

Religion and freedom of expression

Professor Malik has addressed freedom to manifest religion in conduct; and I shall address freedom of expression.

I have worked on this issue for many years, especially in relation to the (now defunct) blasphemy law and the Rushdie Affair, but my thought has been significantly influenced by the Workshop I convened for the Religion and Society Programme on ‘The Role of the State in a Multi-Faith Society’.

If we set aside incitement to violence, should people be free to say whatever they like about the religious beliefs and practices of others?

In recent years, this issue has often pitted people of a generally secular persuasion, who champion the right of free expression, including the right to mock and offend, against people of religion who want to curb expression. The battle lines have not always been drawn in that way. Historically, freedom of religion has been closely associated with free expression, since freedom to express and propagate religious beliefs is essential for religious liberty. Nowadays the religious do still speak up for free expression. Some religious groups were, for example, vocal opponents of the Labour Government’s unamended bill prohibiting incitement to religious hatred. However, the religious have become more commonly associated with calls for curbs on expressions that criticise, ridicule or satirise their beliefs. Consider for example the protests evoked by the Danish cartoons, *Jerry Springer: the Opera*, the play *Behzti*, Scorsese’s *Last Temptation of Christ* and, most of all, Rushdie’s *Satanic Verses*.

So who is right? I want to propose an approach which – contrary to much religious opinion – upholds free expression and dismisses complaints about offensiveness. J.S. Mill was right to argue that free expression is an essential vehicle for the pursuit of truth and knowledge and therefore a freedom we should guard jealously. But I also want to suggest – contrary to some secular opinion – that we have reason to curb our expression out of respect for others, *especially* when the expression cannot claim Mill’s defence.

Complaints of ‘offensiveness’ are ubiquitous nowadays, so why should that not be our concern?

First, offence is too easy and too indiscriminate. ‘It offends me, so you must not say it’ differs little from ‘You must not say it because I do not like it’.

Secondly, people ‘take’ offence as well as give it. We can therefore ask whether they *reasonably* take offence and dismiss their offence if they take it unreasonably. In particular, we should not accept that if people make a great deal of noise and resort to rioting, burning and killing, their response reliably indicates the offence they feel and *rightly* feel.

Thirdly, offence suggests that what is objectionable about attacks on religious belief is the unpleasant mental state they cause believers to undergo. In fact, believers are typically preoccupied by the wrongness of what is said or done, rather than by any unpleasant feeling they allegedly experience. In that sense, their complaint is not ‘self-centred’. It is centred on wrongful treatment of what they hold sacred. Our focus should therefore be on what that wrong is – on *why* people ‘don’t like it’ rather than merely on *that* they ‘don’t like it’.

That is not to argue that nothing should restrain the way we treat the religious beliefs of others. But if offence does not provide a reason for restraint, what does?

The answer, I suggest, is the respect we owe one another as human beings. It is widely accepted, especially in liberal societies, that respect requires us to recognise people's right to embrace whatever beliefs they find compelling and to live their lives in accordance with those beliefs. But, if we take seriously the idea of respecting people as the bearers of beliefs, we have reason to extend its implications to not subjecting their most cherished beliefs to vilification and ridicule – in the absence of overriding reason to the contrary. That means giving weight to what others believe to be wrong, just because they believe it to be wrong – which is not the same as refraining from offence.

For upholders of free expression, this proposal may seem no less alarming than vetoing offence, so let me add some reassuring comments. First, different beliefs are conflicting beliefs. They are necessarily critical of one another so, in a context of diverse beliefs, it makes no sense to demand that people should refrain from criticising or attacking the beliefs of others. Secondly, subjecting a belief to serious critical attention does not constitute disrespect for its holders, even though a critique may do more to undermine it than ridicule or irreverence. Thirdly, some beliefs may be so absurd, so depraved, so outrageous, that we have no reason to be inhibited by claims of respect.

All of these considerations set tight limits to the demands of respect. Nothing should stand in the way of genuine critical inquiry and debate. Respect for people as believers should count for most when assaults on their beliefs are merely gratuitous, that is when they have no serious purpose that justifies not giving countervailing weight to what matters to others.

But note that nowadays controversies in this area rarely arise from straightforwardly academic inquiry. As previous examples indicate, they arise more often from artistic endeavours, high or low, and those cases require more nuanced judgement. However, I see no alternative to judging them against the criteria I have given.

What are the practical implications of my position?

Given the strong claims of free expression in this area and the need for nuanced judgement, we should not resolve this issue through law. Law is too clumsy an instrument that risks silencing what ought not to be silenced. But our conduct should not be governed only by law. The media, politicians, satirists and the like should consider whether respect for what religious beliefs mean to their holders should temper what they remain legally free to say.

Now consider the Danish cartoons and *Jerry Springer: the Opera*. It is clear which of these evoked the loudest, most violent and most 'offended' reaction. But, objectively, did not Christians have at least as much to complain about in the treatment of Christ in *Jerry Springer* as did Muslims about the cartoons; and did not the cartoonists have a clearer justifying purpose than the opera's composer? Imagine a version of *Jerry Springer* in which everything remained the same except that Mohammed was substituted for Christ? Would we then have greater reason to object to the opera and the BBC reason not to screen it? 'Offence' might answer yes; 'respect' would not.