

# **A Gateway to Tyranny**

## **The Proposed new Criminal Offence of Incitement to Religious Hatred**

A summary of Submissions made to Members of the  
House of Commons and the House of Lords on  
The Racial and Religious Hatred Bill

**The Maranatha Community**

This submission is made to Members of Parliament and Members of the House of Lords by the Maranatha Community. The Community, founded 24 years ago, has many thousands of members throughout the United Kingdom and abroad in all the main churches. The Community is directly involved in peace and reconciliation work and aid to communities in need both in this country and overseas.

# **The Racial and Religious Hatred Bill**

## **A Gateway To Tyranny?**

1. This Bill is generating widespread disquiet. There is strong opposition to it from people of all races and every religious and political persuasion. Those committed to a fair and tolerant society are expressing grave and legitimate concern about the nature of this proposed legislation and its serious long-term implications.
2. Some regard this Bill as absurd and totally unnecessary. Many condemn it for being vague and confusing and potentially unworkable. Its critics see it as establishing an extremely dangerous precedent, fundamentally threatening religious freedom. It is also seen as an inhibiting and authoritarian intrusion into our national life.
3. It is widely accepted that a deep gulf now exists between politicians and the electorate. It is vital that Parliament listens to the concern of numerous ordinary people who believe this Bill is a step towards totalitarianism. The concerns of many who are proud of our national inheritance of tolerance, goodwill and freedom of expression should not be underestimated.
4. There is a pressing need for government to be, and to be seen to be, more responsive to the feelings of the public on highly sensitive matters such as this.
5. Parliamentary legislation which fundamentally affects personal freedom should have the broadest possible support amongst the electorate. There is no evidence that this intrusive and controversial proposal has the support of any but a small proportion of the electorate.
6. It is a matter of the greatest concern that the advocates of this Bill can provide no evidence whatsoever of any specific situation which is not adequately covered by existing legislation. Does the Government not believe in evidence-based public policies?
7. Most serious acts of incitement can undoubtedly be dealt with under existing legislation concerning offences against the person or conduct likely to lead to a breach of the peace.
8. The Bill equates religion with race. This is inaccurate, misleading and even likely to inflame racial as well as religious hatred. It is unquestionable that the two terms are not analogous. Why does the Government not acknowledge that race is an inherent biological state

whereas religion is not? Does the Government not realise that religion is a matter of choice and conviction?

9. The Government must expect that freedoms, cherished for generations, cannot be overthrown without very serious public alarm being expressed.

## **The Creation of Confusion & Misunderstanding**

10. The wording of this Bill and the new offence it has created is ambiguous, confusing and open to selective interpretation. Parliament has the responsibility to define with clarity new offences which it intends to place in statute, otherwise it will bring the law into disrepute. If the public does not know the requirements of this new law how can they be expected to obey it?
11. In the absence of clear definitions it will be extremely difficult, and in some cases impossible, for a court to draw a line between comments which supposedly stir up hatred and those which constitute legitimate free speech and debate about religious issues. Does the Government recognise this potential confusion?
12. Are particular words or phrases considered likely to stir up religious hatred? If so, what are these words and phrases?
13. Are particular actions considered to be threatening or abusive? If so, what are these actions?
14. Are particular locations or circumstances considered unsuitable for religious debate? If so, what are these locations or circumstances?
15. In the context of this Bill, some books, publications, plays, films and public activities will undoubtedly be considered insulting or abusive. How will the Government give guidance to the public about those circumstances it considers to be legitimate?
16. Does the Government envisage having to issue a list of banned publications?
17. Will the display or wearing of a religious symbol be deemed in any particular circumstance to be an act of incitement to hatred? If so, what kind of symbol will be allowed, what kind of symbol will be disallowed and in what circumstances? The public has the right to know when such displays will be considered to incite hatred.

18. Hatred means intense dislike. Can the Government explain how, in the context of this Bill, hatred is to be measured? Similarly, how is the level of incitement to be gauged?
19. In the proposed legislation there appears to be confusion between intended and unintended effects of actions and words. How is intention to be defined and measured?
20. If there is no accurate definition of the terms 'intention' and 'incitement' an atmosphere of confusion and ultimately fear will inevitably be created.
21. What one person regards as incitement, another may regard as legitimate comment. This is a matter of personal opinion rather than precise judgment.
22. This Bill contains no clear definition of 'religion'. Does the Government recognise that it is totally unacceptable for the definition and interpretation of religion and other terms to be left, as suggested by the Home Secretary, for the courts to decide?
23. It can often be said that people have evil intent, and that in their minds and hearts they have the clear intention to harm others. If this intention is not manifest clearly it is beyond the law. If, however, it becomes manifest, at what stage does this warrant the intervention of the law?

## **The Introduction Of Unwieldy Bureaucracy**

24. The Home Secretary has stated that in the first instance complaints about this form of religious crime must be made to, and accepted by, a police officer. Is the Government confident that police officers will be able to make a proper response in view of the fact that even highly skilled and experienced lawyers are already finding the requirements of the proposed legislation to be beyond their understanding?
25. The Home Secretary has stated that when a complaint has been accepted by a police officer, the police will then investigate and acquire evidence. To carry out this investigation and obtain evidence, the police will have to make extensive enquiries and, in many instances, gain access to the homes of the individuals who have been accused. Personal papers, books and computers may be liable to confiscation for long periods of time. Is the Government aware that such investigations can severely stigmatise innocent people, causing immense personal damage and possibly generating deep and lasting alienation in local communities?

26. The Home Secretary has said that cases will be referred to the Crown Prosecution Service for assessment. Is the Government aware that this process could be very lengthy and that delays in response could lead to substantial breakdown in community relations?
27. The Home Secretary has stated that cases must be considered by the Attorney General for his consent to the continuation of the litigation process. Is the Government aware of the possible dangers of public judgments on religion, particularly at times of Parliamentary elections?
28. There will be a danger of the Attorney General, the Crown Prosecution Service, the courts and the police being forced to make judgments on matters of faith which may be beyond their competence and experience.
29. The Bill raises the issue of the possible use of Citizen's Arrest in the face of a perceived crime. Will anyone be able to arrest a person he or she believes to have contravened the requirements of this Bill? If so, has the Government considered the implications in terms of the danger of encouraging mischief-makers?
30. The Bill could clearly have a bearing on educational activities. Has the Government considered its implications for school and playground behaviour?

### **Arrangements for the Imposition of the New Crime**

31. What steps does the Government intend to take to train the police? What steps does the Government intend to take to familiarise the general public and religious bodies with the nature of this new offence? Has the Government any plans to explain to the public the very complex implications of this proposed legislation?
32. Will the Government be producing a code of behaviour, good practice guidance and detailed explanatory information for the public on the new legal requirements?
33. Will there be training courses and briefings arranged for the public? Will there be advice centres for communicators and others with special needs to be informed of the new limitations on speech and action?
34. All citizens have the right to know what actions they will not be allowed to participate in and also what views and beliefs they may no longer be able to express, publicly or privately. How and when will we be informed?

35. At a time when the police are overwhelmed with crime, paperwork and the ever-increasing demands of complicated laws, what steps will be taken to ensure the police at local level are not faced with an impossibly complex and time-wasting situation? How will the Government avoid valuable police time will being spent on purposeless and costly investigation?

## **The Endangering Of Our Basic Freedoms**

36. This Bill curtails the free expression of thought. It intrudes in a very dangerous way into our nation's well-established and universally respected freedom of religious expression. Free and open debate on religious issues is a fundamental part of our heritage. It is an essential element of a free society. To limit or inhibit this freedom would be a gross infringement of our basic human rights.
37. For the first time in the United Kingdom people will face up to 7 years imprisonment as criminals for expressing religious views and convictions in manners and situations the State deems to be unacceptable. This is extremely serious. The most sinister aspect is that people could be criminalised simply for speaking what they believe to be the truth.
38. Those who make any comment in public or in private on the religious beliefs or practices of others will clearly now be subject to extreme limitations. Debate and discussion will be stifled and inhibited. Speakers, actors, preachers, broadcasters, writers, publishers and others will not wish to risk public accusation, vilification and expensive litigation. They also will not wish to put themselves in the position of being targeted by potentially violent adversaries.
39. Healthy debate and discussion will be limited or even prevented by this Bill. This will inevitably been seen as a major step towards the introduction of a repressive form of censorship hitherto unknown before in our country.
40. The fundamental principle of law is justice. There is genuine fear amongst reasonable people that this Bill could lead to very grave injustice. Many regard the proposals as dangerous, confusing, counter-productive and a violation of their freedom of expression.

## **Polarising Local Communities**

41. This Bill has the potential to tear local communities apart. Those involved in community relations recognise that it could create an atmosphere of suspicion and provoke division, unrest and disorder.

42. Those intending to incite division and hatred within communities could easily exploit this legislation to do so. The Bill provides an immediate opportunity for irresponsible and extremist groupings to act recklessly in bringing forward false charges.
43. If the Government introduces this badly drafted piece of legislation it could easily cause irreparably damage to community relations in some highly sensitive parts of the country.
44. If it insists on pursuing this highly repressive legislation, the Government will face the risk of creating totally unnecessary division and even animosity and confrontation between different religious groupings. This is the precise opposite of the stated purpose of this legislation.
45. Charges could easily be publicised in the media and cause immense harm to the individuals involved but also to good relations between followers of different religions, which have been carefully nurtured over many years.
46. By putting forward this Bill the Secretary of State is opening the door for culpable and reckless behaviour which would put innocent people in the invidious position of having to defend actions and words which were previously normal, acceptable and legal.
47. In view of the dangers which will be created, does the Government intend to issue advance warnings to communities with mixed religious content explaining the implications of the new law?

## **Conclusion**

48. Introduced ostensibly as a means of defending religious minorities, this Bill is, sadly, being universally seen as a political gesture to Muslim electors. This is a very bad foundation for any law.
49. This Bill interferes with principles which are fundamental to our national way of life and an increasing number of people believe that it should be rejected in its entirety or subjected to radical reconsideration.

## **Appendix**

50. It is beyond dispute that this Bill will, in fact, restrict freedom of speech. Timothy Garton Ash, the eminent historian at St. Antony's College, Oxford University, says "*Everyone who cares about free speech – the oxygen of so many other freedoms – must shout now to stay the Government's hand*

*and prevent it pushing through Parliament this ill-conceived, badly worded, dangerous piece of law”.*

51. The drafting of this needless Bill has been very widely criticised. Geoffrey Robertson QC has said that the proposals are *“unnecessary and clumsily framed”*.
  52. The healthy consideration of rival claims of religions is an essential part of our heritage. John Mortimer QC says *“If we are free to adopt a religion we must also be free to discuss the dangers of other religious beliefs”*.
  53. In addition to huge numbers of Christians, many Muslims now recognise the fundamental faults of this kind of legislation. Amir Butler, Executive Director of the Australian Muslim Public Affairs Committee, has said *“All these anti-vilification laws have achieved is to provide a legalistic weapon by which religious groups can silence their ideological opponents”*
  54. Some Muslims are deeply concerned about aspects of this Bill. A spokesman from the Central London Mosque was reported as saying that he was *“more worried than comforted by these proposals”*. Many see this Bill as dangerous.
  55. Last year the Islamic Human Rights Commission stated *“rather than enjoying additional protection from the law, religious minorities could find themselves the target of prosecutions under the proposed legislation.”*
- 
-

The Maranatha Community  
102, Irlam Road, Flixton, Manchester M41 6JT.  
Tel: 0161 748 4858 Fax: 0161 747 7379  
[info@maranathacommunity.org.uk](mailto:info@maranathacommunity.org.uk)  
[www.maranathacommunity.org.uk](http://www.maranathacommunity.org.uk)

*maranatha*