

[FR] Application to Have the Poster for the Film Amen Withdrawn

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*Amélie Blocman
Légipresse*

Before the latest Costa-Gavras film came out in France on 27 February, there was a good deal of fuss about the poster advertising the film. The poster represents a full-size red Catholic cross on a black background extended to merge with a swastika, with photographs of a priest and a German officer on either side and the title of the film "Amen" - in the centre. Considering that such a poster constituted defamation in respect of a group of persons by reason of their belonging to a specific religion, the association Alliance Générale contre le Racisme et pour le Respect de l'Identité Française et chrétienne (AGRIF - general alliance against racism and for respect for the French and Christian identity) had the producer, director and distributor of the film summoned to appear before the judge sitting in urgent matters to have the disputed poster banned from being shown in public. The judge began by recalling that the principle of legality demanded that any restriction placed on freedom of expression had to fall within positive law. Consequently, only the existence of defamation within the meaning of legislation on the press could substantiate the alleged nuisance. The complainant claimed that the defamation of the Catholic community was the result of the confusion between the Christian cross and the swastika and the juxtaposition of two photographs representing the face of a member of the Catholic clergy and that of a Nazi officer, and lastly the choice of the title - "Amen" - suggesting that Catholics approved of Nazism. However, the judge found that the poster did not represent a Catholic cross extended into a swastika, as the lower branch of the latter was not at an angle but pointed downwards. The film was centred on the common desire on the part of a German officer (a fervent Christian) within the Nazi system and a member of the Catholic clergy to denounce the tragedy of the Holocaust to the whole world. The judge found that an open-minded reading of the poster indeed pointed to a desire to break the Nazi swastika and to plant once more on earth - as if to re-humanise it - the cross that is still worn by an entire community. He therefore concluded that the poster, being more enigmatic than demonstrative, was perfectly in keeping with what the film had to say and that it reflected current thinking in the French episcopacy. Furthermore, the judge considered that it was a fair reflection of what the filmmaker had to say, opening the debate on the controversy caused by the attitude of the Church during the war, which was still the subject of much questioning.

Tribunal de grande instance de Paris (ordonnance de référé), 21 février 2002 - AGRIF c/ Sté Renn Productions et autres

Regional Court of Paris (sitting in urgent matters), 21 February 2002 - AGRIF v. Société Renn Productions et al.

