

Martin Solík, Martin Lomen, Bianka Francistyová, Dušan Blahút

Caricature as a Tool of Freedom of Expression

Abstract

Cartoon humour does not provoke reactions of laughter and amusement randomly, immediately, without any particular intention or thought, but because it is dependent on our physical and mental dispositions to perceive and interpret the observed image, which is inherently polysemic. Just as we are able to analyse social interactions and their meanings, we are able to analyse the meanings of images and notice their subjective and objective levels of interpretation. Cartooning is all about perceiving and observing details that we have learned to overlook over time. Cartoon and caricature imply visual, cultural and semantic components, especially the cartoon or otherwise caricatured image, the theme, the content and the humour – the comic, ironic or satirical sphere of life or cultural and artistic expression, taking the form of a joke, anecdote or aphorism. A caricature is a deliberate modification of a phenomenon with the intention of retouching or hyperbolizing some particulars or a single part of the phenomenon. In our study we are

concerned with caricature, which not only represents an artistic representation, but can also be a criticism, a tool of propaganda, but primarily represents a tool of freedom of expression.

Key words

Caricature. Evolution of Cartoons. Freedom of Expression. Political Cartoons. Protection of Personality.

Introduction

“Laughter can sometimes hurt, but laughter, humor and ridicule are the only weapons we have!”¹ Humour is currently facing controversial opinions, capable of dividing society. Just think of the terrorist attack on the offices of the satirical magazine Charlie Hebdo, whose victim was the author of the statement, the well-known French cartoonist Jean ‘Cabu’ Cabut. According to some, humour should be omnipotent, critical and absolute. It should know no barriers, only the limits of our own intellect and the will to understand, on the basis of which we are able to understand it or condemn it. From a rational and moral point of view, humour should, above all, reflect certain social and cultural values through which it should respond to societal problems. “Humour is the shortest way from man to man.”² However, from the point of view of the law, it is necessary to look at the equivalence between the rights to freedom of expression and protection of personality and its rights to the protection of honour, dignity, name, privacy or the protection of the name and reputation of legal persons. A political cartoon is a journalistic expression, a social critique that ironically, satirically, or even sarcastically calls for change

and the establishment of objective justice. It plays an important role in a democratic society, thus constituting one of the instruments of freedom of expression, or the watchdog of democracy, capable of pointing out injustice, unlawful and immoral acts, or distinguishing truth from falsehood, by means of exaggeration and emphasis, which tends to attract attention and generate public debate.

1 Anchoring Cartoons and Caricature

The roots of contemporary cartooning, as well as of modern art and culture, from which cartooning later developed, go back to the prehistoric period, namely to the Upper Paleolit, the older Stone Age, the beginning of which is associated with an important milestone, the arrival of a new human species, our ancestor, Homo sapiens, the rational man (about 40,000 years BCE). It was during this period (approximately 35,000 – 8,000 years BCE) that early humans began to visually record their early view of nature, their daily life, its rituals and their ideas about the then prehistoric world that surrounded them. They used clay and stone as the first, unpretentious and primitive medium for recording data or images, first engraving with stone and bone, later drawing with charcoal or painting with the first paints using brushes made from human hair and other natural materials. Evidence of the existence of clay amulets, statuettes and galleries of murals, also known as

prehistoric frescoes, can still be found in cave complexes around the world – in France, Spain, Africa, as well as Australia, Indonesia and India³.

Man became upright, his motor skills and dexterity improved, his skull enlarged, and with it his brain grew in size and capacity, leading to a new, altered perception of his surroundings – man began to observe and reflect on the meaning of what he observed – he began to become aware of causality. Quite naturally he thus came to the need to express reality, his thoughts, ideas, and to record them on an “external” medium, located outside of his consciousness and memory, so that he could return to the recorded information at any time later, to analyze it more deeply or to compare it with the reality or with the expressions and ideas of other individuals who are beginning to think in the same way. And it is here that art, religion, ritual, mysticism, the first human communities, orders and dogmas were born, but also the humour that identifies us, culturally but also in terms of personality, character and values, throughout the history of our existence. It is indeed noteworthy that art, ritual, entertainment and humour, despite their socio-contextual derivations, from an

1 ČAPLOVIČ, M.: *Zavraždili aj kráľa karikatúry*. [online]. [2023-07-01]. Available at: <<http://spravy.pravda.sk/svet/clanok/341774-zavrazdili-aj-krala-karikaturistov/>>.

2 Ibidem.

3 *Altamira Cave Paintings*. [online]. [2023-07-01]. Available at: <[http://www.visual-arts-cork.com/prehistoric/altamira-cave-paintings.htm#summary](http://www.visual-arts-cork.com/prehistoric/altamira-cave-paintings.htm#summary;)>; See also: *Stone Age Art*. [online]. [2023-07-03]. Available at: <<http://www.visual-arts-cork.com/ancient-art/stone-age.htm>>.

objective anthropological point of view, developed in roughly the same way, in parallel and independently of the location where they originated. Pravdová argues that the phenomenon of entertainment in culture must be viewed in terms of an interdisciplinary approach and its aspects that lead to an understanding of cultural, historical and mental causality. The mission of art is to evoke emotions that purify (catharsis, perceived as cleansing) our inner affects. In a particular artistic perception, such as watching a play, our body psychosomatizes, creating real feelings of tension, goosebumps, joy, and sadness, accompanied by laughter or flowing tears (reliving)⁴.

*“Cartoon humour is the secret language that mankind managed to smuggle out of the Babylonian catastrophe. It sends silent, almost telepathic signals across historical epochs, impenetrable borders and continents – and perhaps tomorrow, across galaxies.”*⁵ Simmel, in his reflections on caricature and culture, bases on the existential view that man is an eternal and natural disturber of the boundaries associated with our perception

of the inner and outer world. Caricature becomes an inevitably conditioned phenomenon in the perception of the natural proportions, or features and unity of the whole. It represents a distortion that arises from the unbalanced dimension, the disruption, breaking and reconstruction of shapes. It is authentic and breaks out of a monotonous, one-sided view of reality or the truth of knowledge. He distinguishes between conscious caricature, with a certain intention and effect, and unconscious caricature, or caricature of the second degree, which he regards as a kind of magnifying glass of the already magnified, and adds that a complex exaggeration of proportions and features would not be a caricature, but a mere image⁶.

Caricature is, above all, a free artistic expression that relieves us of inner frustration, uneasiness about a certain aspect of social life or its forms, and evokes pleasant feelings accompanied by laughter and amusement. It frees us from the so-called black and stereotyped view of the world (although the subject matter often draws from it), elevating us above the problems that are contained in the message of the cartoon. It is not strictly based on the artist's view of the world, but is clearly conditioned by his perception, opinions, artistic talent, originality, humour and sense

of detail. It may take the form of a painting, drawing, sketch, sculpture, film or text (or a combination, e.g. a drawing and accompanying text), but what is essential are its expressive qualities and its message, which is comic, punchy, direct and, in some circumstances, multi-sensory⁷. According to Földvári's reflections, caricature is a constant appeal to critical reason, since only on the basis of reason does humour become a distortive perspective that deforms the image, creating real dimensions⁸.

Navasky states that in spite of the distinctive and emphatic style that distinguishes caricature from other types of art, it is impossible to determine its true origin, and so this fact is behind a well-known debate among anthropologists, historians and art theorists worldwide. Some consider the first caricature to be the comic depiction of the Egyptian pharaoh Nefertiti's husband, engraved by an unknown artist in the temple of Akhenaten (1360 BC), others are of the opinion that the first caricature was the drawing of Pope Innocent XI by the Italian Baroque artist Giovanni Lorenzo Bernini (1676), or the drawing of the Decapolis profile by the German Renaissance painter, graphic artist

4 PRAVDOVÁ, H.: Fenomén zábavy a úloha stereotypov v reprodukcii a recepcii mediálnej kultúry. In *Communication Today*, 2011, Vol. 2, No. 2, pp. 9-10; See also: ENGLER, M., TRNKA, A.: Concept Art: The Essential Part of Visual Pre-Production in the Entertainment Industry. In *Acta Ludologica*, 2021, Vol. 4, No. 1, pp. 112-123; PRAVDOVÁ, H., HUDÍKOVÁ, Z.: Correlations of Culture, Game Principles and Media Productions. In *Communication Today*, 2021, Vol. 12, No. 2, pp. 4-19.

5 FÖLDVÁRI, K.: *O karikatúre*. 1st Edition. Lučenec : Koloman Kertész Bagala, 2006, p. 15.

6 SIMMEL, G.: *O podstate kultúry – eseje*. Bratislava : Kaligram, 2003, pp. 105-110.

7 Remark by the authors: Caricature is also mistakenly confused with parody, which may contain some elements of caricaturing characters, things and phenomena, but ultimately parody is a humorous imitation or reproduction of reality without the use of typical features of caricature, such as distortion and exaggeration.

8 FÖLDVÁRI, K.: *O karikatúre*. 1st Edition. Lučenec : Koloman Kertész Bagala, 2006, pp. 15-17.

and mathematician Albrecht Dürer. But the generally acknowledged founder and author of the idea of caricature is considered to be the Renaissance artist and inventor Leonardo da Vinci, who first claimed that caricature was an exploration of reality, expressed through exaggerated proportional exaggeration – the grotesque⁹.

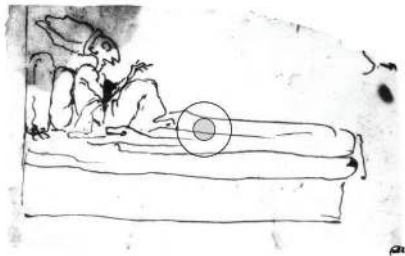


Figure 1: Pope Innocent XI, Giovanni Lorenzo Bernini (1676)

Source: BERNINI, G. L.: *A Brief History of Caricature – Chapter Two*. [online]. [2023-07-02]. Available at: <<https://www.oddonkey.com/odd-blog/a-brief-history-of-caricature-chapter-two/2014/3/18>>.

At the beginning of the 16th century, caricature was perceived primarily as a curiosity, a striking grotesque imitation of a portrait

⁹ Remark by the authors: In the period between the 16th and 18th centuries, da Vinci's importance was followed by many artists who contributed to the overall meaning and appearance of contemporary cartooning, e.g. Annibale Garacci or William Hogarth (the father of English caricature), but it is necessary to point out that cartooning at that time was miles away from the form of contemporary caricature humour. For more information see also: NAVASKY, S. V.: *The Art of Controversy: Political Cartoons and Their Enduring Power*. New York : Alfred A. Knopf, 2013, pp. 19-20.



Figure 2: Ten-headed profile, Albrecht Dürer (1513)

Source: A. Dürer, *Ten Heads in Profile / Draw. – Albrecht Dürer*. [online]. [2023-07-02]. Available at: <<https://www.myartprints.co.uk/a/albrecht-duerer/adrertenheadsinprofiledra.html>>.

or a painting, and not as a work of art or a new kind of art. In the eyes of the social elite, it was losing respectability because of its hyperbolized comicality and irony, which degraded and demeaned the absolute canons of Renaissance and Baroque art. Its triviality and visual appeal, on the other hand, won the favour of the common people, or rather the masses, who appreciated its sense of insularity and mockery of social events, as well as of the character traits of the depicted subjects (it simplified the perception of reality). Thus, caricature becomes, rather than a true art, a propaganda tool designed to influence the public opinion of the illiterate people. As the first public populariser of caricature, used for propaganda purposes and needs, we can consider the German priest and reformer Martin Luther, known for his reforms against the then

influence of the Catholic Church in Germany, but also as the founder of another religious trend – Protestantism (Lutheranism). In the form of pamphlets and posters, which he was not afraid to plaster even on Catholic churches, he communicated effectively, through images and text messages, to the public, to whom he presented information about Lutheranism as a new independent theological trend, or denigrated the Catholic Church as the antichrist or the descendants of the devil himself¹⁰.



Figure 3: A Cartoon from the Reformation of Martin Luther

Source: SCHOEN, E.: *The Devil with a Bagpipe*. [online]. [2023-07-07]. Available at: <<https://exhibits.tulane.edu/exhibit/martinluther/the-devil-with-a-bagpipe/>>.

¹⁰ Remark by the authors: The fact of the existence and easy availability of caricature (depicted in pamphlets) in the period of the 15th and 16th centuries must be seen in correlation with the technological prerequisite of the invention of the letterpress. For more information see also: *1) A Brief History of Political Cartoons*. [online]. [2023-07-03]. Available at: <<http://xroads.virginia.edu/-MA96/PUCK/part1.html>>.

At the end of the German Reformation period, the European caricature was already a well-known means, or rather medium, intended not only to manipulate public opinion, but also to comment on and criticize socially significant areas of life. And it is here, at the turn of the 17th and 18th centuries, that the first political caricatures begin to appear, depicting the personality of monarchs and nobility as tyrants, far exceeding the possibilities of their power, or parish priests as corrupt charlatans, offering salvation and divine forgiveness for a financial consideration (indulgences). It used familiar elements of irony, satire, but also sarcastic metaphors, hyperbole, historical and cultural symbolism, and analogy.

The first caricature containing a connotative perception of the relationship to the depicted reality appears in the middle of the 18th century in America, during the colonial era. The author of the famous political caricature “Join or Die”, depicting a snake divided into eight parts, representing the first American colonies, was the leader of the American Revolution, publisher and diplomat Benjamin Franklin. With his eloquent drawing, he sought to draw attention to the forthcoming American Congress, dedicated to the idea of uniting and declaring America’s independence from the United Kingdom. In terms of semiotics, it is clear that the message of the drawing draws attention to the fact that the

divided serpent is an icon referring to the problems between the American colonies, which had been unable to form an independent federation since their inception (denotation). The accompanying text of the caricature (“Join, or Die”) thus performs the function of a key, which encourages us that the solution to the problem of the dead snake would be its logical connection, whereby it would figuratively come back to life and take the form of an intrepid beast (connotation). However, this caricature was not the last of its kind, and soon iconic drawings began to appear during the campaigns of the first presidential election or the American Civil War, where another cultural element of the caricature, the stereotype, entered into attraction¹¹.



Figure 4: Join, or Die, Benjamin Franklin (1754)

Source: *Join, or Die*. [online]. [2023-07-04]. Available at: <https://en.wikipedia.org/wiki/Join,_or_Die>.

The image of contemporary European cartooning and modern visual journalism was created by the British humour magazine *Punch*, published continuously from 1841 until 2002, since when it has been archived, catalogued and publicly available on the Internet. It is credited with the creation of important meanings and genres of visual journalism: “cartoon” or “cartoon gags”, “editorial/political caricature” and “comic/cartoon strips”. From its editorial staff have emerged such notable British cartoonists, authors and humourists as: John Leech, Mel Calman, Tenniel, Du Maurier, Shepard, Pont, Searl, R. S. Sherriffs, Troggs, Mayhew Bill Holman, Gary Larson, Fred Neher and Peter Arno. *Punch* magazine was modelled after the famous French satirical magazine *Le Charivari* (The Serenade) with the subtitle “The London Charivari” (The London Serenade). Its idea was to, literally, punch the readers with funny anecdotes, stories or satirical drawings and comic strips, which reacted to various social problems and situations. The editors and artists were not afraid to draw ideas for entertaining and amusing people from English scrappiness, nature, human naivety, politics, stereotypes or cultural and historical symbolism. Over the decades, it built a strong reputation at home and abroad, and nurtured generations of comedians and visual artists. Its legacy and influence on the look of contemporary cartooning have

¹¹ I) *A Brief History of Political Cartoons*. [online]. [2023-07-03]. Available at: <<http://xroads.virginia.edu/~MA96/PUCK/part1.html>>. *Punch Magazine*. [online]. [2023-07-01]. Available at: <<http://www.punch.co.uk/about/>>.

continued to live on to this day¹².

From the point of view of semiotics, caricature can be seen as a transmission of information, through a standard communication model, which assumes the existence of a relationship between sender and receiver, in this case the author-artist and the percipient. The image or the information it represents is, with a certain intention and intended effect, created by the author-artist, who encodes this visual information using visual expressive and narrative artistic means, and sends it through the communication channel towards the percipient. The role of the percipient is to perceive and logically interpret or decode the image on an aesthetic and semiotic level. Within this communication flow, we must also allow for some mechanical, visual and semantic noise or noise that could interfere with the interpretation of the message, and so it is true that the intended information may not be the same as the understood information, especially if it is a polysemic image. All perception and interpretation take place in the field of our abstraction and concretization capacities and are conditioned by our cultural and mental disposition. The intellect thus plays a major role in the perception and interpretation of an image, just as in the case of language. The

language of the image, however, is much more complicated and ambiguous to the relationship of mutual communication, since it presupposes, indeed requires, the occurrence of connoted meanings – the image and the information do not always represent what we actually see.

2 Caricature and Political Cartoons as a Tool of Freedom of Expression

Freedom of expression presupposes the existence of two fundamental components – freedom and expression – which are part of the meaning and interpretation of fundamental human rights and freedoms in a democratic society, flowing from international treaties, resolutions and the internal, constitutional order of a sovereign state and its constitution, norms, regulations and laws. In a democracy, a man is born as a free and equal being who acquires his freedom and rights as well as the capacity and responsibility to exercise those rights¹³. However, freedom is not limitless and absolute, which is why

we cannot associate it with anarchy, and if there is some restriction on freedom, this is implemented in the case of interference with fundamental human rights and freedoms, in order to favour (or compare) one human right over another, and vice versa – the principle of proportionality – freedom can only be restricted in a legitimate way. Ultimately, although we are all equal in our rights, liberty may take on a different character, or regulation of the rights of citizens of the State, and a different character in the case of the liberties and rights of foreigners, as is the case, for example, with the right to vote, which is granted only to citizens of full age and of legal capacity. A secondary component of freedom of expression is speech itself, which is human expression, relating to a person's opinions, ideas, concepts and thoughts, capable of assuming any meaning, content and form perceptible through the senses. Speech can be entertaining, casual, polite, motivational, but also vulgar, negative, ideological or agitational. It may consist of the spoken or written word, sound, image or an audiovisual combination thereof. But it can also take the form of a gesture, or a non-linguistic expression or decision and approach to a given situation, such as in the case of a strike, petition or other boycott or protest. Expression is connected with our inner essence, causally intertwined with the outer world, so that even mere assent or refusal must be regarded as a kind of expression.

¹³ Compare to: SOLÍK, M.: *Uznanie ako problém spravodlivosti a jeho mediálna reflexia*. Trnava : FMK UCM, 2021; See also: VIŠŇOVSKÝ, J.: *Niekoľko poznámok k podobám súčasnej politickej satiry na Slovensku*. In SÁMELOVÁ, A., STANKOVÁ, M., HACEK, J. (eds.): *Fenoméni 2020: Komunita v mediálnom priestore*. Bratislava : Univerzita Komenského v Bratislave, 2020, pp. 114-123; PRAVDOVÁ, H., PANASENKO, N., HUDÍKOVÁ, Z.: *Homo Corporalis as the Communicated Muse and Centrepiece of Commercialized Culture*. In *European Journal of Media, Art & Photography*, 2020, Vol. 8, No. 1, pp. 68-81.

¹² *Punch Magazine*. [online]. [2023-07-01]. Available at: <<http://www.punch.co.uk/about/>>.

"The most tolerant caricature is irreconcilable and evil only to that which threatens man and which demagogically attempts to torment his sound judgment. It is democratic by its very nature. It grants everyone the same right to laughter, deprives them of – to use Bergson's phrase – 'social moderation', and thus fights in their subconscious the legends of 'eternal truths', dethrones false authorities, and recognizes only the natural course of things. The seemingly destructive nature of the ridiculous is always against, it cannot be otherwise; comedy is born of extremes, not of statistical averages."¹⁴

Caricature and cartoon humour is certainly the author's free artistic expression in which they reflect their morals, values, ideas, opinions and ideas about society. In certain circumstances, it takes on the essence of a reflection, commentary, polemic or criticism of socio-political problems, which makes it a major instrument of democracy, capable of revealing and separating truth from falsehood, through humour, wit, irony, satire and sarcasm. Caricature is able to disrupt and break down the boundaries of conventions in a non-violent way, thus being able to unite society, through its public opinion, on important social issues, and to inspire hope or create possibilities for democratic solutions to problems. Caricature is

a powerful voice calling for freedom and justice, and its arch enemies are stupidity, mundanity, stereotypes, prejudices, seriousness, injustice, demagoguery, and dictatorial regimes. In terms of interpretation, it requires critical reason and an objective perspective on what is being portrayed. Nowadays it can exist, or survive, in any, even undemocratic conditions and can take the form of the aforementioned provocation, agitation or hate speech. *"The proper sphere of human freedom is such that it includes above all the inner sphere of consciousness and requires freedom of conscience in the broadest sense, freedom of thought and feeling, absolute freedom of opinion and opinion on all questions, practical or speculative, scientific, moral, or theological. Freedom of speech and of the press may seem rather different because it belongs to that part of individual conduct which affects other people, but since it is almost as important as freedom of thought and has for the most part the same reasons as itself, it is practically inseparable from it."¹⁵* In terms of the pragmatism of the mentioned propositions, we could say that freedom of consciousness, thought and opinion presupposes, literally requires, the existence and presence of freedom of expression as a possibility of free and individual human expression. After all, what would be the point of observing

persons, things and phenomena, thinking about them, yet not being able to share this information in the form of speech, writing or images with other individuals. The principle of communication can very easily take on an individual internal (intrapersonal) and an external (interpersonal) nature, which, provided it is accepted by a wider range of individuals, can attain the character of group, institutional, public and even mass communication, through such means of mass communication as the periodical press. Freedom of expression and freedom to freely obtain, process and disseminate information thus naturally presupposes freedom of the press, representing an area of professional and public life which, from the point of view of mass media law, is embodied in the Act on Publications¹⁶.

Freedom of expression, however, is not infinite and absolute, especially in the case of the mass media, which can often abuse it by distorting the truth or publishing unverified, false information. In this respect, Kerecman distinguishes between the content and nature of freedom of expression:

- Factual assertions – they take on an unambiguous, objective and truthful nature, not misrepresenting the fact or its context. Abuse of freedom of

¹⁴ FÖLDVÁRI, K.: *O karikatúre*. 1st Edition. Lučenec : Koloman Kertész Bagala, 2006, p. 36.

¹⁵ MILL, J. S.: *O slobode*. Bratislava : Iris, 1995, p. 18.

¹⁶ Legal Act on Publications No. 265/2022 Coll., from 22nd June 2022. [online]. [2023-07-04]. Available at: <<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2022/265/20220801>>.

expression occurs in the case of the publication of false statements that infringe the rights of other persons, but these rights may also be infringed by factual, true statements in certain circumstances, e.g. by simplifying the facts.

- Evaluative judgments - take the form of reasonable criticism based on some fact that is true or false. In terms of content, evaluative judgments may be inappropriate or appropriate, or in terms of form and substance, objective (permissible) and subjective (impermissible). *“In terms of means of expression, the only criticism that can be admitted is that which may exaggerate and ironize, but only to the extent that it corresponds to an acceptable aim.”*¹⁷

An acceptable, constructive criticism should not be based on false, delusional, fabricated, misleading claims, but should fulfil certain aspects of a factual nature, pursuing a specific goal. It should not insult, defame or otherwise interfere with personality rights. Irony, satire and sarcasm are the artistic means of expression of a caricature, which does not merely take the form of ridicule directed at a particular subject, but mainly takes the form of criticism, based on the comicality and wit of certain real personality traits or situations. After all, no one can be deprived of freedom of expression simply

because a third party is unable to listen to or accept, often scathing, criticism of themselves.

The right to freedom of expression and freedom of information could not exist without the coexistence of the right to protection of personality¹⁸. Violation of one right leads automatically to a limitation of the other, since only by a fair comparison of fundamental human rights can we apply, or give priority to, one right over the other. We are all equal in our fundamental rights and freedoms, and these rights are irrevocable, non-barred, inalienable and non-withdrawable. In the case of interference with the right to protection of personality, it is necessary to take into account the purpose for which the speech, based on the subjective view of the person concerned, exceeded the permitted limits and to note the objective nature of the speech based on factual assertions or value judgments. Even the substance of evaluative judgments cannot be self-serving, fanciful or otherwise gratuitously inflated, but must be based on certain factual assertions about a third person, otherwise it would be objectionable. Such evaluative judgments most often take the form of criticism, that is, a detailed assessment of persons, things, and phenomena, which may

take a social, scientific, or artistic form.

*“Caricature belongs to a subset of evaluative judgments. It is another mode of criticism that takes as its target a particular character trait, bodily feature, or action of the particular person caricatured, which it draws attention to by means of irony and exaggeration, and in this way criticizes. The art of the caricaturist does not consist in being reasonable and impartial, but precisely in being sharp and one-sided... It is characteristic of caricature that it exaggerates, magnifies, and ironizes, and therefore a prerequisite for an impeccable legal judgment is the removal of the satirical dress in which the information itself is wrapped. Even a caricature must rest on a real basis, however minimal.”*¹⁹

Drgonec points out that in the case of an interference with freedom of expression against a specific person, the decision-making process must also consider the position of the person concerned, which may be private or public in nature. He thus refers to the existence of a doctrine in the conflict between political and personality rights, also known as “public figures”, or persons of public interest, who are obliged to endure a much greater degree of criticism in the event of an interference with their personality protection rights than in the case of ordinary persons,

17 KEREČMAN, P.: *Sloboda prejavu novinára a ochrana pred jej zneužitím*. Bratislava : Slovenský syndikát novinárov, 2009, pp. 37-38.

18 Remark by the authors: In the Slovak Republic, the legal protection of personality is enshrined primarily in §11-16. Source: *Legal Act No. 40/1964 Coll., Civil Code, from 26th February 1964*. [online]. [2023-07-05]. Available at: <<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1964/40/>>.

19 VOZÁR, J., ZLOCHA, L.: *Judikatura vo veciach slobody prejavu a ochrany osobnosti*. Bratislava : Wolters Kluwer, 2014, p. 159.

citizens, especially if the criticism is directed at factual allegations or is linked to the exercise of their public office. Persons of public interest are people who have voluntarily removed themselves from anonymity, thereby becoming public and media personalities. These include actors, musicians, athletes, but especially politicians and public authorities or their representatives. When a media personality is standing before the court, it is possible to raise an objection concerning the comparison between the rights of protection of their person and the public interest persons created by law. This institute is not self-serving, and it is not intended to negate personality rights, but to establish an objective, fair boundary in assessing the conflict of the rights in question. The doctrine is defined primarily by sources of international law and is also integrated into the legal system and case law of the Slovak Republic²⁰.

“Criticism of social phenomena is not only permissible but also necessary. However, it is a different matter to assess whether a particular matter is a criticism or whether the facts stated in the article can no longer be regarded as criticism. It should also be noted that, in the context of criticism, depending on the circumstances and the nature of the particular case, a certain degree

of exaggeration, irony or the use of relatively harsher expressions which might otherwise be considered offensive may be admissible. Assertions – opinions cannot be considered as criticism because they cannot be deduced from the factual circumstances alleged in the facts described.”²¹

Quite naturally, it would seem that a fairly frequent topic of cartoonists, artists and humourists is politics, politicians and public officials, whose social responsibility and competences are based directly on the Constitution or other legal regulations that define a political personality, virtually a public official, as a person of public interest, which, however, has the right to their own privacy, which is not associated with the exercise of their public office. Irony, satire, sarcasm and other tools of hyperbolization of the caricature should in no way distort reality literally, but should stick to certain true aspects or certain causal relations of reality, on which the very point or message of the anecdote, or joke, is based. The message of a caricature may not be unambiguous and may take the form of a metaphor of many meanings, which is difficult to reciprocate and even more difficult to interpret, thus the meaning itself may take on any value, often independent of the author’s real intention.

2 Caricature and Political Cartoons as a Tool of Freedom of Expression

Caricature belongs to the non-serious, artistic-publicistic expressions, whose task is to openly criticize and polemicise, thus arousing public interest and stimulating public debate on important social issues. Through irony, sharp satire and biting sarcasm, as well as visual and semantic hyperbole, it evokes emotions of amusement, laughter, but also outrage, disapproval and disgust, through which it breaks the eternal canons of the mundane and the monotonous and shatters social conventions, literally teetering on the edge of the dos and don’ts, or rather, on the edge of what is allowed and what is not. This is humour – and humour should not be limited by norms or morals, but only by the mental disposition and the individual’s capacity for perception and interpretation.

The author of the caricature, the caricaturist, must not only have a good command of their artistic craft in order to capture, emphasize and exaggerate the observed character trait, but they must first of all possess a certain general outlook and insight into situations and contingencies, which makes them a kind of journalist, or an art publicist with a special and unique sense of humour. They are not just a categorical rebel, swimming against the tide, but especially a sensitive person who is not passively indifferent to the

20 DRGONEC, J.: *Sloboda prejavu a sloboda po prejave*. Šamorín : Heuréka, 2013, pp. 157-161.

21 VOZÁR, J., ZLOCHA, L.: *Judikatúra vo veciach slobody prejavu a ochrany osobnosti*. Bratislava : Wolters Kluwer, 2014, p. 167.

problems of society. As the so-called “watchdog of democracy”, they speak out against injustice and lawlessness, even though their only, but powerful, weapons are simple humour and ridicule. The image of the caricature and the interpretation of its message(s) presents a kind of ambiguous, multi-sensory code, fixated on the context of reality, social events, and culture, as well as on the very morals, values, opinions and ideas of the individual. While cartoons can effectively challenge dictatorial regimes and reinforce democratic principles in a social setting, they can also become effective tools for racial and gender discrimination, the promotion of violence and public unrest, or ideological propaganda.

Acknowledgement:

The study was elaborated within the research project Central European Digital Media Observatory (CEDMO) – 2020-EU-IA-0267 supported by European Union.

Bibliography

- A. Dürer, *Ten Heads in Profile / Draw. – Albrecht Dürer*. [online]. [2023-07-02]. Available at: <<https://www.myartprints.co.uk/a/albrecht-duerer/adrehtenheadsprofile.html>>.
- Altamira Cave Paintings. [online]. [2023-07-01]. Available at: <<http://www.visual-arts-cork.com/prehistoric/altamira-cave-paintings.htm#summary>>.
- BERNINI, G. L.: *A Brief History of Caricature – Chapter Two*. [online]. [2023-07-02]. Available at: <<https://www.oddonkey.com/odd-blog/a-brief-history-of-caricature-chapter-two/2014/3/18>>.
- ČAPLOVIČ, M.: *Zavraždili aj kráľa karikatúry*. [online]. [2023-07-01]. Available at: <<http://spravy.pravda.sk/svet/clanok/341774-zavrazdili-aj-krala-karikaturistov/>>.
- DRGONEC, J.: *Sloboda prejavu a sloboda po prejave*. Šamorín : Heuréka, 2013.
- ENGLER, M., TRNKA, A.: Concept Art: The Essential Part of Visual Pre-Production in the Entertainment Industry. In *Acta Ludologica*, 2021, Vol. 4, No. 1, pp. 112-123. ISSN 1336-0965.
- FÖLDVÁRI, K.: *O karikatúre*. 1st Edition. Lučenec : Koloman Kertész Bagala, 2006.
- I) *A Brief History of Political Cartoons*. [online]. [2023-07-03]. Available at: <<http://xroads.virginia.edu/~MA96/PUCK/part1.html>>.
- Join, or Die. [online]. [2023-07-04]. Available at: <https://en.wikipedia.org/wiki/Join,_or_Die>.
- KERECMAN, P.: *Sloboda prejavu novinára a ochrana pred jej zneužitím*. Bratislava : Slovenský syndikát novinárov, 2009.
- Legal Act No. 40/1964 Coll., Civil Code, from 26th February 1964. [online]. [2023-07-05]. Available at: <<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1964/40/>>.
- Legal Act on Publications No. 265/2022 Coll., from 22nd June 2022. [online]. [2023-07-04]. Available at: <<https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2022/265/20220801>>.
- MILL, J. S.: *O slobode*. Bratislava : Iris, 1995.
- NAVASKY, S. V.: *The Art of Controversy: Political Cartoons and Their Enduring Power*. New York : Alfred A. Knopf, 2013.
- PRAVDOVÁ, H.: Fenomén zábavy a úloha stereotypov v reprodukcií a recepcii mediálnej kultúry. In *Communication Today*, 2011, Vol. 2, No. 2, pp. 6-24. ISSN 1338-130X.
- PRAVDOVÁ, H., HUDÍKOVÁ, Z.: Correlations of Culture, Game Principles and Media Productions. In *Communication Today*, 2021, Vol. 12, No. 2, pp. 4-19. ISSN 1338-130X.
- PRAVDOVÁ, H., PANASENKO, N., HUDÍKOVÁ, Z.: Homo Corporalis as the Communicated Muse and Centrepiece of Commercialized Culture. In *European Journal of Media, Art & Photography*, 2020, Vol. 8, No. 1, pp. 68-81. ISSN 1339-4940.
- Punch Magazine. [online]. [2023-07-01]. Available at: <<http://www.punch.co.uk/about/>>.
- SCHOEN, E.: *The Devil with a Bagpipe*. [online]. [2023-07-07]. Available at: <<https://exhibits.tulane.edu/exhibit/martinluther/the-devil-with-a-bagpipe/>>.
- SIMMEL, G.: *O podstate kultúry – eseje*. Bratislava : Kaligram, 2003.
- SOLÍK, M.: *Uznanie ako problém spravodlivosti a jeho mediálna reflexia*. Trnava : FMK UCM, 2021.
- Stone Age Art. [online]. [2023-07-03]. Available at: <<http://www.visual-arts-cork.com/ancient-art/stone-age.htm>>.
- VIŠŇOVSKÝ, J.: Niekoľko poznámok k podobám súčasnej politickej satiry na Slovensku. In SÁMELOVÁ, A., STANKOVÁ, M., HACEK, J.

(eds.): *Fenomén 2020: Komunita v mediálnom priestore*. Bratislava : Univerzita Komenského v Bratislave, 2020, pp. 114-123.
VOZÁR, J., ZLOCHA, Ľ.: *Judikatúra vo veciach slobody prejavu a ochrany osobnosti*. Bratislava : Wolters Kluwer, 2014.

Authors

JUDr. PhDr. Martin Solík, PhD.
martinsolik@gmail.com

Faculty of Mass Media
Communication
University of Ss. Cyril and
Methodius in Trnava
Nám. J. Herdu 2
91701 Trnava
SLOVAK REPUBLIC

Mgr. Martin Lomen
martin.lomen@gmail.com

Freelance Marketing Performance
Specialist
D. Makovického 5100/4
03601 Martin
SLOVAK REPUBLIC

Mgr. Bianka Francistyová
francistyova1@ucm.sk

Faculty of Mass Media
Communication
University of Ss. Cyril and
Methodius in Trnava
Nám. J. Herdu 2
91701 Trnava
SLOVAK REPUBLIC

Mgr. Dušan Blahút, PhD.
dusan.blahut@ucm.sk

Faculty of Mass Media
Communication
University of Ss. Cyril and
Methodius in Trnava
Nám. J. Herdu 2
91701 Trnava
SLOVAK REPUBLIC

DOI: <https://doi.org/10.34135/ejmap-23-02-07>

Profile of the Authors

Martin Solík is the Editor-in-Chief of the scholarly journal *Communication Today*. He works at FMK UCM in Trnava as an Associate Professor. His research focuses on contemporary moral, social and political philosophy with a focus on the concept of recognition in local and transnational contexts. In his articles he develops in particular the problem of social recognition and its media reflection, the media image of marginalised groups, the problem of identity in the context of different versions of reality and the impact of media and digital technologies on human cognitive processes.

Martin Lomen graduated from the FMK UCM in Trnava. During his research he has been engaged in the empirical study of cartoons as a unique artistic means of expression and opinion-forming in the context of the rights to freedom of expression and protection of personality from the perspective of history, current legislation and contemporary Slovak and European judicial practice. The acquired knowledge of mass

media, psychology, sociology, analytics and methodology is now used in the field of marketing and advertising, where he works as an external consultant and freelance performance marketing specialist.

Bianka Francistyová is currently pursuing a doctorate degree at the FMK UCM in Trnava. The main focus of her scientific research is on Korean dramas and Korean popular music. Apart from Korean media production, her scholarly publications include topics such as feminism, digital media, globalization, multiplatform journalism and socio-cultural problems and their reflection in media. She is also secretary of the editorial office of *European Journal of Media, Art & Photography*.

Dušan Blahút works at the Faculty of Mass Media Communication UCM in Trnava as an Assistant Professor and focuses on new technologies in mass media and marketing communication, augmented and virtual reality. He has more than 20 years of experience in video, 2D, 3D and motion graphics, which he uses in teaching. In his publishing activities, he focuses on the application of augmented reality in the segment of cultural heritage.