

# When Free Speech Got Foolish: France's Dieudonné Verdict

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*It lies in the ambiguity of the European Convention on Human Rights. Article 10, the provision that provides for the protection of free speech, can hardly be said to be the broad creature it purports to be. Restrictions will be tolerated, as long as they be "in accordance with law" and "necessary in a democratic society."*

Similarly, the International Convention on Civil and Political Rights (Art. 19) notes that the exercise of free speech "carries with it special duties and responsibilities." Governments have that greatest of get out clauses in targeting those they deem a threat to "national security" or "public order (ordre public)", "public health" and "morals".

Many countries in the European Union already have a range of laws that would, if applied in the context of free speech laws in the United States, fail to pass muster. Within the European Charter, such laws, including hate speech regulations, are deemed appropriate. The incitement to the Nazi jackboot and the concentration camp loom as large apologies. Only privileged opinions will be accepted.

France tends to lead the pack on that one, with a range of statutes criminalising speech deemed insulting, defamatory or inciting of hatred, discrimination or violence on the basis of race, ethnicity, religion, nationality, disability, sex or sexual orientation (*Washington Post*, Jan 8). In what is the grand inversion of free speech advocates in France, those killed at *Charlie Hebdo* were similarly harassed by government authorities through the cause of their employment.

In 2006, then French President Jacques Chirac took firm issue with the reprinting by the magazine of the Danish Muhammad cartoons that had caused much consternation. Then, as now, the free speech advocates fled behind the veil of supposedly conscionable authority. "Anything that can hurt the convictions of someone else, in particular religious convictions, should be avoided." Free speech must obviously be tender and gentle in order to be acceptable.

In light of the Paris attacks between January 7 and 9 that saw 17 people killed, dozens of cases were commenced targeting those "condoning terrorism" or "making threats to carry out terrorist acts". French comedian Dieudonné M'bala M'bala, with his tendency to sail rather close to the wind of authority, was always going to be on the radar.

On the day of the Paris March - yes, tinged with the irony that it was in the name of free speech - Dieudonné's Facebook book page featured the following post that caught the attention of authorities: "After this historic march, what do I say... Legendary! A magic

moment equal to the Big Bang that created the universe... or at least (more local) comparable to the crowning of [the Gaulish king] Vercingétorix, I'm finally back home. Know that this evening, as far as I am concerned, I feel like Charlie Coulibaly."

The charge that might well be levelled at Dieudonné might well be one of poor, or even a lack of humour (Amedy Coulibaly having been one of the assailants), but inflating the language with the puffing pretension of "condoning terrorism" is a touch rich. After all, it wasn't as if Dieudonné had not made his sentiments clear in a letter sent to the French interior minister, Bernard Cazeneuve on the day of the march itself. "Yesterday we were all Charlie, marching and standing tall for liberties. So that we can continue to laugh at everything." [1]

The comedian continues to reflect on his role as the creator of laughter, and for doing that, being mistreated. "For a year I have been treated as public enemy one, even though all I've done is try to make people laugh, and to die of laughter, since death is laughing at us, as Charlie knows all too well alas." Humour tends to be impossible when the censors take the reins.

The prosecutor, Annabelle Philippe, claimed in the course of her submission that the comedian had presented "in a favourable light the acts committed by Amedy Coulibaly." But the mocking inference via the combine "Charlie Coulibaly" suggests how terms can become dogmatic reference points, unimpeachable in the speech of those who carelessly, or purposely, manipulate it. In the scheme of things, people were told to march without question to the brand slogan of "Je suis Charlie". Those in dissent were bound to face a prosecutor's brief - either you are with Charlie or against it. The greatest insult to those slain that day was precisely the sanctification of free speech even as it was being undermined.

Even the Prime Minister, Manuel Valls, has suggested what he believes to be opinions, and what are patently not. Dieudonné, in his mind, had metamorphosed from "comedian" to "anti-Semite and racist." The result was a two-month suspended sentence, which is the difference in what you can say, and what you cannot.

In other words, the heavy hand of the police state can regulate the mere fact of an opinion, as long as it is deemed to be racist, anti-Semitic and "justifying terrorism". As jurist Jonathan Turley would suggest (*Washington Post*, Jan 8) even as the blood of the Charlie massacres was yet to dry, "The greatest threat to liberty in France has come not from the terrorists who have committed such horrific acts this past week but from the French themselves, who have been leading the Western world in a crackdown on free speech." [2]

That governments of the day have reserved their sacred right to move opinions out of circulation deemed inappropriate is a simple reaffirmation of that old battle between speech and its broad exercise. That such exercises be responsible is the authoritarian twist deemed necessary to have an "opinion". If the authorities dislike it, then invariably you are not privileged enough to hold it - at least legitimately. Former French President Nicolas Sarkozy exemplifies this rather well, suggesting that any "imam who holds views that do not respect the values of the republic" ought to be "expelled". [3] The obscurantists of all shades will have their day, while the killers of free speech will continue to be its aggressive protectors.

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**Notes:**

- [1] <http://quenelplus.com/a-la-une/liberte-dexpression-dieudonne-repond-a-bernard-cazeneuve.html>
- [2] [http://www.washingtonpost.com/opinions/what-it-means-to-stand-with-charlie-hebdo/2015-01/08/ab416214-96e8-11e4-aabd-d0b93ff613d5\\_story.html](http://www.washingtonpost.com/opinions/what-it-means-to-stand-with-charlie-hebdo/2015-01/08/ab416214-96e8-11e4-aabd-d0b93ff613d5_story.html)
- [3] <https://twitter.com/nicolassarkozy/status/554541455608668160>

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