

RACIAL & RELIGIOUS HATRED BILL

Overview

The Westminster Parliament is currently in the process of debating the Racial & Religious Hatred Bill. Some say the bill, first introduced after the September 11th attacks, will protect vulnerable religious minorities from abuse. Others say that the bill will destroy free speech and create a society of intolerance. So, what exactly does the bill attempt to do and what are the major worries we ought to have regarding the bill?

At the outset, it ought to be noted that the bill will initially apply only in England & Wales. However, we should also be aware that there is serious potential that any high profile laws created in England will soon creep north of the border and we ought to be prepared for the debate when they do. There are a number of issues we should be aware of regarding the bill and hopefully, a few of them will be covered here.

In relation to the reasoning behind the bill, it is the government's intention that the bill extends existing laws against the incitement of racial hatred to provide protection to members of all faiths. The Government want to use this legislation to close the apparent gap whereby religious groups such as Jews and Sikhs are explicitly protected under existing racial hatred laws (as they are deemed to be distinct racial groups) whilst other religions, not in themselves being distinct racial groups, are not protected by existing legislation.

This is all very well, though the legislation in its present form raises a number of controversial issues. One major concern is that this new 'crime' will restrict freedom of expression. This is a concern that has been raised by a number of groups including one of the UK's leading civil liberties and human rights organization, Liberty. An imam preaching at the Mosque or even a priest during his Sunday homily could be guilty of "stirring up religious hatred" merely by stating their religious beliefs. The guilt of the priest or the imam will be determined by asking whether "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 racial or religious hatred" This is a vague, fit-all description and the Government even note that it is impossible to tell what acts/words would be covered by the legislation. As a result of the uncertainty surrounding the situation, criticism of religions/religious groups as well as theological discussions/debates would be muted due to the fear of prosecution.

One key aspect to the offence is that it is stirring up "hatred" and not merely criticism of another religion. Religious hatred is defined by the bill as "hatred against a group of persons defined by reference to religious belief or lack of religious belief" Again, this is a very loose term and is so vague that it leaves open for judicial interpretation by the courts the vital question of what constitutes a "religious belief". The fact that there is no solid definition of

“religious group” raises a plethora of questions. Are those who believe in ‘jedi’ to be afforded protection as a religious group? It has been conceded by the government that groups such as atheists, pagans, humanists and agnostics will be covered by the legislation and thus a bill aimed at protecting religious minorities goes so far as to protect those whose religion is that they do not have one.

Neil Addison, an English Barrister specializing in discrimination and harassment law, notes one of his concerns:

“The danger with creating these special types of religious offences is that they stimulate feelings of divisiveness, create “thought crimes” and lead to show trials where judges, or juries, have to make decisions in areas where historians and philosophers have been unable to agree for centuries”

Two very valid points are made here. The first relates to the question of whether the bill will actually foster religious harmony and the second is a point we covered earlier relating to the fact that the bill would prevent religious debate.

Thus is the bill actually legislation that will foster harmony in our democratic society? Or is it more likely to create a society of intolerance of religious speech. Film directors, priests, rabbis, authors, politicians, teachers and everyone will first have to assess who will be offended by the comments they make. They will then have to weigh up whether it is more valuable to state their opinions or remain silent. They will know that they have no defence to the charge that they face (not even the fact that what they said is true). Thus what are they to do? Will groups attempt to score political points by complaining about another groups who said something insulting about their religion?

Thankfully, this bill is not law. There has been furious debate on this bill on several occasions, though each time the bill has gone to a vote, the House of Lords have voted against such laws. It is now open for the House of Commons to push the bill through the Lords using the Parliament Act, though whether this happens remains to be seen. This is a bill that has the potential to turn against the faith communities it claims to serve. What we have to ensure is that by the time this bill reaches the Scottish border and our own faith communities, we are prepared to respond with an emphatic “no thank you”.