

## The *Charlie Hebdo* Tragedy



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# 'Je suis Charlie'? No, You're Not, or Else You Might Be Dead

By Matt Welch

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One of the spontaneous social-media reactions to the *Charlie Hebdo* massacre today was the Twitter hashtag #JeSuisCharlie (“I am Charlie”). It’s an admirable sentiment, resonant with the classic post-9/11 *Le Monde* cover “Nous sommes tous Américains.” It’s also totally inaccurate.

If we—all of us, any of us—were *Charlie Hebdo*, here are some of the things that we might do:

\* Not just print original satirical cartoons taking the piss out of Islamic-terrorist sensibilities, but do so six days after you were firebombed for taking the piss out of Islamic-terrorist sensibilities, and do so in such a way that’s genuinely funny (IMO) and even touching, with the message “Love is stronger than hate.”

\* Not just print original cartoons of the Prophet Muhammad—a historical figure, lest we forget—but then defending and winning the right to do so after being charged with offensive speech.

\* Not just survive such crucibles, but stubbornly resist letting them consume your very being, either by becoming an anti-Islamist obsessive, or a semi-apologetic convert (remember: even the unfathomably brave Salman Rushdie converted to Islam for a while there), or disappearing yourself in the witness protection program, a la the Seattle alt-weekly cartoonist Molly Norris. *Charlie*

*Hebdo* kept being what it has always been—a satirical, juvenile, and funny check on power and authority and pomposity of all stripes. Do a Google Image search on “Charlie Hebdo” and “Jesus,” and then ask yourself which media entity in this Culture-War-scarred country, with its stronger free-speech protections, would have the courage and latitude to blaspheme both major religions.

Look at the cover of this recent *Charlie Hebdo* collection, which sits proudly on my desk: Those aren’t the heads of ancient religions, those are heads of the French state, dressed up like gangsters. The newspaper didn’t just run cartoons, it blasted authority and piety of all stripes, beginning with the pompous asses who tend to run France, and the equally pompous (but more subservient) hacks in the national press. The paper actually got its start in 1970 when another satiri-

cal publication was shuttered for its disrespect at the funeral of Charles De Gaulle. It frequently published stuff that most journalists know, but are too afraid to stand by.

The cartoonists who were killed today—Wolinski, Cabu, Tignous, Charb—were some of the most beloved figures in modern French life. Contra some of the nonsense being mouthed today by fools on Twitter, these weren’t some kind of Andrew Dice Clay acts looking for ever-more vulnerable minorities to kick; Cabu, for instance, is most famous for

creating the provincial, typical-French character Mon Beauf, who he mocks for being crude and bigoted toward minorities. My French father-in-law, whose Gaullist-flavored politics were certainly satirized by Cabu over the years, said that today felt like being stabbed in the heart.

So no, we’re all *not* Charlie—few of us are that good, and none of us are that brave. If more of us were brave, and refused to yield to the bomber’s veto, and maybe reacted to these eternally recurring moments not by, say, deleting all your previously published Muhammad images, as the Associated Press is reportedly doing today, but rather by routinely posting newsworthy images in service both to readers and the commitment to a diverse and diffuse marketplace of

speech, then just maybe *Charlie Hebdo* wouldn’t have stuck out so much like a sore thumb. It’s harder, and ultimately less rewarding to the fanatical mind, to hit a thousand small targets than one large one.

And it’s not just those of us in the media business who have failed to be *Charlie Hebdo*. Every person in the broader West, whether it be a *Financial Times* editor or the president of the United States, who wrongly thinks that speech should not offend, and falsely believes that artistic commentary can somehow incite murderous violence, are also contributing to an ever-worsening cultural climate of speech, and therefore freedom.

Today is an awful day for the basic project of free inquiry. Do you really wanna be *Charlie Hebdo*? Then get on out there, live and speak bravely. And God help you.



# One-Third of Americans and 51 Percent of Democrats Favor Hate Speech Laws

By Nick Gillespie

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Today we are *Charlie Hebdo*. But what about tomorrow, and the day after tomorrow?

I think most observers would agree that over the past 20 years or so, we've been witnessing a paradox when it comes to free speech. On the one hand, it's easier than ever before to express oneself, especially in a public way (thank you, internet). On the other hand there is a huge attack on all sorts of speech that can in any way, shape, or form be deemed offensive. From trigger warnings to microaggressions and everything in between, all speech is suspect these days.

In popular culture, there are outliers such as *South Park*, *Family Guy*, and *Tosh.O*, where the envelope of taste and propriety is not so much pushed as shredded completely. Just in terms of comedy, does anyone think *Inside Amy Schumer* or *Curb Your Enthusiasm's* "Beloved Aunt" episode would have seen the light of day when Janet Reno, the Clinton administration, and all of Congress was voting overwhelmingly for the Communications Decency Act?

That terrible law would have regulated the emergent web like a broadcast network in the name of protecting kids from sexual material. It only was gutted after the Supreme Court struck it down in 1997. Christ, back in the 1990s, Bill Bennett and Joe Lieberman were giving our "Silver Sewer Awards" to Rupert Murdoch and the Fox Network for airing *Married... With Children* and *The Simpsons*, and *The Weekly Standard* was making "The Case for Censorship"!

And yet for all our expressive freedom, there's a huge pushback against speaking freely, especially on college campuses and in many news platforms. Chris Rock doesn't play colleges anymore because audiences are buzzkills:

*I stopped playing colleges, and the reason is because they're way too conservative.... Not in their political views — not like they're voting Republican — but in their social views and their willingness not to offend anybody. Kids raised on a culture of "We're not going to keep score in the game because we don't want anybody to lose." Or just ignoring race to a fault. You can't say "the black kid over there." No, it's "the guy with the red shoes." You can't even be offensive on your way to being inoffensive.*

As unimpeachable a progressive satirist as Stephen Colbert was targeted with a #CancelColbert campaign while mocking Redskins owner Dan Snyder's devotion to his team's nickname and mascot image. Lefty comic and actor Patton Oswalt no longer reads *Salon* because:

*...they write articles "Did The Onion Go Too Far?" or "Is*

*Patton Oswalt Supporting Rape?" They already know the answer, but they know by feigning ignorance they can create all this debate about it. It upsets me because I used to really, and still do sometimes, love the articles Salon writes. They used to have Heather Havrilesky and Glenn Greenwald, and now they have become Fox News with all this look-y look-y shit. It hurts progressives. It's very personal but the fact is that they want comedians to think twice, three times, four times about any kind of comedy.*

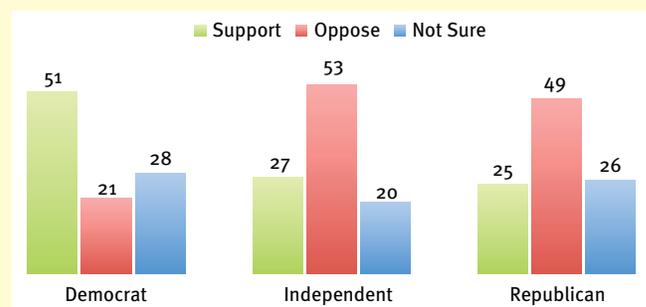
A YouGov poll taken just last fall found that equal amounts of Americans support and oppose "hate speech laws," defined as laws that would "make it a crime for people to make comments that advocate genocide or hatred against an identifiable group based on such things as their race, gender, religion, ethnic origin, or sexual orientation." Thirty-six percent said sure and 38 percent said no way. That's disturbing enough on its own, but here's something even more unsettling: Fully 51 percent of self-identified Democrats supported hate-speech laws.

That's not good.

I will not be surprised if the *Charlie Hebdo* massacre has the effect of increasing support for hate-speech laws in the United States (as Jacob Sullum has noted, hate-speech laws are already in place in France and most if not all European countries). Many Americans who don't particularly care about freedom of speech may look on the carnage and conclude it makes sense to avoid such scenes by stifling expression. Social

## Hate Speech

Would you support or oppose a law that would make it crime for people to make public comments that advocate genocide or hatred against an identifiable group based on such things as race, gender, religion, ethnic origin, or sexual orientation? (Responses in percent by yougov.com, September 27–29, 2014)



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# Does Islam Prohibit Images of Mohammed? Nope. Does It Command Death to Blasphemers? Nope.

By Nick Gillespie

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Over at *On Faith*, American-Iranian Muslim Omid Safi points out that the idea that Islam forbids depicting the prophet Mohammed is wrong.

*That is actually not the case, and marks yet another example of what is at worst an acute sense of religious amnesia, and at best a distortion of the actual history of Islamic practices: Over the last thousand years, Muslims in India, Afghanistan, Iran, Central Asia and Turkey did have a rich courtly tradition of depicting the various prophets, including Prophet Muhammad, in miniatures.*

*These miniatures were patronized by pious Muslim rulers, and were often richly illustrated with verses from the Qur'an, and the biography of the Prophet's life. Yet very few Muslims today, and even fewer non-Muslims, are aware of this rich heritage.*

As the *Washington Post* pointed out in 2006, when the first controversy over the Danish "Mohammed cartoons" was building, "There are numerous examples in public institutions in Istanbul, Vienna, Edinburgh, London, Dublin, Los Angeles and New York. Four are here in Washington in the Smithsonian Institution on the Mall. Three are in the Freer Gallery of Art. The fourth is next door in the Freer's sister museum, the Arthur M. Sackler Gallery."

The Mohammed Image archive ([http://www.zombietime.com/mohammed\\_image\\_archive/islamic\\_mo\\_full/](http://www.zombietime.com/mohammed_image_archive/islamic_mo_full/)) has a robust archive of images depicting Islam's main prophet.

Well, what about images of Mohammed that mock or deride the man and his religion? There's no question that many Islamic countries have laws mandating all sorts of punishments, including death, for blasphemy and apostasy. Writing in *USA Today*, Britain-based cleric Anjme Choudary flatly asserts:

*Muslims consider the honor of the Prophet Muhammad to be dearer to them than that of their parents or even themselves. To defend it is considered to be an obligation upon them. The strict punishment if found guilty of this crime under sharia (Islamic law) is capital punishment implementable by an Islamic State. This is because the Messenger Muhammad said, "Whoever insults a Prophet kill him."*

That interpretation of Islam is far from universal. Ro Waseem argues:

*Quite frankly, blasphemy and apostasy laws are themselves blasphemous to the teachings of the Qur'an. Not in the traditional sense, but because they violate the very instructions the scripture gives regarding freedom of belief.*

*Regarding apostasy, in Quran 2:256 God says, "There is no*

*compulsion in matters of faith....*

*In a similar vein, verse 109:6 instructs adherents to end a debate by saying: "To you, your belief system. And to me, mine..."*

*When it comes to blasphemy, I often hear some version of, "Hold on. If someone mocks my religion, it prompts me to act violently. You see, it makes me very emotional."*

*But this statement only shows an ignorance of the Quran, which says in verse 6:68, "When you see them engaged in vain discourse about Our verses, turn away from them unless they engage in a different subject...."*

*And, again, Quran 28:55 instructs, "Whenever they (believers) hear vain talk of ridicule, they withdraw from it decently and say, "To us our deeds and to you yours; Peace be upon you, we do not seek to join the ignorant."*

Waseem notes:

*The blasphemy and apostasy laws are found in the Hadeeth, sayings attributed to Prophet Muhammad, which were compiled two-three centuries after his death. Muslims know that no Hadeeth should contradict the Quran if they are to be accepted, given their subjective nature and reliance on the Quran for authenticity.*

Well, if the history of Christian martyrdom teaches us anything, it's that explication de texte rarely carries the day in the face of violence and superior numbers. But the Catholic Church did eventually grow to accept co-existence with Protestant sects, and Protestant sects with other Protestant sects, and Europe and America allowed religious tolerance that included Jews, atheists, "Mohammedans," and others. There's no question that arguments about theology and the right on conscience made a huge difference over time. Ideas matter.

Especially as the radical elements of Islam become violent and desperate in their attempts to engender Um-mah, it's important to stress that their interpretations are one among many and anything but universal. At least since the 9/11 attacks, an ongoing query in America and the West more broadly has been, "Where are the moderate Muslims?" They're out there, for sure, and we'd all be better off creating a dialogue in which the anti-modernity Islamists are recognized as a common enemy.



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# Charlie Hebdo in the Dock: Despite Its Stand Against the Terrorist's Veto, France Treats Offensive Words and Images As Crimes

By Jacob Sullum

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On Sunday, as more than a million people marched through the streets of Paris in support of the right to draw cartoons without being murdered, the French Ministry of Culture and Communication declared that “artistic freedom and freedom of expression stand firm and unflinching at the heart of our common European values.” It added that “France and her allies in the EU safeguard these values and promote them in the world.”

In the wake of last week’s massacre at the satirical weekly *Charlie Hebdo*, perpetrated by men who saw death as a fitting punishment for the crime of insulting Islam, these were stirring words. If only they were true. Sadly, France and other European countries continue to legitimize the grievances underlying the barbaric attack on *Charlie Hebdo* by endorsing the illiberal idea that people have a right not to be offended.

It is true that France does not prescribe the death penalty for publishing cartoons that offend Muslims. But under French law, insulting people based on their religion is a crime punishable by a fine of €22,500 and six months in jail.

In addition to religion, that law covers insults based on race, ethnicity, national origin, sex, sexual orientation, or disability. Defamation (as opposed to mere insult) based on any of those factors is punishable by up to a year in prison, and so is incitement to discrimination, hatred, or violence.

In 2006 the Paris Grand Mosque and the Union of French Islamic Organizations used the ban on religious insults to sue Charlie Hebdo and its editor at the time, Philippe Val, over its publication of three cartoons depicting the prophet Muhammad, including two that had appeared in the Danish newspaper *Jyllands-Posten* the previous year. Although Charlie Hebdo won the case and Val escaped prison, the potential for such inquiries inevitably has a chilling effect on freedom of expression.

Since the mid-1980s, French courts have rejected religious-insult complaints against books (including Salman Rushdie’s novel *The Satanic Verses*), movies (including *The Last Temptation of Christ*), movie posters (including one for *The People vs. Larry Flynt*), and written and oral commentary (including novelist Michel Houellebecq’s 2001 description of Islam as “the stupidest religion”). They have been more receptive to complaints about a billboard lampooning *The Last Supper*, a newspaper essay on the purported connection between Catholic doctrine and the

Holocaust, and remarks by the actress Brigitte Bardot and the comedian Dieudonné M’bala M’bala, whose show was recently banned as anti-Semitic.

The point is not that the government has done a bad job of distinguishing between legitimate art or commentary and gratuitous offensiveness. In a free society, that is simply not the government’s job. When courts are asked to draw this line, artists and commentators must try to anticipate whether their work will pass muster, which promotes self-censorship.

Worse, this system teaches people that the use of force is an appropriate response to words and images that offend—a principle that is poisonous to free speech and conducive to violence. Since the French government has announced that offending the wrong people by saying the wrong thing in the wrong context can be treated as a crime, it would not be surprising if some people, convinced that their rights had been violated and that they could not count on the courts to vindicate them, resorted to self-help.

Other countries that criminalize “hate speech,” including Germany, the Netherlands, the U.K., Sweden, and Canada, are likewise sending a dangerous message that offending people with words or images is akin to assaulting them with fists or knives. Instead of facilitating censorship by the sensitive, a government truly committed to open debate and freedom of speech would make it clear, in no uncertain terms, that offending Muslims (or any other religious group) is not a crime.

Sacrilege may upset people, but it does not violate their rights. By abandoning that distinction, avowed defenders of Enlightenment values capitulate to the forces of darkness.



# While White Westerners Bellyache Over Offensive Satire, Satirists in the Middle East Push the Envelope to Challenge Radical Islam

By Ed Krayewski

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Yesterday's massacre at the Paris headquarters of *Charlie Hebdo* by suspected Islamists was likely triggered by the satirical newspapers irreverent engagement of religion and, specifically, depictions of the Prophet Muhammad, something some Muslims believe their religion prohibits. In the aftermath there was an outpouring of support for the newspaper from around the world, by people who expressed solidarity by declaring "Je Suis Charlie" but maybe didn't actually take part in depicting the Prophet Mohammed or mocking radical Islam.

That led to a curious but sadly unsurprising backlash from mostly-white Western commentators decrying the "white males" of *Charlie Hebdo* as "racist assholes" for their depiction of radical Islam. It wasn't "Right" to murder them in response, these commentators say, but speech has consequences, sometimes unpleasant ones, and so the massacre was "understandable" because the murderers were "provoked." If it sounds like victim blaming to you, that's because it is. These commentators may think they can get away with it by defining the victims by their whiteness and maleness but in the process, unsurprisingly, they're whitewashing the situation.

Satirizing radical Islam is not the exclusive domain of white Western Europeans. There may not be a whole lot of satire of radical Islam in the United States, but in the U.S. the problem of radical Islam is not really a domestic one. The Middle East, on the other hand, is brimming with satire aimed at radical Islam. And since the rise of the bloody and murderous Islamic State in Iraq and Syria, that satire has not shied

away from mocking forces that would behead the satirist and actively work to try to do so.

*The Globe and Mail* explains:

*TV shows across the Middle East have dedicated a sketch or two to the group's hypocrisies in adopting modern methods, such as Twitter and Facebook campaigns, to demand the return of medieval Islam. The popular Lebanese show Ktir Salbe showed a skit where a taxi driver picks up an Islamic State fighter who asks that the radio be turned off because this technology did not exist in the early days of Islam. When the driver suggests turning off the air conditioning because it did not exist in the early days of Islam, the fighter refuses and then starts talking on his cell phone, at which point the driver kicks him out and tells him to wait for a camel instead.*

Even IS's practice of gunning down innocents is apparently not off limits for comedic fodder: Palestine's Al-Falastiniya TV broadcast a skit featuring three Islamic State fighters who reminisce about partying with Beirut's beautiful women before shooting a Lebanese driver for not answering correctly a trick question about the number of times to kneel during prayers and upon entering a mosque.

Can you count the micro-aggressions? The contrarian desire to try to blame the victims of yesterday's massacre isn't just insensitive to the families of the victims and dangerous to the value of free expression in the West; it helps justify the completely unjustifiable crosshairs in which satirists not just in France but across the Middle East and the world find themselves for poking fun at the radical elements of the "religion of peace."



# The White House on *Charlie Hebdo*, Then and Now

By Scott Shackford

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The White House has released a statement from President Barack Obama about this morning's attack and murder of 12 people at French satirical magazine *Charlie Hebdo* in Paris over its use of depictions of Mohammad in its images. It's short and to the point:

I strongly condemn the horrific shooting at the offices of *Charlie Hebdo* magazine in Paris that has reportedly killed 12 people. Our thoughts and prayers are with the victims of this terrorist attack and the people of France at this difficult time. France is America's oldest ally, and has stood shoulder to shoulder with the United States in the fight against terrorists who threaten our shared security and the world. Time and again, the French people have stood up for the universal values that generations of our people have defended. France, and the great city of Paris where this outrageous attack took place, offer the world a timeless example that will endure well beyond the hateful vision of these killers. We are in touch with French officials and I have directed my Administration to provide any assistance needed to help bring these terrorists to justice.

Nothing particularly outrageous about the response, but there is a notable lack of defense of free speech and free expression beyond an extremely vague gesture at "universal values." It's a statement that murdering people is bad and freedom is good.

This isn't the first time *Charlie Hebdo* has been attacked over its depictions of Mohammad. In 2011, the weekly newspaper was firebombed over previous jokes targeting Islam. Then in 2012 it was in the news again as more representations of Muhammad stirred up more fears. It came up at a White House press briefing and here's then Press Secretary Jay Carney's response:

*Q The French government has decided to temporarily close their embassies and schools in several Muslim countries after a satirical weekly, Charlie Hebdo, that published cartoons mocking the Prophet Muhammad. Is the White House concerned that those cartoons might further fan the flames in the region?*

*MR. CARNEY: Well, we are aware that a French magazine published cartoons featuring a figure resembling the Prophet Muhammad, and obviously, we have questions about the judgment of publishing something like this. We know that these images will be deeply offensive to many and have the potential to be inflammatory. But we've spoken repeatedly about the importance of upholding the freedom of expression that is enshrined in our Constitution.*

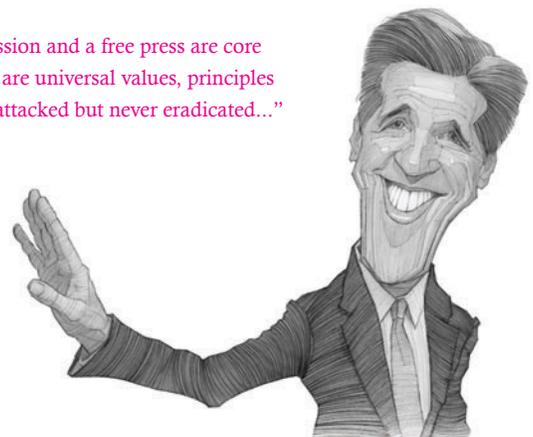
*In other words, we don't question the right of something like this to be published; we just question the judgment behind the decision to publish it. And I think that that's our view about the video that was produced in this country and has caused so much offense in the Muslim world.*

Now, it has to be said, and I'll say it again, that no matter how offensive something like this is, it is not in any way justification for violence—not in any way justification for violence. Now, we have been staying in close touch with the French government as well as other governments around the world, and we appreciate the statements of support by French government officials over the past week, denouncing the violence against Americans and our diplomatic missions overseas.

Some media outlets are noting today that the White House was critical of *Charlie Hebdo* back then. That's true, but at least the administration did state the value of upholding freedom of expression. There's actually nothing about freedom of speech in the president's current response.

Secretary of State John Kerry did better in public comments, though I think many would take issue with his claim that France "gave birth to Democracy herself." He said that extremists fear the most France's freedom and free expression: "Free expression and a free press are core values; they are universal values, principles that can be attacked but never eradicated, because brave and decent people around the world will never give in to the intimidation and terror that those seeking to destroy those values deploy." It always amazes me how, even when the Obama Administration promotes individual freedom and liberty, they manage to make a statement of collective "universal values." If freedom of speech and expression were truly universal values, then we wouldn't need the First Amendment to protect Americans from government censorship. We certainly wish they were universal values, but they're obviously not.

"Free expression and a free press are core values; they are universal values, principles that can be attacked but never eradicated..."



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Justice Warrior types will take another long look at Jeremy Waldron's 2012 book, *The Harm in Hate Speech*, and gussy up their interest in controlling thought and social interactions with philosophical language and social-scientific "rigor." Conservatives, sniffing out a possible way to screw liberals and libertarians, may rediscover *The Weekly Standard's* case for censorship and decide, hell, it makes a lot of sense. Aren't Christians the folks who are picked on in America and treated unfairly by the media and intellectuals? It's always "Piss Christ" and never "Piss Mohammed," right?

Which makes it more important not simply to show solidarity with the dead and wounded in France but to rehearse the arguments for unfettered trade in ideas and speech. A good place to start is the reissue of Jonathan Rauch's more-important-than-ever book *Kindly Inquisitors*. Originally released in 1994, the Cato Institute republished as 20th anniversary edition and *Reason.com* published a new foreword by Rauch.

Here's a snippet:

*The case for hate-speech prohibitions mistakes the cart for the horse, imagining that anti-hate laws are a cause of toleration when they are almost always a consequence. In democracies, minorities do not get fair, enforceable legal protections until after majorities have come around to supporting them. By the time a community is ready*

*to punish intolerance legally, it will already be punishing intolerance culturally. At that point, turning haters into courtroom martyrs is unnecessary and often counterproductive.*

*In any case, we can be quite certain that hate-speech laws did not change America's attitude toward its gay and lesbian minority, because there were no hate-speech laws. Today, firm majorities accept the morality of homosexuality, know and esteem gay people, and endorse gay unions and families. What happened to turn the world upside-down?*

Rauch tells the story of Franklin Kameny, a government astronomer who lost his job for being gay. How Kameny won it back is an epic story of slow-moving but ultimately triumphant justice. More important, Kameny and others like him never supported laws that would limit speech. Instead, writes Rauch, "They had arguments, and they had the right to make them."

Read the whole piece by Rauch if you care about the future of free expression, which is integral not just to identity politics but progress in science, religion, culture, economics, and every area of human flourishing. It will help remind you—and everyone you speak with—that threats to free speech do not always come from someone holding a gun and shouting Allahu Akbar. Indeed, they are more likely in America to come from people you know and respect.