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THE PRACTICE OF FREEDOM OF EXPRESSION IN FRANCE: IMPLICATIONS FOR MUSLIM MINORITY

Tasneem Shafiq

Research Associate, The Institute of Social and Policy Sciences. tasneemshafiq96@gmail.com

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ABSTRACT

This paper aimed to explore the ways freedom of expression, as human rights have been interpreted and practiced by people. The case of France; post-9/11 has been focused on the study. According to the exploratory nature of the research, qualitative research method was used. Data suggests that the rights have been misused by the elites and has caused harm to those who practiced it, if they were not powerful. It has also been used to justify hate speech and waged political war many times. The incidents of blasphemy in the name of freedom of expression have resulted in the prosecution or murder of the ones practicing it. In October 2020, President of France attempted to defend a similar act and as a result; the religious sentiments of Muslims were offended. The case study of France is under focus while analyzing, how a secular nation has failed to protect the rights of Muslim minority and has disrespected their faith. The findings of the research indicate that the right needs to be practiced with responsibility as the legal system has failed to provide protection in the past and it will continue to happen, if necessary, amendments are not made in the Article 19 of Universal Declaration of Human Rights.

Key Words: Freedom of expression, hate speech, inter-faith conflict, privilege of speech, minorities, blasphemy, religious sentiments, Universal Declaration of Human Rights (UDHR).

Introduction

Freedom of speech is the fundamental human right and it has been protected by domestic laws and constitutions by all countries. However, it is not absolute that every country applies restrictions to it on varied levels.¹ In the history of human rights, a lot of challenges to free speech have sparked many heated and prolonged debates with no clear resolution. The right to freedom of expression is given to the citizens with a responsibility to respect the rights of other citizens.² As much as this right is one of the significant features of a democratic country, it is often used to justify disrespect to minorities in many parts of the world. Speech is basically composed of thought and action. Thought is free while action must be suppressed when it is harmful.

In every institution, the dimension of speech is different. In family, normative speech is acceptable while in educational institutions, courts, hospitals and different organizations formal language is used instead. These institutions have different definitions of responsible free speech in different context.³ Even the acceptable terms and unacceptable form of speech might be different for different institutions, but there are still some aspects

¹ Ruth Levush, "Limits on Freedom of Expression: Comparative Summary", *Library of Congress*, last updated on December 30, 2020, <https://www.loc.gov/law/help/freedom-expression/compsum.php>

² *Article 10: Freedom of expression*, Equality and human rights Commission, last updated on June 12, 2020, <https://www.equalityhumanrights.com/en/human-rights-act/article-10-freedom-expression>

³ Michael P. Zuckert, "The Insoluble Problem of Free Speech", *National Affairs*, Fall 2020, <https://www.nationalaffairs.com/publications/detail/the-insoluble-problem-of-free-speech>

which remain universally unacceptable and should be clearly restricted regardless of context. This is the challenge that is faced by society currently where peace has been sacrificed in the chaos created by the practice of a right which is flawed concept by some of the professionals. It is flawed due to misinterpretation and lack of implementation of duties and limits attached to it.

The limitations of freedom of expression are recognized under the International Covenant on Civil and Political Rights and the European Convention on Human Rights. Those limitations are designed to different objectives that may include national security, territorial integrity, public safety, morals, health, a person's dignity or religious sentiments. Prohibition on disrespecting French national anthem and French flag are recognized examples of limitation to the freedom of expression in France.⁴ In France the denial or minimization of recognized crimes against humanity, particularly the Holocaust, are considered prohibited hate speech.

Significance of Study

Every nation accepts freedom of expression as a human right given to the citizens. It is an essential component of a functional democratic society but at the same time, this right has often been misused when privileged people use it to gain their personal interests. The restrictions attached to this right have been overlooked by many. Although the restrictions have been defined in the Human Rights Act, it needs further clarity and the blasphemy and disrespect to the minority population must be added to the act.⁵ This addition to the existing knowledge would be focus of the current research. This research will provide a critical approach to the freedom of expression. It will be significant to the policy makers, lawyers, future researchers, human rights activists and the United Nations officials. It will contribute to the field of peace and conflict studies by adding another approach to it, which does not only deal with a particular international or national conflict but the conflict of ideas and morals which leads to conflict on a broader level.

Hypothesis

Wrong use of Freedom of expression has negative implications for the Muslim minority in France.

Research Objectives

1. To explore the limits to the right to freedom of expression.
2. To examine the challenges faced by Muslims living in France after 9/11.
3. To analyze the implications of the practice of free speech on Muslim minority in France.

⁴ Ruth Levush, "Limits on Freedom of Expression: Comparative Summary", *Library of Congress*, last updated on December 30, 2020, <https://www.loc.gov/law/help/freedom-expression/compsum.php>

⁵ Farman Ali, Muhammad Sarwar Khan and Nasir Mahmood, "Free Speech in Modern Western and Muslim Perspectives: Unraveling Common Grounds and Divergences," *NUQTAH Journal of Theological Studies* 4, 1 (2024), 29.

Research Questions

1. What are the implications of the right of freedom of expression on Muslim minority in France?
2. How is freedom of expression being practiced in France?

Statement of the Problem

Freedom of Expression has been declared as a human right by the Universal Declaration of Human Rights, but has often been referred as a flawed concept in theory and practice. Initially, this right was introduced so that the artists, researchers, journalists and every person sharing their opinion through their work can get the protection under the free speech law. This right cannot be absolute and has restrictions attached to it which are often overlooked. Article 19 of the Universal Declaration of Human Rights protects everyone's right to hold opinions and to express them freely without government interference. This includes the right to express your views aloud through protests or any form of original work. However certain amendments to this Article have been made but it still needs to be studied in depth so that it can guide people to a more peaceful society rather than giving rise to non violent and violent conflicts. The correct implementation of rights and responsibilities attached to this article is needed; which this research intends to provide.

Theoretical Framework

Theories of free expression address three fundamental questions; what forms of human activity represent free expression? What are the underlying values of expression that drive constitutional protection? And how should the society draw lines between expression that is protected and the expression that is not.⁶ This research will mainly focus on the third question. The theories of free speech illuminate the aspect why freedom of expression is valued in a progressive social order and may also highlight its implications. The outset of these theories is generally directed to regulation of speech by the government. It is the most consequential regulator because its rules have implication on everyone on a wider level.⁷

Theory of Social Constructivism

According to the theory, there is no single truth or reality; it is created by the individuals and groups. The freedom of speech clause was created by the individuals and the hybrid nature of speech has also been uncovered by some researchers. This underlying meaning of speech and the violent events it caused can be seen under the epistemology of constructivism. Constructivist

⁶ Bruce Barry, "The Cringing and the Craven: Freedom of Expression in, around, and beyond the Workplace", *Business Ethics Quarterly*, vol. 17, no. 2, (2007): 263–296, https://www.jstor.org/stable/27673175?read-now=1&refreqid=excelsior%3A768d0f9e0ff40636e26ec4c58053755c&seq=12#page_scan_tab_contents

⁷ Ibid.

approach has provided distinctive theoretical and empirical insights in explaining global politics. Adler articulated in 1997 that the view that “the manner in which the material world is shaped by human action and interaction depends on dynamic normative and epistemic interpretations of the material world”.⁸ Focus of the paradigm is mainly on the process through which, individuals or groups participate in the perceived social reality. This theory involves looking at the ways different social phenomena are being created, institutionalized and eventually become part of the human tradition. Individuals act according to their knowledge and interpretation to construct a social reality. The basic argument of this theory is that the learner is an active participant in the process of learning and constructing knowledge.

Social constructivism theory makes claims regarding nature of the social life and aims to study the social change. Human construct the idea of good and bad speech, prohibited or morally unacceptable speech in the society. Gradually the ideas evolve and the need to change arises as the conflicts increase. Hence, this research recommends policy changes in order to protect people from the wrong use of the right. The theory provides an approach to social analysis with three basic assumptions; first one is that human interaction is primarily shaped by ideational factors rather than material factors. As freedom of expression is part of human interaction and it is shaped by ideological factors created by the humans themselves, on individual as well as on group level. Second assumption is that the most significant ideational factors are “intersubjective beliefs” as shared collective understanding. The concept and idea of free speech is intersubjective belief as collective understanding and interpretation in different contexts. Third assumption is that the intersubjective beliefs construct the interests and identities of the actors. The freedom of speech is being used by the actors in conflict and individuals in general, to achieve their interests.

Freedom of Speech by Eric Barendt

In this theory, Barendt has emphasized on the philosophical analysis as a method of constitutional interpretation. He has presented philosophical principles as a guide to interpret the free speech clause. He argues that speech deserves constitutional protection. He explains that the rationales for protecting speech may not treat obscenity as speech at all. Thus it invalidates the claim of anyone delivering obscene speech in the name of freedom of expression. He further criticizes the way obscenity is being regulated but not completely prohibited. So how do we decide if a speech deserves to be protected under the right to freely express their opinion? This right is not absolute; it has certain limitations

⁸ Hoyoon Jung, “The Evolution of Social Constructivism in Political Science: Past to Present”, *Sage*, Published on February 27, 2019, <https://journals.sagepub.com/doi/full/10.1177/2158244019832703>

in practice which are also present in article 19 of the universal declaration of human rights. But it should also have a restriction on disrespecting any religion and sacred identities to which sentiments of people are attached. The way this theory talks about indecent material not being entitled to protection, it should also criticize the blasphemous content being projected within the protection of right to freedom of speech/ expression. He insists the danger of suppression of speech under the free speech clause is the worst evil by far. At the same time, he acknowledges the practical reasoning for restricting particular forms of expression.⁹

Political theories of eighteenth and nineteenth century of rationalism provide the critique of freedom of speech, which are in alignment to the current research. When theory of free speech is applied to the institutional practice, it tends to destroy and discredit the three assumptions it is based on. Pre-eminent value of truth being the first assumption, “the people” as a structured moral entity with a genuine “will” being the second assumption and the idea of rationality and reasonableness as the supreme social good being the third and last assumption. There is a clear difference between the wrong and right use of speech in a social life and there must be some official guidelines in favor of the ideas that form the moral basis of a society. So, all ideas cannot be equal and free.¹⁰

Another famous theory of philosophy named “speech act theory”, a person not only expresses idea or presents information through speech but he also performs an action by the speech. Wittgenstein and Austin provided significant stimulus for the development of this theory.¹¹ It aims to explain the meanings of the expression by the use of words, hence it comes with a responsibility to use correct words. This theory cites three types of forces; Locutionary force describes the meaning of speech, illocutionary force is the implication of the speaker and perlocutionary force is perception of the one being addressed.¹²

Research Gap

It has been mentioned in the previous researches that the freedom of expression has served as a cause of political war and conflicts many times. But there is a gap in the existing literature that there can be some factors which needs to be highlighted and changed in order to stop this kind of conflicts to keep on appearing. The conflict generating factors must lie within the restrictions and

⁹ See: Farman Ali, Muhammad Sarwar Khan and Nasir Mahmood, “Free Speech in Modern Western and Muslim Perspectives: Unraveling Common Grounds and Divergences,” *NUQTAH Journal of Theological Studies* 4, 1 (2024), 27-28.

¹⁰ Gerhart Niemeyer, "A Reappraisal of the Doctrine of Free Speech", *Thought: Fordham University Quarterly*, 25 (2):251, June 1950.

¹¹ Brian Duignan, “Speech act theory”, *Encyclopaedia Britannica*, retrieved on December 8, 2020, <https://www.britannica.com/topic/speech-act-theory>

¹² Jacobsen, “Speech Act Theory”, *West Texas A&M University*, retrieved on December 8, 2020, <https://www.wtamu.edu/~mjjacobsen/SpActCats.htm>

guidelines for the right given in the Article 19 by the Universal Declaration of Human Rights. This gap in the existing knowledge and literature is aimed to be filled by this research. Blasphemy has been identified as one of the key concepts that need to be clearly added in the restrictions in the freedom of speech. Absence of clarity serves as a factor to generate a violent conflict. The literature gap of religious sentiments of minorities of France being hurt which has to be solved through prioritizing universal values instead of strict secularism has been identified through this research. The dimension of privilege of speech has also been added to the existing literature with the help of critical approach to the freedom of expression. The research has analyzed the social dimension of the international lawmaking for human rights. This can help reduce the possibility of future violent conflicts due to freedom of expression. The social construction of acceptable and unacceptable speech has also been covered with the help of the theory of social constructivism.

Research Methodology

The research is explanatory and analytical in nature. Therefore, Qualitative analysis would be adopted to analyze the data collected through the primary and secondary sources. Primary data will be collected through virtual interviews from researchers, subject experts in France. The universities and think tanks will be used to select the sample. Secondary sources include newspapers, articles, official reports of United Nations, online books and research journals while the primary sources include YouTube videos, stance of different political leaders on the issue through speeches. Interviews and reports by international affairs editors and journalists will also be used. Case study method has been used in the current research to study the application and practice of the free speech right in France and its impact on Muslim minority. Findings will be drawn on the basis of evidence collected through both sources. The time frame of the data collected in this research is mainly focused from Post-9/11.

Historical Background

France has a location in the Mediterranean basin which is close to the African continent. It has very old relations with Muslim communities throughout the history due to the immigrations from Africa and other parts of the world.¹³ Western scholars insist that real Europeans carry particular identities from their history, experiences and religion. Muslims, irrespective of their roots in Asia, Africa or any part of the world are excluded from the true native identity and are considered to be external to the essence of Europe. Western philosophers have introduced the concept of Europeanization of Muslim immigrants but absolute assimilation is

¹³ Zülfiye Zeynep Bakır, “Being a Muslim Woman in France”, March 22, 2018, https://insamer.com/en/being-a-muslim-woman-in-france_1350.html

not possible.¹⁴

After World War II, many people started to consider the nature and effects of free speech. In 1950s and 1960s many were inspired by a desire to emphasize the difference between communists and free regime. There were many important developments in contemplating free speech; most of them were in libertarian direction. During that time, prominent liberals including Justice H. Black of Supreme Court and philosopher S. Hook pushed for an expansive free speech regime. Black argued that the First amendment which guarantees absolute protection of free speech so Congress shall make no law abridging the freedom of speech. The Supreme Court and many intellectuals then broadly opposed many restrictions on the speech as valid.¹⁵

The rejection of regulation of obscene speech/ content and monitoring by laws started to get rejected through virtual abandonment. The conservatives were pushing back against the unrestricted speech as there are certain conditions that must be present in a decent society. They resisted the reckless expansion of liberty, while liberals were defending the First Amendment and freedom of speech. This notion of free speech for all has witnessed a shift as the liberals are now found to be dubious of general claims. They can be seen sponsoring speech codes to shut down speakers with whom they disagree. The discourage students from expressing or supporting different views. on the other hand, conservatives are now defending the free speech clause. They support the robust protections of free speech and promote open debate and exchange of ideas.¹⁶

In order to come up with the resolution of conflicts arising from the freedom of speech, it is important to identify, what exactly is causing these conflicts and why do they keep surfacing from time to time. This research intends to do in-depth analysis of how this right has been used currently in France which generated conflict and to reduce the possibility of factors which cause outrage against the free speech in the society.

Literature Review

The prevention and punishment of certain well-defined and narrowly limited classes of speech have been raising constitutional problems and recently raised international conflicts between ideologies and beliefs. These classes include obscene, profane, libelous, insulting or fighting words which inflict injury or tend to ignite a conflict. By uttering such words, peace can be immediately

¹⁴ Abdul Waheed Parry, "Secular Extremism in Europe", *Insamer*, November 26, 2020, https://insamer.com/en/secular-extremism-in-europe_3498.html

¹⁵ Michael P. Zuckert, "The Insoluble Problem of Free Speech", *National Affairs*, Fall 2020, <https://www.nationalaffairs.com/publications/detail/the-insoluble-problem-of-free-speech>

¹⁶ Ibid.

breached.¹⁷ These kinds of speeches are not legally free to make. However, the Courts have often been found in difficulty while applying this rule. The struggle lies in reconciliation of this rule against the prior censorship of different opinions.¹⁸

Every individual has the right to express his ideas. This right protects difference of opinions, to receive and impart ideas and information without any kind of interference by public authorities. This right does not stop the countries from requiring the licensing of television, cinema enterprises or any broadcast.¹⁹ The rules have been made clear here but the ambiguity lies within the definitions and interpretations of acceptable and unacceptable speech. The work being censored in one part of the world might not be censored in another. This will create the conflict between ideologies or faiths. There has been a dichotomy in public opinion about the freedom of expression. According to surveys, people strongly support free speech in general but this support decreases when it comes to particular forms of controversial speech.²⁰

Freedom of Expression

The right to freedom of expression is internationally recognized fundamental human right and is significant for every democracy. The idea of free expression is inherently linked to politics and the ideals of self-governance. It is central tenet of the International Bill of Human Rights, i.e. Universal Declaration of Human Rights and the International Covenant of Civil and political rights. The principle of freedom of expression creates a presumption of protection whose strength depends on how effectively the type of expression embodies a value important to that society. This presumption may overcome when the expression conflicts with a right of greater value.²¹

The evaluative element of freedom of expression includes three broad categories of interests: interests that the speakers have to get the opportunity to make their opinion known. The second interest is of the audience to have the access to expression of others. The last interest is of the individuals as bystanders who are

¹⁷ “*Chaplinsky v. State of New Hampshire*”, *Legal Information Institute*, 62 S. Ct. 766, accessed on December 15, 2020, <https://www.law.cornell.edu/supremecourt/text/315/568>

¹⁸ John Courtney Murray, S.J., “The Problem of Free Speech”, Woodstock Theological Library, George Town University, <https://www.library.georgetown.edu/woodstock/murray/1953e#25>

¹⁹ *Article 10: Freedom of expression*, Equality and human rights Commission, last updated on June 12, 2020, <https://www.equalityhumanrights.com/en/human-rights-act/article-10-freedom-expression>

²⁰ Stephen J. Wermiel, “The Ongoing Challenge to Define Free Speech”, *Human Rights Magazine*, Vol. 43, No. 4, accessed on December 18, 2020, https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/the-ongoing-challenge-to-define-free-speech/

²¹ David Guinn, “Philosophy and Theory of Freedom of Expression”, *DePaul University College of Law*, published in September 2005, https://www.researchgate.net/publication/228309397_Philosophy_and_Theory_of_Freedom_of_Expression

affected by the expression.²²

The difficulty within legal concept of freedom of expression resides in identifying the difference between protected and non-protected expression. The countries have to consider the nature and function of expression with respect to values of that particular society. Context plays a major role while determining this difference between protected and non-protected speech. It can be analyzed by answering the questions of what, why and how.²³

Freedom of Expression in France

Freedom of expression is considered to be one of the essential rights in France. It is protected by the 1789 Declaration of Human and Civil Rights, which is incorporated within French Constitution. France is also a party to European Convention on Human Rights which protects the right to freedom of expression.²⁴ Although it is not seen as an absolute right and has limits to protect public order. Denial or justification of holocaust or any crime against humanity is also prohibited under French Law. Farman Ali noted that Seventeen nations, including Austria, Belgium, Canada, the Czech Republic, France, Germany, Hungary, Israel, Liechtenstein, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Slovakia, Switzerland, and Romania have either explicitly or implicitly made Holocaust denial illegal.²⁵ In addition, hate Speech, disrespect to French flag and anthem, defamation of government institutions and officers are also the restrictions attached to the right.²⁶

Recognizing the importance of free expression in democratic societies, the European Court of Human Rights has declared that freedom of speech “is applicable not only to ‘information’ or ‘ideas’ that are favorably received or regarded as inoffensive or as a matter of indifference, but also to those that offend, shock or disturb the State or any sector of the population.”²⁷ Racism, racial hatred, anti-Semitism and justification of terrorism are not opinions but offences according to French Law.²⁸

²² T. M. Scanlon, “A Framework for Thinking about Freedom of Speech, and Some of its Implications”, *Berkeley*, accessed on March 23, 2021, <https://www.law.berkeley.edu/wp-content/uploads/2018/10/Freedom-of-Speech-Berkeley.pdf>

²³ David Guinn, “Philosophy and Theory of Freedom of Expression”, *DePaul University College of Law*, published in September 2005, [https://www.researchgate.net/publication/228309397_Philosophy_and_Theory_of_Expression](https://www.researchgate.net/publication/228309397_Philosophy_and_Theory_of_Freedom_of_Expression)

²⁴ Nicolas Boring, “Limits on Freedom of Expression: France”, *Library of Congress*, June 2019, <https://www.loc.gov/law/help/freedom-expression/france>

²⁵ Farman Ali, Muhammad Sarwar Khan and Nasir Mahmood, “Free Speech in Modern Western and Muslim Perspectives: Unraveling Common Grounds and Divergences,” *NUQTAH Journal of Theological Studies* 4, 1 (2024), 35.

²⁶ Nicolas Boring, “Limits on Freedom of Expression: France”, *Library of Congress*, June 2019, <https://www.loc.gov/law/help/freedom-expression/france>

²⁷ Ruth Levush, “Limits on Freedom of Expression: Comparative Summary”, *Library of Congress*, last updated on December 30, 2020, <https://www.loc.gov/law/help/freedom-expression/compsum.php>

²⁸ *Everything you need to know about freedom of expression in France*, *Gouvernement*, accessed on March 16, 2021, <https://www.gouvernement.fr/en/everything-you-need-to-know-about-freedom-of-expression-in-france-0>

In order to balance the freedom of expression and prohibition against defamation and insult, French law determines that publication of a true statement that concerns a person's private life will be considered as defamatory for the purpose of criminal liability. Prosecutions on defamation occur in France and are difficult to defend.²⁹

Limits to the Freedom of Expression

According to the right given by the Human Rights Bill; public authorities may restrict this right if they can show that their action is lawful, necessary and proportionate in order to protect the interests of national security, territorial disorder or crime, for the protection of health or morals, rights of other humans, others' reputation, prevent the disclosure of confidential information, maintain the authority and impartial judiciary.³⁰ A determination as to whether a restriction on freedom of expression is necessary "requires the existence of a pressing social need, and the restrictions should be no more than is proportionate." Feelings or even outrage, in the absence of intimidation, however, was held by the European Court of Human Rights as insufficient for limiting freedom of expression: "To hold otherwise would mean that freedom of speech and opinion is subjected to the heckler's veto."³¹

This also includes restriction to the views that express and encourage racial or religious hatred. But sometimes this is manipulated in order to attain majority interests and the religious or racial minorities suffer in the name of freedom of speech. Responsibilities that come with the right must be taught and learned before using the right to achieve individual interests as it is being practiced today. Hate speech concerning racial and religious discrimination should not be justified in the name of freedom of expression. The vague conceptualization of human dignity and acceptable speech has caused many conflicts around the world. There is a necessary connection between freedom of expression models and their philosophical foundations. So its meaning is connected to a web of moral and political beliefs and concepts.³²

In civilized societies, the speech that creates danger or harm and obscenity is not protected under the freedom of expression. Speech that is intended to create or advance hatred directed towards any group based on race, ethnicity, religion, culture or any

²⁹ Ruth Levush, "Limits on Freedom of Expression: Comparative Summary", *Library of Congress*, last updated on December 30, 2020, <https://www.loc.gov/law/help/freedom-expression/compsum.php>

³⁰ *Article 10: Freedom of expression*, Equality and human rights Commission, last updated on June 12, 2020, <https://www.equalityhumanrights.com/en/human-rights-act/article-10-freedom-expression>

³¹ Ruth Levush, "Limits on Freedom of Expression: Comparative Summary", *Library of Congress*, last updated on December 30, 2020, <https://www.loc.gov/law/help/freedom-expression/compsum.php>

³² Ronaldo Porto Macedo, "Freedom of Expression: what lessons should we learn from US experience?", *Sielo*, Published in April, 2017, http://www.scielo.br/scielo.php?script=sci_arttext&pid=S1808-24322017000100274

other characteristics is also a non-protected speech.³³ The cartoons or any graphics portraying religious figure in a humiliating way is the hatred directed towards Muslims in particular and should not be protected under the freedom of expression.

Muslim minority in France

In 2008, Charlie Hebdo fired a cartoonist Maurice Sinet for an anti-Semitic remark in his column. Yet, Muslims were not allowed to protest against blasphemous cartoons back in 2012.³⁴ Any dispute, questioning or challenging in public, of the official government narrative surrounding the Holocaust, can land you in prison.

Another problem arose when a teacher in France showed cartoons of Prophet Muhammad (PBUH) to his students. Considering the religious sentiments of Muslims and how they have sacred value attached to his identity, this should not be justified in the name of freedom of expression. Muslims were enraged in France and some took the law in hand resulting in murder of the teacher. The cartoon character itself caused the conflict because one cannot disrespect religious sentiments of Muslims in France and all around the world. In France, there is a 7,500 Euro fine for the disrespect to French flag and the person showing disrespect to French official can be sued.³⁵ All the mosques in France are under surveillance assumed by the French State that the radicalization takes place in mosques.

The Response by the Political Leader of France

Emanuel Macron; the President of France said “Islam is in crisis all over the world”. This disrespectful statement towards any religion coming from an authority of a secular nation is not acceptable in any context. He unveiled an anti-radicalization plan to defend France’s secular values. In the past; whenever Muslims rose for their rights, France stood against them. His separatism Bill includes measures like; restriction on home schooling, harsher punishment for those who intimidate public officials on religious grounds, issuing ID numbers to the children to track them and if parents break these rules they could be jailed up to six months.³⁶ Government’s latest moves against separatism have added to the environment of Islamophobia. Macron’s measures have penalized all Muslims by closing Mosques, instead of targeting the culprits.³⁷

³³ David Guinn, “Philosophy and Theory of Freedom of Expression”, *DePaul University College of Law*, published in September 2005, [https://www.researchgate.net/publication/228309397_Philosophy_and_Theory_of_Expression](https://www.researchgate.net/publication/228309397_Philosophy_and_Theory_of_Freedom_of_Expression)

³⁴ Rifat Audeh, “The farce of Free Speech”, *Insamer*, November 5, 2020, https://insamer.com/en/the-farce-of-free-speech_3454.html

³⁵ “Has France waged a political war against Muslims?” *TRT World*, Nov 23, 2020, <https://www.youtube.com/watch?v=gpLMbGJEtE>

³⁶ *France's Macron asks Muslim leaders to back 'republican values' charter*, BBC News, November 19, 2020, <https://www.bbc.com/news/world-europe-55001167>

³⁷ Peter Yeung, “Amid a crackdown on ‘separatism’, how do French Muslims feel?”, *Aljazeera*, published on December 10, 2020, <https://www.aljazeera.com/features/2020/12/10/a-walk-in-paris-how-are-muslims-feeling-about-frances-policies>

On November 18, interior minister Darmanin said that they have to save their children from the Islamists' clutches. President Macron issued an ultimatum to the Muslim leaders including ban on political action from Muslim groups. He also presented the French Council of the Muslim Faith, which is a fifteen days' ultimatum to accept a charter of Republican values. The main values proposed by the charter are; Imams to be registered and given accreditation by CFCM (which can also be withdrawn) and the rejection of political Islam and any foreign interference.³⁸ The State has never interfered with Catholic faith but they have shown keen interest in controlling the way Islam is being practiced because it is a minority religion. Thus, freedom of expression is only practiced by the privileged population to represent their dominant ideology which has disrespected the religious sentiments of Muslims.

After the incident, the French government started to shut down Muslim NGOs without any proof or accusation. They merely took decision arbitrary level in the ministry. White supremacy organizations were never shut down who even plan terrorist attacks against Muslims living in France but they are not part of minorities so they are not being held accountable. France ordered dissolution of the largest Muslim NGO "CCIF", which works to document anti-Muslim racism. This kind of dissolution is the direct assault on Article 11 of the European Convention on Human Rights; Freedom of association and assembly.³⁹ Right to peaceful assembly and association has also been protected within Article 20 of UDHR. Closure of several mosques, Muslim schools and organizations has raised many questions on the rights of minorities in France.

Response of Global Leaders

Many countries banned French products to protest against what the president of France said while defending the right to freedom of speech which disrespected a religion. Muslims all over the world started a movement on social media to voice their concern of hurting their religious sentiments by disrespecting Prophet Muhammad (PBUH). The president never apologized for what he said but he said that his speech was misunderstood by everyone who has given forceful reactions internationally against France. The economic interest of France was at stake when they got their products banned in every Muslim country. French leaders started to defend themselves after hurting the religious sentiments of the Muslims so that the Muslims around the globe might calm down. If they did not defend the blasphemous content previously, in the name of freedom of speech; the conflict might have not generated at all.

Egypt's President Abdel-Fattah said, "We have the right for our feelings not to be hurt and for our values not to be hurt" freedom of expression should be stopped if it has offended more than a

³⁸ Ibid.

³⁹ Ibid.

billion population around the globe. Turkish President, Recep Tayyip Erdogan highly discouraged Macron's response to a blasphemous act and he officially boycotted the French products. Anti-French protests have been erupted across the Muslim World. The backlash is against strict secularism that upholds satire and blasphemy as freedom of expression.⁴⁰ The French society will be divided into two halves if the leaders to not realize that the freedom of expression is a right worth defending; but it is not absolute that can overturn all other human rights.

Challenges of Muslims living in France

The Muslims in France have not been treated equally as there are certain stereotypes attached to their identity. They fear being judged at every sphere of their lives. Especially, the women in hijab have been mistreated. Stabbing of hijabis, lack of education facilities for the ones covering their head have been some of the common incidents in France.⁴¹

Since 2015, parliament-approved exceptional measures under the state of emergency led to thousands of abusive and discriminatory raids and house arrest targeting Muslims.⁴² In June 2020, the European Court of Human Rights found that the convictions of eleven activists in France for campaigning for a boycott of Israeli products violated their free speech.⁴³

Challenges of Muslims in France have increased recently as the government announced the fight against "Islamic separatism". Islamic organizations, civil society and even children have been targeted.⁴⁴ The state has started operations against radicalism in mosques and education institutions where Muslims have started to feel unsafe. Islamophobia in the French society has drastically increased. Two Muslim women were stabbed in Paris on 18th of October. On 22nd October, two Jordanian nationals were assaulted in the city of Angers for speaking Arabic. In South Eastern region of France, four school going kinds were grilled for more than eleven hours in a police detention due to false allegations of justifying

⁴⁰ Tracey Shelton and Michael Doyle , "How cartoons of the Prophet Mohammed placed France in the firing line of radical Islam", *ABC News*, published on October 31, 2020, <https://www.abc.net.au/news/2020-10-31/how-mohammed-cartoons-are-causing-problems-between-france-turkey/12826648>

⁴¹ Tracey Shelton and Michael Doyle , "How cartoons of the Prophet Mohammed placed France in the firing line of radical Islam", *ABC News*, published on October 31, 2020, <https://www.abc.net.au/news/2020-10-31/how-mohammed-cartoons-are-causing-problems-between-france-turkey/12826648>

⁴² *France is not the free-speech champion it says it is*, Amnesty International, November 12, 2020, <https://www.amnesty.org/en/latest/news/2020/11/france-is-not-the-free-speech-champion-it-says-it-is/>

⁴³ *France is not the free-speech champion it says it is*, Amnesty International, November 12, 2020, <https://www.amnesty.org/en/latest/news/2020/11/france-is-not-the-free-speech-champion-it-says-it-is/>

⁴⁴ Tracey Shelton and Michael Doyle , "How cartoons of the Prophet Mohammed placed France in the firing line of radical Islam", *ABC News*, published on October 31, 2020, <https://www.abc.net.au/news/2020-10-31/how-mohammed-cartoons-are-causing-problems-between-france-turkey/12826648>

terrorism.⁴⁵ French police raided Prominent Muslim homes after the murder of the teacher. Every Muslim has been started to be viewed with the lens of a radical Islamisist. The government's recent steps have deliberately provoked Muslims around the World.

Conclusion

In the highly globalized world; where cultural and religious diversity is integrated, people are interconnected, everyone has access to information and knowledge is being transmitted so fast. It has become truly essential to formulate policies based on respecting the core principles of all the religions. The freedom of speech has inevitable risk of hurting people; especially religious sentiments, leading individuals to embrace false ideas or other harms. So the religious ideologies must be strictly protected within the human rights act. There is no single agreed-upon ideal regarding speech, and no perfect order with which to guide it. There has to be certain way to define wrong conduct of freedom of speech which can prevent future conflicts. The rights of religious and racial minorities must be kept in focus because the serious implications on their lives can be seen in France and other parts of the world. The world needs peace which is only possible through tolerance, mutual understanding and protecting every human right without any discrimination.

Policy Recommendations

Article 19 of the Universal Declaration of human right must add blasphemy in one of the restrictions or limits of the right to freedom of expression. The universal values must be taken into consideration while formulating policies for human rights protection. Only the strict secular values being considered in lawmaking has already caused many cross-cultural conflicts. It has the tendency to cause inter-faith conflicts which might not remain limited to a political war but will possibly lead to violent conflict in future. The policies must protect the rights of religious minorities in France and all around the world. Weaker groups like Muslim minority should be given more space in France. They must be able to find institutional representation in a democratic state. Historical and religious narratives must be respected.

Findings

Cross-cultural conflict has been caused by the wrong use of freedom of expression. The conflict rose due to the difference of ideology and faith which can be known as Inter-faith conflict. The hypothesis of current research is accepted as the freedom of expression can and has generated international conflict between ideologies. Freedom of expression has only been practiced by the privileged people to represent their dominant ideology which has disrespected the religious sentiments of Muslims. It will continue to happen if the amendments in the Human Rights Act are not

⁴⁵ Alaattin Dogru, "French government increases pressure on Muslims", *Anadolu Agency*, November 9, 2020, <https://www.aa.com.tr/en/europe/french-government-increases-pressure-on-muslims/2037247>

made, in order to include religious disrespect in the restriction. Many people got prosecuted because they exercised their right to freedom of speech, many journalists lost their jobs because of exercising this right. This means that elite will keep enjoying their privilege and the right will be used by them only, not providing any security to the minorities who try to practice it. So, the right has to be used with a huge responsibility and the restrictions must be taken into consideration. The religious values and ideas which are sensitive to talk about must not be included in the freedom of expression. Some restrictions have to be added clearly in the Human Rights Act to protect rights of the citizens all around the world to practice their religion and restrict anyone who tries to disrespect any religion at any point of time and context.

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