

Charlie Hebdo and the Future of Free Speech

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On the morning of Jan. 7, 2015, at around 11:30 p.m., the French cartoonist Rénaud “Luz” Luzier was intercepted by a group of bystanders outside his place of work — the Parisian offices of the far-left satirical magazine *Charlie Hebdo*. Late to work, he was told that “two armed men” had just gone into the building. The chilling tattoo of gunfire came out of the building, and, shortly thereafter, so did several masked jihadists, dressed in black. Running inside, Luz confronted “bloody footsteps” which he later realized were “the bloodstains of my friends”.¹ Seeing people strewn “on the ground” of the office, he noticed “a friend face-down”.² “No one”, he commented in an interview more than three weeks after the attack, “knows how to react to that” situation.³

Luz’s uncertainty of how to act in the wake of the attack, which killed 12 and injured 11, is eminently understandable. “The fear, the anxiety, the petrification” felt in the French capital during and immediately after the assault was something Western citizens believed to “happen in Syria, in Africa”, but never in a city like Paris.⁴ The *Charlie Hebdo* attack and its aftermath was the most significant France had experienced since a 1962 train bombing — related to the war in Algeria — outside Paris.⁵ Moreover, it seems altogether foreign and incomprehensible to the relatively liberal standards of our society that the motivation for such atrocious violence was vengeance for the mere act, conflated into a crime, of drawing a cartoon.

The reaction was swift: the French nearly unanimously rallied behind the pro-free

speech banner of a movement calling itself “Je Suis Charlie” or “I Am Charlie”, holding aloft pens and signs emblazoned “Liberty” to symbolize their support for free expression. The Twitter hashtag #jesuischarlie was coined by French journalist Joachim Roncin mere hours after the shooting itself, and within ten hours it was being tweeted at a rate of approximately 6,000 times an hour, one of the most meteoric rises to popularity of a news story in Twitter’s history.⁶ François Hollande, the least popular French president since World War II, saw his popularity more than double in the weeks following the terrorist attacks.⁷ The response wasn’t limited to France, however. Rallies were held across Europe and the United States in solidarity with *Charlie Hebdo’s* cartoonists. Every major Western head of state expressed support for *Charlie Hebdo’s* cause of free speech, and President Obama created a minor uproar in the U.S. when he chose not to attend a solidarity march in Paris on Jan. 11.

While it may seem natural to most Westerners, the response to the Jan. 7 attacks looks almost absurd when approached from a different point of view. Luz himself highlights the irony of Western leaders — who more often than not look at satirists like those employed at *Charlie Hebdo* as “agitators” — declaring the slain satirists “white knights defending free speech”.⁸ The definitive characteristic transformed a weekly burlesque, whose parent publication described itself as a “stupid and vicious magazine”, into a hero of modernity.⁹ This reflects, quite simply, a feeling throughout the Western world that intrinsic rights are under attack.

The trend toward an ever-increasingly liberal society in Europe and North America stretches back as far as the Enlightenment. In fact, there is an almost innate feeling of support for what has become the Western ideal of freedom of expression. Given the passionate voice in the First Amendment to the U.S. Constitution and the French Declaration of Rights of Man and Citizen, the Western pursuit of freedom of speech as an ideal was expressed authoritatively in 1949 with the United Nations’ Universal Declaration of Human Rights. The international community reaffirmed a connection between the “dignity and worth of the human person” upheld in the U.N. Charter and a “right to freedom of opinion and expression”, implying furthermore a right “to seek, receive, and impart information and ideas through any media and regardless of frontiers” without being beholden to the wishes of governments, private individuals or religious organizations.^{10, 11} Ensured ability to “seek, receive, and impart information” also ties the freedom of expression to the right to know of citizens concerned with the workings of their government. Thus, becoming ultimately connected to the idea of democracy itself, free speech has gained ingrained support in the European, and particularly the American, psyche.

Despite the immense public, political and cultural motivation to put support behind the #jesuischarlie movement, there are some Westerners who refused to do so. Calling themselves “Je Ne Suis Pas Charlie” — “I Am Not Charlie” — some detractors accuse European governments of blatant hypocrisy in their support for *Charlie Hebdo*. While

European heads of state defend alleged bigotry against what's probably the most marginalized group in modern European society — Muslims, most of whom are immigrants — a strong stance against Holocaust denial and hate speech directed towards Europe's Jews is a staple of most modern European legal systems. Belgium's law prohibiting not only the denial, but also "the minimization, the justification, or the approval" of the Holocaust, is fairly commonplace.¹² In France, the penalties for expressing anti-Semitic ideas are, sympathetically, considerably severe. French comedian Dieudonné M'bala M'bala is one of the most prominent examples of the practical application of the law. After a new comic routine functionally entitled "Anti-Semitism", François Hollande warned police across France to be "vigilant and inflexible" for "contemptible provocations" while Dieudonné is performing.^{13, 14} In December 2013, the comedian said of a prominent French Jewish journalist that it was "too bad" that he hadn't been put in a "gas chamber". He was later fined 36,000 euros by the French courts and is at risk of losing 45,000 more and up to a year in prison for two more untried offenses.¹⁵

Beyond the European laws against anti-Semitic expressions, which many Muslims in Europe believe to support a double standard protecting only non-Muslim minorities from defamation, several skeptics perceived a "certain, virulently racist brand of French xenophobia" and Islamophobia in cartoons, ranging from straightforward depictions of Muhammad to portrayals of Boko Haram's Muslim sex slaves as welfare queens and everything in between, that were

admittedly very often racy and aggressively anti-religious.¹⁶ Many consider former French president Nicolas Sarkozy's calling the terrorist attack a "war declared on civilization" typical of the movement in that it employs racist generalizations of "backward, barbaric Muslims".¹⁷ "Je Ne Suis Pas Charlie" less-than-subtly suggests, in the best interest of both the teller and the butt of the joke, that the speech exemplified in *Charlie Hebdo's* Muslim cartoons should be treated the same way as anti-Semitic speech. There are certain symbols, these skeptics claim, that are off-limits to all iconoclasts.

Although these Westerners declare themselves against absolute freedom of expression, it wasn't they who perpetrated the attack on the *Charlie Hebdo* headquarters, but rather radical Islamists. Although there's an incredible diversity of opinion in both Islamic countries and the West, there can be little doubt that many Islamic countries possess considerably different cultural, religious and political heritages than those of the West. Notably, Saudi Arabian delegates abstained from voting for the U.N. Universal Declaration of Human Rights because it ostensibly violated Sharia law. Moreover, representatives to the UN from Iran have called the declaration of rights "a secular understanding of the Judeo-Christian tradition" that "could not be implemented by Muslims and did not accord with [their] system of values."¹⁸ The "universal declaration" was, according to the Iranians, not as universal as some Western powers believed.

Most Muslim-majority countries in the U.N. eventually signed an altered version of

the Declaration that had been authored by the pan-Islam Organization of Islamic Cooperation. This document, called the Cairo Declaration on Human Rights in Islam, guarantees that “everyone shall have the right to express his opinion freely”, provided they are not “contrary to the principles of the Sharia” or “in such a way as may violate sanctities and the dignity of Prophets, undermine moral and ethical Values or disintegrate, corrupt or harm society or weaken its faith”.¹⁹ The signing countries, in other words, subordinated free speech solely to public morality. Although the ideals may be different, the sentiment is hardly foreign to American and Western politics. Even in cases touted as victories for free speech, like the 1957 obscenity trial dealing with Allen Ginsberg’s poem *Howl*, the reasoning behind tolerance cites “redeeming social importance” rather than devotion to the principle of freedom of expression.²⁰ Obscenity — material which strongly offends the dominant morality of a given society — isn’t only defined differently in countries of respective Judeo-Christian and Muslim traditions, but there also continue to be laws restricting it in both Western and Muslim-majority countries.

One of the most recent representations of obscenity in the Muslim world came with Salman Rushdie’s infamous 1988 publication of his novel *The Satanic Verses*. Because of its alleged denial of the Quran’s divine inspiration, many Muslims considered the novel offensive or blasphemous. The fatwa — the authoritative scholarly opinion — issued by then-Ayatollah Khomeini calling for Rushdie’s death was met with the stabbings of the book’s Japanese and Italian translators;

the author himself escaped harm by going into hiding for more than a year. Rushdie, a British Muslim, proclaimed his lack of patience for the “but brigade” — those who give only a qualified affirmation of free speech — in the wake of the *Charlie Hebdo* attack: “the moment somebody says, ‘Yes, I believe in free speech, but,’ I stop listening.”²¹ By advocating for a literally senseless attachment to free speech, Rushdie exposes the fundamental problem with the Western response to the Jan. 7 attacks: both the restriction of the right to free speech, and that the categorical veneration of unnecessarily incendiary speech is unfaithful to the Western ideals it purports to uphold. The refusal to listen, encompassing both of these extremes, is poisonous to the willingness to consider, discuss and persuade — the essential counterpart to free expression.

Speech should be free. No matter how repulsive a person’s opinion is they should not, ideally, be precluded from stating it. The

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ideal of free speech is one of the most precious products of the Enlightenment, but it remains, for the time being, just that: an ideal. Even John Adams, one of the men who enshrined the concept of freedom of expression in the Constitution, wrote that “when people talk of the Freedom of Writing, Speaking, or thinking, I cannot choose but laugh. No such thing ever existed. No such thing now exists; but I hope it will exist. But it must be hundreds of years after you and I shall write and speak no more.”²² Whether or not we take pride in admitting it, absolute freedom of speech still cannot exist in this world. This seems obvious from the fact that *Charlie Hebdo*’s cartoonists were killed for what they chose to draw. Keeping this in mind as the chief obstacle to truly free speech, the day will only come when we have complete freedom of speech when either no one says anything that might incite retribution or no one will be willing exact retribution. Responding to a murder motivated by a blasphemous cartoon with unconditional praise for the victim cartoonists gets us no nearer to either of these goals and is counterproductive and contradictory. It’s certainly not an affirmation of free speech as we so often idealize it. We support free speech because it allows for a society open to the discussion of any and all issues. Combined with widespread education, willingness to debate and intellectual honesty, the freedom to speak at will provides the basis for a successful liberal democracy. The supporters of “Je Ne Suis Pas Charlie” threaten the first of these essential elements (absolute freedom of speech), while the fetishized movement that is #jesuischarlie threatens the Western commitment to the

open and unbiased debate of things even as sacrosanct as freedom of expression.

Some of the full absurdity of the Western reaction to *Charlie Hebdo* is expressed in the fact that the differences in attitudes towards freedom of speech in the West and in Muslim-majority countries aren’t only historically recent, they are also far less exaggerated than many ostensible supporters of free speech suggest. Prior to the Enlightenment, laws in Christian Europe were as severe, if not more so, than their present-day counterparts in the Middle East and North Africa. Even in the midst of the overwhelming liberal sentiment in the late Enlightenment, John Adams, one of free speech’s great champions, signed into law the 1798 Alien and Sedition Acts, which severely penalized the exercise of free speech in the United States itself. At the height of France’s reformatory fervor during the French Revolution, the Declaration of the Rights of Man and Citizen curtailed free speech to cover ideas only if “their manifestation does not trouble the public order established by the Law”.²³ It wasn’t until 1966 that Pope Paul VI officially abolished the Index of Prohibited Books, which was originally created to prevent Catholics from reading heretical or immoral material. Puritanical legislation like the 1873 Comstock laws, which suppressed the distribution of information regarding birth control and abortion, are still on the books in the United States.²⁴

Moreover, even today we in the West largely fail to practice what we preach. The aforementioned inconsistency of laws against anti-Semitic hate speech and Holocaust denial

are understandable and sympathetic enough. However, both Europe and the United States are more or less direct in cutting off the extent to which their Muslim populations can practice their freedom of expression. The law in France banning the Islamic scarf in public schools and the referendum in Switzerland banning the construction of additional minarets, indirectly attack Muslims' freedom of speech and are symptomatic of governmental policies that, inadvertently or not, affect Muslims' ability to freely express themselves. If a citizen of the West, particularly a Muslim, vocally promotes radically political religion, they will be lucky to get off with a warning. Perhaps it's practically beneficial to Western society to suppress the approval of violent, religious fundamentalism. Maybe headscarves for Muslim women are contrary to our liberal value of equality between the sexes, but forcing conformity by law to assent or reject not only makes the finding of actual answers through dialogue impossible, it fundamentally betrays the free speech basis of modern Western society.

The Nigerian-based Islamist terrorist group Boko Haram was reported on Jan. 7 — the same day as the Paris attacks — to have destroyed the town of Baga in northeastern Nigeria, killing or displacing each and every one of its 10,000 residents in pursuit of the establishment of an Islamic state in northern Nigeria.²⁵ It's interesting to note that this disparity in numbers killed of inhabitants of the West and of Muslims in Africa is hardly anomalous: al-Qaeda is known to deliberately target and kill as many as eight times more Muslims than Westerners.²⁶ Although this discrepancy may seem puzzling at first,

there's a very straightforward reason behind it. Simply put, Islamist groups will use any kind of ignorance, fear or injustice that presents itself to them to prevent Muslims from interacting with the West and releasing themselves from their power. What makes Boko Haram's mass murders particularly heinous is partially related to its fundamental cause, explained in the translation of its name as "Western education is forbidden". That Boko Haram targets not freedom of expression but education is not only significant — it's of utmost importance. When Mark Twain declared, "travel is fatal to prejudice, bigotry, and narrow-mindedness", he could have been speaking equally as truthfully of people or of ideas. Boko Haram opposes itself to "Western" education because it's precisely such a tool that would allow Muslims in Nigeria to participate in a legitimately open exchange and dialogue of ideas with the West. In place of intellectual development, the group uses propaganda to entrench its ideology and hinder individual thought — not only is Boko Haram striving against "Westerners" educating Muslims, it's taking a stand against Muslims' intellectual ability to teach themselves. Even if modern liberal democracy, as practiced in the West, has the moral high ground and a societal benefit on its side, we differ from Boko Haram only in the intensity of our reaction to dissent when we blindly throw consideration to the wind and affirm anything, even freedom of expression, as an article of faith or as the victim of backwards societies that reject it.

Regardless of the chagrin it may cause Mr. Rushdie, the West must declare that it believes in free speech, but that it cannot and

does not ignore the consequences of free speech. In his 1957 judicial opinion that decided the outcome of *The People of California v. Lawrence Ferlinghetti* and the legality of publishing the poem *Howl*, the Honorable Clayton W. Horn referenced a “censorship by public opinion” as the “only completely democratic” solution to the problem of offensive or anti-social free speech.²⁷ The appointment of “the people as self-guardians of public opinion”, reminiscent of an almost market-based solution, where the public throws out the bad ideas and keeps the good ones generated by open and free speech, is another piece of evidence suggesting the importance of education to socially beneficial free speech.²⁸ Whatever extent to which Western countries like the United States rely on “censorship by public opinion” to minimize the effect of anti-social or destructive ideas in society, the same standard clearly cannot be applied to the relationship today between the West and culturally Islamic countries.

It’s not only thanks to efforts against Muslims’ unbiased “Western” education by Islamist groups like Boko Haram that a legitimately free-speech dialogue cannot yet exist between the two cultural blocs. There is a telling truth in the fact pointed out by one of *Charlie Hebdo*’s former editors that his magazine “could show the pope sodomizing a mole and get no reaction” from the nearly 40 percent of Europe’s population that identifies as Catholic.²⁹ Defenders of “Je Ne Suis Pas Charlie” suggest that the exercise of free speech regarding Islamic subjects of the type illustrated in *Charlie Hebdo* is necessarily hateful and provocative. While some more

extreme drawings from the magazine may represent actual Islamophobia, it’s certainly not true that *any* cartoon must necessarily be seen as provocative. Luz suggests that *Charlie Hebdo* itself, rather than exist merely to stretch the limits of freedom of expression, has “always worked to destruct symbols, knock down taboos”.³⁰ Obviously devotion to ideals is a positive, but they’re too many examples to count, including the Jan. 7 attack, of the negative effects of devotion taken to the extreme.

The openness that comes about from the educated desire to abandon unconditional allegiance to ideas of any kind, from free speech to an Islamic state, and to think for oneself is far worse served through absurd accusations of intrinsic Muslim backwardness than through positive and open-minded dialogue between Western and Islamic countries. The ultimate goal of any and all Western approaches to Muslims, be they in their own countries, in the Middle East and elsewhere, cannot be to take a symbolic stand for free speech instead of a substantive stand, even if the two are not necessarily mutually exclusive. Endlessly repeating that free speech and freedom of expression is a human right is both ineffective for proving the point and contrary to the spirit of free speech altogether. The ultimate goal is to create a world in which offensive language is, in practice, neither given nor taken. Because of an effective and educated “censorship by the public”, controversial speech need not be constrained, and because of universal consideration for free speech, no one feels the need to defend all speech at any price. The *Charlie Hebdo* affair, beyond demonstrating

that progress must be made on the subject of free speech in Islamic cultures, illustrates a far less obvious yet equally oppressive difficulty in the West. Dialogue can exist only if each participant actually listens to the other, and any opinion claimed to be above reason hinders this necessary listening. It's easy to see how a jihadist rejects open dialogue, but it's both less obvious and more conceptually difficult to see the far more entrenched ideologies that subtly constrain our ability to be open and hinder our own freedoms of thought and expression.

¹ "Luz : « La majorité des musulmans s'en foutent de "Charlie Hebdo," »" *Le Monde*, February 1, 2015, Internet (accessed February 8, 2015).

² Ibid.

³ "Charlie Hebdo : témoignage-choc de Luz, dessinateur de la un post-attentat," *Midi Libre*, February 3, 2015, Internet (accessed February 9, 2015.)

⁴ Ibid.

⁵ Marie-Estelle Pech, "L'attentat le plus meurtrier depuis Vitry-Le-François en 1961," *Le Figaro*, January 7, 2015, Internet (accessed February 8, 2015.)

⁶ Pete D'Amato, "#JeSuisCharlie becomes one of the most popular hashtags in Twitter's history," *Daily Mail*, January 10, 2015, Internet (accessed February 9, 2015.)

⁷ John Lichfield, "Paris attacks: Francois Hollande sees his popularity ratings double in wake of strong French response to Charlie Hebdo killings," *The Independent*, January 19, 2015, Internet (accessed February 8, 2015.)

⁸ "Exclusive Interview with 'Charlie Hebdo' Cartoonist Luz," YouTube video, 12:06, posted by "VICE News," January 31, 2015.

⁹ Sophie Berthier, "« Hara-Kiri » : un journal à jamais « bête et méchant, »" *Télérama*, March

28, 2014, Internet (accessed February 9, 2015.)

¹⁰ United Nations, Charter of the United Nations, 24 October 1945, 1 UNTS XVI, Internet (accessed February 5, 2015.)

¹¹ UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III), Internet (accessed February 8, 2015.)

¹² "Loi du 23 mars 1995 tendant à réprimer la négation, la minimisation, la justification ou l'approbation du génocide commis par le régime national-socialiste allemand pendant la seconde guerre mondiale," *Centre interfédéral pour l'égalité des chances*, August 17, 2013, Internet, (accessed February 9, 2015.)

¹³ Dominique Albertini, "Dieudonné, l'antisémitisme mot à mot," *Libération*, July 22, 2014, Internet (accessed February 9, 2015.)

¹⁴ "Les spectacles de Dieudonné interdits les uns après les autres," *Le Parisien*, January 7, 2014, Internet (accessed February 9, 2015.)

¹⁵ Marc Mechenoua, "En décembre 2013, l'avocat de Dieudonné l'assurait : « Il est parti en guerre, »" *Metronews*, January 28, 2015, Internet (accessed February 9, 2015.)

¹⁶ Jacob Canfield, "In the Wake of Charlie Hebdo, Free Speech Does Not Mean Freedom From Criticism," *The Hooded Utilitarian*, January 7, 2015, Internet (accessed February 5, 2015.)

¹⁷ Mehdi Hasan, "As a Muslim, I'm fed up with the hypocrisy of the free speech fundamentalists," *New Statesman*, January 13, 2015, Internet (accessed February 11, 2015.)

¹⁸ David Littman, "Universal Human Rights and "Human Rights in Islam,"" *Midstream*, February 1, 1999, Internet (accessed February 11, 2015.)

¹⁹ Organization of the Islamic Conference, Cairo Declaration on Human Rights in Islam, August 5, 1990, Article 22, Internet (accessed February 11, 2015.)

²⁰ George Mason University, "The People of The State of California Vs. Lawrence Ferlinghetti", 2014, Internet (accessed February 11, 2015).

²¹ "Rushdie: I'm Tired Of The Free Speech "But-Brigade,"" *Real Clear Politics*, January 15, 2015, Internet (accessed February 8, 2015.)

²² John Adams, *Letter to Thomas Jefferson, July 15, 1817*, Letter (accessed February 15, 2015.)

²³ *Declaration of the Rights of Man and of Citizen*, August 26, 1789, Art. 10-11.

²⁴ "Comstock Act," *Encyclopaedia Britannica*, Internet (accessed February 17, 2015.)

²⁵ "Boko Haram crisis: Nigeria's Baga town hit by new assault," *BBC News Africa*, January 8, 2015, Internet (accessed February 20, 2015.)

²⁶ Yassin Musharbash, "Surprising Study On Terrorism: Al-Qaida Kills Eight Times More Muslims Than Non-Muslims," *Spiegel Online International*, December 3, 2009, Internet (accessed March 30, 2015.)

²⁷ *Ibid*, George Mason University.

²⁸ *Ibid*.

²⁹ Caroline Weber, "Charlie Hebdo Is Heir to the French Tradition of Religious Mockery," *Wall Street Journal*, January 9, 2015, Internet (accessed February 3, 2015.)

³⁰ Anne Laffeter, "Luz : « Tout le monde nous regarde, on est devenu des symboles, »" *Les Inrocks*, January 10, 2015, Internet (accessed February 6, 2015.)