was quite right not to declare the case of the Danish cartoons exceptional, and thus not to draw from that

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a different conclusion from mine about whether the editors were morally wrong to publish them. One of the pitfalls of the consequentialist approach to moral problems is that it is much too easy to *say* that sacrificing some good, such as freedom of speech, privacy, habeas corpus, or a prohibition on torture would produce the best consequences in a given situation. This is why sophisticated consequentialism, unlike the cruder variety one finds invoked in popular (often political) discussions, will demand a high level of certainty that a case is exceptional before actions that ordinarily fail the consequentialist test are permitted.

That certainty was clearly not available at the time it was decided to publish the cartoons. The editors of the *Jyllands-Posten* could not reasonably have expected the severity of the consequences that ensued. The same cartoons were reprinted in various other countries, at least in some cases without the violent response that was subsequently fomented against the original publication in the *Jyllands-Posten*. The protests against the cartoons' publication in Denmark did not arise spontaneously. There were intermediate causal factors that it was not possible to predict. These included a dossier, compiled by two Muslim leaders who had evidently been granted asylum in Denmark, and distributed by them around the Muslim world. The dossier included not only the cartoons that had appeared in the *Jyllands-Posten* but also other, more virulent (and gratuitous) images that had nothing to do with the *Jyllands-Posten*.

Some might wish to respond by saying that the editors should nonetheless have expected some lesser protest, or at least offence. However, the prospect of such milder protest or disapproval would have been insufficient to make this an exceptional case.

Others might want to draw a distinction between the consequences that could reasonably have been expected and the consequences that did in fact ensue. It might then be suggested that although the editors cannot be blamed for publishing the cartoons (because the dire consequences could not be predicted), it nonetheless turns out that the decision to

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publish them was wrong (because the actual consequences were so bad). But this constitutes a significant weakening of the claim against the editors of the *Jyllands-Posten*. Moreover, it is a claim that could be made against any number of other actions that contributed to the post-publication mayhem. For example, it includes the original granting of asylum to the two Danish Muslim leaders who later compiled and disseminated the inflammatory dossier, and the failure to deprive these men of the legal freedom to compile and disseminate it. Further upstream, it also includes the procreative acts that led to the existence of those who provoked and wreaked the violence. If opponents of the cartoons think that these other actions are wrong (even if not blameworthy), they should, to be fair, give them comparable critical attention. (Although some of these actions were more distant causes of the violence, others were more proximate causes than the publication of the cartoons.)

Critics of the Muhammad cartoons often appeal, simplistically, to the harmful consequences that ensued from publication of the cartoons, without considering the longer-term harms of pandering to violent intolerance. More sophisticated consequentialists who consider the bigger picture will condemn the publication of cartoons only in exceptional cases when it can be seen that the long-term costs will clearly be outweighed by the shorter-term violence. The publication of the *Jyllands-Posten* cartoons was not such a case.

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