

*Salt and Light Papers provide important information and analysis to help Christians and Churches to engage with 21<sup>st</sup> century social issues*

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## REFLECTIONS ON THE RELIGIOUS HATRED BILL

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The government's defeat on 31 January on the Racial and Religious Hatred Bill was remarkable, providential and immensely significant. Although the government only wanted to add a few words to the Bill, it is hard to imagine any words with a greater potential for social damage and division, more capable of causing uncertainty and anxiety, or more likely to lead to injustice and intimidation.

Although it knew of all these risks, the government either regarded them too lightly, or believed that the benefits it saw in widening the scope of the Bill outweighed them. Alongside this there was a political agenda, not unconnected with the so-called 'Muslim vote,' which appeared to influence the government's stance, even though the British Muslim community was divided over the merits of the Bill.

However, in the fullness of time, the government will in all probability live to be grateful for its January defeat, for it alone would have been held responsible for the disastrous social consequences of the new legislation had it had its way.

There are many reasons why the government's proposals were a bad idea, any one of which might have been sufficient to stop a less determined government in its tracks:

- The words 'abusive' 'insulting' and 'reckless' are words which can only be interpreted subjectively, which means that no-one could ever be certain whether any particular conduct would come within their definition.
- Because of the uncertainty involved, the law would have had a 'chilling effect,' causing people to desist from a wide range of perfectly legitimate activities, just in case one of those activities might be judged to come within the definition of one of the vague subjective words.
- For more than a year there had been expectations among some Muslims that the scope of the proposed new law would cover incidents and actions of a much less serious nature

even than those envisaged by the government's additional wording, let alone the Bill as it now stands following the government's defeat. This unrealistic expectation would have been likely to generate more complaints than the wording of the Bill.

- Home Office minister Paul Goggins asserted during the Commons debate that 'Of course, if there is a complaint, the police must investigate it.' If this is so, the government's proposals would have created what Don Horrocks of the Evangelical Alliance has aptly called a 'culture of investigation.' Such investigations, many of them doomed to lead nowhere, would spell social disaster whatever their outcome. A plethora of dropped cases, inevitable in view of the false perception of what the Bill was intended to cover, would lead to complainants feeling that the law was not tough enough to deal with their grievances. On the other hand even many non-Christians would be outraged and indignant at the very thought of friendly Christian neighbours being 'investigated by the police.' All this would lead, from the various perspectives, to a significant risk of a breakdown of trust and confidence in the police and in the rule of law.
- The present relationship between the various faith groups in the UK is cordial and free of tension. This would be put at risk if complaints under the government's proposed wording appeared to take the form of one religious group targeting the activity or conduct of another.
- Even during the debate the government struggled to think of an example of any type of incident which it wanted to make an offence which was not already covered by existing law.
- The government's keenness to give Christians and Muslims protections which Jews and Sikhs already enjoy, as a single-race religion, under the Public Order Act of 1986, is a misdirected zeal. Religion is not the same as race – it exists in the realm of ideology, which is subject to change, whereas race is fixed. The fact that the 1986 Act was judged to be socially successful is not a useful guide therefore to the likely impact of a religious equivalent to that Act.

### **What the law will say**

*A person who uses threatening words or behaviour, or displays any written material which is threatening, is guilty of an offence if he intends thereby to stir up religious hatred.*

### *29J Protection of freedom of expression*

*Nothing in this Part shall be read or given effect in a way which prohibits or restricts discussion, criticism or expressions of antipathy, dislike, ridicule, insult or abuse of particular religions or the beliefs or practices of their adherents, or of any other belief system or the beliefs or practices of its adherents, or proselytising or urging adherents of a different religion or belief system to cease practising their religion or belief system.*

## **What the government wanted the law to say:**

*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 religious hatred, or he is reckless as to whether religious hatred would be stirred up thereby.*

Had the government had its way, our advice to evangelical Christians and churches would have been to continue to conduct themselves in precisely the same way as before, minimising the 'chilling effect' and ensuring that the true extent of the new law could be measured and the government confronted if any of its reassurances, of which we have an ample file, had turned out to be false.

This strategy on the part of evangelical Christians would have led to some complaints, investigations and perhaps a few court cases, but it would have been the only way to defend the status and freedoms of biblical evangelical Christianity in the UK in the longer term.

One important factor in the religious hatred issue which has largely been overlooked is the significance of the peaceable nature of the inherited Protestant ethos in the UK. While only a small minority of the country's population is evangelical, no fewer than 71% of British nationals, according to the 2001 Census, profess to be 'Christian.' Though in many cases this claim to be Christian may have a flimsy basis, a considerable proportion of the population undoubtedly shares some of the personal instincts and characteristics derived from the country's Protestant heritage.

This ethos is composed of four main characteristics:

- *Christians support law and order*

Reasons why Christians believe in law and order, the principle of government and an orderly society, are set out in Romans 13:1-4 and 1 Peter 2:13-17.

- *Christians are not aggressive*

In the Commons debate, John Redwood, MP for Wokingham, referred to many letters and emails he had received from 'law-abiding and mild-mannered Christians in his constituency.' Bob Spink, MP for Castle Point, referred to an encounter near the House of Commons with 'a peaceful group of Christians singing hymns.'

These are typical, unsolicited examples of the unaggressive character of most Christian conduct. Christians also have a tendency not to retaliate, following the pattern of our Lord Jesus Christ's attitude to hostility described in 1 Peter 2:23: 'When they hurled their insults at him, he did not retaliate.'

Over the past 30 years, the Christian faith in the UK has been mocked and ridiculed without mercy, but Christians have not responded with violence, campaigns of malicious damage, or civil disobedience. Of course the purveyors of ridicule have taken advantage of this non-aggressive spirit, and operated a very uneven playing-field. This does not mean that a non-aggressive approach is wrong.

- *Christians are committed to freedom of expression*

Christians are committed to free speech, which is why they contended against the government's religious hatred proposals.

In spite of the many headlines which included the word *ban*, the intention of the majority of Christians in connection with the *Jerry Springer—The Opera* television programme in January 2005, was not about 'banning' anything. Rather it was an attempt to persuade the BBC to use its editorial freedom, voluntarily, to decide not to broadcast the programme. If Christians had wanted to put more limits on freedom of expression, they would have sent their letters to the government, not to the BBC.

Ironically, over the *Jerry Springer* issue it was the BBC which was denying itself the editorial freedom which Christians wanted it to have, but desired it to exercise in an impartial and grown-up way. The BBC boxed itself into a corner, its spokespeople implying that the principle of editorial freedom would be threatened if the programme was not broadcast, and that any decision to withdraw it would amount to surrendering editorial control to the wishes of a biased group of objectors, however substantial. Editorial freedom means having a free choice of options. The BBC was only willing to give itself one option.

- *Christianity is neither selfish nor introspective*

During the discussion on the religious hatred Bill, there were several references to Britain's seldom-used blasphemy law. What needs to be understood is that this ancient law was not driven by an obsession with the sensitivities of individuals, but by a strong societal desire to protect God's name. This characteristic selfless objectivity of Christianity – a religion largely without self-consciousness – has built the stability of the nation.

Although these instincts are in decline, and most people would not understand them as a package of linked inherited values, the country would be in serious trouble if they were not a strong feature of our present social culture or if those whose instincts they were did not represent a substantial majority in the population.

What is now left of the Racial and Religious Hatred Bill is not vague, and definitely poses no threat to Christians engaged in the normal activities of Christian life, witness and worship. Anyone convicted under the more limited terms of the new law will certainly have been guilty of conduct which evangelical Christians could never support. Even if those Muslims who wanted the fuller Bill

feel disappointed, they will benefit from the clarity of the new law, and will not suffer any dashed expectations.

From every perspective, therefore, the nation has been well served, and undeservedly so, by the outcome of the religious hatred debate. We must be continually thankful to God and use fully, wisely and well the social freedom which has been more strongly preserved by the Lord's mercy.

Rod Badams

The government lost the crucial vote by 283 votes to 282. Eighty-one MPs were missing from the lobbies, including the Prime Minister, Tony Blair, and a number of Labour MPs who were campaigning at the Dunfermline and West Fife by-election. *Hansard* shows that of the 48 MPs who spoke or intervened during the three-hour debate, 35 subsequently voted against the government.

#### *Pertinent contributions to the Commons debate*

'If the government get their way, we will see not only a significant curtailment of freedom of speech in this country, but perhaps the most significant undermining of religious liberty since 1688.' *Michael Gove, MP (C, Surrey Heath)*

'Is he, like me, receiving a lot of letters and emails from law-abiding, mild-mannered Christians in his constituency who are genuinely afraid that the Bill is out to get them and will restrict their right to speak up for their faith and normal worship?' *John Redwood, MP (C, Wokingham)*

'The Bill creates problems that it should be seeking to address. It sets faith against faith, or at least has the potential to do so.' *Bob Spink, MP (C, Castle Point)*.

'If we want to unite our nation, we should go for free speech. We should say: "Look, we are all different, but we must be allowed to express our differences, not to stir up strife, but to maintain the principle of freedom."' *Dr Ian Paisley, MP (DUP, North Antrim)*

'Of course the government will say that there is the safeguard of the Attorney-General's intervention, and so on. That is highly unlikely to be of any great use when someone has been taken to the police station, questioned, arrested and perhaps spent a night in the cells.' *Alistair Carmichael, MP (LD, Orkney and Shetland)*

'The criminal law should prevent people from carrying out and inciting criminal acts, but it should not start to fetter the way in which people express their beliefs. The Bill will give a weapon to every malevolent who wishes to browbeat other groups that might criticise him.' *Dominic Grieve, MP (C, Beaconsfield)*

'One cannot protect the faith without protecting the fundamentalist and the bigot who lie within it. We will create not a tolerant society but a legislative and cultural bear pit.' *Bob Marshall-Andrews, MP (Lab, Medway)*

'This is one of those Bills whose face is liberalism, but whose heart is oppression. The society in which we now live is unrecognisable from the freedom that we knew only a few years ago. We are not in danger of being shanghaied off to the Lubyanka, but we are in danger of the police knocking on the door or ringing us up and starting an investigation against us not on the basis of what we have allegedly done, or of the threats we have allegedly uttered, but merely on the basis of a view that we have expressed.' *Ann Widdecombe, MP (C, Maidstone and The Weald)*

'The government have the perfectly good and fair intention of creating a level playing field in these matters. The level playing field that they have created will consist of mischievous prosecutions and accusations. We will have a level playing field, but it will be one of misery.' *Mark Fisher, MP (Lab, Stoke-on-Trent Central)*

*All the above quotations courtesy of Hansard*

Rod Badams

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