

CHAPTER 6

Debating freedom of expression in Norwegian media: Critical moments, positions and arguments

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While the legal and fundamental protection of freedom of expression enjoys strong support in liberal democratic societies, there exists simultaneously a lively debate on whether and how to restrict utterances that are deemed hateful, hurtful or simply not beneficial to the common good. Departing from quantitative and qualitative data sets of Norwegian media debates, this chapter provides a longitudinal analysis of media coverage of the issue of freedom of expression, and of the positions and types of arguments that can be outlined in selected cases of the freedom of expression debate. The findings suggest that media coverage takes the form of short intense bursts of attention followed by a return

to relative normalcy, and that the cartoon controversies in 2006 and 2015 stand out as ‘critical moments’ in the freedom of expression discourse. Further, the study finds two opposing positions in the debates, the absolutists and the consequentialists. The cartoon controversies are seen as examples of muddling the concepts of freedom of expression and freedom of the press. Findings suggest that historical-philosophical arguments are more legitimate in the media discourse than emotional arguments, challenging the idea of a public sphere dominated by emotions and sentiments of ‘offendedness’.

Introduction

In Norway, as in other liberal democracies, freedom of expression is a fundamental right, anchored in § 100 of the Norwegian Constitution and in Article 10 of the European Convention on Human Rights. That does not put the issue to rest. Freedom of expression is not only contested in the courts, but also in the public sphere, where legal, normative, moral, ethical and aesthetic boundaries are negotiated in debates over how to understand the right to free expression.

In this chapter I look in detail at the freedom of expression debate in Norway, examining firstly general trends in the media coverage, and secondly the positions and arguments characterizing these debates. The analysis is based on quantitative and qualitative data sets of newspaper debates on ‘freedom of expression’¹ in the period 1993-2015. The main emphasis is on 2005-2015, covering the period from the Mohammad cartoons in

1 The central search terms in Norwegian were «ytringsfrihet», which roughly covers both freedom of expression and freedom of speech, and «pressefrihet» (freedom of the press). Secondly, the search also covered neologisms such as «ytringsansvar» (responsibility when expressing opinions), «ytringsrett» (the right to express opinions) and «ytringsplikt» (the obligation to express opinions).

2005 to the Paris terror attacks in late 2015 and allowing for a closer examination of the freedom of expression debates raised in relation to ‘cartoon disputes’ in 2006, 2010 and 2015.

An apparent feature of the freedom of expression debates is that they tend to increase on particular occasions, in connection with specific non-planned events or concrete utterances. Religion, migration and the rights of minorities in particular have been catalysts for many of the recent debates. Liberal democracies struggle to balance individual freedoms against protection from racism, incitement to violence and other speech acts deemed to be harmful (Bleich, 2011; Peters, 2005). In recent years, the Mohammad cartoons controversy in 2005/06, and the brutal attacks on the Charlie Hebdo offices in Paris and the Krudttønden cultural centre in Copenhagen, both in early 2015, in particular have sparked debate, analysis and commentary concerning the issue of freedom of expression. In relation to events such as these, the boundaries of freedom of speech are discussed, negotiated and contested. As Jytte Klausen (2009) has noted in her study of the Mohammad cartoon crisis: ‘[E]veryone regarded the cartoons as an opportunity to draw a line in the sand, albeit for different reasons’ (2009 p. 3). Wessler, Rinke & Löb (2016) in their study of the Charlie Hebdo case find an opportunity in such a crisis ‘to symbolically draw inclusive boundaries in defense of central values’ (2016 p. 323). In other words, boundary-drawing (Abbott, 1995; Lamont & Molnár, 2002) comes forth as a characteristic feature of the disputes, consistent with the overall argument of this anthology.

While specific events can provoke debate, there is also a recursive dynamic to free speech debates. Freedom of expression debates bring out the interplay between the specific and the principled: While the events that trigger debates are singular and based in different circumstances and contexts, ‘freedom of

expression' remains a common, recurring and dominant frame. As such, 'Many of the most important cases [of freedom of speech] are not about substantive issues but about the principle of free speech itself' (Durham Peters, 2008 p. 275).

Freedom of expression debates in the public sphere, then, not only contain issue-specific arguments, but take the form of *meta-discourses*, contestations over principles of argumentation and the limits of free speech. A starting point for this study is to examine how people argue for freedom of expression and its boundaries in the media, whether it be by referencing law and philosophy, by laying claim to a sense of victimhood or by other standards of justification. In other words, what part did emotions and emotional arguments play in the public exchange over the cartoon controversies? All in all, the chapter seeks to contribute empirical data and background to an understanding of freedom of expression debates. Two over-arching research questions have guided the study:

1. Which themes and issues have been prevalent in the media coverage of freedom of expression between 1993-2015?
2. What positions and issues of tension can be identified in debates on freedom of expression, and what role do emotional arguments play in the debates?

I will first present central concepts and theories, before moving on to describe the methodological approach and then discuss the findings of the two studies that are integrated here.

Critical moments and framing

This chapter traces general trends in freedom of expression debates and the arguments and positions that can be outlined in specific debates in the past two decades. To explain the tendency

for some news stories to be conceptualized as cases of freedom of expression, I draw on theories of ‘critical moments’ and ‘framing’. The concept of ‘critical moment’ helps to identify the landmark events that are crucial to the freedom of expression discourse. ‘Framing’ as a concept is used to explain the importance of labelling certain events as cases of freedom of expression.

Critical moments

The study draws on Luc Boltanski’s (2011) concept of critique and more specifically the notion of ‘critical moments’ (Boltanski & Thévenot, 1999). While freedom of expression debates are recurring phenomena over the entire period examined here, the public debate is in general connected to specific moments when media attention increases sharply. These can be conceptualized as ‘critical moments’, understood as unusual and particular moments that play an important part in social life, as Boltanski & Thévenot (1999) argue.

The notion of a ‘critical moment’ is part of the sociology of critique (or pragmatic sociology of critique), outlined in Boltanski’s *On Critique. A Sociology of Emancipation* (2011). A central aspect of this theory of social action is to acknowledge the capacity of actors to reflect on their actions and environments (Boltanski, 2011). This can be observed in examples of self-reflexivity and meta-discursive practices (i.e. debating how we debate freedom of expression). To understand how social disputes and contestations take place, and how agreements can be made, Boltanski and his colleagues within the pragmatic school of critique have developed theories and concepts of social ‘justifications’. For the arguments of one actor or party in a dispute to be accepted as legitimate, these need to be consistent with a certain *régime d’action*. Within such regimes exist ‘orders

of worth' (*économies de la grandeur*); in short, common standards of how to resolve issues. According to Boltanski & Thévenot, disagreements are harder to settle when the situation at hand is unclear and fuzzy because of mismatched orders of worth ('*situations troubles*') (1999 p. 374). An example can be regimes based on justification confronted by regimes of violence or emotions. Geographic and cultural distance makes it harder still to resolve disagreements (Boltanski, 1999).

Two (related) aspects of the concept of critical moments are particularly pertinent to the issue here. First, the authors draw on the double meaning of 'critical' as both something of decisive importance (*a critical matter*) and as a quality of judgement, interpretation, or analysis (*criticism*). The critical moment is thus of the utmost importance while simultaneously open to debate. Second, while specific events such as the publication of the cartoons seem to generate public debate, the 'moment' in question may just as well be the reaction to an event or an utterance. More so than the notion of a 'critical event' (Das, 1995; Andersson, Jacobsen, Rogstad, & Vestel, 2012), a 'critical moment' leaves room for the critical potential of reactions and meta-arguments.

Framing

Besides contributing to a debate, historical and contemporary, freedom of expression can be seen to constitute a 'frame', a way of highlighting a certain interpretation of an event or utterance. Framing, according to Entman's widely cited definition, means 'to select some aspects of a perceived reality and make them more salient in a communicating text' (Entman, 1993 p. 52). Further, analogous to how the concept of 'terrorism' (Entman, 2003a) is used to describe some violent acts but not others, the phrase 'freedom of expression' has implications. Frames, as

emphasized by Entman (1993) have consequences in terms of what we understand as the problem, how we can interpret and evaluate the situation, and what treatments are required to solve it. Thus, when social actors make the claim that something is a matter of freedom of expression they are also saying that it is 1) a matter of principle; 2) of importance; 3) that the issue goes beyond the single case or the single story; and 4) that it forms a connection to a longer historical discussion of free speech. The framing literature contains multiple possibilities for how to understand and apply the concept (Matthes, 2009). Vreese (2005) distinguishes between generic and issue-specific frames. In our case freedom of expression can be understood as a generic frame, while the cartoon controversy exemplifies the issue-specific frame.²

Data material and method

The quantitative part of the study was conducted mainly in October 2015 – January 2016. A search for the period January 1st 1993 – December 31st 2015 was conducted on ‘ytrings* OR pressefri*’ (approx. ‘freedom of expression’ OR ‘freedom of the press’) in the media archive Atekst.³ The search was narrowed down to newspaper items only and finally to items from the five selected news outlets that had been indexed in Atekst throughout the entire sampling period, resulting in a data set of 22,428 news items.⁴

2 Recent applications of framing theory on the cases discussed here, include Jørndrup (2016) on the Krudttønden attack and Walter et al. (2016) on the Charlie Hebdo attack.

3 Atekst, also known as Retriever, is a Norwegian media database owned by Retriever Norge AS. The archive provides searching and access to newspapers, online news, websites and magazines dating back to 1945.

4 For details on search criteria and methods, see Colbjørnsen (2016).

The qualitative part of the study was conducted in January 2016 – June 2016. News items were sampled from 2005-2015, allowing for a wider sample of source material.⁵ Taking the findings of the quantitative approach as a starting point, media coverage was found to spike at several different times, with weeks in 2006, 2010 and 2015 standing out. To avoid paying undue attention to specific disruptive events and to garner more of the argumentative afterthought, three sample weeks occurring three weeks following each peak were selected. This resulted in a total of 194 articles from week 8, 2006, week 7, 2010, and week 9, 2015. Argumentative genres (editorials, op-eds, and letters to the editor) accounted for 140 of these items. The news items were coded in Nvivo, following a multi-step coding process, partly inspired by the grounded theory approach (Glaser & Strauss, 1967; Thornberg & Charmaz, 2014). A first step involved searching the text and tracing frequent keywords, then moving step-wise towards a more systematic categorization. Each item was assigned one of the six main argumentative categories, and quotes within each item were marked as characteristic of a certain argument or justification standard.

To determine what kind of argument was dominant in each article, I looked for cues as to *how* the author chose to make freedom of expression relevant to the matter at hand. In this process I would look for answers to questions such as whether legal principles were invoked or if statistics and research played a part; if reference was made to historical parallels or to religious or philosophical traditions; or whether the author explicitly appealed to emotions.

5 Sources include: Two national dailies (Dagbladet; VG), two regional dailies (Aftenposten; Stavanger Aftenblad), two local news outlets (Brønnøysunds avis; iTromsø) and two national niche outlets (Morgenbladet; Dagens Næringsliv).

The peaks and valleys of freedom of expression coverage

This section provides an overview of general trends in the coverage of freedom of expression in Norwegian newspapers, looking at the time period 1993-2015.⁶ The starting point of 1993 is motivated by a wish to include the attempted assassination of Salman Rushdie's Norwegian publisher William Nygaard in October 1993, a well-known freedom of expression case in Norway (cf. Bangstad, 2014). Rushdie's novel *The Satanic Verses* (published 1988) sparked demonstrations and the infamous *fatwa* against the author and other people involved with publishing the book. While the Nygaard crime remains unsolved and the shooter unknown, the case has been highlighted as an attack on freedom of expression.

Based on a hypothesis that coverage coincides with certain events or moments, search parameters were set to weekly intervals.⁷ Figure 6.1 shows coverage patterns in two parts, for the first (93-04) and the second (05-15) parts of the period respectively.

A pattern emerges in Figure 6.1 of clearly defined peaks and valleys, indicating how coverage spikes in quite short bursts of attention, before returning, within a week or two, to a level of normalcy, as indicated by the average level. There is, however, a marked difference between the earlier and the later parts of the period.

The period 1993-2004 contains several smaller spikes, but the overall tendency is towards minor deviations from the average

6 The sources were a small sample, only five media outlets (Aftenposten, Bergens Tidende, Nordlys, NTBtekst and VG), due to the lack of sources indexed in Atekst going back to 1993. While the sample is only partially representative of the Norwegian news media system, analyses of wider samples confirmed the overall coverage patterns as represented here. Colbjørnsen (2016) provides further explanations of the methodology and its limitations.

7 This is as close in time as the Atekst software allows.

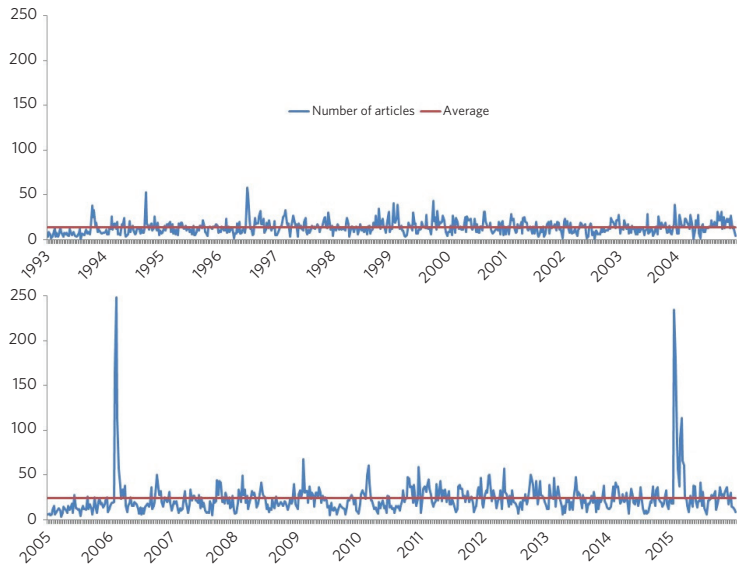


Figure 6.1. Coverage of freedom of expression 1993-2004 and 2005-2015, weekly intervals⁸.

level (standard deviation 7.3). Building on the notion from Boltanski & Thévenot, we can understand an especially prominent peak as a ‘critical moment’. As there exists no agreed-upon quantitative measure for a critical moment, we will have to be content here with a rough approach, identifying spikes that are evidently most pronounced. A look at the media articles behind the minor peaks for the 93-04 period, indicates how they correspond to certain events and news items:

- The minor peak in week 41 of 1993 corresponds to the attempted assassination of publisher William Nygaard, October 11, 1993.

⁸ Please note that while the actual number of news items is comparatively low (< 250), the crucial aspect here is the overall trend and to what extent the number of articles per week deviates from the average level.

- The peak in week 38 of 1994 is connected with an international symposium in Norway on freedom of expression.
- The news items that cause the results to spike in week 26 and 27 of 1996 are largely connected with the visit to Norway by Chinese President Jiang Zemin and demonstrations taking place during his visit.
- The peak in week 2 of 1999 results from reports on the government commission to amend the Norwegian Constitution on freedom of expression, i.e. a rare example of freedom of expression occurring as the central theme rather than an interpretative frame.
- The peak in week 6 of 1999 is connected to the decade-long aftermath of reports on the allegedly inhumane killing of seals ('Lindberg-saken').
- Week 50 of 2003 contains two issues: The Nobel Peace Prize to Iranian Shirin Ebadi and a trial on allegedly defamatory statements by Norwegian politician Carl I. Hagen about Kurdish Mullah Krekar.

As Figure 6.1 reveals, the pattern of peaks and valleys is a lot more pronounced for the 05-15 interval. The analysis indicates an increase in media coverage over the years, but even more conspicuous are the deviations from the average, far more pronounced than for 93-04. Relevant indicators such as standard deviation, relative standard deviation and mean deviation lend support to this interpretation of the graphic representation: For 1993-2004 the standard deviation is 7.3 vs. 19.9 for 2005-2015 (relative standard deviation is 52.5 % vs. 83.6 %; mean deviation is 10.2 vs. 5.3).

More precisely, what we may refer to as the 'critical moments' are clustered in three main periods of events and reactions. Unsurprisingly, the caricature conflicts in 2006 and in 2015 stand out:

- The first peak in week 5 of 2006 is connected to the riots and demonstrations occurring after the publication of the Mohammad cartoons, and their subsequent circulation across the Muslim world. In fact, weeks 6 and 7 also feature as critical moments for the same reasons. Specifically, on February 4, 2006 there were violent protests at the Danish and Norwegian embassies in Damascus and several more around the world in the following weeks.
- The critical moments in weeks 2, 3 and 4 of 2015, coincide with the attack on the locale of French satirical magazine *Charlie Hebdo* in Paris January 7, 2015 and the aftermath of the attack, featuring commentary and analysis, reactions and demonstrations, as well as displays of solidarity with the cartoonists.
- The critical moments in weeks 7 and 8 of 2015 coincide with the attack on cultural centre *Krudttønden* in Copenhagen on February 14, 2015, during a debate meeting on satire and the limits of freedom of expression.

Apart from the clearly defined peaks described above, media attention is fairly evenly distributed. In between the peaks and the ‘critical moments’ are periods of comparatively little attention to freedom of expression. As Boland (2007) has stressed, ‘the ‘critical moment’ is transient, and will pass, by the re-establishment of order’ (2007 p. 125).

News sociology and framing theory suggest that news and critical events are constructed (cf. Molotch & Lester, 1974; Entman, 2003b, 2003a). That implies a selection process in which some events or occurrences that could possibly have been framed as instances of freedom of expression were in fact not. To compare the critical freedom of expression moments with other significant events in the period, I selected two prominent and widely debated issues that have both been linked with the freedom of expression discourse. The first is the terror attack by

Anders Behring Breivik on government buildings in Oslo and the Labour Party summer camp at Utøya July 22, 2011 (see also Midtbøen, Ch. 7). The second case is the terror attack in the Stade de France, the Bataclan concert venue and various shops and cafés in Paris on November 13, 2015. July 22nd and the Paris November 2015 attacks are marked out on the timeline in Figure 6.2 below. In addition, I have included the initial publication of the Mohammad cartoons in the Danish newspaper Jyllands-Posten on September 30, 2005.

Figure 6.2 gives graphic clues for comparing the cartoon controversies' ability to activate the freedom of expression frame with other events. Coverage of freedom of expression spikes in relation to the caricature conflicts, while the frame appears to be less relevant for the interpretation of the July 22nd and November 2015 terror attacks. Even though a full explanation for this requires a

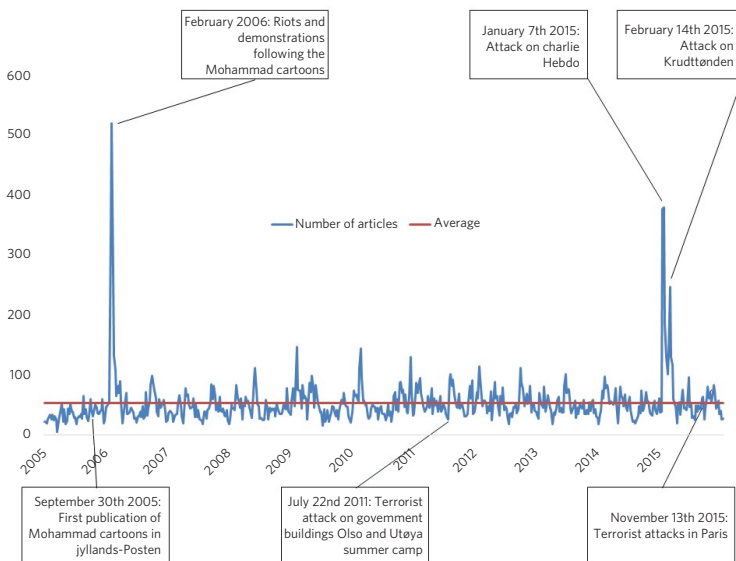


Figure 6.2. Timeline and coverage of freedom of expression events 2005-2015.

separate study, we may point to theories of competing frames (Chong & Druckman, 2007; Nijkraake, Gosselt, & Gutteling, 2015) and how one frame can trump another and become dominant. Figure 6.2 suggests that freedom of expression was not a dominant frame for either the July 22nd or the Paris attacks. In fact, the week of July 22, 2011 stands forth as a defined low point in this material. Similarly, there is reason to believe that competing interpretative frames were more readily available than freedom of expression for the November 2015 Paris attacks.

Additionally, Figure 6.2 shows that the spike in media attention in the Mohammad cartoons case was lagging months after the first publication. The Mohammad cartoon crisis was indeed a 'long and messy event' (Hervik, Eide, & Kunelius, 2008), involving multiple actors across the globe with conflicting and often hidden agendas, meetings and protests, misunderstandings and attempts at reconciliation (cf. Klausen, 2009; Sniderman, Petersen, Slothuus, & Stubager, 2014). The time-lag lends support to the contention that the 'critical moment' can form in relation to *reactions* to an event rather than to the event itself.

Positions and arguments in the freedom of expression debates

'Critical moments' do not appear out of nothing, but are part of a longer build-up: 'Critical moments' arise when the critical capacity of social actors is triggered by a feeling that *enough is enough*. As a dispute emerges, the first characteristic is that 'persons involved are subjected to an imperative of justification' (Boltanski & Thévenot, 1999 p. 360). Aspects of these disputes and justifications are the subject of this section.

The analysis is based on Norwegian newspaper items in the period 2005-2015, using a selection of 140 articles within

argumentative newspaper genres – editorials, op-eds and letters to the editor. The section first looks at overall themes and topics that arose in the three sampled weeks. Further, significant positions in the debates are identified and analyzed, specifically looking at polarization and the muddling of concepts. Finally, I identify arguments and standards of justification, looking in some detail at the role of emotional arguments in the freedom of expression debates.

Themes and topics

A quick look at the dominant topics in the sampled periods indicates how debates over cartoons and caricatures were prevalent:

In week 8 of 2006, the Mohammad cartoons and the following uproar was the dominant theme. The debate was more event-driven than that of the following periods. In addition to the cartoons, the sentencing of David Irving, British Professor of History, to prison for Holocaust denial in Austria, garnered attention.

In week 7 of 2010, the dominant theme was a drawing of the prophet Mohammad as a pig republished as a facsimile in the newspaper *Dagbladet*. It provoked demonstrations and debate in Norway. A controversial public appeal made by a young Norwegian Islamist, Mohyeldeen Mohammad, spurred the debate. In addition, the issue of the freedom of speech of a sacked university professor was widely debated in this week.

In week 9 of 2015, the most recent sample period, the Charlie Hebdo and Krudttønden attacks are the most prominent issues, both explicitly framed in relation to freedom of expression. While the attacks took place outside of Norway, they were both linked to the national political, religious, cultural and social contexts.

Although this summary of the predominant topics provides an overview, it also begs for a more detailed analysis of how the debates took place and what arguments were raised.

Polarization in the freedom of expression debates

Looking more specifically at how boundaries are drawn – explicitly and implicitly – in relation to freedom of expression, the study finds boundary-drawing principally along the dimensions right/obligation to publish vs. right/obligation to refrain from publishing.

Two main opposites emerge: On the one hand are those who advocate what we may term an *absolute interpretation of freedom of expression*.⁹ On this side, there are no legitimate reasons to limit freedom of expression or even to explain the motivations behind a statement. As one individual stated in a letter to the editor of the daily tabloid VG: ‘They [Dagbladet] use their freedom of expression, and that does not require any other motive!’ (Steingrim Wolland, VG 20.02.2010).

Following the demonstrations and violent protests against the cartoons in Jyllands-Posten in 2006, Norway’s political parties debated how to approach the issue. Øyvind Vaksdal, a member of parliament for the Progress Party (Fremskrittspartiet) wrote an editorial in the regional daily Stavanger Aftenblad, arguing for an absolute interpretation of freedom of expression:

For the Progress Party freedom of expression and freedom of the press are absolute. We are happy to discuss politics with other groups, but freedom of speech and press freedom, we will not touch (Stavanger Aftenblad. 24.02.2006).¹⁰

⁹ Advocates of this line of argument are occasionally referred to as *free speech fundamentalists*.

¹⁰ This and all subsequent quotes were translated from Norwegian by the author.

In this argument we find the kind of reasoning that tries to put freedom of expression to rest: *We will not touch this!* For Vaksdal, for the Progress Party, and for several other participants in the debate, the Labour Party (Arbeiderpartiet) and its leadership of Prime Minister Jens Stoltenberg and Foreign Minister Jonas Gahr Støre represented a more cautious, dialogue-centric line, for which they were severely criticized.

Gahr Støre in particular has often been placed at the other extreme from the *absolutists*. In this bloc we find those who do not see any particular reason to treat freedom of expression as a special case, as a ‘holy cow’. Statements and utterances must be judged by what they contribute to the common good. This position is in line with *consequential* arguments that argue in favor of freedom of expression for its ability to promote truth and democracy (cf. Alexander, 2005 p. 127). In practice, the *consequentialist* arguments most often take the form of a defense of dialogue with protesters in the cartoons controversy or the young Islamists in the Mohyeldeen Mohammad case. The leader of the Socialist Left Party (Sosialistisk Venstreparti), Audun Lysbakken, promoted dialogue in 2010:

As I see it, the line of conflict today is not between Muslims and non-Muslims, but between moderates who wish to build a community and those who mock and ironize dialogue (Dagbladet. 17.02.2010).

The argument that opinions need to be out in the open for us to counter them is expressed frequently in the debates. This is what we may term the marketplace of ideas argument (often attributed to John Stuart Mill) for freedom of expression: That the open exchange of ideas and opinions will lead us to select the most beneficial ones (Gordon, 1997). Journalist Sofie Mathiassen of the business daily Dagens Næringsliv presented

an example of the marketplace argument in relation to the 2010 controversy involving young Islamist Mohammad:

After Mohammad came out with his extreme statements, Norwegian Muslims have lined up to distance themselves from them. They have shown the plurality that exists within the Muslim community. Extreme Islamic beliefs are being challenged by Muslims themselves. That is a healthy debate, and at the very core of freedom of expression. We cannot argue against statements which are not heard. It is only when people have the freedom to voice extreme opinions that we can use our liberal democratic freedoms to fight them (Dagens Næringsliv. 20.02.2010).

The polarization between the absolutists and the consequentialists should not lead us to disregard other positions in the debates. There are also many examples of ‘on the one hand, on the other hand’ arguments, criticizing or sympathizing with both sides and weighing arguments carefully. While the polar opposites are somewhat locked in their positions, not seldom ridiculing the opposite camp, the larger sphere of debate is dynamic, open to interpretations, even at times coming close to a Habermasian idealist notion of persons engaging in a respectful, disinterested and equivalent trial of arguments.

As the editorial in the newspaper *Aftenposten* expressed it at the height of the Mohammad cartoons controversy in 2006:

More importantly, both governments [Norway and Denmark] need to show the necessary combination of a firm attitude against violence and in favour of freedom of expression on the one hand, and respect for the religious feelings of Muslims on the other (*Aftenposten* 21.02.2006).

In general, what we have in these debates is not a legalist argument over how to apply the legal principles of freedom of

expression, but a quite dynamic field of negotiations – both principled and issue-specific – over what limits may be imposed, who has the power to draw boundaries, and how we can recognize the boundaries.

Muddling freedom of expression and freedom of the press

The cartoon controversies in 2006, 2010 and 2015 present cases of how distinctions are made between freedom of expression as a human right and freedom of the press as an institutionalized practice. These two notions – related, but different – are often muddled in the debates. The liberal notion of freedom of expression at the individual level grants people the right to say what they want as long as they do not in effect curtail other people's free speech. They do not, however, have a fundamental right to have what they say published in a newspaper. Free speech does not equal free publication, although the Internet and social media have made certain forms of publication widely accessible. The most basic articulation of this muddling of freedom of expression and freedom of the press can be found in the form of a letter to the editor complaining that a previous letter was not published, and thus that freedom of expression had been curtailed. In other instances, the distinctions can be harder to make, and news outlets are easily accused of stifling critical voices when acting as gatekeepers of opinions.

Nonetheless, within a liberal tradition of freedom of the press, it is a newspaper's right to decide whether to publish or not. In the debates analyzed here, the autonomy of the press is recognized in diverging ways by the two main opposites: The absolutist actors in the debate typically highlight a newspaper's *right to publish (offensive materials)*. On the other hand, the

consequentialist actors tend to emphasize the *right to refrain from publishing (offensive materials)*. It is difficult to see how a free press should not be left to decide for itself in each case. This is pointed out by the Labour Party's then parliamentary leader, Helga Pedersen, in a letter to the newspaper Dagbladet in 2010, following the controversy of the Mohammad-as-a-pig cartoon in the paper:

Some confusion has arisen over recent criticism of newspapers for using their press freedom. This confusion is unnecessary. It is Dagbladet's sovereign right to publish controversial texts, pictures and drawings – even if they represent a poor judgement of taste – a right the paper has exercised on a number of controversial occasions in recent times. At the same time, it is every citizen's sovereign right to criticize Dagbladet's editorial decisions. (February 20, 2010).

While Pedersen's statement can be seen as an example of the capacity of social actors to reflect clearly on the situations they find themselves in, the cartoon controversies include multiple arguments where claims of supporting press freedom seem to coincide with a narrowing down of editorial autonomy.

One aspect of the famous 'Je suis Charlie'-campaign can be said to collapse the distinction between freedom of expression and freedom of the press: In this campaign of solidarity with the Charlie Hebdo cartoonists, ordinary people and news outlets were urged to show compassion with Charlie *by becoming Charlie*. That is to say, people posted 'Je suis Charlie' slogans on social media, while news outlets republished the controversial Charlie Hebdo cartoons not merely to document the case, but in an act of solidarity. As Wessler et al. (2016) have argued, the Charlie Hebdo aftermath presented a case of right to offend vs. deliberative self-restraint. From a deliberative point of view, the

close identification with Charlie Hebdo expressed in ‘Je suis Charlie’ was problematic:

[R]ituals of public solidarity are important but insufficient and the general public should support but not wholly identify with *Charlie Hebdo*. We should thus be with *Charlie*, but not unconditionally be *Charlie* (Wessler et al., 2016 p. 323).

The consequence of being Charlie was for newspapers to publish the Charlie Hebdo cartoons, seemingly setting aside their editorial autonomy. *Right to publish* thus became a *duty to publish*. This act of solidarity can be seen as a way for the journalistic profession under siege to close ranks. The balanced weighing of pros and cons becomes secondary in a ‘critical moment’, which is seen as a threat to the mission of journalism.

An age of ‘offendedness’?

While the sections above identified and highlighted certain positions in the debates, the following part of the analysis elaborates on the level of the argument and how, precisely, freedom of expression is made relevant to the case in question.

In the coding process, I identified six categories of overall arguments. The first category reasons along historical, philosophical, and religious lines (what I termed *FoE as a historical-philosophical idea*). In contrast, the second category relates the argument only to a single case and tends to discuss it in isolation (*FoE in relation to a delimited case*). Another set of items are characterized by legal principles being the central argument (*FoE in relation to law and legal principles*). In some few instances the frame is activated by means of research, facts or polls (*FoE in relation to empirical facts or research*) or made in the form of satire or humor (*FoE as enabled through a satirical or*

humoristic response). Lastly, I coded items that use emotions as a standard of justification (*FoE in relation to an emotional-affective response*). In the following I shall look more closely at this latter type of argument, addressing claims of an age of ‘offendedness’.¹¹

There have been claims and reports that the current debate culture in many societies is centered on emotional responses – e.g. expressed sentiments that emotional boundaries are violated and an inclination to see oneself as a victim. In a Norwegian context, commentators have spoken of an ‘age of emotions’ (Hobbelstad, 2015) and of a ‘tyranny of offendedness’ (Toje, 2011).¹² In a US context, emerging concepts such as ‘trigger warnings’, ‘microaggressions’ and ‘safe spaces’ have caused concern that public debate is stifled, particularly on college campuses (Haidt & Lukianoff, 2015). In light of this, Campbell & Manning (2014, 2016) see the emergence of a culture of victimhood that is distinct from previous forms of cultures of honor and cultures of dignity.

Clearly, what I term here ‘the cartoon controversies’ were more than merely heated debates; they were violent conflicts with tragic outcomes, involving deep-seated and very real tensions. The premise of the analysis was to examine what part emotional reactions, quite justified under the circumstances, played in the public debate. Were emotional-affective responses present at all? Were they recognized by other debaters or countered in some way?

The category *FoE in relation to an emotional-affective response* contains articles where I found the main argument to be based on an emotional response of some sort, such as expressions of

11 The notion of ‘offendedness’ is an approximate translation of the Norwegian ‘krenkethet’.

12 For a broad Norwegian-context discussion, see also: <https://morgenbladet.no/2015/07/foleri-folera>

rage, frustration, disappointment, shame or 'offendedness'. While there is reason to point out that the distinctions between rational and emotional styles of reasoning are fuzzy, it was possible to single out news items in which emotions and affective responses were made explicit and were the foremost standard of justification (rather than the other five categories). Nonetheless, the analysis finds little support for the view that emotions and affective responses are dominant in the public sphere. Rather, the mediated contestations analyzed here are based on historical, philosophical and religious lines of reasoning or explicitly connected to a single case only.

In general, 'offendedness' comes across as an inefficient justification standard in the mediated public sphere. However, some examples could be found, particularly from Muslims identifying as the offended party in relation to the Mohammad cartoons in 2005/06 and the protests in Oslo five years later. Well-known radical Islamist Arfan Bhatti penned an op-ed to *Dagbladet* in 2010:

It is only natural for us Muslims to react against what we perceive as offensive. Reactions to and frustration over caricatures, mockery of Islam and bullying of Muslims have built up for years (VG 16.02.2010).

A young student expressed a similar notion, perceiving a bias in the media:

If you are offended, then you just have to live with it. This is how I feel it has become. Muslims have long been unfairly exposed in the name of freedom of expression. If they criticize the publication [of cartoons], it is regarded as an attack on free speech. The journalists are embraced and made to look like victims, but are never held accountable for their work. Is it *carte blanche* for them to write and print exactly what they want? What about ethics and social responsibility? (Asjad Mahmood, VG 19.02.2010).

Despite these instances, the comparative dearth and ineffectiveness of emotional-affective arguments emerge as a clear finding in the study presented here. However, other that does not mean that emotional arguments are not valid in ‘orders of worth’, in Boltanski’s sense. The public demonstrations against the Mohammad cartoons do seem to display a kind of emotional outrage, as do many social media comments on the subject. This may indicate the newspaper debates being out of sync with arguments expressed in demonstrations and in social media, and is certainly worthy of more research.

Rather than finding a dominance of emotional arguments, this study finds an abundance of arguments that question the validity of the emotional-affective response. Somewhat paradoxically, this shows the centrality of the notion of ‘offendedness’ in the mediated public sphere, but mostly as a counterpoint to argue against. The perception of a widespread over-sensitivity in the public sphere arises, as expressed in the words of Einar Gelius, pastor and author, writing in 2015:

One weighs pros and cons, so that nobody should feel either violated or ostracized. The messages and opinions conveyed are eventually nothing but political nonsense, without substance and content (Dagbladet 26.02.2015).

The non-validity or non-applicability of the emotionally grounded argument is also expressed by politician Michael Tetzschner in 2010:

Regarding the delimitation of freedom of speech, we all as individuals would like for the debate to be characterized by broadmindedness, respect, knowledge and respect for others. The best debates are just so. And those who want to win others over will find it easier to gain support if one is factual and not inflammatory. But as a legal boundary for utterances, the requirement that no one should feel

“hurt” is completely unsuitable. Yes, worse than that: it presupposes censorship either by the state or the individual, which undermines the foundations of freedom of expression (VG 17.02.2010).

Tetzschner’s argument quite explicitly makes the case that different standards of justification are valid in different contexts, arguing that public debate is best when characterized by broadmindedness and respect, but that the legal sphere needs to operate with different standards, where feelings of being hurt or offended have little or no place. While this view is quite prevalent in the newspaper debates, it is reasonable to suggest that other actors than those represented here (many of them journalists or politicians) would argue otherwise, in particular under different *régimes d’action* (cf. also Moe, Thorbjørnsrud and Fladmoe, Ch. 4).

Concluding remarks

In this chapter I have presented and discussed findings from a study of freedom of expression debates in Norway, drawing on both quantitative and qualitative data. Analysis of media coverage in the years 1993-2015 indicates that debates over freedom of expression take the form of short intense bursts of attention followed by a return to relative normalcy. These clearly defined spikes in attention, as seen in the graphs reproduced here, are what we may refer to as ‘critical moments’. The themes and issues that were most prevalent in the freedom of expression media coverage were the renditions of cartoon controversies, from the coverage of reactions to the Mohammad cartoons in 2006 to the debate following the attacks on Charlie Hebdo and Krudttønden in 2015. More than merely constituting news events, these ‘critical moments’ were triggers for wider public discussions and protests. They were calls for reflection, discussion and negotiation of the boundaries of free speech.

While some see the boundaries of freedom of expression as clear-cut, others argue over fuzzy and negotiable borders. In terms of overall positions that can be outlined in the debates, the analysis finds a wide-ranging public debate in Norway, with moderate voices flanked by opposites that either see no cause for restricting freedom of expression (the *absolutists*) or rather find cause to carefully weigh options and motivations for publishing something potentially hurtful (the *consequentialists*).

Moreover, the analysis presented here carries a message concerning the state of mediated debates. Contrary to declarations of an age of 'offendedness', where emotions take center stage in the public sphere, the freedom of expression debates analyzed here are not dominated by emotions and claims of victimhood. Rather, they are characterized by historical, philosophical and legal lines of argument. Nonetheless, the notion of 'offendedness' plays a part in constituting a position (real or perceived) from which to argue. As a standard of justification, 'offendedness' and claims of victimhood or of being hurt fall short in these debates. However, legal principles, striking historical parallels or negations of 'offendedness' cannot put the debates to rest. All in all, the freedom of expression debates of 2006, 2010 and 2015 are unsettled, dynamic and lively in ways that make them similar and recursive. As such, it seems that we are always reinventing the freedom of expression debate.

Finally, we may consider briefly the role of the cartoons that have taken center stage in the freedom of expression debates here. Why have political cartoons become so enmeshed in the debates over freedom of expression during the past decade and stood out so clearly in terms of the size of media coverage? Previous research has shown that the cartoons spurred debate because they lent themselves readily to the aims of strategic interest groups and could fit in with existing and emergent media logic

(Eide, Kunelius, & Phillips, 2008; Hussain, 2007; Klausen, 2009; Sniderman et al., 2014). In the cartoon controversies, different justifications rub against each other, spurring reactions, both violent and non-violent. However, I would suggest – perhaps as a starting point for further research into the role of cartoons as symbols of free speech – that there are other dimensions particular to the drawings that make for heated debates. The cartoons are typically ripped from their original contexts (language, culture, original publication etc.), and this loss of context makes the situation ripe for misunderstandings and interpretations (cf. Hussain, 2007). Decontextualization can also be seen as part of the logic noted by Durham Peters (2008) in which particular subject matter tends to be subsumed under the freedom of expression heading. As images, the cartoons are deceptively simple to read (cf. Müller, Özcan, & Seizov, 2009). *If what I see is the face of the holy prophet Mohammad with a bomb in his turban, then what else is there to know?* The loss of context is thus accompanied by a (false) sense of always having the adequate amount of information.

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