

## **In the heat of the moment: bringing ‘Je suis Charlie’ into focus**

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### **Abstract**

In the immediate aftermath of the murderous attack on the offices of *Charlie Hebdo*, millions of people rallied round the slogan ‘Je suis Charlie’. The slogan conveyed a simple message: either you are in favour of free speech and the right to offend or you are against. This essay offers a critique of the slogan and its message. The first part raises and discusses the problem of framing: what, fundamentally, was the Paris attack about? The middle section discusses a blog that the author posted at the time, also written in the heat of the moment. This segues into the third and final part, which examines the language of rights, freedom of expression, and the meaning of the word ‘offend’. The conclusion drawn is that the slogan ‘Je suis Charlie’ is an obstacle to thinking through the issues raised by the Paris attack.

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### **Keywords**

*Charlie Hebdo*, ‘Je suis Charlie’, freedom of expression, right to offend, human rights, Voltaire, UDHR

## **The man with the placard**

Contrary to an ancient Greek rumour started by Parmenides, *la vérité* is not simple.<sup>1</sup> But it seemed black-and-white to millions of people who took to the streets in towns and cities across France on Sunday 11 January 2015 to pay tribute to the victims of the two Kouachi brothers (Said and Chérif) four days earlier at the offices of the satirical magazine *Charlie Hebdo*. How should we understand this murderous attack? The answer was given by a single slogan, ‘Je suis Charlie’, and a solitary gesture, the defiant raising of a pencil or pen, fused into one idea. (One of two ‘commemorative badges’ produced by the UK newspaper *The Guardian* bore an image of a pencil engraved with the slogan. The newspaper sold it to readers in ‘support of journalistic freedom’, with ‘100% of the profits’ going to *Charlie Hebdo* (*The Guardian*, 2015).) Interpreted by the gesture, the slogan swept away all distinctions in its path, dissolving them into an either-or: either you identify with Charlie and the right to offend or you side with the enemies of free speech. To many people, in the heat of the moment, it seemed that simple.

To one man who took part in the ‘unity rally’ in Paris (the centrepiece of the protests), however, it did not. I do not know his name. I know about him only from a photo tweeted by Francois Picard, a journalist with the television channel France 24, which was forwarded to me in an email from the Junior Dean of my college. The photo shows a man holding up a large homemade placard made of cardboard with a hand-written message: ‘Je marche mais je suis conscient de la confusion et de l’hypocrisie de la situation’ (Picard, 2015). You do not often see placards of this kind at a political demonstration. Its message is refreshingly honest. It is thoughtful. It finds a place for irony in the midst of horror. It acknowledges complexity. It bespeaks, on the one hand, solidarity with the victims of the *Charlie Hebdo* killings. On the other hand, in a sea of certainty it is an island of confusion. And in the midst of sincerity it discerns hypocrisy.<sup>2</sup>

In the public debate over Charlie, the charge of hypocrisy was levelled at various parties, including the French state, the magazine *Charlie Hebdo* itself, and the serried ranks of heads of state and other dignitaries from umpteen nations who processed side-by-side from Place de la République to Place de la Nation. Among their number was David Cameron. As he marched in unison with others, was the UK Prime Minister thinking piously of the inviolable right to freedom of expression? Or was he dreaming lustily of repealing the Human Rights Act and mentally drafting the Investigatory Powers Bill, which would be presented to the House of Commons on 4 November 2015 and which allows the police and security services access to records ‘tracking every UK citizen’s use of the internet without any judicial check’ (Wintour and MacAskill, 2015)? Possibly it was the latter, for, sure enough, the following day Cameron announced that a future Conservative government would introduce legislation along these lines (Watt et al., 2015). As his Liberal Democrat coalition partner Nick Clegg observed that very evening, ‘The irony appears to be lost on some politicians who say in one voice that they will defend freedom of expression and then in the next advocate a huge encroachment on the freedom of all British citizens’ (Watt et al., 2015). Arguably, this is the source of the real threat to free speech after Charlie: not the barrel of a gun wielded by isolated fanatics but the despatch box of the UK prime minister or other heads of government. Is it possible that in fastening on the actions of the gunmen we take our eyes off the ball? The man with the placard reminds us that we should not allow ourselves to be diverted by ‘l’hypocrisie de la situation’.

I shall, however, put the charge of hypocrisy to one side and concentrate on ‘la confusion’. Who knows exactly what the man with the placard had in mind when he confessed his confusion? But confusion is understandable, given the complexity of the issues, beginning with the problem of framing. That is to say, what, fundamentally, is the *Charlie Hebdo* affair about? Human rights? If so, *which* right: freedom of speech or the right to life?

Or is it an expression of the ongoing international conflict between an American-led alliance and a certain kind of Islamic or Islamist resistance in the Middle East, a conflict that has spilled over into the cities of Europe? Is the basic issue the use of violence to promote a political cause or religious idea? Or is it a perceived assault on the core identity of a minority? Are institutionalised social inequalities that run along ethno-religious lines in post-colonial France the crux of the matter? Or is it *laïcité*, the French version of separation of church and state, that is ultimately at stake? Nor are these the only possible ways of framing the issues raised by the *Charlie Hebdo* affair. To be sure, these different frames are not mutually exclusive. But, in practice, when people focus on one frame they tend either to forget the others or to treat them as subordinate or incidental. All of which complicates the task of taking stock of the murderous attacks on *Charlie Hebdo* on 7 January.

When we bring in the fatal shootings of four people at the Hyper Cacher supermarket two days later then the task becomes still more complicated.<sup>3</sup> It is difficult to see how this incident could be construed as an attack on freedom of expression and the right to offend. Amedy Coulibaly, the perpetrator, explained that he targeted the supermarket ‘because it was Jewish’ (Willsher et al, 2015). It would be grotesque to understand this as an attack on the right of the victims to *express* their Jewish identity rather than an attack on that identity itself. And yet, not only were Coulibaly and Chérif Kouachi friends but, according to the former, the two actions were coordinated (Chrisafis, 2015; Graham-Harrison, 2015). So, the second incident casts doubt over the framing of the first: can the attack on *Charlie Hebdo* still be seen as *fundamentally* an attack on free speech?

Further doubt is cast by the multiple attacks in Paris on 13 November 2015, which took the lives of over 130 people (apart from the gunmen). Responsibility for these murders was claimed by The Islamic State of Iraq and the Levant (Callimachi, 2015), to which Coulibaly had declared allegiance (Burke and Mark, 2015). It is true that an Al-Qaeda

affiliate (rather than Islamic State) took credit for the slaughter carried out at *Charlie Hebdo* (Burke and Mark, 2015). Nonetheless, it is hard not to see all these incidents as links in a chain of events that extends back in time and across the globe: events that ultimately belong in the same frame. Yet, as far as I know, there is no suggestion that the November attacks, targeting the Bataclan concert hall, Stade de France and various bars and restaurants, were aimed against the right to offend; certainly, there has been no knee-jerk reaction to this effect. The more we join the dots, the less likely it seems that freedom of expression is the outer frame in which to place Charlie if we want to understand what, fundamentally, the affair is about.

The question of framing is complicated further by the way one frame can morph into another or fit it like a glove. This, in effect, was the point made by the writer Francine Prose when she, together with a number of fellow authors, protested against the decision made by the PEN American Center to award the 2015 Freedom of Expression Courage Award to *Charlie Hebdo*. Prose, herself a former president of the PEN American Center, observed: ‘The narrative of the Charlie Hebdo murders – white Europeans killed in their offices by Muslim extremists – is one that fits neatly into the cultural prejudices that have allowed our government to make so many disastrous mistakes in the Middle East.’ She adds: ‘the idea that one is either “for or against us” in such matters [...] has a chilling effect on the exercise of our right to free expression and free speech [...]’ (Prose, 2015). By ‘for or against us’ I take it that she is alluding to the either-or of ‘Je suis Charlie’. But she could also be referring to the words of George W Bush in the speech in 2001 in which he announced the ‘war on terror’: ‘Either you are with us, or you are with the terrorists’ (Bush, 2001). Moreover, the ‘cultural prejudices’ to which Prose alludes are not temporary or transient: they are the legacy of the way the West – the Christian West but also the Enlightenment West – has tended to view the Muslim East for centuries (Said, 1979). This reinforces her point about the way the one

narrative feeds into (or leaks or turns into) the other. How should we factor this ambiguity and volatility into our problem about framing?

I do not raise these questions with a view to answering them but in order to show the complexity of my opening question, ‘How should we understand the murderous attack on *Charlie Hebdo*?’, and the tenuousness of the answer that, in the heat of the moment, was adopted so widely, with passionate conviction that brooked no dissent. The strength of the popular reaction was so great that, like a tidal wave, it swept millions of people off their feet; but not the man with the placard.

### **The heartless beast**

I turn now to a different reaction at the time: my own. I expressed it in a comment written two days after the carnage at *Charlie Hebdo* (but prior to the attack on the Hyper Cacher supermarket) and posted subsequently on the website Mondoweiss. My comment was less a reaction to the killings at *Charlie Hebdo* and more a reaction to the reaction: a knee-jerk response to the knee-jerk response expressed in the slogan ‘Je suis Charlie’. Like most heat-of-the-moment reactions, it suffers from being a tad intemperate. I shall reproduce the comment, word for word, and then reflect upon it, seeking to bring the slogan itself into sharper focus:

#### **The moral hysteria of ‘Je suis Charlie’**

I read this on a blog today; it is a version of a claim that has been made over and over again in the last couple of days, lionising Charlie Hebdo: ‘In its cartoons, Charlie Hebdo did not discriminate. The magazine lampooned all and sundry in its cartoons: racists, bigots, right-wing politicians, the uber-rich, Judaism, Christianity, Islam, and more.’ And what does ‘more’ include? More to the point: what does it *not* include? Did they, for example, lampoon journalists who, in the name of freedom of expression, mock Muslims and Jews regardless of

the consequences? Did they, in other words, ever satirize themselves? Apparently Charlie Hebdo has announced it will produce a million copies of its next issue. Will this issue ridicule the scenes of mourning and solemn demonstrations on the grand boulevards of Paris, poking fun at people who raised pens skyward and lit candles in the dark? And why not? Nothing is sacred. Wouldn't this be just the kind of outrageous act, defying convention and challenging popular ideas of decency, that puts freedom of expression to the test?

Here is a thought experiment: Suppose that while the demonstrators stood solemnly at Place de la Republique the other night, holding up their pens and wearing their 'Je suis Charlie' badges, a man stepped out in front brandishing a water pistol and wearing a badge that said 'je suis Chérif' (the first name of one of the two brothers who gunned down the Charlie Hebdo staff). Suppose he was carrying a placard with a cartoon depicting the editor of the magazine lying in a pool of blood, saying, 'Well I'll be a son of a gun!' or 'You've really blown me away!' or some such witticism. How would the crowd have reacted? Would they have laughed? Would they have applauded this gesture as quintessentially French? Would they have seen this lone individual as a hero, standing up for liberty and freedom of speech? Or would they have been profoundly offended? And infuriated. And then what? Perhaps many of them would have denounced the offender, screaming imprecations at him. Some might have thrown their pens at him. One or two individuals – two brothers perhaps – might have raced towards him and (cheered on by the crowd) attacked him with their fists, smashing his head against the ground. All in the name of freedom of expression. He would have been lucky to get away with his life.

Masses of people have turned the victims of a horrific assassination (which the staff of the magazine truly are) into heroes of France and free speech. The point of the thought experiment is not to show that such people are hypocrites. Rather, it is to suggest that they don't know their own minds. They see themselves as committed to the proposition that there are no limits to freedom of expression: no subject so sensitive, no symbol so sacrosanct, that it cannot be sent up, sneered at and parodied, consequences be damned. They call this 'courage'

and they think it is the defining difference between them and the killers – and not just the killers but anyone who thinks there are limits to what can be said or printed. But they too have their limits. They just don't know it.

When people don't know their own minds – but think they do – they are liable to be swept away by self-righteous moral passion; which is just what we don't need as the storm clouds gather on the European horizon (Klug B, 2015).<sup>4</sup>

Before this piece was posted on the web, I sent it in an email to two people whose opinions I value and whose sensibilities I respect. The response of one gave me pause: she thought I was a 'heartless beast'. With hindsight, I can see that that my comment was provocative, but I did not write it as a provocation. Initially, I wrote it purely for myself in an attempt to work out what it was that bothered me instinctively about the slogan and the suffocating consensus that had instantaneously formed around it. It felt suffocating because I sensed that it was conflating issues and, in the process, depriving us of the oxygen of distinctions. The binary it was generating struck me as false. As it turned out, I was not alone: numerous articles and blogs appeared over the next few days and weeks that echoed these sentiments. But they were in a minority compared with the pieces that lionised Charlie and insisted baldly on the right to offend.

I see why I seemed like a 'heartless beast'. After all, the carnage had just occurred. The spilled blood of the victims was barely dry on the floor of the office where they were coldly cut down. Should there not be a decent interval before commentators rush in with their clever opinion pieces and satirical blogs? Out of respect for the dead? Out of fellow-feeling for innocent victims of a horrible crime? The answer is: yes, of course there should be. And this, as I see it now, seeing it even more clearly than I did at the time, was the first problem with 'Je suis Charlie': it closed down this vital space. It blurred the distinction between

solidarity with the victims as fellow human beings and solidarity with them as Charlie. I did not – and do not – feel solidarity with the magazine. And, even if I did, the distinction here is crucial. It is reasonable to ask people to link arms in solidarity with the victims of murder out of a sense of common humanity, but it is not tenable to expect them to be in accord about a magazine that is bent on being a bone of contention.

Insofar as it was intended to bring us all together under one umbrella, united against the murderers and their sympathizers, the slogan failed and its failure was inevitable. This should have been a moment for all of us to share solidarity as human beings and for the French to share solidarity as citizens. But the slogan divided us and it divided the people of France. Furthermore, it tended to divide them along the very ethno-religious lines along which French society is already divided, a state of affairs to which, in my view, *Charlie Hebdo* itself has made a modest contribution over the years by repeatedly demeaning the prophet Muhammad, thereby accentuating the sense of alienation felt by many people in France's North African Muslim population. Which is why I do not feel solidarity with the publication. This does not for one moment justify murder or diminish the tragic loss of life suffered by the staff or the grief of their friends and families. But *Charlie Hebdo* itself is a magazine, not a person; moreover, it is a magazine around which it is impossible for everyone to rally. Thus, unintentionally or otherwise, the slogan was itself a provocation to which my piece, insensitive or not, was a reaction.

At this point I seem to hear a voice in the ether – a distillation of many actual voices in the blogosphere – protest along these lines:

You [meaning me] have totally missed the point. Moreover, you have maligned the magazine and staff of *Charlie Hebdo*. First, the magazine is not an Islamophobic rag. It is a left-wing publication that pokes fun at the powerful and the pious. Second, the slogan 'Je suis Charlie'

did not express support for the content of the magazine. It expressed support for the right of the magazine to publish whatever material it saw fit, however offensive that might be to people of one religion or another. Moreover, it saluted the courage that the magazine showed in daring to give offence and defying threats levelled against it by people who were upset by its work. Thus, it did unite people: it united people of goodwill who support free speech and admire Charlie for standing up for this principle. You complain that the slogan posed a simple either-or. Well, yes, it did, and why not? Either you support freedom of speech or you don't. It's that simple. And evidently you [meaning me] do not.

Such, more or less, is the vexed voice that I hear in the ether. The voice suggests that heartlessness might be the least of the beast's faults. Accusing me of missing the point of the slogan, it indicts me on three counts: misrepresenting *Charlie Hebdo*, failing to recognise the courage shown by the magazine, and being on the wrong side of the barricades when it comes to freedom of speech and the right to offend. Of these three counts, the third is the one that bears most on the question of how we should understand the murderous attack in Paris. So, after commenting briefly on the first two points, I shall dwell on the third.

The one remark that can be made with confidence about *Charlie Hebdo* is that it is not uncontroversial. Controversy, you might say, is its *raison d'être*. The magazine is dedicated to robust satire in a particular Republican tradition, subversive of authority and superstition. Seen in this light, it is absurd to denounce Charlie for treating the targets of its satire with disrespect. There is, however, another level of controversy, which concerns its *choice* of targets – especially Islam and the prophet Muhammad – and the *way* it satirizes them. In the public debate about Charlie this difference is sometimes collapsed by the magazine's protagonists, who frequently fold the second level of controversy into the first and justify its depictions of Islam and Muhammad by simply pointing out the satirical tradition to which Charlie belongs (or from which it comes). This is a sleight of hand. What it ignores is the

question of whether, in the context of present-day France, targeting Islam, and in particular portraying Muhammad in obscene and degrading ways, is true to its founding spirit. Or is it, *au contraire*, a betrayal of its roots, as Olivier Cyran, who wrote for the magazine from 1992 to 2001, believes? In his 2013 open letter to Stéphane Charbonnier and Fabrice Nicolino, two *Charlie Hebdo* journalists (who were both among the victims of the attacks two years later), he does not mince his words. He refers (pardon my French) to ‘the torrents of Islamophobic sewage that you and others, producers of humour inflated by the winds of fashion, flush from your tanks every week’ (Cyran, 2013).<sup>5</sup> Cyran, of course, does not have the last word on this matter. But nor does the voice in the ether when it denies that the magazine is Islamophobic.

Nor does the label ‘left-wing’ settle the question. I daresay it is true that Charlie is a publication on the political left (though Tariq Ali sees it differently, maintaining that ‘key players’ on the staff ‘evolved sharply to the right’ (Sharma, 2015)). But, once again, the objection begs the question. Implicitly, the argument being made by the voice in the ether at this point goes like this: ‘Islamophobia is a form of racism, the left is opposed to racism, Charlie is on the left, therefore Charlie cannot be Islamophobic.’ This is a non sequitur. It does not follow from the second premise – the left is opposed to racism – that racism cannot exist on the left. In fact, portions of the left are, from time to time, contaminated with racism, including antisemitism and Islamophobia. So, is Charlie a case in point or not? The question has to be judged by the content of the magazine, not by its left-wing credential.

The voice in the ether speaks of courage: ‘the courage that the magazine showed in daring to give offence and defying threats levelled against it by people who were upset by its work’. (More than threats: there was an arson attack in November 2011 in conjunction with its ‘Charia Hebdo’ issue.) No one can dispute that the magazine spoke out and took risks. But the word ‘courage’ is a construction placed upon Charlie’s derring-do. Outraging the sensibilities of a section of the population is not *necessarily* courageous, though it *can* be. It

can also be a form of bullying; it depends on whose sensibilities are being outraged. And putting yourself (and others) at risk of physical harm *might* be plucky; alternatively, it might be merely reckless – which was the verdict on Charlie pronounced by Henri Roussel, founder of *Hara-Kiri*, an earlier incarnation of *Charlie Hebdo* (Ali, 2015).

Aside from the character and conduct of the magazine, the voice in the ether brings up the principle at the heart of ‘Je suis Charlie’: freedom of speech and the right to offend. This is the subject to which the whole discussion in this essay so far has been leading. It takes us past the question of what was or was not a decent way of reacting to the Paris attacks in the heat of the moment. I am accused of being on the wrong side of the barricades. But what is the right side? This is the question to which I now turn. Even a heartless beast might not be on the wrong side of the argument.

### **The language of rights**

Nothing is more confusing in the debate over *Charlie Hebdo* than the question of how to employ the language of rights. And nothing is more confused than the idea that there is a right to offend. Which is not to say that there is a right *not* to be offended. I touched on this issue in my book *Offence: The Jewish Case*: ‘I have no wish to live in a society where people are not free to speak their minds; where the giving of offence is automatically an offence in law; where we treat one another like spoilt children, walking on tiptoe for fear of treading on each other’s delicate digits; where we are subject to the tyranny of the sensitive’ (Klug B, 2009: 30).<sup>6</sup> I wrote those words six years ago and I have not changed my mind in the light of *Charlie Hebdo*. But, by the same token, I do not wish to live in a society where people who are vulnerable walk on tiptoe for fear of being trodden on by the stronger; where we are subject to the tyranny of the *insensitive*, let alone the malicious. The kind of society in which I want to live is based on the principle that every citizen – as well as every visitor, stranger

and newcomer – has inherent dignity and equal worth. I regard this as a universal principle. And it is because I affirm *this* principle that I believe in the right to freedom of speech – and *not* in the right to offend.

I realise this sounds paradoxical. Let me explain. When I speak of the language of rights I do not mean rights that the law giveth and the law taketh away: entitlements that vary from time to time or from one jurisdiction to another. I mean *fundamental* rights, rights that we regard as universal and inalienable because they belong to us purely by virtue of our being human: *human* rights. The language of human rights transcends the language of law, for laws come and go whereas human rights constitute an enduring standard by which to evaluate the rights that are granted or withheld in law. Accordingly, it is vital that we have a grasp of the grammar of this language. How should we speak it so as not to lose its transcendent quality? How can we avoid closing the gap between enduring standard and transient laws, the gap that allows us to judge the latter by the former?

Some people get their bearing with human rights by turning the clock back three hundred years or so to the European Enlightenment. It is true that the struggle against oppression in the eighteenth-century was formative for the language of human rights today. But this historical development can mislead us in two ways. First, we can misconstrue the history. In the debate on *Charlie Hebdo*, the figure of Voltaire looms large in the popular imagination, especially the utterance that, like a mantra, is repeated over and again: ‘I disapprove of what you say, but I will defend to the death your right to say it’. The fact that these words never passed Voltaire’s lips (Knowles, 2006: 55) does not matter for our purposes, for they fit the man and the occasion. It is the circumstances, not the words, that count. Consider the context. In 1758, a young protégé of Voltaire’s, the philosopher Claude-Adrien Helvétius, published *De l’esprit*, a work in which he argued for a deterministic view of human nature. *De l’esprit* quickly became notorious. The papacy banned it and the

Archbishop of Paris declared that it ‘struck at the roots of Christianity’ (Tallentyre, 2004: 197). The French Parliament condemned it and it was publicly burned on 10 February 1759, together with Voltaire’s *Poème sur la loi naturelle*, (Tallentyre, 2004: 197, Bosmajian, 2005: 151). Voltaire himself disdained Helvétius’s book (Tallentyre, 2004: 196). But, in the circumstances, he came to the defence of his young friend and fellow *philosophe*. In (not) uttering the words ‘I disapprove of what you say’, etc., he was linking arms with a comrade in solidarity against the French establishment. He was not giving *carte blanche* to anything, however vile, that anyone might publish, let alone endorsing ridicule of minorities on the margins of society. He was striking a blow for the liberty of the citizen against the coercive authority of church and state.

Second, it distorts our understanding of our own era and our own struggles if we see the twenty-first century in eighteenth-century terms.<sup>7</sup> Roughly, the struggle against oppression in the eighteenth century was the struggle of a rising European middle class challenging the power and privilege of a ruling class that owned the land and ran the country. This is not remotely the context for the Universal Declaration of Human Rights (UDHR), the source from which most subsequent human rights instruments derive. This is not the spirit of protest movements around the planet that invoke human rights in their struggle against oppression of various kinds. Nor, I would add *après Charlie*, is it our collective struggle today as we strive to carve out a common space in a shrinking world: a space in which, with our diverse, discordant and mutable identities, we can live together.

It is not the eighteenth century but the twentieth, especially the war-torn first half, that sets the scene for the language of (human) rights in our day. The UDHR was proclaimed by the General Assembly of the UN in 1948, three years after World War Two ended and the horrors of the Nazi Holocaust were uncovered. The Preamble recalls ‘barbarous acts which have outraged the conscience of mankind’ (Ghandhi, 2002: 22). Against this background, the

document articulates an ethical vision, which (in the words of the Preamble) affirms ‘the inherent dignity [...] of all members of the human family’. Each right set out in the Declaration should be read in this light: humankind as a family, not as isolated individuals demanding their due. While it is true that a human right is a claim that each and every person is entitled to make, personal entitlement is not the heart and soul of the UDHR. Its overarching idea is closer to fraternity (Klug F, 2015, Prabhu, 2013). Article 1 puts it this way: ‘All human beings [...] should act towards one another in a spirit of brotherhood’ (or siblinghood, as we might say today) (Ghandhi, 2002: 22). In other words, first and foremost comes mutual care or at least respect: respect for one another, for fellow ‘members of the human family’, respect for the ‘dignity and worth of the human person’ (Preamble). I am tempted to say that ultimately it is this *respect* that puts the R in UDHR: it is the universal declaration of human respect.

This does not mean that we are enjoined to be nice to one another, as if good manners were a recipe for avoiding a repeat of ‘barbarous acts which have outraged the conscience of mankind’; this would trivialise the language of rights. But this is not the only way in which the language can be trivialised. It is trivialised when we speak of the ‘right to offend’ in the same breath in which we speak of the right to life, liberty and security, the right to freedom of thought, conscience and religion, the right to freedom of opinion and expression, and so on. These latter rights are fundamental to our dignity as human beings, which is why they are specified in the UDHR. A right to offend is not; hence its absence from the text.

This is not to say that the law should step in to prevent us from offending one another. But, in the first place, not everything that the law permits has the status of a human right. The law permits us, much of the time, to lie, to deceive, to betray a confidence, to be callous and cold-hearted and to indulge in *Schadenfreude*, none of which is exactly in the fraternal spirit of the UDHR. If we were to affirm the *right* to lie, the *right* to deceive, the *right* to betray a

confidence, the *right* to be callous and cold-hearted or to enjoy someone else's misfortune, then we would devalue the language of human rights. If we devalue the language, then we lose the plot: the ethical vision that the language articulates: the reason why human rights matter.

In the second place, offending is not all of a piece. We do not know exactly what the man with the placard was thinking when he referred to 'la confusion [...] de la situation', but one of the sources of his perplexity might well have been the meaning of the word 'offend'. In the debate over Charlie, the word has been stretched so thin that it covers almost any case where someone reacts negatively to what someone else says (or writes or draws), regardless of the nature of the provocation and irrespective of the impact it has. But there is a world of difference between, say, objecting to the use of foul language and, say, being humiliated or threatened as part of a group that is effectively excluded from the common space of the nation. Lumping such vastly different cases together under the rubric of 'being offended' is doubly misleading. First, it treats all 'negative reactions' as equal when they are not. Second, 'offend' is a rather mild term and tends to reduce the diversity of cases to the lowest common denominator. *Le mot* is hardly *juste*, which adds to the confusion of the situation.

A further source of confusion arises from the practice of using the phrases 'freedom of speech' and 'freedom of expression' interchangeably. This suggests that they are synonymous, which in turn implies that the function of speech is purely expressive. But, apart from expressing an idea (a view, an opinion), speech has many other uses. It can be used, for example, to enter into a contract (as with the nuptial 'I do'). It can also be used to incite violence, stir up hatred or commit libel, whether against an individual or a group (Waldron, 2012: chapter 3), destroying their reputations and exposing them to danger. Thus, speech is (or can be) a means of exercising power that affects the wellbeing of others adversely – not least by infringing their rights.

In any situation where the exercise of power is liable to impinge adversely on others there is a *prima facie* case for the law to intervene. Intervening in such cases in order to protect the innocent and the vulnerable, whether by restricting or penalising the exercise of a given freedom, is one of the cardinal functions of law. Given the power of the pen and the spoken word to inflict harm or injury, there is no reason why speech should be exempt from this general principle. From which it does not follow that the law should step in to prevent us from offending one another. For my part, as I indicated earlier, I prefer to see the law tread with the lightest possible step and *not* intervene when (as I would say) speech *merely* offends.

Which brings us to the question: where should the line be drawn? I shall close on the threshold of this question. Suffice to say that in the kind of society in which I want to live laws are decided – and evaluated and revised – by reference to that enduring standard which transcends them: the set of rights that we call ‘human’. This is an essential component of what I take social justice to mean. But applying this standard and taking the measure of law is no easy matter. It is no easier than knowing how to frame the murderous attack that took place in Paris on 7 January 2015. These questions (as the man with the placard might have said) are complex. In the heat and horror of the moment it was only natural for people to seize upon a slogan, ‘Je suis Charlie’, that simplified the issues, reducing them to an either-or. The issues are indeed confusing. But the search for understanding (without which there cannot be social justice) requires relinquishing the slogan and letting go of the conviction that accompanied it; for, according to an ancient Greek rumour started by Socrates, the beginning of wisdom is *la confusion*.

## Notes

1. This essay is adapted from the keynote speech given at the symposium ‘Understanding Charlie: New Perspectives on Contemporary Citizenship after Charlie Hebdo’, Queen’s University Belfast, June 2015.
2. Some might say that the placard is consummately French, which is a peg on which to hang an entire essay in French cultural studies; but not this one.
3. Hyper Cacher is a chain of kosher supermarkets in France. The name means ‘super kosher’. I look at the two attacks in Paris from a Jewish point of view in ‘To flee or not to flee: is that the question?’, *International Journal of Public Theology* (forthcoming), with which the present article overlaps.
4. The author thanks *Mondoweiss* for permission to reproduce this text.
5. Original French version published by Article 11 and available at <http://www.article11.info/?Charlie-Hebdo-pas-raciste-Si-vous.Charbonnier> (‘Charb’) was murdered in the 7 January attack, Nicolino was seriously wounded.
6. The book was commissioned by Index on Censorship, ‘the voice of free expression’. See its website at <https://www.indexoncensorship.org/>.
7. The analysis that follows, along with the perspective on freedom of speech that goes with it, owes a lot to Francesca Klug, author of the book *A Magna Carta for All Humanity: Homing in on Human Rights* and one of the architects of the UK Human Rights Act.

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