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Britain

Racial and Religious Hatred Bill - a serious threat to free speech

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Britain's Blairite Labour government is proposing to introduce what they call the Incitement to Religious and Racial Hatred Bill, allegedly to protect Muslims against Islamophobia. Alan Thornett, a leading member of the ISG and member of Respect's leadership argues that it will do quite the opposite; in fact it will extend Britain's already existing and archaic blasphemy laws and threaten free speech. George Galloway has already voted for this Bill during its current progress through Parliament and a majority on the Respect National Council appear to find no problem with it. Thornett argues that this is a big mistake.

The House of Lords has voted by a majority 260 votes to 111 to reject the Racial and Religious Hatred Bill which is currently before Parliament. The Government will now have to decide whether to carry out its threat to use the Parliament Act to force it through or compromise with amendments proposed by the Lords.

[<https://www.internationalviewpoint.org/IMG/jpg/elmosque.jpg>]

The Bill - which covers England and Wales - is a serious threat to free speech and civil liberties and is an integral part of the wider attack on civil rights launched by new Labour as part of its "war on terrorism". Effectively it expands the arcane blasphemy laws, which already exist in Britain, and will promote intolerance and bigotry, further divide religious communities, and raise the spectre of censorship.

This is a serious problem for Respect, since George Galloway voted for the Bill at its third reading in the Commons as a Respect MP. Moreover, though Respect itself has not taken a position on the Bill the bulk of those who spoke in a debate on the Bill at the Respect National Council in September supported it.

The Bill extends part 3 of the Public Order Act 1986 to create a new offence of incitement to religious hatred. If it goes through anyone who publishes or says anything "likely to be heard or seen by any person in whom it is likely to stir up racial or religious hatred" will be committing a criminal offence liable to seven years in prison. Language used only has to be considered as "insulting" to be actionable.

Already a protestant evangelical pressure group, Christian Voice, has warned that it will seek to use it to prosecute bookshops selling the Qur'an for inciting religious hatred. Its director Stephen Green told the Guardian: "if the Qur'an is not a hate speech, I don't know what is".

New Labour claims that the Bill will defend the Muslim community from islamophobic attacks - most of which are generated by its own demonisation of the Muslim community in the wake of its invasion of Iraq of course. Yet similar legislation in Australia promoted in the same way, has been used against Muslims by Christian fundamentalists.

Shami Chakrabarty, director of Liberty, which strongly opposes the Bill, said, following its publication: "There may be good intentions behind this Bill, but the road to censorship is paved that way".

In fact the Bill is a cynical ploy by new Labour to redress the damage done to its Muslim vote by its war in Iraq. During the general election Home Secretary Charles Clarke wrote to every mosque in the country pointing to the proposed Bill and highlighting Tory and Liberal Democrat opposition to it.

Liberty, in a well argued briefing paper on the Bill, quotes Dr Ghayasuddin Siddiqui of the Muslim Parliament on this. He says "The Muslim concern for protection, equality, and social inclusion is real and genuine. However, this piece of

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legislation is driven by political motives to stem the haemorrhaging of Labour support amongst the Muslim community."

Moreover the Bill adds nothing to current law since incitement to religious hatred - in its various forms - is actionable under existing legislation. In particular under an amendment to the 1998 Crime and Disorder Act, which extends the offence of causing alarm or distress to include cases that are racially or religiously aggravated.

Liberty cites BNP members who are currently facing prosecution for comments about Muslims filmed and shown on TV on the BBC programme Secret Agent. Islamaphobia is racial hatred under a religious guise.

Liberty's briefing paper goes on:

"Criminalising even the most unpalatable, illiberal and offensive speech should be approached with grave caution in a democracy. Free speech is far more precious than protection from being offended. The criminalisation of expressed opinions is often turned on the vulnerable communities it was designed to protect. Our criminal statute book is bursting with public order, violent, and property offences directed at those who strive to turn hate into real intimidation or action against people".

The Bill turns the focus from the necessary protection of the individual to the protection of belief systems themselves, i.e. a blasphemy law. It would allow people to claim that is it they, and not their ideas, which are under attack - thus generating arguments as to whether strongly expressed views on other people's religious beliefs are actionable.

In the Lords Liberal Democrat Peer (and respected civil rights lawyer) Lord Lester puts it this way:

"In seeking to criminalise the stirring up of religious hatred the Bill links vulnerable groups to religion or belief. It is that link, between protecting groups of people and protecting their beliefs and practices which gives the impression to those seeking to protect their religion against insult that the offences are akin to a blasphemy laws writ large".

He points out, as an example, that Sir Iqbal Sacranic, the leader of the Muslim Council of Britain is convinced that the new offence would enable Salman Rushdie to be prosecuted for publishing The Satanic Verses.

Soli Sorabjee, former Indian Attorney General, who gave evidence at the Lords committee stage drew the same point from the Indian example:

"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 criminal machinery against each other's religion, tenets or practices. That is increasingly what is happening in India today".

Christian groups campaigning against the Bill put it this way in a full-page Times advert on October 11th:

"Christian, civil rights groups and other organisations are concerned that if the Bill is passed in its current form it will create a barrier to open communication on religious issues and endanger an individuals right of free speech. There is further concern that due to the broad and confusing wording used in the Bill, it could potentially be misused. If applied with the wrong motives, the Bill could undermine civil liberties and a democratic society".

Lord Lester pointed to the wide scope for this:

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"The new speech crimes are sweepingly broad. They apply to threatening abusive or insulting words, behaviour, written material, recordings or programmes intended or likely to stir up religious hatred. Unlike most other serious offences they require no criminal intent. They apply not only to words spoken in public but in private. They cover the electronic media, plays, films, works of fiction, political argument, preaching by priests and clerics, comedians and politicians".

This is why comedians and entertainers such as Rowan Atkinson and Stephen Fry are quite rightly campaigning against the Bill.

The Government argues that the new law is necessary because Jews and Sikhs are protected by existing law. It is spurious argument. Jews and Sikhs are protected as ethnic groups, i.e. because of their ethnicity not because of their religious belief. Stirring up hatred against Muslims because of their ethnicity - as Asian or Pakistani for example - would equally be protected.

The Government also argues that there is an important safeguard against the illegitimate use of the Act. This is that the Attorney General will have a veto over prosecutions before they take place. Exactly why we should trust present or future Attorney Generals on this is not explained. Liberal democrat MP Evan Harris, a prominent opponent of the Bill, also challenged this point:

"The Attorney General is no consolation for those who have been arrested or questioned by the police? Let me give an example for arguments sake. If a group of fundamentalist Christians are spreading vilification and humiliation against gay people - I notice that they do not have the protection which the Home Secretary is extending to those who follow a religion - and I were to say outside the House that those Christian bigots should be despised and indeed hated for their views, can he guarantee that I would not be visited by the police?"

Lester goes on:

"Freedom of speech, like equality and freedom of religion, is a fundamental civil and political right. Its protection is at the heart of our liberal democratic society. The right of freedom of speech means the right of everyone to communicate information and opinions without unnecessary state control or interference. That includes evil ideas expressed intemperately or in ways that shock. It includes offensive criticism of religious beliefs and practices".

Muslim opinion is divided on the Bill. The Muslim Council of Britain campaigns in favour of it, whilst MAB has taken no position. At least one of its leading figures, Anas Altikriti - who stood as a Respect candidate in last years Euro elections is opposed to it.

In the Commons the Bill has been opposed at various stages by the Labour left (and not so left) including: Jeremy Corbyn, John McDonnell, Alan Simpson, Paul Flynn, Kate Hoey, Bob Marshall-Andrews and Dennis Skinner. The Liberal Democrats and Plaid Cymru opposed it as did the Tories - with their own agenda of course.

The Lords amendment is designed to tighten up the definition of language needed to bring a prosecution which would then be restricted to "threatening" rather than "insulting" or "abusive" language. They argue that this would make prosecutions more difficult in some cases - we would not know until it was tested in the courts.

What we do know is that the principle of the Bill would be the same. It would still threaten free speech and would be just as divisive as the original wording. It would still be a blasphemy law even if it were more difficult to use. The Muslim Council of Britain reject the amendment and argue in support of the original wording.

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The Bill is therefore unsupportable whichever wording on offer is finally accepted. We don't need more repressive laws but more free speech to combat bigotry and promote tolerance.

Respect needs to think again about this important issue.