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World Islam on Trial: **French Muslims, Charlie Hebdo and the Cartoons**

By K.A. Dilday

FEBRUARY 2007

PARIS—In February of last year, several French newspapers published the provocative Danish cartoons depicting Islam's Prophet Mohammed. The cartoons provoked a heated response world over including violent demonstrations in some countries. In France, few took to the streets, but a group of Islamic organizations filed suit against one of the French papers that published the drawings, a satiric bimonthly Charlie Hebdo. Citing France's anti-racism laws, they alleged that three of the cartoons insulted the Muslim faith. This February both sides argued their case in Paris during a two-day trial.

Because of the timing — a little more than two months before the first round of the presidential election on April 22 — the trial has been a lightning rod, attracting the attention of the press, the many presidential candidates and the public. For some French people the case represents a watershed moment between what they see as archaic, oppressive Islam and the rational, tolerant West. But for many French Muslims, the trial is a debate about equal respect for their religion in France and the ability and desire of the French state to protect their dignity and interests — under existing French law.

Early on February 8, I joined a line outside of the Royal Palace, a large, imposing building just off the left bank of the Seine. There the Paris Court of Appeals shares space with Sainte Chappelle, a church renowned for its intricate stained glass panels that was built in the mid-1200s for Saint Louis, King of France. Once inside the lines diverged. The pilgrims went through the courtyard to the left and the rest of us peered at a sign taped to the window of the information booth. On white paper someone had scrawled with a magic marker: "Charlie Hebdo trial, first floor."

I climbed the staircase to the next floor where a large crowd buzzed around a door being guarded by a very tall bulky gendarme with closely cropped blond hair. Whenever the crowd began to surge forward, he would bellow, "RECULEZ!" (Move Back!). Because of the intimate setting — we were gathered in the large square corridor serving four courtrooms — the atmosphere outside the courtroom seemed like the central square of a small town on the eve of an important event. People were buzzing and talking to their neighbors, greeting old friends, debating the issue. There were "blue-eyed" Muslims in long white robes being interviewed by the television cameras and a 25ish Tariq Ramadan epigone hopping around in an ill-fitting striped suit, pointy shoes and little sunglasses. (Mr. Ramadan is the dapper, sophisticated, Switzerland-born Koranic scholar who appears on talk shows in France and England to debate the place of conservative interpretations of Islam in Europe.)

While I was waiting in line in hopes of entering the courtroom, a commotion started when an excited man rushed from the courtroom into the fullness

of the crowd. A short, portly white-haired man of about 65, he was waving a piece of paper and he was in a lather. Immediately the cameras and all others turned to him. Waving his paper, he sputtered about the Interior Minister; how it was his responsibility to protect all faiths in France, that the Muslim faith was a French faith too, that the Interior Minister should remain neutral. The man spoke rapidly, all the while angrily waving the paper. And just like that, it was over. He rushed off to make a call on his mobile phone in a private corner and the camera crews killed their bright lights. None of the onlookers, me included, seemed to know quite what had happened. "Who was that?" I asked a man of Arab origin as we hung over the balcony of the staircase watching him speak animatedly into his phone: "He's from the Paris Mosque."

Later that evening I found out that Nicolas Sarkozy, the interior minister whose main job at the moment is presidential candidate, had written a letter in support of Charlie Hebdo. The defense attorneys had unveiled it at the trial that day. The angry man from the Paris Mosque was Abdullah Zekri, a prominent Muslim elder in France: in 2004, he traveled to Baghdad to negotiate the release of two kidnapped French journalists. In the letter Mr. Sarkozy defended Charlie Hebdo's publication of the cartoons as part of a long tradition of satire in France: on the news later that night, Mr. Sarkozy was shown giving a short conference from the tarmac of



The main gendarme leaves his post to exchange words with the Tariq Ramadan clone.

an airport, echoing what he said in the letter: "I would rather there be too many cartoons than too much censorship." In their own press conference that evening following an emergency meeting, the Muslim organizations representatives said they felt ambushed and betrayed. It seems that Mr. Sarkozy did not inform them of his decision to support Charlie Hebdo, yet in the past he has styled himself as the champion of moderate Muslims in France.

Mr. Sarkozy was the driving force behind the Muslim Council, an organization that was created in 2003 to give Muslims the same line of access to the government that other religious groups with clear hierarchy had in France. It has been viewed skeptically by some Muslims because the government dictated its leadership. Despite that, the more hardline of the main Muslim groups in France, the Union of French Islamic Organizations, obtained the most votes. The French government had already reserved the presidency of the Muslim Council for Dalil Boubakeur, head of the more moderate Paris Mosque. Some of the leaders of the Muslim community, or at least Mr. Boubakeur, had considered the Interior Minister the Muslim's champion, a designation Mr. Sarkozy wears proudly, at times.

Tactically, the Muslim groups made few mistakes so it's hard to figure how things went so wrong for them. They hired a skilled lawyer, Frances Szpiner, a man who has also acted as lawyer for the president of France, Jacques Chirac, a frequent target of legal investigations. The Muslims groups' lawsuit was carefully constructed to conform to previous successful prosecutions under France's anti-racism and anti-religious persecution laws. They chose to address only the three cartoons that they felt were the most egregious, specifically equating



Abdullah Zekri of the Paris Mosque looks down at Mr. Sarkozy's offending letter.

Muslims with terrorists and idiots. And despite that several French publications had published the cartoons, they filed suit against only one, Charlie Hebdo, because it does not have a clear news function. That was a very significant (yet little discussed) aspect of the lawsuit because it implies that they accept that there was a reasonable context for some French papers to publish the cartoons. Catholic organizations and Jewish groups have made successful prosecutions under the law so why was a Catholic priest the only person who testified on behalf of the plaintiff while hordes of prominent people lined up to defend Charlie Hebdo?

France's anti-racism legislation meshes uneasily with the Republic's ideological belief in freedom of expression. The oft-cited sentiment of the 18th century philosopher Voltaire — that he detested what a cleric said, but would defend his right to say it — is a cherished principle to many French people. Yet France's justice department includes 18 laws as part of the country's anti-racism legislation. Some are more than a century old. Dating from 1881, they qualify the freedom of expression laid out in 1789 in the Declaration of the Rights of Man. These laws are constantly invoked and it thus seemed inaccurate when in writing about the Charlie Hebdo trial, an editorial in *Le Monde* called it a "trial of another age," and in the same edition of the paper, the cartoonist Cabu, a defendant in the trial, called it a trial from "the Middle Ages."

Trials alleging religious or racial defamation occur frequently in France. The Charlie Hebdo trial isn't terribly dissimilar from the 2005 trial hearing a complaint by supporters of the Catholic Church against the fashion company, *Marithé et François Girbaud*, for an advertising campaign inspired by the Leonardo Da Vinci painting *The Last Supper*, with barely-clothed women as the apostles. And the same week that the court of appeals heard the Charlie Hebdo trial, there was activity on two separate cases against the controversial comedian Dieudonné: France's supreme court judged him guilty of violating anti-religion laws for saying in a published interview, "Judaism is a sect, a swindle, one of the most dire because it was the first," (*"les juifs, c'est une secte, une escroquerie, c'est une des plus graves parce que c'est la première"*). And Dieudonné's appeal against a guilty judgment by the same court trying the Charlie Hebdo case was also scheduled to proceed that same week, but was postponed until September. Dieudonné had been sued for racial defamation by a radio presenter and producer, Jacques Essabag, known as "Arthur" for saying "Arthur, with his production company, actively finances the Israeli Army that doesn't hesitate to kill Palestinian children."

No doubt to strengthen the link between him and Charlie Hebdo, Dieudonné showed up at the trial and came face to face with one of his main critics, Caroline Fourest, a journalist for Charlie Hebdo. He greeted her eagerly and commented that they were on the same side, supporting the freedom of expression in France. Ms.

Fourest angrily retorted that he was confusing liberty of expression and racism, saying, "We are for the liberty of expression and against racism." Yet later on a television show later that week, when quizzed about the exchange between Ms. Fourest and Dieudonné, Philippe Val, the director of Charlie Hebdo struggled to explain the difference between an infamous allegedly anti-Semitic comedy sketch by Dieudonné and the cartoons.

The second day of the trial was just as star-studded. Not to be outdone by Mr. Sarkozy's explosive letter, two other prominent politicians actually turned up in court: Francis Hollande, head of the Socialist party and the partner of Segolene Royal, the party's presidential candidate and Jacques Bayrou, the dark horse centrist presidential candidate who appears to be the disruptive "third man" in the presidential election. Mr. Bayrou spoke on behalf of Charlie Hebdo, saying that the cartoons were in fact defensive of the prophet's message by criticizing those who treacherously used his message to justify wrongdoing. The only politician who seemed willing to speak on behalf of the Muslim organizations is the one politician in France who is no longer beholden to French voters: president for only three months more, Jacques Chirac.

By that day I'd relinquished the illusion that if I stayed in line I might be permitted to enter and instead moved freely about the crowd asking opinions. Muslims were harder to find on the second day. The blue-eyed Muslims were gone as was the Tariq Ramadan imitator. The crowd was much more one sided, which was evident when the lawyers began filing into the courtroom. Cheers greeted the Charlie Hebdo team while the crowd booed the Muslim organization's representative.

I approached a man who appeared to be of Arabic origin. He demurred when I asked his opinion but led me to a companion, Hakim, a 43-year-old Morocco-born French citizen who would only give his first name. Hakim, who has lived in France for 30 years, said, "The state is supposed to protect everyone. These cartoons have wounded three million Muslims. They are characters of humiliation and stigmatization." Hakim claimed that he had been told to "move back" by the gendarmes guarding the door to the court because they could tell "from my face" that he was not there to support Charlie Hebdo. A moment later a French woman who had been listening to him and saw me taking notes came up to me to say that the gendarmes had forced everyone to move back from the door, not just him. I agreed as I had also been there and did not notice the gendarmes single anyone out. I asked her if she had anything to say and she said no. But a moment later she returned and said emphatically, "Here no one forces a woman to take off the veil. If she was in Iran she'd be forced to wear it. That's the difference."

This complete non-sequitur (and inaccuracy: girls are forced to remove their veils if they want to attend French schools) reveals the true nature of the dispute.

For the onlookers, like a retired gentleman who had come in from the country to stand in the corridor wearing his French flag, the trial was not about the specific issue of whether by publishing these three cartoons in a non-news context, Charlie Hebdo had broken French laws against defaming a particular religious or ethnic group. It was about the East versus the West, or as *Le Monde* might have it, modernity versus medievalism and the ideological war that is being waged in Europe as it struggles to assimilate a religion that is no longer willing to take a back seat in society.

This is something that Muslim organizations repeatedly say in their statements about this lawsuit — that their religion does not receive the same respect as other religions in France. Catholicism, the most popular religion, and Judaism, the third most popular, have long had an established structure for communicating with the government. Yet only since the creation of the Muslim Council four years ago, have Muslims had the same direct line.

This problem cannot be blamed solely on France's governmental structure. It is also a function of the disparate nature of the Muslim community, an interfaith tension that is further aggravated by French law. Because state money is not permitted to be used for the financing of religious institutions, Muslims have had to look elsewhere for financing to build mosques. Financing has come from Saudi Arabia, Algeria, Morocco and other countries that have a vested interest in having influence in France. They finance a mosque and put in place an imam who will remain loyal.

But Muslim groups bear part of the responsibility. The laws that are available to Catholic and Jewish groups to defend perceived insults to their faith have always been available to them too. Historically, the Catholic groups have been more entrenched in the society and the Jewish groups have been better organized. Even so, Muslim groups in 1989 filed suit to prevent the publication of the *Satanic Verses*, the 1994 novel by Salman Rushdie that many Muslims world over thought was blasphemous and led to the *fatwah*—a death decree against him by Muslim clerics. And in 2002, the League for the Rights of Men joined Muslim groups in a suit against the controversial French author Michel Houellebecq, who wrote a novel in which a character called Islam the stupidest religion in the world. Neither suit was successful. Yet in the



A Charlie Hebdo supporter wears France's colors proudly

wake of this trial Mr. Boubakeur has said that Muslim groups are going to follow the example of Jewish groups who he says file a suit against anything they consider anti-Semitic.

But even France is unsure about where it falls on the issue of free speech versus the danger of "hate speech," which can be simply insulting. The Catholic organizations won their case against *Marithé et Francois Girbaud* only to have it overturned by France's Supreme Court.

And this may be France's way of finding an uneasy middle ground between racist or anti-religious speech and freedom of expression. In the end an offensive comment is often judged to be within the bounds of the law, but the commentator can spend a lot of time in court proving his right to offend.

European governments make a great effort to emphasize that it is not Islam that is being attacked in Europe, but Muslim fanatics who are, if they refuse to practice their religion in accordance with the law. The Muslim groups who filed the lawsuit against Charlie Hebdo reminded the public that they did not take to the streets to protest, but went to the courts. And, most important, their suit by its specificity implied that there was a legitimate context for publishing the cartoons in France even though depictions of the prophet are forbidden by Islam. Their actions were rational, Western and most important, very French. Somehow, in the obsession with global politics, the heat of the election season and the parade of political posturing, that fact was lost. □

Postscript: On March 22, the Paris court found in favor of the defendants, Charlie Hebdo and its editor, Philippe Val. The court pronounced two of the cartoons inoffensive. The third, of a man with a bomb as a turban, it decided could be offensive but that Charlie Hebdo's intention was not to offend. The Muslim groups were split on whether to appeal the decision.



France restrains France defending France

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