

## Blunkett: Evangelicals are like Islamic terrorists

The Government is trying for a third time to introduce an offence of 'inciting religious hatred' in England and Wales. In 2004 when the Government tried a second time, the then Home Secretary, David Blunkett, made an astonishing statement. He argued society needed protection from "...those who would take our lives because they reject our faith, and it applies equally from far right evangelical Christians, to extremists in the Islamic faith."<sup>1</sup> In doing so, the Home Secretary equated evangelical Christians with Islamic terrorists.

This is outrageous. No evangelical group in the UK seeks to kill those with whom it disagrees. The statement implicitly shows the danger in allowing the state to adjudicate what constitutes 'legitimate belief'.



<sup>1</sup> Speech to the Institute for Public Policy Research, 7 July 2004

# The proposed law

The wording of the new offence, which carries a maximum penalty of seven years imprisonment, is ambiguous and dangerously open to subjective interpretation. The Racial and Religious Hatred Bill amends the 1986 Public Order Act, widening the offence of inciting racial hatred to include religious hatred. Yet it gives no definition of religion – so even dangerous cults could claim protection under the law.

To get a conviction under the proposed offence, the prosecution must prove a person used 'threatening, abusive or insulting words, or behaviour' or displayed any written material which is threatening, abusive or insulting. They must then either prove that he *intended* to stir up hatred or that religious hatred was *likely* to be stirred up.

Today few people can claim to be ignorant of the possibility that religious controversy might be regarded as insulting. It is easy to envisage how religious debate might fall foul of such a widely drafted offence. Worse still, the Government has made clear that the truth of your statement is no defence.<sup>1</sup>

The Government argues there will be few prosecutions under the new law. Yet even if this is so, the law will have a 'chilling' effect

on free speech. Before a judge ever gets to hear a case under the new law, individuals will be making assessments of whether they feel their actions might fall foul of it and may well self-censor what they say as a result. Still others will allege broad interpretations of the law in order to threaten those with whom they disagree. The existence of the law will encourage minority religious groups to make malicious complaints in the hope of forcing the police to launch investigations. Some investigations will result in arrests. By this point free speech will already have been curtailed, regardless of whether a prosecution follows.

<sup>1</sup> House of Commons, Standing Committee E, Racial and Religious Hatred Bill 2005, Third Sitting, 30 June 2005, col. 98



Thousands protest outside Parliament

## The law will cause religious tension, not harmony

A religious hatred offence would seriously harm freedom of speech because it would be used by those who are hostile to certain religious ideas. It would set groups of religious (or irreligious) believers against each other. This is borne out by increasing evidence from similar legislation abroad.

The House of Lords Select Committee considered the position in India. It reported a warning by the country's Attorney General, Soli Sorabjee, that India's legislation against religious hatred is proving counter-productive:

"...experience shows that criminal laws prohibiting hate speech and expression will encourage intolerance, divisiveness and unreasonable interference with freedom of expression. Fundamentalist Christians, religious Muslims and devout Hindus would then seek to invoke the criminal machinery against each other's religion, tenets or practices. That is what is increasingly happening today

in India. We need not more repressive laws but more free speech to combat bigotry and to promote tolerance".<sup>1</sup>

There is also growing concern about the religious hatred law introduced in the Australian State of Victoria in 2001. Some Muslim leaders now regard the law as undermining religious freedom and Melbourne's Roman Catholic and Anglican Archbishops are also voicing concern.<sup>2</sup> This follows the conviction of two Christian pastors who held a church seminar on the Koran; and the case of a convicted paedophile and self-proclaimed witch, who launched legal action against the organisers of a Christian course that contained criticism of the occult. The UK Government argues the Victoria law is different to their proposals. Leading barristers agree it is different. They say the proposed offence is far worse because it is a criminal and not a civil offence, with fewer defences available and

a maximum seven year prison sentence.

Freedom of speech is already being undermined in the UK. In 2001, the Mysticism and Occult Federation made multiple complaints to the Radio Authority against Premier Christian Radio in London for airing sermons warning about the occult. Surprisingly the Authority upheld some of their complaints.<sup>3</sup> In 2002, a church member from Milnrow Evangelical Church near Rochdale was visited by the police and told he had

committed a serious racial offence by distributing Christian literature to Muslims. He took legal advice confirming he had not broken any law, resulting in the police backing down. A new religious incitement offence would have made both these situations far worse.

<sup>1</sup> Quoted in House of Lords Select Committee on Religious Offences in England and Wales, Session 2002-2003, HL Paper 95-I, vol. 1, para. 52

<sup>2</sup> *Herald-Sun*, 29 June 2005

<sup>3</sup> *Radio Authority Quarterly Complaints Bulletin*, July-September 2001

### What happened with the religious hatred laws in India?



**Such laws "will encourage intolerance, divisiveness and unreasonable interference with freedom of expression"**  
Soli Sorabjee,  
Attorney General of India

# Answers to the Government's arguments

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

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. It is already a criminal offence to incite a crime against another person, whether or not religion is the cause. In 2001 Parliament passed new laws creating 'religiously aggravated' offences, which provide additional safeguards. Significantly, the law against inciting racial hatred can also be used where it is clear that religion is being attacked as a proxy for race. The new offence is not needed.

**2** "The new law will not affect criticism, commentary, ridicule or evangelism"

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.

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

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.

**4** "The offence has a high threshold – you have to prove someone was stirring up 'hatred', which is a strong word."

Christians oppose 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'.

**5** "The offence has a high threshold – you have to prove someone was 'threatening, abusive or insulting'."

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.

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

The Attorney General cannot stop police investigating or arresting people for religious debate. He cannot stop them passing a file to the Crown Prosecution Service. He can only stop a prosecution. By that time the damage will have been done. Furthermore, the Attorney General and judges should not be required to adjudicate on people's religious beliefs.

## Australian pastor 'guilty' of vilifying Islam

In March 2002 in the Australian State of Victoria, Daniel Scot held a seminar on Islam. Daniel is a Pakistani Christian who was forced to flee from his homeland because he refused to convert to Islam. He has

studied Islam for many years and knows the religion very well and in particular the dangers of fundamentalist Islam.

Daniel gives many seminars for Christians on the teaching of Islam. So it was, in March 2002, that he was giving his usual

seminar. Two months earlier the State of Victoria had passed a law banning 'religious vilification'.

This law is similar to the offence being proposed for England and Wales. In the seminar, Daniel made his usual comments about Islam – about its teaching relating to Jihad, women and the punishment of thieves. Unknown to Daniel, three Australian Muslim converts had been sent with the intention of taking offence and making a

complaint based on the new 'vilification' law.

As a result, Daniel was charged with religious vilification. In December 2004, after a court case lasting over a year, he was convicted of inciting religious hatred. Under the Victoria law, any statements made for any genuine religious purpose by a person acting reasonably and in good faith are exempt from the "vilification" offence. But, despite his extensive knowledge and experience of Islam and despite the fact that his seminar was for Christians in a church, the judge did not grant this exemption. There is no such exemption in the UK Government's proposals.

The court has ordered Daniel to place four advertisements in Victorian newspapers carrying an apology bearing his name but written by the Islamic Council of Victoria. The court has also ordered Daniel not to make any similar criticisms of fundamentalist Islam anywhere in Australia ever again. In August 2005 Daniel was granted leave to appeal.

## Daniel Scot's UK meetings

**From the 22nd - 25th of August The Christian Institute held four meetings about the Government's proposed law of incitement to religious hatred. The meetings were held in London, Cardiff, Newcastle and Liverpool. Approximately 2,400 people attended the meetings. Pastor Daniel Scot spoke at each of the meetings. Daniel faces a possible prison sentence in Australia because he criticised fundamentalist Islam in a church seminar. He was found 'guilty' under a religious vilification law in the state of Victoria. In August Daniel was granted leave to appeal to the State's Supreme Court. The Australian law is very similar to the 'incitement to religious hatred' offence being proposed by the UK Government.**

**At the meetings Daniel encouraged Christians to defend religious freedom by actively opposing the Religious Hatred Bill. A tape of the meetings can be purchased from The Christian Institute, or can be listened to free on our website, [www.christian.org.uk](http://www.christian.org.uk)**



# Hold your own campaign meeting

The Christian Institute has produced a meetings resource pack encouraging Christians, particularly church leaders, to hold their own meetings about the proposed incitement to religious hatred offence. The pack, entitled *'Incite your own meeting'*, is available to download for free from the Institute's website at [www.christian.org.uk](http://www.christian.org.uk)

The pack provides a suggested meeting timetable, along with transcripts and additional resources for you to use. Included in the transcripts available is a talk prepared by a barrister on why the proposed law is unnecessary and would be dangerous if passed. Also available is the story behind Daniel Scot's conviction in Australia, including his warnings against the proposed UK legislation, and a section on practical points for what you can do to oppose the Bill.

This is the first time The Christian Institute had produced a meetings pack. This reflects the seriousness of the issue concerned. It is vital that as many Christians as possible hear about this issue and receive good guidance on how to pray and act. To this end, in addition to encouraging Christians to hold their own meetings, during September and October The Christian Institute held many meetings throughout the country on this one issue. The meetings called *'Gospel freedom in jeopardy'* were held at venues including Blackburn, Birmingham, Bristol, Hove, London, Nottingham and Rochester. The meetings were of great encouragement, attended by many people who were concerned about the Bill and anxious to do what they could to oppose the offence.

If you would like The Christian Institute to hold a meeting in your area, please contact us. We cannot guarantee to accept every invitation but we will consider each one carefully. To be kept up to date with any future meetings in your area, please contact us to join our free mailing list.

# What **you** can do to stop the planned religious hatred law



## Understand the issue

We need to oppose the Government's plans and we need to do so in a way which is firm but also accurate. To help you understand the issue, there are a number of resources available from The Christian Institute. These include an in-depth briefing about the Bill and answers to Frequently Asked Questions. Copies are available from our office and can be downloaded for free from our website, [www.christian.org.uk](http://www.christian.org.uk)

## Pray

The Bible urges '*...that requests, prayers, intercession and thanksgiving be made for everyone—for kings and all those in authority, that we may live peaceful and quiet lives in all godliness and holiness.*' (1 Timothy 2:1-2). Please make this a subject of concern for your own prayer, for your prayer groups and for your church. Please pray that the proposals are defeated. Please pray for wisdom for The Christian Institute and all the other organisations involved in responding to the Government's plans. Please pray for Christian politicians that they will be given wisdom. Pray for fair reporting of the issues in the media.

## Visit your MP

It is anticipated that the Lords will reject the offence as it is currently worded. They may pass an alternative amendment in order to protect freedom of speech. If this happens, the Bill will go back to the Commons and MPs must vote again. It is therefore vitally important that you visit your MP about this issue. Even if you have contacted your MP about this in the past, please visit your MP in person. An information sheet giving advice about meeting your MP on this issue can be obtained by phoning our office or visiting our website.

# Christians oppose hatred, so why are we against this law?

On the surface, banning religious 'hatred' may seem legitimate. After all, Jesus commanded us not to hate our enemies, but love them (Matthew 5:43-44). So what could be wrong with a law against religious hatred? Well, the problem is that the proposed law catches far more than 'hatred'. It could outlaw ordinary criticism of false religion, wrong ideas or immoral behaviour. This view is supported by leading lawyers, politicians, journalists and people of many different religions and none.

When religious liberty is threatened, Gospel liberty is also in danger. It becomes more difficult to proclaim the Gospel and more difficult for Christians to live out godly lives that witness to the Gospel. Jesus himself warns his followers not to lose their saltiness, lest they become useless and trampled on by men. Jesus wants us not to be ashamed but rather to put our light on its stand (Matthew 5:13-16). Christians should therefore be concerned greatly about any laws or policies that limit our religious liberty.

It is not hating a person to tell them that they need a Saviour. It is loving them. It is not hating someone to say that what they believe is wrong. Jesus was the most holy and loving person who has ever walked on this earth. If at times people found his words insulting, then we can be sure that people will find our words insulting too.

As Christians, we are instructed to pray for the governing authorities that we may live peaceful and quiet lives in all godliness and holiness. Paul

says this is good and pleases God our Saviour who wants all men to be saved and to come to a knowledge of the truth (1 Timothy 2:1-4). Clearly, Paul thought this could be helped or hindered by the actions of the state. In other words, we are to pray for freedom to live the Christian life and to proclaim the Gospel.

## What if the law is passed?

If this law is passed, we are not saying all criticism of religion or all claims about the uniqueness of salvation in Christ would become illegal overnight. But there is a real danger that litigious organised groups would use it to try to silence their critics. Case after case would ratchet up the restrictions on free speech and evangelism.

However, we must not water-down the Gospel for fear of the law. Whatever happens, we must obey the Great Commission: "...go and make disciples of all nations, baptising them in the name of the Father and of the Son and of the Holy Spirit, and teaching them to obey everything I have commanded you." (Matthew 28:19-20). Our religious freedoms have been hard won over centuries and we must not give them up.

## What happened in the Commons



In July 2005 the Racial and Religious Hatred Bill passed its Third Reading in the House of Commons. The Bill is now in the House of Lords where it is facing strong opposition. There is a good prospect of the Lords rejecting the Bill as currently worded. If this happens, the Bill could be sent back to the Commons towards the end of this year. It is not a foregone conclusion that the Government will win another vote in the Commons. At Report Stage the Commons voted on an amendment deleting the incitement offence from the Bill, replacing it with a modification of existing race hate laws. Although the amendment was defeated by a majority of 58, the Conservative party did not impose a three-line whip. If they had done, the majority might have been cut to 19. Furthermore, whilst 14 Labour MPs voted for the amendment, it could be that between 30 and 40 Labour MPs deliberately abstained.

## What others have said

### Lord MacKay of Clashfern

*"...the Bill is going forward with proposals on religious hatred without any definition [of religious hatred]...without such a definition, the Bill is open to serious misapplication..."*  
(Lords Hansard, 11 October 2005, col. 170)

### Lord Pilkington of Oxenford

*"It will be a hunting ground for fanatics."*  
(Lords Hansard, 11 October 2005, col. 195)

### David Heath MP (Liberal Democrat)

*"...there is a high likelihood of vexatious or other complaints to the police that will result in investigation and which will thus effectively lead to the harassment of people who are legitimately proselytising their faith or behaving properly, which will have an effect on free speech."*  
(Commons Hansard, 21 June 2005, cols 682-683)

### David Davis MP (Conservative)

*"...the Attorney-General will decide if someone has gone too far and broken the law...Before it reaches that stage, however, an individual can be investigated and have his character called into question...Inevitably, we will end up with a situation where serious debate and freedom of speech are limited...We risk creating a tit-for-tat situation which encourages suspicion and mistrust between religions, rather than the harmony that we seek."*  
(Commons Hansard, 21 June 2005, cols 686 and 688)

### Bob Marshall-Andrews QC MP (Labour)

*"At root, the matter is philosophical; there is a profound difference between hatred based on race, sex or age – all of which are thrust upon us; we have no choice – and on religion, which is not thrust upon us. Religion is a matter of choice; it is a matter of what we do. It is intolerable, and should be criminal, to incite hatred of a man or woman because of what they are, but I have grave doubts whether it should be criminal, as opposed to merely socially unacceptable, to incite hatred of someone because of what they do."*  
(Commons Hansard, 7 December 2004, col. 1075)

## Examples of how the law could operate

Conspicuously absent from all the parliamentary debates is a single clear example from the Government of activity that it intends to be caught by the new law but that is not *already* illegal under existing law. Below we give several examples of how we believe the new law may operate in practice.

- A journalist writes a piece for a national newspaper describing Islam, with its concept of Jihad, as a war-mongering religion. He cites the July 7<sup>th</sup> bombings and the July 21<sup>st</sup> attacks and quotes Islamist preachers who have praised the actions of the terrorists. A Muslim organisation calls for prosecution. A reader of the newspaper gives a witness statement to the effect that he "was almost drawn in" by the article. He realises now that he was wrong, but he confesses that, when he read the article, he believed it. There is widespread comment about the case in the press and enormous pressure on the CPS to prosecute.
- A journalist writes an article saying that the Scientologists are an evil cult. Previous official rulings have denied Scientology the status of a religion. However, since the new offence includes no definition of religion, Scientologists report the journalist to the police, claiming that he is inciting religious hatred against them.
- A Muslim Imam is well-known for speaking out against the Jewish belief that Israel is a land given to the Jews by God. A Jewish campaign group complains that his actions incite hatred against them.
- A Protestant church leader preaches from his pulpit that the Pope is the Anti-Christ. This is a belief held by a significant minority of sincere Protestants. As a result of a complaint from a Roman Catholic, a file is prepared and sent to the Attorney General.
- A journalist writes an article arguing that Freemasonry amongst the police and judges is a wicked conspiracy which corrupts the judicial system. Freemasons, noting that the Bill contains no definition of religion, argue that the journalist has incited religious hatred against them.
- A Sikh journalist writing in a Sikh newspaper argues that Muslims in Kashmir are "wicked butchers" and "less than human" for killing 35 Sikhs in a massacre in Kashmir in March 2000. A militant Muslim group in the UK reports the journalist to the police and presses for a prosecution to be brought against him.