

BHA BRIEFING 2008/1: Blasphemy

An amendment to the Criminal Justice and Immigration Bill has been tabled by Dr Evan Harris MP:

To move the following Clause:-

‘The offences of blasphemy and blasphemous libel are abolished.’

The British Humanist Association (BHA) is requesting that you support this amendment.

The offences of blasphemy and blasphemous libel are common law offences which have never been repealed, despite the lack of social, political or judicial support for keeping them in British law. There have been a number of recent attempts to prosecute using the blasphemy law, all of which have been rejected by the courts, most recently by the High Court in the case against BBC Director-General Mark Thompson over the screening of Jerry Springer – The Opera.

There are a number of compelling reasons to abolish the blasphemy laws, which are listed below.

- The blasphemy law is **contrary to the principle of free speech** and is probably **contrary to human rights laws** adopted by the UK, which protect freedom of expression. The law fundamentally protects certain, Christian, beliefs and makes it illegal to question them or deny them.
- There is considerable evidence that the blasphemy law **restricts free speech** even in the absence of recent prosecutions. It undoubtedly influences the behaviour not only of individuals and the media, but also of bodies exercising official functions.
- The blasphemy law **protects beliefs, not people**. It is right, subject to safeguards, for society through its laws to protect individuals and groups within it from hatred and attack. It is quite wrong to extend the protection of the law to propositions, creeds and truth-claims.
- In a free society **we must be allowed to criticise religious doctrines and practices**, even if that offends some people. While it may be offensive to some Christian believers to hear their beliefs mocked or denied that is equally true of people of other faiths, and of unbelievers, who repeatedly hear atheism equated with a lack of values or immorality. In an open and pluralist society there should be no inhibition to free speech without the very strongest justification, and robust debate should be expected and accepted in religious as in political and other spheres.
- The blasphemy law is uncertain. As common law, with a very limited number of cases, it is impossible to predict how the courts might interpret the law in any putative case. This is **contrary to the principles of good law**, and unacceptable in practice.
- The blasphemy law **lacks credibility**. Although no one has been imprisoned for blasphemy since 1921, and private prosecutions are no longer possible, the possibility of a prison sentence remains, and a law that is only enforced at intervals of many years is an indefensible lottery.

- The blasphemy law allows **no defence of merit or lack of intent**, which is contrary to the principles adopted in other areas, for example, obscenity.
- The blasphemy law **defends only Christianity** (and principally the doctrines of the Church of England), which is unacceptable in a society characterised by its diversity of beliefs. Such unequal treatment naturally arouses resentment and demands for the privilege to be extended to other groups.
- Rather than extend the blasphemy laws to other religious beliefs, which in practice would constitute the severest restriction on discussion of fundamental matters of profound significance and interest, the **most fair and most equal and equal solution would be to abolish the laws**.

The BHA believes the abolition of the outdated blasphemy laws to be long overdue. The very fact that attempts to prosecute using the blasphemy laws are going all the way to the High Court proves that those laws are not 'dead' and that they continue to have the legal weight to affect seriously people's lives. These laws could be very easily repealed, which is why we are asking you to support the above amendment to the Criminal Justice and Immigration Bill.

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