

The Charlie Hebdo Affair: *Between Speech & Terror*

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John is standing in the city square and sings loudly. He holds a baseball bat and carries a big sign that says: "I dare you to criticize my singing". John is 2 meter tall and his physics suggests that he spends many of his free hours in a gym. It seems he enjoys many free hours. The expression on his face leaves little doubt as to the likely consequences of such a dare. You have the freedom and choice to ridicule him, even more so because you do find his singing most disturbing. Still, would you dare him?

The *Charlie Hebdo* affair has brought to the fore four major issues:

- [1] Freedom of expression and offence
- [2] The fallacy of universal liberalism
- [3] Globalization
- [4] Sombre yet sober thoughts about the era in which we live.

The terror attack

On 7 January 2015, two terrorists armed with automatic rifles stormed the office of the satirical magazine *Charlie Hebdo*. The magazine printed cartoons that ridiculed the Prophet Mohammed in 2006 and 2011. By the time they left, eleven cartoonists and satirists whose names were called out were shot dead. Among them were the then magazine editor **Stéphane Charbonnier** and the famous cartoonist **Cabu**. Eleven other people were injured. "We have avenged the Prophet!" the killers shouted.[1] Later the terrorists also killed a policeman.

Freedom of expression and offence

Freedom of expression is a core value of liberal democracy. It is deemed to be of vital importance for individual self-development, for democratic vitality, for human progress, for the pursuit of truth, and for much-needed checks on government.[2] Furthermore, free speech is important because it allows us to communicate with others. People are social beings. We do not like to be solitary beings. We need to connect with others, speak to others, live in the company of others.

Freedom of expression, however, has boundaries. An accepted boundary in liberal-democracy is incitement.[3] Liberal democracies do not protect speech that is aimed to bring about physical harm against a target (a person or group), provided that a direct link has been established between the harmful speech and the harmful conduct.

The *Charlie Hebdo* affair, however, is concerned with another issue: offence. Liberal democracies do not address the issue of offence adequately. Generally speaking, courts do not take offence seriously. Offence is not considered as grounds for limiting speech because what offends one might enchant another. Offence is subjective and requires psychological evaluation.[4] Judges are not thrilled to let another profession decide constitutional matters, thus usually dismiss offence. But when does offence matter? [See Jones for a different take on offensive speech].

Offence should be taken seriously and can set boundaries to freedom of expression provided that some preconditions are satisfied. *First*, under consideration is **profound** offence, to be distinguished from mere annoyance or nuisance. In other words, the offence should be significant and serious, **morally on a par with physical harm**. *Second*, profound offences are such that people take offence of the troubling words even when they are not exposed to that offence directly. They feel deep relation to the attacked whether or not they witnessed the offensive attack themselves. The very fact that the offence is taking place moves and shakes their moral sensibilities because they feel that the offence in itself is fundamentally wrong. The offended feel moral shock, indignation and revulsion.[5] The foundations of their very well-being are threatened [See Clarke for a discussion of the effects of disrespecting sacred values].

People may feel profound offence as a result of many problematic forms of expression: pornography, sexism, racism, bigotry, hateful speech, satirical cynicism, discussions on abortion, euthanasia, slavery, capital punishment, human trafficking and prostitution are a few examples. France has a rich tradition of cynical and even outrageous press that mocks anything and everything. *Le Charivari*, *Charlie Hebdo*, *Le Canard enchaîné* are known examples of great satirical magazines that have practiced freedom of expression to absurdum. Their editors believe that taking offence is the decision of the one who decides to be offended. If people decide to take offence, this is *their* problem.

Other liberals may take the issue of offence more seriously. But they qualify the application of restricting speech on grounds of offence by insisting that the offensive speech should concern a person *directly*. The Offense to Sensibilities Argument in and of itself can serve as grounds for restricting freedom of expression in extreme cases when the offense is severe and the target group (individual or individuals) cannot avoid being exposed to the offense. In order to determine how offensive the expression is, we must examine its content and manner of expression, and the speaker's intention. As for the circumstances, these must be such that the target group cannot avoid being exposed to the expression. Under the **Offense to Sensibilities Argument**, when the content or manner of expression is designed to cause severe psychological offense against a target group, and the objective circumstances make that group inescapably exposed to that offense, then the expression in question has to be restricted. [6]

According to this formulation, the *Charlie Hebdo* cartoons cannot be seriously and significantly offensive. Muslims can easily avoid reading the offensive cartoons. They *choose* to relate to the cartoons. No one forced them to read *Charlie Hebdo*. They could have easily avoided being subjected to the offence. They decided not to. Thus liberals will fight for the right of the *Charlie Hebdo* writers to continue to ridicule anything and any person they wish. But this is only the start of the complexity, not the end of it. There is a difference between having a right, in principle, and having the wisdom, in practical reality. This brings us to consider a second issue relevant to the *Hebdo* affair.

The fallacy of universal liberalism

A common liberal fallacy is the belief in universalism. Liberals believe that there are universal ethical values that withstand borders and are shared by all humans. Our membership in the human species creates the notion of universal moral obligation and a belief in shared universal values.[7] This belief, however, is more a wishful thinking than an acknowledgment of reality. I believe that there are some basic universal needs that all people wish to secure such as food, raiment, and shelter; I believe that sexual drives are universal and that people need to have some sleep to be able to continue functioning; I also believe that we should strive to universalize moral principles. But our ability to universalize our moral principles will be bettered by emphasizing the differences between liberal and non-liberal values, not by blurring them and confusing the distinction between the ideal and the real. Sociologically speaking, we cannot ignore the fact that universal values do not underlie all societies. Ideally there are some ethical concerns that should be accepted by all societies, but in reality we know this is not the case. Some cultures do not adopt liberal democracy as a way of life.[8] Instead they adhere to other forms of authority that are alien to the underpinning values of liberal democracy: liberty, equality, tolerance and pluralism. Some cultures do not accept the norms of respecting others, and not harming others that form the *raison d'être* of liberal democracy. Moral values, unfortunately, are not universally shared in all countries by all humanity. Some cultures do not accept the basic liberal principles. Their principles do not encourage autonomy, individualism, pluralism, and openness, and their behavior is not in tune with the so-called universal concepts of human dignity and

caring. Non-liberal cultures, based on authoritarian conceptions and principles, do not abide by the Judea-Christian values and norms. Some cultures despise these norms and wish to undercut them.

Globalization

The fallacy of universalism relates to the third major concern: globalization. We are living in a global village where people all across the globe are aware of what is happening in other parts of the world. Thus contrasts between different systems of belief can easily become apparent. No religious group has a *right* not to be ridiculed. Thus the French and other press are free to express outrageous views but they need to bear in mind that not everyone lives and abides by the same liberal concepts. Some people, in France and anywhere else in the global village that is facilitated by rapid communication and transportation, may decide to react very negatively to mockery and spite. Those people are not guided by the principles of liberty and tolerance, and do not think that freedom of speech should be protected no matter what.

“The Satanic Verses”,^[9] The Danish Cartoons^[10] and now the *Hebdo* Cartoons have shown us that freedom of speech has a price. Responsible people should weigh the consequences of their conduct – action and speech. We should learn from these affairs, take offence seriously, acknowledge the fallacy of universalism and the reality of globalisation where speech in a liberal part of the world may provoke negative and violent reaction worldwide. We should fight for our principles while being cognizant of the price tag. After the above incidents, people who adhere to unrestrained speech should not say anymore: “I had no idea that my freedom to speak might provoke such a violent reaction”. Now we know that the price might be high and bloody. And the price would not necessarily be paid only by the speaker. The speaker also endangers others. Prior publication, prospective speakers should ask themselves whether the likely consequences are less important than their freedom to spite. The decision is theirs. They should bear in mind that the outcomes might also affect innocent bystanders and policemen rushed to restore order. Responsible speakers should ask themselves whether their struggle to express outrageous ideas freely justifies putting other people’s lives at risk. It is one thing to be willing to pay a price for your own conduct. It is quite another to expect others to chip in for a cause that they do not endorse as strongly as the speaker. They might simply be in the wrong place and time to earn the title “victims who fought for the right to free speech”. Our freedoms should always be tempered by responsibility.

Some six months after the terrorist attack on the magazine, the editor of *Charlie Hebdo* declared that he will not publish any more cartoons of the Prophet Mohammed.^[11] In April 2015, cartoonist Luz, who drew *Charlie Hebdo*’s front cover picture of Mohammed following the massacre of the satirical weekly’s editorial team, said in the same vein he will no longer draw the prophet.^[12] In between these two declarations, the American Freedom Defence Initiative (AFDI) hosted a contest that awarded \$10,000 for the best cartoon depicting Muhammad. Two armed men shot the security guard and injured him. The police later shot and killed both men.^[13] The recognition that ridiculing the Prophet Mohammed is likely to yield violence brings us to the fourth and last important consideration.

Era of violence and terror

Murdering people in the name of God or his prophets is, of course, an aberration. Still, it is being done time and again. We are living in an era of extremism and political violence. Some people are adamant in their intolerant beliefs and are willing to take arms in promoting their ends. In this era of violence and political extremism, a small and determined minority has no qualms in killing their target groups and innocent civilians to promote its aim. This minority is not open to discourse and debate. Zealots are certain that they have a complete hold of the truth, that they know better, and that they should use coercive means in hammering their value system into all societies. In this clash between liberalism and terrorism there can be no meeting ground, no compromise, no understanding. A zero sum game exists between liberal democracy and terrorism. The gain of one is the loss for the other. Thus it is incumbent on the forces of democracy and freedom to protect liberal cultures from enemies, and to stand strong against those who wish to destroy liberal democracies. We need to understand that full commitment to defend our way of life is required as the forces who wish to establish religious caliphate are strong. As we acknowledge that boundaries should be introduced to freedom of expression so we acknowledge that boundaries should be introduced to freedom of action. Both boundaries are necessary to assure our existence and well-being. Nothing short than the future of our children is at stake.

Footnotes & References

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