

Religious Hatred Bill: Answers to likely arguments



CHRISTIAN INFLUENCE IN A SECULAR WORLD

The law is needed to address the loophole whereby Sikhs and Jews are protected from racial hatred but Muslims are not.

A. Sikhs and Jews are protected by *race* laws because they are mono-ethnic religions. But it is their *race* that is protected not their religion. There are court cases in which Muslims were protected in a similar way. The Government now places less reliance on this argument.

The law is needed to protect Muslims from a potential ‘backlash’ following the terrorist attacks.

A. There are a wide range of laws available to tackle extremism. The Public Order Act 1986 outlaws causing fear of violence, harassment, alarm or distress. In addition, inciting anyone to commit any criminal offence is itself illegal. In 2001, the government brought in new ‘religiously aggravated offences’ which increase the penalty for certain existing crimes where they are aggravated by religious hostility. So, for example, when a BNP activist put up a poster saying “Islam out of Britain”, he was held to have broken the law against causing ‘harassment, alarm and distress’ (Norwood, 2002). In addition, his sentence was increased to reflect the ‘religious aggravation’ element.

The law is necessary to protect community cohesion.

A. It will cause disharmony not harmony. Militant religious (and secular) groups will use the law against each other for criticism of their beliefs. This has happened in the Australian state of Victoria where a Muslim group successfully complained against a Christian minister for criticising fundamentalist Islam. Some Christians in Victoria are now looking for opportunities to sue Muslims ‘back’. The Attorney General of India has pointed out that similar laws in India had a disastrous effect on the relationships between the various religious faiths.¹

The new law is necessary to tackle Muslim extremists who preach terrorism.

A. Even the Government does not really believe this – it wants to bring in a whole raft of new anti-terrorism laws after the recent London attacks. The Prime Minister has said he wants to tackle the ideology behind Islamic terrorism. You can hardly do that effectively if there is a law which could be used to prosecute criticism of fundamentalist Islam.

The Government has to introduce a religious hatred law as it was an election manifesto pledge.

A. The manifesto didn’t specify the wording of the law. There are numerous ways of legislating against hatred without following the model chosen for this Bill.

The new law will not affect criticism, commentary, ridicule or proselytism.

A. The simple fact is: it does not say that in the Bill. It may be the Government’s intention, but Government Ministers have not written any safeguards into the Bill which guarantee that. Once the law is in the hands of the lawyers, the only thing that counts is what the law says.

The offence has a high threshold – you have to prove someone was stirring up ‘hatred’, which is a strong word.

A. Christians oppose real hatred, but the trouble is that the law could classify disagreement as hatred. This is because the offence has a subjective definition. Reasonable statements of Christian belief are often characterised as ‘hatred’ by people who strongly disagree with them. In Australia, Daniel Scot, a Pakistani Christian pastor, who made reasonable, mainstream criticisms of fundamentalist Islam, was held to have broken a law against stirring up ‘hatred’.

¹ House of Lords Select Committee on Religious Offences Session 2002-03, HL Paper 95-I, Vol.1 para. 52

The offence has a high threshold – you have to prove someone was ‘threatening, abusive or insulting’.

A. So at its lowest, this means that you have to prove that someone said something that was insulting. People feel insulted all the time. It is a low test. In the Hammond case in 2002, it was held that a placard equating homosexuality with immorality was insulting to homosexuals. The man who held the placard was convicted of a public order offence. Presumably this means saying that a particular religion is ‘immoral’ will be regarded as insulting for the purposes of the religious hatred law.

The kind of cases you are worried about will never get past the ‘evidential’ and ‘public interest’ tests imposed by the Crown Prosecution Service.

A. Why should our religious freedom depend on the discretion of an official in the CPS? Maybe they will throw out trivial cases, maybe they won’t. Even if they do, this will not prevent preachers being investigated by police. It will not prevent them being arrested. It will not prevent them being charged. Even if the CPS throws out the case, their religious freedoms will already have been infringed.

Cases will not be prosecuted unless the Attorney General gives his permission. This will filter out the bad cases.

A. The Attorney General cannot stop police investigating or arresting people for religious debate. He cannot stop them passing a file to the CPS. He can only stop a prosecution.

There have only been a few racial hatred prosecutions so there will be only be a few religious hatred prosecutions.

A. Religion is not like race. Changing race is impossible. But changing religion and debate about religion are common place. There are many more instances where a law on religion could be invoked. In pubs and pulpits all across the country people debate religion, sometimes with great feeling. It is unacceptable to impugn someone because of their race. But it is perfectly proper to criticise someone’s religion. Indeed Christians have a moral obligation on them to preach the Gospel which involves saying where other religions are wrong.

It is possible to distinguish between a believer and their beliefs. This law protects believers.

A. The distinction does not work in practice. The Act defines believers by what they believe. This means that criticism of belief is covered. If the beliefs that a person holds are attacked, that person could feel insulted. If others join in with criticism this could be held to mean that ‘hatred was stirred up’ – so an offence could be committed.

The law requires proof of ‘intention’. Surely no-one who intends to stir up religious hatred should get away with it.

A. Yes, but the offence covers more than intention. The Bill also says a man can be guilty of an offence if his words are *likely* to be heard by any person in whom they are *likely* to stir up hatred and he was aware that his words *might* be insulting.

The Australian pastors you referred to were convicted for calling Muslims “demons”. You don’t want to allow that sort of thing do you?

A. That is untrue. They never called Muslims demons. The two pastors are appealing the case, partly on the basis that the Judge got many of his facts wrong.

The Bill has wide support from all faiths.

A. This is simply not true. The Home Office is relying on a small group of religious representatives who have signed a statement. But everybody knows there is a very wide range of religious groups who oppose the offence. The Government can’t rely on one set of religious groups as if they represent all religious people. They cannot listen to religious groups who agree with them whilst ignoring those who don’t.

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