



RELIGIOUS HATRED LAW

For the third time since coming to power the Government is seeking to pass a law against stirring up religious hatred. It is, in my view, a blasphemy law for all religions in all but name and, as a result, risks seriously limiting the freedom of Christians to criticise the claims of other religions and proclaim the uniqueness of Christ.

The *Racial and Religious Hatred Bill* will amend Section 18 of the *Public Order Act 1986* so that it will read:

A person who uses threatening, abusive or insulting words or behaviour, or displays any written material which is threatening, abusive or insulting, is guilty of an offence if-

he intends thereby to stir up racial or religious hatred, or having regard to all the circumstances the words, behaviour or material are (or is) likely to be heard or seen by any person in whom they are (or it is) likely to stir up religious or racial hatred.

The Government has claimed that this offence is only aimed at curbing extreme words or behaviour, hence the requirement that the words used be 'threatening, abusive or insulting'. However this is the same requirement used in Section 5 of the *Public Order Act* under which Harry Hammond, a 67-year-old street preacher, was tried and found guilty for holding a placard displaying the words 'Stop Immorality, Stop Homosexuality, Stop Lesbianism' (*Harry Hammond v DPP [2004] EWHC 69*). Clearly the threshold for what is considered to be 'threatening, abusive or insulting' is disturbingly low when one considers the variety of religious sentiments which would be in a similar category to Mr Hammond's sign.

The wording of the second limb is of equal concern. As the legislation is framed in the alternative ('he intends to stir up racial or religious hatred OR...') no intention is required on behalf of the speaker nor is it required that hatred was actually stirred up. It need only be shown that there was likely to be present a person in whom religious hatred was *likely* to be stirred up.

Proponents of this law argue that there are significant safeguards placed within the proposed legislation – including the fact that the Attorney General must provide his consent before a prosecution is brought. However, even if this supposed safeguard does mean that not many individuals are actually prosecuted each year, it will not stop suspects having to go through the stress of lengthy investigations before the Attorney General makes his decision and is therefore bound to have a chilling effect on people's willingness to engage in controversial religious debate for fear of the process itself, if not the outcome. For those who are in fact found guilty of the offence, the penalty is up to seven years imprisonment, an amount that is two years more than that given for causing actual grievous bodily harm!

A similar piece of legislation has been passed in Australia with worrying consequences. Two pastors were tried and found guilty of 'vilifying Muslims' under the *Racial and Religious Tolerance Act* which was passed in the State of Victoria in 2001. Daniel Scot, a Christian pastor from Pakistan living in Australia, held a seminar on 9 March 2002 in which he, an expert on Islam, sought to teach members of his congregation about what the Qur'an says and what some Muslims believe. Muslims had infiltrated the group and reported Daniel Scot to the authorities under the *Racial and Religious Tolerance Act*. Pastor Nalliah was similarly reported for his involvement in writing articles published in a 'Catch the Fire' newsletter and on the internet. It is now being reported that, in response to this case, Muslims are now having their meetings infiltrated by Christians. Far from helping to soothe tensions between 'extremist groups' (the expressed wish of the government), I believe that this Bill will only serve to increase tensions, as it will encourage religious groups to use this new legislation as a stick to beat their opponents with.

I mentioned at the beginning that this is, in reality, a blasphemy law for all religions. There is further difficulty, however, as 'religion' is not defined in the legislation and is therefore open to subjective interpretation. Under the current open-ended wording, Christians could find actions brought against them by witches and Satanists.

Furthermore, the only way a blasphemy law for all religions can operate is if there is no defence of truth and indeed there is no such defence here. The only defence that can be raised where comments are made in public is that a person did not intend **and** was not aware that his words or behaviour might be threatening, abusive or insulting. The gospel, by its nature, is an offence to the unsaved so it is unlikely to help Christians.

As the Prophet Isaiah said in Isaiah 59: 14

So justice is driven, and righteousness stands at a distance; truth has stumbled in the streets, honesty cannot enter.

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For details of what happens next with the Bill, see www.lawcf.org and www.religioushatredlaw.info

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