

CAMPAIGN AGAINST CENSORSHIP

Formerly the Defence of Literature and the Arts Society

CAC POSITION PAPER: ***THE RACIAL AND RELIGIOUS HATRED BILL***

The Government has made it clear that the Bill will be forced through Parliament regardless of the strength or the source of the opposition to it. That in itself has implications for freedom of speech and makes opposing it essential.

The Bill does not stand alone. It takes the form of amendments to Part 3 of the Public Order Act, 1986; the part dealing with religious hatred. In this part, the words "racial hatred" are amended to "racial or religious hatred" wherever they occur.

There is no definition of "religious". The Bill defines "religious hatred" as "hatred against a group of persons defined by reference to religious belief or lack of religious belief" but does not say what constitutes a religion. It would be interesting to see what happened when some litigious sect tried to get a prosecution brought against people who insisted that it was not a religion but a swindle.

Those who drafted the Bill clearly regard race and religion as equal conditions. They are not. People cannot change their race. They can, and should be able to, change their religion. By equating the two the Bill goes contrary to Article 9 of the European Convention on Human Rights, which specifically "includes freedom to change his religion or belief". People are not, and must not be, defined by the beliefs of their parents or grandparents. (There is precedent for that sort of definition, of course.)

The Bill refers only to groups. Therefore it implicitly backs religious hierarchies against their own dissidents, people who have left their organisation, people who want to leave or people whose forebears may have practised their faith but who have never been members themselves. Hatred of an individual on religious grounds is not banned. The next Salman Rushdie would be on his own.

Words, behaviour, written material, drama, recordings, film and broadcasts do not have to incite hatred in order to fall foul of the Bill. They only have to be "threatening, abusive, or insulting". Nor do they have to do it on purpose. It is enough that "having regard to all

circumstances" they are likely to be seen or heard by "any person in whom they are (or it is) likely to stir up racial or religious hatred". How is anyone supposed to know? When the street fills up with demonstrators shouting for their work to be banned?

It has been claimed that the Bill would not affect comedy or satire. Since the material charged need only be "abusive or insulting" this is clearly untrue. Some people's religion is very easily insulted. That is the paradox of the Bill. In a society of many faiths and none people should be able to respect their neighbours' ideologies. But respect cannot be imposed. It must be earned. The religious lobbyists who have campaigned for the Bill are undermining their own case. What they are saying is that their beliefs do not help them to stand up for themselves. On the contrary, beliefs are weaknesses that must have the protection of the secular state. The law may defend them against hatred but it will not save them from contempt. The faith that cannot handle insult without help from a man-made law is not worth having.

It has been said that because prosecutions will only be brought with the consent of the Attorney General they will be few and far between. That may be true but it also means that decisions to prosecute will be selective and political. Conduct likely to cause a breach of the peace is already illegal, which makes the Bill unnecessary. The right to criticise belief systems must remain part of a free society.

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