[FR] Cinema Posters, Freedom of Expression and Respect of Religious Beliefs

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As soon as the posters appeared throughout France, AGRIF (the French general association against racism and for respect of the French Christian identity) took urgent legal action to obtain a ban on the poster for the film Larry Flynt, on the grounds that it infringed the respect of religious beliefs. The background of the disputed poster showed a woman's body, from the knees to the stomach, clad in a bikini, and superposed on it was the almost stylised image of a man in a crucified position, with the American flag draped round his hips. The judges, taking the classical line of caselaw, while recognising the deliberately provocative nature and questionable taste of the disputed illustration, refused to have it banned. They felt the poster was not pornographic and did not constitute any kind of offence against any religion or religious group; they did not agree that the illustration constituted a representation of Christ or a reproduction of the Cross (the Christian religious symbol).

A ban of this kind, which constitutes a serious violation of the freedom of creation and expression, should remain exceptional and only be ordered in cases where the prejudice claimed could not be made good by a trial judge awarding damages. It was therefore refused in this case as the petitioner association did not demonstrate the existence of a flagrant insult to the religious feelings of the petitioners, which alone would constitute a manifestly unlawful nuisance.

Tribunal de grande instance Paris (ord. réf.) 20 février 1997 - AGRIF c/ Columbia Tristar Films TGI Paris (ord. réf.), 20 février 1997 - Maupéou d'Ableiges et autres c/ Columbia Tristar France.

Regional Court of Paris (sitting in urgent matters), 20 February 1997 - AGRIF v. Columbia Tristar Films, Regional Court of Paris (sitting in urgent matters), 20 February 1997 - Maupéou d'Ableiges et al. v. Columbia Tristar France.

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